

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

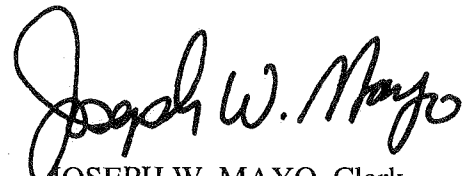
No. 1868

H.P. 1318

House of Representatives, May 7, 1997

An Act to Implement the Recommendations of the Harness Racing Task Force.

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


JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro. (GOVERNOR'S BILL)
Cosponsored by Representative CHIZMAR of Lisbon.

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

Sec. 1. 5 MRSA §12004-G, sub-§3-B, as enacted by PL 1993, c. 388, §1, is repealed.

Sec. 2. 7 MRSA §62, first ¶, as amended by PL 1993, c. 388, §2, is further amended to read:

There must be appropriated annually from the State Treasury a sum of money equal to 5% of the amount contributed under Title 8, section 275-H 287, and additional sums of money as provided and limited by Title 8, section 275-F 286, which is known as the state stipend for aid and encouragement to agricultural societies and designated as the "stipend." Forty-four percent of the amounts contributed under Title 8, section 275-F 286 must be divided for reimbursements in equal amounts to each recipient of the Stipend Fund which that conducts pari-mutuel racing in conjunction with its annual fair if the recipient has improved its racing facilities and has met the standards for facility improvements set by the commissioner for the recipients. If a recipient has not complied with the individual standards set by the commissioner, yearly reimbursements must be paid in equal amounts to those recipients that have met those standards. A sum equal to 8% of the amount collected under Title 8, section 275-F 286 must be divided for reimbursement in amounts in proportion to the sums expended for premiums in the current year to each recipient of the Stipend Fund that does not conduct pari-mutuel racing, if the recipient has improved its facilities and has met the standards for facility improvements set by the commissioner for the recipients. From the state stipend the commissioner may expend annually a sum not to exceed 13% for administrative and inspection services and for administration of the State's ~~standardbred~~ standard-bred horses program and the Sire Stakes Fund, as established by Title 8, section 281. The balance of this stipend must be divided among the legally incorporated agricultural clubs, societies, counties and fair associations of the State, in this Title designated as "societies," according to the following schedule and method. The stipend must be divided pro rata among the legally incorporated societies according to the amount of premiums and gratuities actually paid in full and in cash or valuable equivalent by those societies upon horses, cattle, sheep, swine, poultry and agricultural and domestic products, provided except that each of the qualifying societies that ~~do~~ does not conduct pari-mutuel racing is entitled to receive shares that, considering the amount of premiums and gratuities actually paid during the fair season in question, are not less than the equivalent amount received by those societies during the 1976 fair season, and provided except that that society, whether specifically mentioned in this Title or otherwise, is not entitled to any share of the stipend unless it

has complied with the following requirements, which must be considered by the commissioner as the basis upon which the commissioner's apportionment of the stipend must be made as provided in this section. ~~No premiums~~ Premiums or gratuities may not be considered by the commissioner in apportioning the amount of stipend to which any society is entitled except those offered and paid upon horses, cattle, sheep, swine, poultry, vegetables, grain, fruit, flowers, products derived from horses, cattle, sheep, swine, home canned foods, grange exhibits, farm exhibits, boys' and girls' club exhibits, exhibits of the mechanical arts, domestic and fancy articles produced in the farm home and pulling contests by horses and oxen. ~~No A~~ society is not entitled to any share of the stipend unless it has first obtained a license issued pursuant to section 65. ~~No A~~ society, the Maine State Pomological Society excepted, may not receive from the State a sum greater than that actually raised and paid by the society as premiums and gratuities in the classes provided and ~~in no case~~ may any a society be is not entitled to any share of the stipend unless it has raised and paid in premiums in the classes set forth at least \$200. ~~No A~~ society may not receive any portion of the stipend in excess of \$10,000, except that such limitation does not apply to any additional stipend provided for by Title 8, section 275-F 286. ~~No A~~ society may not receive any portion of the stipend unless it has regularly entered and displayed in an attractive manner upon its exhibition grounds distinct exhibits or entries of vegetables, fruits, grains or dairy products, or of subordinate and other granges and 4-H clubs, of a quality acceptable to the commissioner or the commissioner's regularly authorized agent and of varieties known to be common or standard to the county in which the exhibition is held.

Sec. 3. 8 MRSA §261-A, sub-§1, as enacted by PL 1991, c. 579, §4 and affected by §18, is amended to read:

1. Establishment. The State Harness Racing Commission as established by Title 5, section 12004-G, subsection 32, and referred to in this chapter as the "commission," shall carry out the ~~purposes--of~~ functions specified in this chapter. The commission is affiliated with the ~~Department of Agriculture, Food and Rural Resources department~~ as specified in this chapter. ~~For the purposes of this chapter, "department" means the Department of Agriculture, Food and Rural Resources and "commissioner" means the Commissioner of Agriculture, Food and Rural Resources.~~

Sec. 4. 8 MRSA §261-A, sub-§4, as amended by PL 1991, c. 824, Pt. A, §9, is further amended to read:

4. Term of office. ~~Except as provided in subsection 6,~~ members Members of the commission serve 3-year terms. Any vacancy is filled by appointment for the remainder of the

unexpired term. Members whose terms expire serve until their successors are qualified and appointed.

Sec. 5. 8 MRSA §261-A, sub-§6, as amended by PL 1991, c. 780, Pt. RR, §2, is further amended to read:

6. Chair. The Governor shall appoint one of the 5 commission members who has no industry affiliation as chair. ~~Beginning--July--1,--1992,--this--position--is--a--full-time, unclassified--position--and--is--entitled--to--an--annual--salary--as determined--by--the--Governor--within--salary--range--28.~~ The chair serves at the pleasure of the Governor.

Sec. 6. 8 MRSA §§263-A to 263-C are enacted to read:

§263-A. Commission responsibilities

The commission has the following responsibilities under this chapter.

