

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

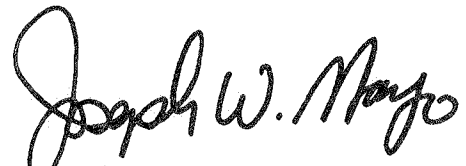
No. 1756

H.P. 1239

House of Representatives, April 8, 1997

**An Act Regarding the Economic Security and Safety of Harness
Horsepersons.**

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative TRUE of Fryeburg.
Cosponsored by Representatives: CHIZMAR of Lisbon, GAGNE of Buckfield and
Senator FERGUSON of Oxford and
Representatives: BIGL of Bucksport, CIANCHETTE of South Portland, GOOLEY of
Farmington, KNEELAND of Easton, LAYTON of Cherryfield, TAYLOR of Cumberland,
VIGUE of Winslow, WHEELER of Bridgewater.

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

2
4 **Sec. 1. 8 MRSA §268**, as amended by PL 1993, c. 388, §3, is further amended by adding at the end 2 new paragraphs to read:

6 All licensees who present simulcast races must comply with section 275-D, subsection 8, paragraph B.

8 All licensees conducting live racing including fairs and extended parimutuel meets are authorized to simulcast their live racing programs.

12 **Sec. 2. 8 MRSA §270, sub-§3-A** is enacted to read:

14 **3-A. Persons with control or interest.** If a legal entity other than an individual, the name and address of each person who has a legal or equitable interest in, or who controls, the entity applying for the license and the entity that owns or controls the license applicant;

20 **Sec. 3. 8 MRSA §271, sub-§1**, as amended by PL 1995, c. 408, §1, is further amended to read:

24 **1. Licensing.** If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license and by all persons listed pursuant to section 270, subsections 2, 3 and 3-A; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates and all persons listed pursuant to section 270, subsections 2, 3 and 3-A are of good moral character; that the applicant is and all persons listed under section 270, subsections 2, 3 and 3-A are financially responsible; and that the award of racing dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The commission may issue a license with conditions to ensure the integrity, public image, health, safety and welfare of the harness racing industry. The commission shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed annually the greater of \$100 or \$10 for each calendar week or part of a week of harness racing regardless of whether pari-mutuel pools are sold. The commission shall provide a booklet containing harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee, and a fee not to exceed \$10 must be included in

2 the license fee to cover the cost of this publication. The
3 commission shall provide necessary revisions of this booklet to
4 those persons renewing licenses at the time of renewal and shall
5 include the cost of the revisions, not to exceed \$10, in the
6 renewal fee. The license must set forth the name of the
7 licensee, the place where the races or race meets are to be held
8 and the specific race dates and time of day or night during which
9 racing may be conducted by the licensee. The location stated in
10 the license where the race or race meet is to be held may be
11 transferred to any other licensee on the dates set forth in the
12 license during which the racing may be conducted, but, with
13 respect to that transfer, the transfer may only be made to
14 another licensee and the licensee is liable for compliance with
15 all laws and regulations governing the conduct of harness
16 racing. Any such license issued is not transferable or
17 assignable. The Administrative Court Judge, as designated in
18 Title 4, chapter 25, may revoke any license issued at any time
19 for violation of the commission's rules or licensing provisions
20 upon notice and hearing. The license of any corporation is
21 automatically revoked, subject to Title 5, chapter 375, upon the
22 change in ownership, legal or equitable, of 50% or more of the
23 voting stock of the corporation, and the corporation may not hold
24 a harness horse race or meet for public exhibition without a new
25 license.

26 Sec. 4. 8 MRSA §272-A is enacted to read:

27 §272-A. Trust account

28 1. Establishment; deposits. Each licensee conducting live
29 racing in the State shall establish a trust account for the
30 benefit of the horsepersons who race at that licensee's
31 facility. All funds to be used to pay purses or purse
32 supplements must be deposited in the account, including:

33 A. Overnight purse account proceeds from live racing and
34 simulcasting;

35 B. All funds distributed to the licensee to pay or
36 supplement purses pursuant to section 275-F, 275-H, 275-I
37 and Title 7, section 62; and

38 C. Funds payable to the trust account pursuant to section
39 275-P.

40 2. Use of trust funds. Except as provided in this
41 subsection, trust funds may be used only to pay purses. One and
42 one-half percent of the amounts deposited in the trust account
43 each month must be paid to the exclusive bargaining agent elected
44 pursuant to rules adopted by the commission.

2 **Sec. 5. 8 MRSA §275-A, first ¶**, as enacted by PL 1993, c. 388,
§8, is amended to read:

4
6 As used in sections 275-A to 275-L, 275-Q, unless the context
otherwise indicates, the following terms have the following
meanings.

