

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

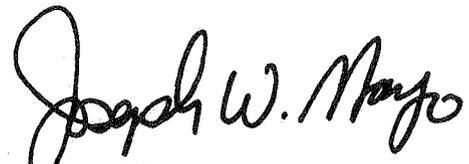
No. 1868

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:

2 Sec. 1. 5 MRSA §12004-G, sub-§3-B, as enacted by PL 1993, c.
4 388, §1, is repealed.

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

10 There must be appropriated annually from the State Treasury
12 a sum of money equal to 5% of the amount contributed under Title
14 8, section 275-H 287, and additional sums of money as provided
16 and limited by Title 8, section 275-F 286, which is known as the
18 state stipend for aid and encouragement to agricultural societies
20 and designated as the "stipend." Forty-four percent of the
22 amounts contributed under Title 8, section 275-F 286 must be
24 divided for reimbursements in equal amounts to each recipient of
26 the Stipend Fund which that conducts pari-mutuel racing in
28 conjunction with its annual fair if the recipient has improved
30 its racing facilities and has met the standards for facility
32 improvements set by the commissioner for the recipients. If a
34 recipient has not complied with the individual standards set by
36 the commissioner, yearly reimbursements must be paid in equal
38 amounts to those recipients that have met those standards. A sum
40 equal to 8% of the amount collected under Title 8, section 275-F
42 286 must be divided for reimbursement in amounts in proportion to
44 the sums expended for premiums in the current year to each
46 recipient of the Stipend Fund that does not conduct pari-mutuel
48 racing, if the recipient has improved its facilities and has met
50 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

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

32 **Sec. 3. 8 MRSA §261-A, sub-§1**, as enacted by PL 1991, c. 579,
33 §4 and affected by §18, is amended to read:

34
35 **1. Establishment.** The State Harness Racing Commission as
36 established by Title 5, section 12004-G, subsection 32, and
37 referred to in this chapter as the "commission," shall carry out
38 the ~~purposes--of~~ functions specified in this chapter. The
39 commission is affiliated with the ~~Department of Agriculture, Food~~
40 ~~and Rural Resources~~ department as specified in this chapter. ~~For~~
41 ~~the purposes of this chapter, "department" means the Department~~
42 ~~of Agriculture, Food and Rural Resources and "commissioner" means~~
43 ~~the Commissioner of Agriculture, Food and Rural Resources.~~

44
45 **Sec. 4. 8 MRSA §261-A, sub-§4**, as amended by PL 1991, c. 824,
46 Pt. A, §9, is further amended to read:

47
48 **4. Term of office.** ~~Except as provided in subsection 6,~~
49 ~~members~~ Members of the commission serve 3-year terms. Any
50 vacancy is filled by appointment for the remainder of the

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

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

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

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

16 **§263-A. Commission responsibilities**

18 The commission has the following responsibilities under this
19 chapter.

20 **1. Rulemaking.** The commission shall adopt rules for:

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

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

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

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

30 **E. The procedures and standards for setting racing dates;**
31 **and**

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

34
35 Rules adopted pursuant to this subsection are routine technical
36 rules pursuant to Title 5, chapter 375, subchapter II-A.

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

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

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

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

6 The department has the following responsibilities under this
chapter.

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

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

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

26 **§263-C. Executive director**

28 The chief operating officer of the commission is the
executive director.

30 1. Position. The executive director is an unclassified
32 position within the department.

34 2. Appointment. The executive director is appointed by the
commissioner in consultation with the commission. The executive
36 director serves at the pleasure of the commissioner.