1. Rulemaking. The commission shall adopt rules for:

A. The conduct of harness racing and off-track betting facilities;

B. The licensing of racetracks and off-track betting facilities;

C. The licensing of individuals participating in harness racing and off-track betting facilities;

D. The procedures for hearing appeals from decisions of track judges;

E. The procedures and standards for setting racing dates; and

F. Any other responsibility assigned to the commission under this chapter.

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

2. Appeals. The commission shall hear appeals of decisions of track judges involving violations of this chapter and rules adopted under this chapter.

3. Licensing of tracks and off-track betting facilities. The commission shall license racetracks and off-track betting facilities as provided in sections 271 and 275-D.

2 4. Setting race dates. The commission shall set race dates
3 as provided under section 271.

4 **§263-B. Department responsibilities**

6 The department has the following responsibilities under this
7 chapter.

8 1. Strategies. The department shall work with members of
9 the harness racing industry to formulate common strategies for
10 improving the status of harness racing in the State.

11 2. Leadership in policy-making. The department shall take
12 the lead in developing state policy with regard to the harness
13 racing industry and shall address the needs of the industry to
14 remain competitive.

15 3. Review of statutes and rules. The department shall
16 maintain an ongoing review of the statutes and rules relating to
17 harness racing and make recommendations to the Governor, the
18 Legislature and the commission regarding the need for changes in
19 statutes and rules to improve the condition of the harness racing
20 industry and the conduct and regulation of harness racing and
21 off-track betting.

22 **§263-C. Executive director**

23 The chief operating officer of the commission is the
24 executive director.

25 1. Position. The executive director is an unclassified
26 position within the department.

27 2. Appointment. The executive director is appointed by the
28 commissioner in consultation with the commission. The executive
29 director serves at the pleasure of the commissioner.

30 3. Qualifications. The executive director must have
31 knowledge of harness racing and a proven record of leadership.

32 4. Duties. The executive director has the following duties:

33 A. Management of the work of the commission, including:

34 (1) Rulemaking;

35 (2) Processing appeals;

36 (3) Licensing of tracks and off-track betting
37 facilities; and

(4) Setting race dates; and

B. Management of the work of the department regarding harness racing and off-track betting, including:

(1) Supervision of all staff involved in harness racing and off-track betting functions;

(2) Management of the collection and distribution of revenues under this chapter;

(3) Budget development and management;

(4) Policy development with regard to harness racing and off-track betting;

(5) Management of participant licensing;

(6) Enforcement of harness racing and off-track betting statutes and rules;

(7) Investigation of harness racing and off-track betting violations;

(8) Facilitating the development of positive working relationships among participants in the harness racing industry and State Government; and

(9) Making reports to the Governor and the Legislature and recommendations to the commissioner regarding harness racing and off-track betting operations and the need for changes in statutes and rules.

Sec. 7. 8 MRSA §264, as repealed and replaced by PL 1991, c. 579, §6, is amended to read:

§264. Employees

The ~~commission~~ department shall contract with or employ, and shall prescribe the duties of, all persons it determines necessary to carry out the purposes of this chapter. Except as provided in this section, the appointment and compensation of this staff are subject to the Civil Service Law.

The ~~commission~~ department shall contract for the services of qualified persons to serve as presiding and associate track judges as necessary to provide adequate policing and enforcement. The judges are not employees of the State for any purpose. They are entitled to be--paid a per diem fee as determined by the ~~commission~~ department. They are not entitled

to be reimbursed separately for expenses. The ~~race--tracks~~
2 racetracks and fairs shall reimburse the ~~commission~~ department
4 for the per diem compensation of those presiding and associate
judges assigned to them.

6 **Sec. 8. 8 MRSA §265**, as amended by PL 1991, c. 579, §7, is
further amended to read:

8
10 **§265. Compensation**

12 ~~Except--as--provided--for--the--chair--in--section--261-A,~~
sub~~section-5,~~ Members of the commission are entitled to
14 be compensated as provided in Title 5, chapter 379.

16 Compensation of the members of the commission and all other
necessary expenses of the commission must be paid out of amounts
18 the Legislature may appropriate.

20 **Sec. 9. 8 MRSA §267, sub-§2**, as enacted by PL 1991, c. 579,
§8, is amended to read:

22 **2. Report.** ~~Coincident with the submission of its budget~~ By
May 1st annually, the commission shall make ~~an annual~~ a report to
24 the commissioner with copies to the Governor, the joint standing
committee of the Legislature having jurisdiction over
26 agricultural matters and the Executive Director of the
Legislative Council. This report must include an account of the
28 commission's operations and actions, a report of its financial
position, including receipts, an account of the practical effects
30 of application of this chapter and any recommended legislation.
The operations report must include the number and types of
32 violations of racing laws and rules, the disposition of those
violations and the amount of time required for their disposition,
34 including a history of any appeals.

36 **Sec. 10. 8 MRSA §268**, as amended by PL 1993, c. 388, §3, is
further amended by adding at the end a new paragraph to read:

38 The commission shall adopt rules specifying the manner in
40 which an off-track betting facility or a racetrack conducting
42 simulcasting may provide adequate coverage of broadcasts
originating in the State. Rules adopted pursuant to this
44 paragraph are routine technical rules pursuant to Title 5,
chapter 375, subchapter II-A.

46 **Sec. 11. 8 MRSA §271, sub-§1**, as amended by PL 1995, c. 408,
§1, is further amended to read:

48
50 **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; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is 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 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 fee for a license is \$100 or \$10 per week, whichever is higher. 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 the license fee to cover the cost of this publication. The commission shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost of the revisions, not to exceed \$10, in the renewal fee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. The location stated in the license where the race or race meet is to be held may be transferred to any other licensee on the dates set forth in the license during which the racing may be conducted, but, with respect to that transfer, the transfer may only be made to another licensee and the licensee is liable for compliance with all laws and regulations governing the conduct of harness racing. Any such license issued is not transferable or assignable. The Administrative Court Judge, as designated in Title 4, chapter 25, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license of any corporation is automatically revoked, subject to Title 5, chapter 375, upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation and the corporation may not hold a harness horse race or meet for public exhibition without a new license.