8 **Sec. 6. 8 MRSA §275-A, sub-§1, ¶¶A and B**, as enacted by PL
10 1993, c. 388, §8, are amended to read:

12 A. If the population within the 50-mile radius of the track
is 300,000 or more, ~~conducted~~ conducts racing on more than
14 100 days in the ~~previous-2-calendar-years~~ a calendar year;

16 B. If the population within the 50-mile radius of the track
is less than 300,000, ~~conducted~~ conducts racing on more than
18 25 days in the ~~previous-2-calendar-years~~ a calendar year.

20 **Sec. 7. 8 MRSA §275-N, 2nd paragraph**, as enacted by PL 1995,
c. 408, §14, is repealed.

22 **Sec. 8. 8 MRSA §§275-P and 275-Q** are enacted to read:

24 §275-P. Additional amounts

26 Each licensee conducting live racing in the State shall
28 deposit in the licensee's trust account established under section
272-A the following percentage of wages or commissions on wagers
30 placed at the racetrack or at an off-track betting parlor:

32 1. Interstate commingled pools. 40.144% of the commission
on regular wagers made to interstate commingled pools and 38.519%
34 of the commission on exotic wagers made to interstate commingled
pools; and

36 2. All other pools. 7.226% of the regular wagers made to
38 all other pools and 10.015% of exotic wagers made to all other
pools.

40 §275-Q. Simulcasting at racetracks

42 Wagers placed on a simulcast that is presented at a
44 racetrack on a day on which live racing is not occurring at that
racetrack are deemed to be wagers placed on a simulcast presented
46 at an off-track betting parlor for purposes of section 275-I.

48 **Sec. 9. 8 MRSA §279-A, first ¶**, as amended by PL 1991, c. 579,
§13, is further amended to read:

50

2 For the purpose of enabling the State Harness Racing
Commission to exercise and maintain a proper control over racing
4 conducted under this chapter, the commission may adopt rules for
the licensing, with or without conditions and with or without fee
6 in the discretion of the commission, of owners, trainers,
drivers, grooms and all other persons participating in harness
horse racing, including pari-mutuel employees and race officials.

8
9 **Sec. 10. 8 MRSA §285** is enacted to read:

10
11 **§285. Bargaining agent**

12
13 The commission shall adopt rules to provide for the
14 designation or election of an exclusive bargaining agent to
represent harness horsepersons at each licensed pari-mutuel
16 racing venue in the State. Rules adopted under this section are
major substantive rules as defined in Title 5, chapter 375,
18 subchapter II-A. The rules must provide for consideration of the
following factors in choosing the organization:

20
21 1. **Supply of horses.** The capacity of the organization to
22 foster the supply of horses;

24 2. **Conduct of racing program.** The ability to assist a
25 racing licensee in the conduct of the racing program;

26
27 3. **Physical conditions and controls.** The ability to
28 monitor and improve physical conditions and controls for
individuals and horses participating at licensed race meets;

30
31 4. **Independence.** The independence of the organization from
32 any commercial entity such as commercial race tracks or fairs; and

34 5. **History.** The history of the organization, which must
35 have been in existence for a period of not less than 3 calendar
36 years.

38 If 2 or more organizations represent harness horsepersons at
39 a racing venue, the commission shall conduct an election to
40 determine which of the organizations is supported by a majority
41 of the horsepersons racing at that venue. The organization
42 receiving more than 50% of the votes is the exclusive bargaining
43 agent for that racing venue.

44
45 **Sec. 11. Effective date.** This Act takes effect January 1, 1998.

SUMMARY

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4 This bill makes several changes to the laws governing
6 harness racing. It requires the Harness Racing Commission to
8 adopt rules establishing an exclusive bargaining agent for
10 harness horsepersons at each racing venue in the State. It also
12 requires each racetrack licensee to establish an account to hold
14 purse money in trust for the benefit of harness horsepersons.
All funds used to pay purses under current law must be deposited
in the trust account. In addition, the bill requires each
live-racing licensee to deposit in the trust account an
additional sum of money to be used for purses. One and one-half
percent of the account must be paid to the exclusive bargaining
agent.

16 The bill requires an applicant for a racetrack license to
18 disclose the name and address of each person with control or with
a legal or equitable interest in the applicant or any entity that
owns or controls the applicant. These persons must also meet the
20 same standards of integrity and financial responsibility as the
applicant.

22 This bill requires the Harness Racing Commission to treat
24 simulcasting at a racetrack the same as simulcasting at an
off-track betting parlor during the time the racetrack is not
26 conducting live racing.

28 The bill amends the definition of "commercial racetrack" to
include tracks that conduct live racing on the required number of
30 days in any calendar year instead of in the previous 2 calendar
years.

32 The bill allows the commission to issue licenses with
34 conditions.

36 The bill repeals the provision of law that requires every
38 commercial racetrack to be given all the race dates it requests
if it raced on those dates in the preceding year.