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

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

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

44 (1) Rulemaking;

46 (2) Processing appeals;

48 (3) Licensing of tracks and off-track betting
50 facilities; and

2 (4) Setting race dates; and

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

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

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

12 (3) Budget development and management;

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

16 (5) Management of participant licensing;

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

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

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

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

34 **Sec. 7. 8 MRSA §264**, as repealed and replaced by PL 1991, c.
36 579, §6, is amended to read:

38 **§264. Employees**

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

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

2 to be reimbursed separately for expenses. The ~~race--tracks~~
3 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 MRS §265**, as amended by PL 1991, c. 579, §7, is
7 further amended to read:

8 **§265. Compensation**

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

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

18 **Sec. 9. 8 MRS §267, sub-§2**, as enacted by PL 1991, c. 579,
19 §8, is amended to read:

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

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

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

46 **Sec. 11. 8 MRS §271, sub-§1**, as amended by PL 1995, c. 408,
47 §1, is further amended to read:

48 **1. Licensing.** If the commission is satisfied that all of
49 this chapter and rules prescribed by the commission have been

2 substantially complied with during the past year and will be
3 fully complied with during the coming year by the person,
4 association or corporation applying for a license; that the
5 applicant, its members, directors, officers, shareholders,
6 employees, creditors and associates are of good moral character;
7 that the applicant is financially responsible; and that the award
8 of racing dates to the applicant is appropriate under the
9 criteria contained in subsection 2, it may issue a license for
10 the holding of harness horse races or meets for public exhibition
11 with pari-mutuel pools, which must expire on December 31st. The
12 ~~commission shall set licensing and license renewal fees~~
13 ~~sufficient to carry out the administration and enforcement of the~~
14 ~~licensing program. These fees may not exceed annually the~~
15 ~~greater of \$100 or \$10 for each calendar week or part of a week~~
16 ~~of harness racing regardless of whether pari-mutuel pools are~~
17 ~~sold. The fee for a license is \$100 or \$10 per week, whichever~~
18 ~~is higher.~~ The commission shall provide a booklet containing
19 harness racing laws and rules and relevant portions of the Maine
20 Administrative Procedure Act to every initial licensee and a fee
21 not to exceed \$10 must be included in the license fee to cover
22 the cost of this publication. The commission shall provide
23 necessary revisions of this booklet to those persons renewing
24 licenses at the time of renewal and shall include the cost of the
25 revisions, not to exceed \$10, in the renewal fee. The license
26 must set forth the name of the licensee, the place where the
27 races or race meets are to be held and the specific race dates
28 and time of day or night during which racing may be conducted by
29 the licensee. The location stated in the license where the race
30 or race meet is to be held may be transferred to any other
31 licensee on the dates set forth in the license during which the
32 racing may be conducted, but, with respect to that transfer, the
33 transfer may only be made to another licensee and the licensee is
34 liable for compliance with all laws and regulations governing the
35 conduct of harness racing. Any such license issued is not
36 transferable or assignable. The Administrative Court Judge, as
37 designated in Title 4, chapter 25, may revoke any license issued
38 at any time for violation of the commission's rules or licensing
39 provisions upon notice and hearing. The license of any
40 corporation is automatically revoked, subject to Title 5, chapter
41 375, upon the change in ownership, legal or equitable, of 50% or
42 more of the voting stock of the corporation and the corporation
43 may not hold a harness horse race or meet for public exhibition
44 without a new license.

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

48 6. Previous year's dates. Beginning with licenses issued
49 for calendar year 1996, notwithstanding any other provision of
50 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
3 to conduct pari-mutuel wagering at an off-track betting facility,
4 a person must submit to the commission the fee required in
5 subsection 2-A and an application on a form prescribed by the
6 commission that specifies at least the following:

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

8 **2-A. Application fee.** The fee for an initial application
9 for an off-track betting facility is \$1,000. The fee for a
10 renewal is \$250.

11 **2-B. Renewal.** An off-track betting facility license must
12 be renewed annually.