Sec. 12. 8 MRSA §271, sub-§6 is enacted to read:

6. Previous year's dates. Beginning with licenses issued for calendar year 1996, notwithstanding any other provision of this chapter, every commercial track that is licensed for a specific calendar year must be assigned all of the race dates

2 that it requests for that year if it conducted live racing on
4 those dates during the immediately preceding calendar year. For
6 the purposes of this section, a race date is the same from year
8 to year if it is the closest calendar date that falls on the same
10 day of the week.

12 **Sec. 13. 8 MRSA §275-A, first ¶,** as enacted by PL 1993, c. 388,
14 §8, is amended to read:

16 As used in ~~sections 275-A to 275-L~~ this chapter, unless the
18 context otherwise indicates, the following terms have the
20 following meanings.

22 **Sec. 14. 8 MRSA §275-A, sub-§§1-B to 1-D** are enacted to read:

24 **1-B. Commission; agency.** "Commission," with regard to an
26 agency, means the State Harness Racing Commission.

28 **1-C. Commission; wagers.** "Commission," with regard to
30 wagers, means all amounts not paid or payable to persons winning
32 wagers.

34 **1-D. Commissioner.** "Commissioner" means the Commissioner
36 of Agriculture, Food and Rural Resources.

38 **Sec. 15. 8 MRSA §275-A, sub-§2,** as enacted by PL 1993, c. 388,
40 §8, is repealed.

42 **Sec. 16. 8 MRSA §275-A, sub-§3-A** is enacted to read:

44 **3-A. Department.** "Department" means the Department of
46 Agriculture, Food and Rural Resources.

48 **Sec. 17. 8 MRSA §275-D, sub-§1,** as enacted by PL 1993, c. 388,
§8, is amended to read:

1. **Off-track betting on simulcast racing.** A person may
conduct pari-mutuel wagering at a hotel, as defined in Title
28-A, section 2, subsection 15, paragraph H, with public dining
facilities, a Class A restaurant, as defined in Title 28-A,
section 2, subsection 15, paragraph R, in this State or a Class A
restaurant/lounge, as defined in Title 28-A, section 2,
subsection 15, paragraph R-1 if the hotel, restaurant or
restaurant/lounge is licensed as an off-track betting facility
under this section.

Sec. 18. 8 MRSA §275-D, sub-§2, as enacted by PL 1993, c. 388,
§8, is amended by amending the first paragraph to read:

2 **2. Application for off-track betting.** To obtain a license
4 to conduct pari-mutuel wagering at an off-track betting facility,
6 a person must submit to the commission the fee required in
8 subsection 2-A and an application on a form prescribed by the
10 commission that specifies at least the following:

12 **Sec. 19. 8 MRSA §275-D, sub-§§2-A and 2-B** are enacted to read:

14 **2-A. Application fee.** The fee for an initial application
16 for an off-track betting facility is \$1,000. The fee for a
18 renewal is \$250.

20 **2-B. Renewal.** An off-track betting facility license must
22 be renewed annually.

24 **Sec. 20. 8 MRSA §275-D, sub-§3,** as corrected by RR 1993, c. 2,
26 §6, is amended to read:

28 **3. Notice to commercial racetracks; objections.** An
30 applicant shall send written notice of its application for an
32 off-track betting license to any commercial racetrack in whose
34 market area the facility will be located and shall present proof
36 to the commission that it has provided the notice. The notice
38 must include all information contained in the application except
40 information described in subsection 2, paragraph Q. A
42 commercial racetrack shall notify the commission within 30 days
44 of receiving notice if the racetrack objects to the location of
46 the facility based on adverse impact to the commercial track.
48 The commission shall suspend consideration of the application for
the 30-day objection period. If the commission receives an
objection from a racetrack in whose market area the facility
would be located within the 30-day period, the commission shall
reject the application. If the commission does not receive an
objection within that period, the commission may proceed to
consider the application. For purposes of this section, the
market area is the area within a 50-mile radius of the commercial
racetrack, ~~except that the market area changes to a 37.5-mile~~
~~radius on November 1, 1994 if the commission has not issued a~~
~~license for an off-track betting facility in the State by~~
~~November 1, 1994 and to a 25-mile radius on November 1, 1995 if~~
~~the commission has not issued a license for an off-track betting~~
~~facility in the State by November 1, 1995.~~

50 **Sec. 21. 8 MRSA §275-D, sub-§8, ¶A,** as amended by PL 1995, c.
52 408, §7, is further amended to read:

54 **A.** An off-track betting facility located within a 75-mile
56 radius of a noncommercial racing licensee may not present a
58 simulcast at the same time that racing licensee is

conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 2% of the wagers made at the facility at the time live racing is being conducted. An off-track betting facility within a 50-mile radius of a noncommercial racing licensee may not present a simulcast during any day on which that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 1% of the wagers made on that day. Amounts payable under this section are taken from the facility's share of wagers authorized in section 275-K 286. If the racing licensee is conducting simulcasting pursuant to section 275-J 295, subsection 3 2, then the racing licensee is not entitled to payment by the facility under this section.

Sec. 22. 8 MRSA §275-D, sub-§8, ¶B, as enacted by PL 1993, c. 388, §8, is amended to read:

B. If live racing being conducted in this State is available for simulcast, all off-track betting facilities shall provide broadcasts originated in the State on ~~at least~~ 50% of the monitors in the facility, as required by rule of the commission, and shall accept wagers on those races on all of its pari-mutuel selling terminals. The races must be broadcast as announced on the track. At any time harness racing originated in the State is available for simulcast, the facility may not broadcast harness racing from outside the State without approval of:

(1) Each racetrack in the State conducting harness racing at that time; and

(2) Either the association representing the horsemen at those tracks at that time or the commission.

