

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

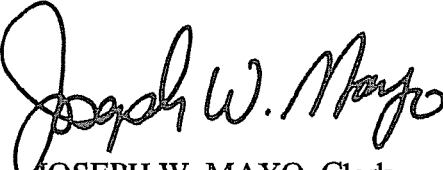
No. 1855

H.P. 1371

House of Representatives, February 10, 1994

An Act to Strengthen the Laws Governing Harness Racing.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Agriculture suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.
Cosponsored by Representatives: CARROLL of Gray, POULIOT of Lewiston, REED of
Falmouth, TARDY of Palmyra, Senator: TITCOMB of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 8 MRSA §271, sub-§6** is enacted to read:

6 **6. Revocation of license.** The commission shall revoke the
8 license or permit of a person, association or corporation if that
10 person, association or corporation uses the license or permit for
12 a purpose other than identification or performing legitimate
14 duties on or off a racetrack or the premises of an off-track
16 betting facility.

18 **Sec. 2. 8 MRSA §280**, as amended by PL 1991, c. 677, §2, is
20 repealed and the following enacted in its place:

22 **§280. Use of drugs or appliance; possession of drugs**

24 **1. Acts to alter outcome.** A person who with the intent to
26 defraud acts to alter the outcome of a race by the administration
28 of a substance that is foreign to the horse, except those
30 substances specifically permitted by the rules of the commission,
32 or the use of any device, electrical or otherwise, except those
34 specifically permitted by rules of the commission, commits a
36 Class C crime.

38 **2. Influences or conspires to alter outcome.** A person who
40 with the intent to defraud influences or conspires with another
42 to alter the outcome of a race by the administration of a
44 substance that is foreign to the horse, except those substances
46 specifically permitted by the rules of the commission, or the use
48 of any device, electrical or otherwise, except those specifically
50 permitted by the rules of the commission, commits a Class C crime.

3. Administers foreign substance or device. A person who
 administers a substance foreign to the horse, except those
 substances specifically permitted by the rules of the commission,
 when the horse is entered to start or at any time exposes a
 substance that is foreign to the horse with the intent of
 impeding or increasing the speed, endurance, health or condition
 of a horse commits a Class B crime.

4. Possession of drugs. The possession or transportation
 of any drug, except those permitted by rules of the commission,
 is prohibited within the racing enclosure except upon a bona fide
 veterinarian's prescription with complete statement of uses and
 purposes on the container. A copy of the prescription must be
 filed with the stewards. A person who knowingly violates the
 provisions of this section relating to legal possession of drugs
 commits a Class C crime. State laws regarding the lawful use and
 control of drugs apply when drugs regulated by that act are
 within the racing enclosure.

2 Sec. 3. 8 MRSa §§285 and 286 are enacted to read:

4 §285. Prohibited acts

6 1. Unlicensed person. It is unlawful for a person not
8 licensed under this chapter to conduct or, with that person's
 knowledge or consent, allow another person to conduct pari-mutuel
 wagering or wagering on a horse race.

10 2. Fraudulent use of credentials. It is unlawful for a
12 person other than the lawful holder to have in that person's
 possession a license, a permit or credentials issued by the
14 commission or a forged or simulated license, permit or
 credentials if that person uses the license, permit or
16 credentials for misrepresentation, fraud or touting.

18 3. Accepting wagers. It is unlawful for an association,
20 track or off-track betting facility operator or employee; a
 pari-mutuel manager or teller; or an employee of a licensee to
22 accept or process a wager without receiving payment for that
 wager.

24 4. Transmission of information; entitlement. It is
26 unlawful for a person to transmit information as to the progress
 or results of a horse race, wagers, betting odds, post or off
28 times or driver or jockey changes in a race for the purpose of
 carrying on unlawful gambling operations as defined in Title
30 17-A, section 954 or to provide that information to a person
 engaged in the operation of unlawful gambling.

32 This subsection does not prohibit a newspaper from printing the
34 results or information as news or a television or radio station
 from telecasting or broadcasting the results or information as
 news.

36 This subsection is not intended to place in jeopardy a common
38 carrier or its agent who performs operations within the scope of
40 a public franchise or a legal gambling operation.

42 5. Touting. It is unlawful for a person to give false
44 information in an attempt to persuade, procure or cause another
 person to wager on a horse in a race run in this State or
46 elsewhere and to demand compensation as a reward for the
 information.

48 6. Bribing. It is unlawful for a person to give, promise
50 or offer to a jockey, a driver, a groom or a participant in a
 race meeting, including an owner or the employees of a racetrack,
 stewards, trainers, judges, starters or special law enforcement

2 officers, anything of value with the intent of influencing that
3 person to attempt to lose or cause the loss of a horse race.

4 It is unlawful for a jockey, a driver, a groom or a participant
5 in a race meeting to solicit or accept anything of value to
6 influence that person to lose or cause the loss of a horse race
7 in which that person takes part.

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10 7. Racing under false name. It is unlawful for a person to
11 enter or race a horse in a horse race under a name or designation
12 other than the name or designation assigned to that horse upon
13 registration with the national trotting association or another
14 applicable organization.

15
16 It is unlawful for a person to investigate, engage in or further
17 an act that enters a horse in a race other than a running or
18 trotting race under a name or designation other than the name and
19 designation assigned to that horse upon registration with the
20 national trotting association or another applicable association.

21 A violation of this section constitutes a Class E crime.

22 **§286. Conspiracies; attempts to commit violations**

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25 A person who conspires with others, either inside or outside
26 this State, to commit a crime prohibited by this chapter commits
27 a Class E crime.

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32 **STATEMENT OF FACT**

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34 The purpose of this bill is to strengthen the harness racing
35 laws by modifying the criminal penalties.

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40 This document has not yet been reviewed to determine the
41 need for cross-reference, stylistic and other technical
42 amendments to conform existing law to current drafting standards.