13 **Sec. 20. 8 MRSA §275-D, sub-§3,** as corrected by RR 1993, c. 2,
14 §6, is amended to read:

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

39 **Sec. 21. 8 MRSA §275-D, sub-§8, ¶A,** as amended by PL 1995, c.
40 408, §7, is further amended to read:

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

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

16 **Sec. 22. 8 MRSA §275-D, sub-§8, ¶B**, as enacted by PL 1993, c.
17 388, §8, is amended to read:

18 B. If live racing being conducted in this State is
19 available for simulcast, all off-track betting facilities
20 shall provide broadcasts originated in the State on at least
21 50% of the monitors in the facility, as required by rule of
22 the commission, and shall accept wagers on those races on
23 all of its pari-mutuel selling terminals. The races must be
24 broadcast as announced on the track. At any time harness
25 racing originated in the State is available for simulcast,
26 the facility may not broadcast harness racing from outside
27 the State without approval of:

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

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

34 **Sec. 23. 8 MRSA §275-D, sub-§9**, as enacted by PL 1993, c. 388,
35 §8, is amended to read:

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

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

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

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

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

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

26 Sec. 25. 8 MRSA §275-F, as amended by PL 1995, c. 408, §§8 to
28 10, is repealed.

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

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

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

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

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

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

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

50

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,
22 subparagraph (5) and paragraph B, subparagraph (5); and

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

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

30 **Sec. 37. 8 MRSA §275-O, sub-§4**, as enacted by PL 1995, c. 403,
§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,
subsubsection 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 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
43

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~~ 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
28 board is a governmental entity and its employees are
employees as those terms are defined in Title 14,
30 section 8102;

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

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

42 3. Membership. The board consists of 9 members, to be
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
5 D. One person nominated by the Maine Association of
6 Agricultural Fairs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **10. Fund created.** The Harness Racing Promotional Fund is
20 established to carry out the purposes of this section. The fund
consists of all amounts dedicated to it in section 291 and all
22 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
24 Legislature. Unexpended balances in the fund at the end of the
fiscal year may not lapse, but must be carried forward to be used
26 for the same purposes.

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

32 **12. Report.** By February 15th of each year, the board shall
report to the commissioner and to the joint standing committee of
34 the Legislature having jurisdiction over agricultural matters on
activities of the board and expenditures from the fund. The
36 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
racing is calculated as percentages of the handle and distributed
42 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
34 calculated as percentages of the handle and distributed as
36 follows.

38 A. On exotic wagers:

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

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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%.

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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.

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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%.

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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%;

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

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

6 (7) The track share is 13.501%.

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

20 A. On exotic wagers:

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

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

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

32 (4) The purse supplement share is 16.558%;

34 (5) The Harness Racing Promotional Fund share is
36 0.962%;

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

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

46 B. On regular wagers:

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

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

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

58 (4) The purse supplement share is 8.399%;

60 (5) The Harness Racing Promotional Fund share is
62 1.389%;

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

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

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

12 A. On exotic wagers:

14 (1) The state share is 8.647%;

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

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

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

22 (5) The Harness Racing Promotional Fund share is
24 0.962%;

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

28 (7) The track share is 59.565%.

30 B. On regular wagers:

32 (1) The state share is 2.739%;

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

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

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

40 (5) The Harness Racing Promotional Fund share is
42 1.389%;

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

46 (7) The track share is 75.004%.

48 6. Off-track betting facility interstate simulcasting with
noncommingled pools. The distribution of the commission on
simulcasting of races with noncommingled pools originating at a
50 racetrack in another state by an off-track betting facility is

2 calculated as percentages of the handle and distributed as
3 follows.

4 A. On exotic wagers:

6 (1) The state share is 2.248%;

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

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

12 (4) The purse supplement share is 4.305%;

14 (5) The Harness Racing Promotional Fund share is
16 0.250%;

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

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

22 B. On regular wagers:

24 (1) The state share is 0.493%;

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

28 (3) The Stipend Fund share is 1.186%;

30 (4) The purse supplement share is 1.512%;

32 (5) The Harness Racing Promotional Fund share is
34 0.250%;

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

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

42 7. Track interstate simulcasting with noncommingled pools.

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

48 A. On exotic wagers:

50 (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

2 bear to the total contributions of regular and exotic wagers to
3 pari-mutuel pools on live racing made or conducted at the
4 commercial meets of all licensees during that calendar year.
5 Licensees sharing in this distribution shall use 1/2 of the funds
6 received for the purpose of supplementing purse money. The other
7 1/2 of this distribution must be paid to the commercial licensees
8 as reimbursement for improvements made to their racing facilities
9 in the calendar year during which the funds are generated. To
10 receive reimbursement, commercial licensees must submit plans for
11 the improvements to the commission and receive approval from the
12 commission prior to making the improvements, and the commission
13 must verify that the approved improvements have been made.