Sec. 23. 8 MRSA §275-D, sub-§9, as enacted by PL 1993, c. 388, §8, is amended to read:

9. Annual report. The ~~commission~~ department shall report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over legal affairs matters and to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the effect of off-track betting facilities on the local economy, the public interest, the integrity of live racing and other matters the ~~commission~~ department finds appropriate. The ~~commission~~ department may include in its report any recommendations for necessary changes in laws governing off-track betting.

Sec. 24. 8 MRSA §275-D, sub-§§10 to 13 are enacted to read:

2 10. License nontransferable. An off-track betting facility
3 license issued is not transferable or assignable.

4 11. Revocation. The Administrative Court Judge, as
5 designated in Title 4, chapter 25, may revoke any license issued
6 at any time for violation of the commission's rules or licensing
7 provisions upon notice and hearing. The license of any
8 corporation is automatically revoked, subject to Title 5, chapter
9 375, upon the change in ownership, legal or equitable, of 50% or
10 more of the voting stock of the corporation, and the corporation
11 may not conduct off-track betting without a new license.

12 12. Approval of dates. An applicant for an initial
13 off-track betting facility license or renewal of an off-track
14 betting facility license shall identify the dates on which
15 pari-mutuel wagering will be conducted. When approving an
16 initial license or the renewal of a license for an off-track
17 betting facility, the commission shall identify the dates on
18 which pari-mutuel wagering is permitted at the off-track betting
19 facility.

20 13. Conditions. If the commission determines that the
21 purposes of this chapter would be served, the commission may
22 impose conditions on a license issued under this section.

23 Sec. 25. 8 MRSA §275-F, as amended by PL 1995, c. 408, §§8 to
24 10, is repealed.

25 Sec. 26. 8 MRSA §275-G, as enacted by PL 1993, c. 388, §8,
26 is repealed.

27 Sec. 27. 8 MRSA §275-H, as amended by PL 1995, c. 408, §11,
28 is repealed.

29 Sec. 28. 8 MRSA §275-I, as amended by PL 1995, c. 408, §12,
30 is repealed.

31 Sec. 29. 8 MRSA §275-J, as amended by PL 1995, c. 408, §13,
32 is repealed.

33 Sec. 30. 8 MRSA §275-K, as amended by PL 1993, c. 707, Pt.
34 U, §1, is repealed.

35 Sec. 31. 8 MRSA §275-L, as enacted by PL 1993, c. 388, §8, is
36 repealed.

37 Sec. 32. 8 MRSA §275-M, as enacted by PL 1993, c. 707, Pt.
38 U, §2, is repealed.

2 **Sec. 33. 8 MRSA §275-N, last ¶**, as enacted by PL 1995, c. 408,
§14, is repealed.

4 **Sec. 34. 8 MRSA §275-O, sub-§3, ¶¶A and B**, as enacted by PL
1995, c. 403, §1, are amended to read:

6 A. Section 275-F 286, subsection 1 5, paragraph A,
8 subparagraph (3) and paragraph B, subparagraph (3);

10 B. Section 275-G 286, subsection 1 5, paragraph A,
12 subparagraph (2) and paragraph B, subparagraph (2);

14 **Sec. 35. 8 MRSA §275-O, sub-§3, ¶¶C and D**, as amended by PL
1995, c. 667, §1, are further amended to read:

16 C. Section 275-I 286, subsection 1 4, paragraph A,
18 subparagraph (4) and paragraph B, subparagraph (4);

20 D. Section 275-L 286, subsection 1 5, paragraph A,
 subparagraph (5) and paragraph B, subparagraph (5); and

22 **Sec. 36. 8 MRSA §275-O, sub-§3, ¶E**, as enacted by PL 1995, c.
24 677, §2, is amended to read:

26 E. Section 275-J 286, subsection 1 4, paragraph A,
 subparagraph (7) and paragraph B, subparagraph (7).

28 **Sec. 37. 8 MRSA §275-O, sub-§4**, as enacted by PL 1995, c. 403,
30 §1, is amended to read:

32 **4. Retention of commission.** Any amount not required to be
34 paid to the Treasurer of State or the State Harness Racing
36 Commission as a result of this section is added to the amount
 retained by the off-track betting parlor under section 275-K 286,
 subsection 4, paragraph A, subparagraph (6) and paragraph B,
 subparagraph (6).

38 **Sec. 38. 8 MRSA §276**, as amended by PL 1993, c. 388, §9, is
40 further amended to read:

42 **§276. Payments**

44 The payment under section 275-H 287 must be made not later
46 than 7 days after each race and must be accompanied by a report
 under oath showing the total of all contributions to pari-mutuel
 pools covered by the report and other information the ~~commission~~
 department may require.

48 **Sec. 39. 8 MRSA §279**, as amended by PL 1985, c. 444, §5, is
50 further amended to read:

2 **§279. Supervision; investigations**

4 The ~~commission shall have the power and authority to~~ may
6 regulate, ~~supervise and check~~ the making of pari-mutuel pools and
8 the distribution ~~therefrom~~ from pari-mutuel pools. The
10 ~~department may supervise and check the making of pari-mutuel~~
12 ~~pools and the distribution from pari-mutuel pools.~~ The
14 ~~commission shall have the power and authority to~~ department may
16 investigate as to the direct and indirect ownership and control
18 of any licensee, and any expense incurred by the ~~commission~~
20 department in so doing shall ~~be~~ is at the expense of such
 licensee or of the applicant for a license. The commission shall
 ~~have the power and authority to supervise and~~ may regulate all
 medication administered to horses entered to race. The
 ~~department may supervise the administration of medication to~~
 horses entered to a race. ~~Such supervision is to include~~
 Supervision includes taking such specimens of body fluids as are
 ~~deemed~~ considered proper and necessary by an employee of the
 ~~commission department~~ who shall must be a veterinarian licensed
 to practice veterinary medicine within the State.

22 The ~~commission~~ department may investigate any suspected
24 violation of this chapter or the rules ~~promulgated~~ adopted
26 pursuant to this chapter. In connection with any such
28 investigation, the ~~commission shall have the power to~~ department
30 may conduct hearings, subpoena and examine under oath all
32 persons, associations and corporations whose activities are
34 subject to the jurisdiction of the ~~commission~~ department or from
 whom the ~~commission~~ department may need information in order to
 carry out the purposes of this chapter, and their officers,
 agents and representatives, together with their records, books
 and accounts. ~~Any member of the commission, or the secretary of~~
 ~~the commission,~~ The executive director may sign subpoenas and
 administer oaths to witnesses.

36 **Sec. 40. 8 MRSA §279-A**, as amended by PL 1991, c. 677, §1, is
38 further amended to read:

40 **§279-A. Licenses, rules and regulations for participating in**
 racing

42 For the purpose of enabling the ~~State--Harness--Racing~~
44 Commission department to exercise and maintain a proper control
46 over racing conducted under this chapter, the commission may
48 adopt rules for the licensing, with or without fee 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.

2 The commission, in consultation with the department, shall
3 set licensing and license renewal fees sufficient to carry out
4 the administration and enforcement of the licensing program.
5 These fees may not exceed \$100 annually. The ~~commission~~
6 department shall provide a booklet containing harness racing laws
7 and rules and relevant portions of the Maine Administrative
8 Procedure Act to every initial licensee and a fee not to exceed
9 \$10 must be included in the license fee to cover the cost of this
10 publication. The ~~commission~~ department shall provide necessary
11 revisions of this booklet to those persons renewing licenses at
12 the time of renewal and shall include the cost not to exceed \$10
13 in the renewal fee.

14 The commission may adopt rules for the conduct on the race
15 track and grounds of owners, trainers, drivers, grooms and all
16 other persons participating in harness horse racing. The rules
17 must be reasonably necessary for any one or more of the following
18 purposes: to protect the wagering public, to protect the State's
19 share of pari-mutuel pools, to protect the health and welfare of
20 spectators and participating owners, trainers, drivers, grooms
21 and all other persons participating in harness horse racing,
22 including pari-mutuel employees and race officials and to protect
23 the health and welfare of standard-bred horses.

24 Notwithstanding section 280, the ~~commission~~ department may
25 adopt a controlled medication program that permits controlled
26 medication to be administered to racehorses.

27 The Administrative Court Judge may revoke or suspend any
28 license for violations of this chapter or the rules.

29 **Sec. 41. 8 MRSA §280, last ¶**, as amended by PL 1991, c. 677,
30 §2, is further amended to read:

31 ~~The Commissioner of Agriculture, Food and Rural Resources~~
32 department is authorized to employ a State Veterinarian. The
33 duties of the veterinarian include the medical and physical
34 examination and testing of horses to ensure compliance with the
35 statutes, and advising the ~~commission~~ department of any violation
36 thereof of the statutes.

37 **Sec. 42. 8 MRSA §281**, as amended by PL 1979, c. 731, §19, is
38 further amended to read:

39 **§281. Standard-bred horses**

40 The ~~commission~~ department shall encourage and promote the
41 breeding of a strain of Maine standard-bred-horses Standardbreds
42 and make provision to encourage donations of the same by

licensees or others to persons or institutions within the State for breeding purposes.

The ~~commission~~ department, by ~~regulation~~ rule, may define a strain of Maine ~~standard-bred-horses~~ Standardbred, bred or owned in the State of Maine, and registered with the ~~commission~~ department in its registry book. The ~~commission~~ department is also authorized to establish necessary fees for horses and races, in the establishment of a Maine ~~standard-bred-horses~~ Standardbred program, the funds from which shall must be administered by the ~~commission~~ department by deposit in a trust account entitled Sire Stakes Fund. All disbursements ~~therefrom--shall~~ from the fund must be for the purposes of supplementing purses, costs of administration and any other appropriate expenses incurred by the ~~commission~~ department. A report ~~shall--be--prepared--and--filed~~ annually--by--the--Harness--Racing--Commission must be submitted annually by the executive director to the ~~Commissioner--of~~ Commissioner of Agriculture, ~~Food and Rural Resources~~ commissioner setting forth an itemization of all deposits to and expenditures from said the fund.

Sec. 43. 8 MRSA §282, as amended by PL 1973, c. 567, §20, is further amended to read:

§282. Enforcement

It ~~shall--be~~ is the duty of the Attorney General with the aid of the district attorneys of the several counties to enforce this chapter upon notification from said ~~commission~~ the department of any violations ~~thereof~~ of this chapter.

Sec. 44. 8 MRSA §283, as enacted by PL 1991, c. 579, §16, is amended to read:

§283. Reciprocal disciplinary action

The ~~commission~~ department shall act to obtain current listings from other states of persons in harness racing occupations regulated by the state who have been refused a license or who have had their license revoked or suspended. The ~~commission~~ department shall refuse to license or shall suspend the license of these persons until notification that they are again eligible for licensing in the state or states in question.

Sec. 45. 8 MRSA §284, as enacted by PL 1993, c. 388, §10, is repealed.

Sec. 46. 8 MRSA §§285 to 295 are enacted to read:

§285. Harness Racing Promotional Board

2 1. Board created. The Harness Racing Promotional Board,
referred to in this section as the "board," is created to promote
4 the industry of harness racing in the State.

6 2. Board as public instrumentality. The board is a public
body corporate and public instrumentality of the State. The
8 exercise of powers conferred by this section is held to be the
performance of essential government functions.

10 A. Employees of the board may not be construed to be state
employees for any purpose, including the state civil service
12 provisions of Title 5, Part 2 and Title 5, chapter 372, the
state retirement provisions of Title 5, Part 20 or the state
14 employee health insurance program under Title 5, chapter 13,
subchapter II.

16 B. The board may not be construed to be a state agency for
any purposes, including the budget, accounts and control,
18 auditing, purchasing or other provisions of Title 5, Part 4.