14 **3. Payment to Stipend Fund.** Nine percent of the revenue
15 credited to the General Fund under this section that is
16 attributable to amounts in excess of \$37,000,000 must be
17 distributed to the Stipend Fund as provided in Title 7, section
18 62.

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

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

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

46 **§288. Payment to Sire Stakes Fund share**

48 Amounts calculated as Sires Stakes Fund share under section
49 286 must be paid to the Treasurer of State for deposit in the
50 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
28 commission in section 271. This payment must be divided in
the proportion that the contributions of regular and exotic
30 wagers to pari-mutuel pools on live racing made or conducted
at the extended meets of each racing licensee during that
32 calendar year bear to the total contributions of regular and
exotic wagers to pari-mutuel pools on live racing made or
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
48 under section 286 must be paid to the commission for distribution
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

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

11 **§291. Harness Racing Promotional Fund share**

12
13 Amounts calculated as Harness Racing Promotional Fund share
14 under section 286 must be paid to the Treasurer of State for
15 deposit in the Harness Racing Promotional Fund for use as
16 provided in section 285.

17 **§292. Horsemen's purse share**

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19 Amounts calculated as horsemen's purse share under section
20 286 must be retained by the licensee to supplement purse money at
21 the track where the wager was placed.

22 **§293. Track share**

23
24 Amounts calculated as track share under section 286 must be
25 retained by the track where the wager was placed.

26 **§294. Off-track betting facility share**

27
28 **1. Payment.** Amounts calculated as off-track betting
29 facility share under section 286 must be retained by the
30 off-track betting facility where the wager was placed.

31
32 **2. No restrictions.** This chapter does not prohibit an
33 off-track betting facility from entering into a contract or
34 otherwise arranging to share with any other person or entity a
35 portion of the wagers to which it is entitled under this section.

36 **§295. Off-track betting facility simulcast fund share**

37
38 **1. Payment.** Amounts calculated as off-track betting
39 facility simulcast fund share under section 286 must be paid to
40 the commission for distribution as provided in subsection 2.

41
42 **2. Distribution.** On May 30th, September 30th and within 30
43 days after the close of all off-track betting facilities for the
44 year, amounts payable under subsection 1 for distribution in
45 accordance with this subsection must be distributed only for the
46 dates assigned by the commissioner pursuant to Title 7, section
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65 to the commercial racetracks and the agricultural fair
2 associations that provide simulcast transmission of live racing
4 in the State. Distribution must be in the proportion that the
6 amount of wagers placed at off-track betting facilities on
8 simulcast races from each licensee up to the last day of the
10 preceding month bears to the total amount wagered at off-track
12 betting facilities on races simulcast from all commercial
14 racetracks and agricultural fair associations up to that date.
16 The last payment of the calendar year must be adjusted to reflect
18 each licensee's wagers in proportion to the total wagered at
20 off-track betting facilities in that calendar year.

Sec. 47. Transition; Harness Racing Promotional Board. Members
14 currently serving on the Harness Racing Promotional Board shall
16 serve until November 1, 1997. The Commissioner of Agriculture,
18 Food and Rural Resources shall appoint members of the Harness
20 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
22 Agriculture, Food and Rural Resources, in consultation with the
24 State Harness Racing Commission, shall develop a plan for the
26 reorganization and reclassification of positions necessary to
28 carry out the functions required under the Maine Revised
Statutes, Title 8, chapter 11 in an efficient and effective
manner.

30 SUMMARY

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

38 The bill reorganizes and clarifies the regulatory,
40 promotional and policy-making roles of the Harness Racing
42 Commission, the Harness Racing Promotional Board and the
44 Department of Agriculture, Food and Rural Resources. The bill
replaces the full-time chair position for the Harness Racing
46 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.

48 The bill provides for licensing fees for off-track betting
50 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.