20 C. Notwithstanding paragraphs A and B:

22 (1) All meetings and records of the board are subject
24 to the provisions of Title 1, chapter 13, subchapter I;

26 (2) For the purposes of the Maine Tort Claims Act, the
board is a governmental entity and its employees are
28 employees as those terms are defined in Title 14,
section 8102;

30 (3) Funds received by the board pursuant to this
chapter must be allocated to the board by the
32 Legislature in accordance with Title 5, section 1673;
and
34 and

36 (4) Except for representation of specific interests
required by subsection 3, members of the board are
38 governed by the conflict of interest provisions set
forth in Title 5, section 18.

40 3. Membership. The board consists of 9 members, to be
42 appointed by the commissioner as follows:

44 A. Two persons representing commercial tracks: one
46 representing and recommended by each of the 2 commercial
harness racing tracks in the State;

48 B. One person recommended by an association in Maine
50 representing harness horsemen;

2 C. Two persons recommended by an association in Maine
3 representing Standardbred breeders and owners;

4 D. One person nominated by the Maine Association of
5 Agricultural Fairs;

6 E. One person who represents the interests of off-track
7 betting facilities; and

8 F. Two persons who are members of the general public with
9 an interest in harness racing.

10 3. Terms. Members serve 3-year terms.

11 4. Chair. Board members shall annually elect a chair from
12 among the members by a majority vote.

13 5. Bylaws. The board shall adopt bylaws to govern its
14 operations. Bylaws are not rules for purposes of Title 5,
15 chapter 375.

16 6. Duties. The board shall undertake efforts to promote
17 and improve the economic condition of the harness racing industry
18 in Maine including:

19 A. Assisting racetracks by developing opportunities for
20 sponsorship of races by commercial sponsors;

21 B. Increasing the opportunities for Maine tracks to market
22 their races through simulcasting inside and outside of the
23 State;

24 C. Developing and pursuing strategies for effectively
25 publicizing the harness racing industry in this State;

26 D. Exploring the feasibility of high technology access to
27 wagering on Maine races;

28 E. Exploring the possibility of creating cooperative
29 purchasing entities and other mechanisms aimed at decreasing
30 the cost of raising horses or operating racetracks;

31 F. Conducting research to determine the most effective
32 methods of increasing the income or reducing the costs of
33 participants in the harness racing industry; and

34 G. Any other activity determined by the board to have a
35 reasonable opportunity to improve the economic condition of
36 the harness racing industry in the State.

2 7. Executive director; staff. The board may appoint an
4 executive director who is the board's chief administrative
6 officer and serves at the pleasure of the board. The executive
8 director may employ, as the board directs, additional staff who
10 serve at the pleasure of the executive director. The salary of
 the executive director and other staff of the board must be
 determined by the board. The board may delegate to its staff the
 power to execute the board's policies and programs, subject to
 the board's oversight.

12 8. Compensation. The members of the board are entitled to
14 compensation from funds received pursuant to this chapter
 according to guidelines the board may establish.

16 9. Debt. A debt or obligation incurred by the board is not
18 a debt or obligation of the State.

20 10. Fund created. The Harness Racing Promotional Fund is
22 established to carry out the purposes of this section. The fund
24 consists of all amounts dedicated to it in section 291 and all
26 other funds donated to or otherwise obtained by the board for use
 of the board. Money in the fund is subject to allocation by the
 Legislature. Unexpended balances in the fund at the end of the
 fiscal year may not lapse, but must be carried forward to be used
 for the same purposes.

28 11. Funding. The board may receive and expend funds from
30 any source, public or private, that it determines necessary to
 carry out its purposes.

32 12. Report. By February 15th of each year, the board shall
34 report to the commissioner and to the joint standing committee of
36 the Legislature having jurisdiction over agricultural matters on
 activities of the board and expenditures from the fund. The
 board may recommend legislation to accomplish its objectives.

38 §286. Calculation of distribution of commission

40 1. Live racing. The distribution of the commission on live
42 racing is calculated as percentages of the handle and distributed
 as follows.

44 A. On exotic wagers:

46 (1) The state share is 2.248%;

48 (2) The Sire Stakes Fund share is 1.551%;

50 (3) The Stipend Fund share is 1.169%;

- 2 (4) The purse supplement share is 0.99%;
4 (5) The Harness Racing Promotional Fund share is 0.25%;
6 (6) The horsemen's purse share is 3.315%; and
8 (7) The track share is 16.477%.

10 B. On regular wagers:

- 12 (1) The state share is 0.493%;
14 (2) The Sire Stakes Fund share is 0.072%;
16 (3) The Stipend Fund share is 1.186%;
18 (4) The purse supplement share is 0.986%;
20 (5) The Harness Racing Promotional Fund share is 0.25%;
22 (6) The horsemen's purse share is 0.526%; and
24 (7) The track share is 14.487%.

26 2. Off-track betting facility intrastate simulcasting with
28 noncommingled pools. The distribution of the commission on
30 simulcasting of races originating at a racetrack in the State
32 with noncommingled pools by an off-track betting facility is
 calculated as percentages of the handle and distributed as
 follows.

34 A. On exotic wagers:

- 36 (1) The state share is 2.248% for an off-track betting
38 facility located in the same municipality as a
40 commercial track and 2.578% for all other facilities;
42 (2) The Sire Stakes Fund share is 1.551%;
44 (3) The Stipend Fund share is 1.169%;
46 (4) The Harness Racing Promotional Fund share is 0.25%;
48 (5) The horsemen's purse share is 7.871%;
50 (6) The track share is 7.922%; and
 (7) The off-track betting facility share is 4.659%.

B. On regular wagers:

(1) The state share is 0.493% for an off-track betting facility located in the same municipality as a commercial track and 0.823% for all other facilities;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The Harness Racing Promotional Fund share is 0.25%;

(5) The horsemen's purse share is 5.062%;

(6) The track share is 7.899%; and

(7) The off-track betting facility share is 2.718%.

3. Track intrastate simulcasting with noncommingled pools.

The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in the State by another racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The purse supplement share is 0.99%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horsemen's purse share is 4.305%; and

(7) The track share is 15.487%.

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 0.986%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horsemen's purse share is 1.512%; and

(7) The track share is 13.501%.

4. Off-track betting facility interstate simulcasting with commingled pools. The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by an off-track betting facility is calculated as percentages of the commission and distributed as follows.

A. On exotic wagers:

(1) The state share is 8.647% for an off-track betting facility located in the same municipality as a commercial track and 9.801% for all other facilities;

(2) The Sire Stakes Fund share is 5.965%;

(3) The Stipend Fund share is 4.494%;

(4) The purse supplement share is 16.558%;

(5) The Harness Racing Promotional Fund share is 0.962%;

(6) The off-track betting facility share is 49.269%; and

(7) The off-track betting facility simulcast fund share is 12.951%.

B. On regular wagers:

(1) The state share is 2.739% for an off-track betting facility located in the same municipality as a commercial track and 4.405% for all other facilities;

(2) The Sire Stakes Fund share is 0.400%;

(3) The Stipend Fund share is 6.590%;

(4) The purse supplement share is 8.399%;

(5) The Harness Racing Promotional Fund share is 1.389%;

2 (6) The off-track betting facility share is 60.190%;
3 and

4 (7) The off-track betting facility simulcast fund
5 share is 18.627%.

6
7 **5. Track interstate simulcasting with commingled pools.**
8 The distribution of the commission on simulcasting of races with
9 commingled pools originating at a racetrack in another state by a
10 racetrack in the State is calculated as percentages of the
11 commission and distributed as follows.

12
13 A. On exotic wagers:

14 (1) The state share is 8.647%;

15 (2) The Sire Stakes Fund share is 5.965%;

16 (3) The Stipend Fund share is 4.494%;

17 (4) The purse supplement share is 3.809%;

18 (5) The Harness Racing Promotional Fund share is
19 0.962%;

20 (6) The horsemen's purse share is 16.558%; and

21 (7) The track share is 59.565%.

22
23 B. On regular wagers:

24 (1) The state share is 2.739%;

25 (2) The Sire Stakes Fund share is 0.400%;

26 (3) The Stipend Fund share is 6.590%;

27 (4) The purse supplement share is 5.479%;

28 (5) The Harness Racing Promotional Fund share is
29 1.389%;

30 (6) The horsemen's purse share is 8.399%; and

31 (7) The track share is 75.004%.

32
33 **6. Off-track betting facility interstate simulcasting with**
34 noncommingled pools. The distribution of the commission on
35 simulcasting of races with noncommingled pools originating at a
36 racetrack in another state by an off-track betting facility is

calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The purse supplement share is 4.305%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The off-track betting facility share is 13.110%;
and

(7) The off-track betting facility simulcast fund share is 3.367%.

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 1.512%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The off-track betting facility share is 11.134%;
and

(7) The off-track betting facility simulcast fund share is 3.353%.

7. Track interstate simulcasting with noncommingled pools.

The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by a racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

- 2 (2) The Sire Stakes Fund share is 1.551%;
4 (3) The Stipend Fund share is 1.169%;
6 (4) The purse supplement share is 0.990%;
8 (5) The Harness Racing Promotional Fund share is
10 0.250%;
12 (6) The horsemen's purse share is 4.305%; and
14 (7) The track share is 15.487%.

16 B. On regular wagers:

- 18 (1) The state share is 0.493%;
20 (2) The Sire Stakes Fund share is 0.072%;
22 (3) The Stipend Fund share is 1.186%;
24 (4) The purse supplement share is 0.986%;
26 (5) The Harness Racing Promotional Fund share is
28 0.250%;
30 (6) The horsemen's purse share is 1.512%; and
32 (7) The track share is 13.501%.

34 §287. Payment of state share

36 1. Payment. Amounts calculated as state share under
38 section 286 must be paid to the Treasurer of State for deposit in
40 the General Fund. If the total of regular and exotic wagers
42 placed at facilities licensed under this chapter exceeds
44 \$37,000,000 for any calendar year, the portion payable to the
46 General Fund must be distributed in accordance with this
48 section. All wagers placed at off-track betting facilities and
50 racetracks must be included in making this calculation, including
wagers made in this State to commingled pools.

44 2. Commercial meet account. The Treasurer of State shall
46 deposit in a commercial meet account 72% of the revenue credited
48 to the General Fund under this section that is attributable to
50 amounts in excess of \$37,000,000. This account must be divided
in the proportion that the contributions of regular and exotic
wagers of pari-mutuel pools on live racing made or conducted at
the commercial meets of each licensee during the calendar year

bear to the total contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the commercial meets of all licensees during that calendar year. Licensees sharing in this distribution shall use 1/2 of the funds received for the purpose of supplementing purse money. The other 1/2 of this distribution must be paid to the commercial licensees as reimbursement for improvements made to their racing facilities in the calendar year during which the funds are generated. To receive reimbursement, commercial licensees must submit plans for the improvements to the commission and receive approval from the commission prior to making the improvements, and the commission must verify that the approved improvements have been made.

3. Payment to Stipend Fund. Nine percent of the revenue credited to the General Fund under this section that is attributable to amounts in excess of \$37,000,000 must be distributed to the Stipend Fund as provided in Title 7, section 62.

4. Sire Stakes Fund. Nine percent of the revenue credited to the General Fund under this section that is attributable to amounts in excess of \$37,000,000 must be paid to the commission to be credited to the Sire Stakes Fund as provided in section 281.

5. Definition. For the purposes of this section, "improvements" means the amount paid out for new buildings or for permanent improvements made to improve the facilities utilized by the licensee for conducting its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility that results in the addition or replacement of a fixed asset. In general, the amounts referred to as improvements include amounts paid that add to the value, improve or substantially prolong the useful life of the racetrack utilized by the licensee for conducting its racing meetings. Amounts paid or incurred for repairs and maintenance of property, interest expense or lease payments in connection with the capital improvements are not improvements within the meaning of this section.

6. Timing of payment. Payment under this section must be made no later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the commission requires.

§288. Payment to Sire Stakes Fund share

Amounts calculated as Sires Stakes Fund share under section 286 must be paid to the Treasurer of State for deposit in the Sire Stakes Fund for use as provided in section 281.

2 **§289. Payment to Stipend Fund share**

4 **1. Initial distribution to Stipend Fund.** The Treasurer of
6 State shall credit .189% of the commission on regular wagers made
8 to interstate commingled pools, .402% of the commission on exotic
10 wagers made to interstate commingled pools, 0.72% of the regular
wagers made to all other pools and 0.49% of the exotic wagers
made to all other pools to the Stipend Fund as provided in Title
7, section 62 and shall distribute the balance as provided in
subsection 2.

12 **2. Extended meet account.** The Treasurer of State shall
14 distribute the balance of the amount calculated as Stipend Fund
share as follows.

16 A. The first \$400,000 of the total amount, regardless of
18 when actually collected, must be credited to the Stipend
Fund as provided in Title 7, section 62.

20 B. From the balance of the total amount in excess of
22 \$400,000, regardless of when actually collected, 80% must be
24 paid and returned no later than 30 days after the end of the
calendar year to those persons, associations and
26 corporations that during that calendar year conducted an
extended meet pursuant to a license granted by the
commission in section 271. This payment must be divided in
the proportion that the contributions of regular and exotic
28 wagers to pari-mutuel pools on live racing made or conducted
at the extended meets of each racing licensee during that
30 calendar year bear to the total contributions of regular and
exotic wagers to pari-mutuel pools on live racing made or
32 conducted at the extended meets of all racing licensees
during that calendar year.

34 Licensees sharing in this distribution shall use 1/2 of the
36 funds so received for the purpose of supplementing the purse
money.

38 C. The remaining 20% of the total amount in excess of
40 \$400,000 must be credited to the Stipend Fund as provided in
42 Title 7, section 62.

44 **§290. Purse supplement**

46 **1. Payment.** Amounts calculated as purse supplement share
under section 286 must be paid to the commission for distribution
48 as provided in subsection 2.

50 **2. Distribution.** On May 30th, September 30th and January
30th, payments made under this subsection and subsection 1 for

distribution in accordance with this subsection must be divided among the licensees conducting live racing in the State. The amount of the payment made to a licensee is calculated by dividing the number of race dates on which that licensee conducted live racing in any calendar year by the total number of race dates on which all licensees conducted live racing in that year. Beginning January 30, 1997, the January 30th payment must be adjusted to reflect the dates when live racing was actually conducted during the previous year, not the dates granted.

§291. Harness Racing Promotional Fund share

Amounts calculated as Harness Racing Promotional Fund share under section 286 must be paid to the Treasurer of State for deposit in the Harness Racing Promotional Fund for use as provided in section 285.

§292. Horsemen's purse share

Amounts calculated as horsemen's purse share under section 286 must be retained by the licensee to supplement purse money at the track where the wager was placed.

§293. Track share

Amounts calculated as track share under section 286 must be retained by the track where the wager was placed.

§294. Off-track betting facility share

1. Payment. Amounts calculated as off-track betting facility share under section 286 must be retained by the off-track betting facility where the wager was placed.

2. No restrictions. This chapter does not prohibit an off-track betting facility from entering into a contract or otherwise arranging to share with any other person or entity a portion of the wagers to which it is entitled under this section.

§295. Off-track betting facility simulcast fund share

1. Payment. Amounts calculated as off-track betting facility simulcast fund share under section 286 must be paid to the commission for distribution as provided in subsection 2.

2. Distribution. On May 30th, September 30th and within 30 days after the close of all off-track betting facilities for the year, amounts payable under subsection 1 for distribution in accordance with this subsection must be distributed only for the dates assigned by the commissioner pursuant to Title 7, section

65 to the commercial racetracks and the agricultural fair
associations that provide simulcast transmission of live racing
in the State. Distribution must be in the proportion that the
amount of wagers placed at off-track betting facilities on
simulcast races from each licensee up to the last day of the
preceding month bears to the total amount wagered at off-track
betting facilities on races simulcast from all commercial
racetracks and agricultural fair associations up to that date.
The last payment of the calendar year must be adjusted to reflect
each licensee's wagers in proportion to the total wagered at
off-track betting facilities in that calendar year.

Sec. 47. Transition; Harness Racing Promotional Board. Members
currently serving on the Harness Racing Promotional Board shall
serve until November 1, 1997. The Commissioner of Agriculture,
Food and Rural Resources shall appoint members of the Harness
Racing Promotional Board to begin serving November 1, 1997 as
provided in that section of this Act that enacts the Maine
Revised Statutes, Title 8, section 285.

Sec. 48. Plan for reorganization of staff. The Department of
Agriculture, Food and Rural Resources, in consultation with the
State Harness Racing Commission, shall develop a plan for the
reorganization and reclassification of positions necessary to
carry out the functions required under the Maine Revised
Statutes, Title 8, chapter 11 in an efficient and effective
manner.

SUMMARY

This bill implements recommendations of the Harness Racing
Task Force established by Executive Order No. 6 FY 95-96 to study
the harness racing industry and make recommendations for
improvements to the Governor and the Legislature.

The bill reorganizes and clarifies the regulatory,
promotional and policy-making roles of the Harness Racing
Commission, the Harness Racing Promotional Board and the
Department of Agriculture, Food and Rural Resources. The bill
replaces the full-time chair position for the Harness Racing
Commission with an executive director position. The bill makes
the Harness Racing Promotional Board a public instrumentality.
The bill clarifies the license fee for racetracks and authorizes
the Harness Racing Commission to issue conditional licenses.

The bill provides for licensing fees for off-track betting
facilities and clarifies the need for annual renewals of
off-track betting facility licenses and the authority of the
Harness Racing Commission to approve days of operation.

2 The bill replaces the sections of law providing for the
distribution of revenues from harness racing to make them easier
4 to understand. It raises the cap on General Fund share to retain
in the General Fund sufficient revenues to fund the costs of
6 harness racing regulation.