

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2169

H.P. 1542

House of Representatives, January 26, 1998

An Act to Reduce Costs and Increase Efficiency of the Regulation and Promotion of Harness Racing.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.

Cosponsored by Representative MACK of Standish, Senator: MICHAUD of Penobscot.

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

2
3 **Sec. 1. 8 MRSA §264**, as amended by PL 1997, c. 528, §7, is
4 repealed and the following enacted in its place:

6 **§264. Employees**

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

14 Notwithstanding the provisions of this section, all
15 officials whose presence regularly is required at a race meet
16 must be licensed by the commission and hired on an annual basis
17 by the licensee in accordance with section 279-C. After a
18 presiding or associate judge hired under this section has begun
19 employment, the licensee may terminate the employment of that
20 official only with the consent of the commission.

22 When practicable, the commission shall consolidate the
23 duties of officials, including those duties of racing stewards
24 and presiding judges.

26 **Sec. 2. 8 MRSA §272-A, sub-§2**, as enacted by PL 1997, c. 474,
27 §2 and affected by §6, is amended to read:

28 2. **Bargaining agent funding.** One and one-half percent of
29 the amounts deposited in the trust account each month must be
30 paid to the exclusive bargaining agent for horsepersons at that
31 ~~race-track~~ racetrack if that a representative has been elected
32 pursuant to section 285 ~~285-A~~.

34 **Sec. 3. 8 MRSA §272-A, sub-§3, ¶B**, as enacted by PL 1997, c.
35 474, §2 and affected by §6, is amended to read:

38 B. Any money borrowed pursuant to this subsection must be
39 repaid to the licensee's trust account with interest
40 calculated equal to the coupon issue yield equivalent, as
41 determined by the United States Secretary of the Treasury,
42 of the average accepted auction price for the last auction
43 of 52-week United States Treasury bills settled immediately
44 prior to the date from which the interest is calculated,
45 plus 4%, in equal daily deposits over the balance of the
46 calendar year beginning with the day after the money is
47 borrowed, except that prepayment may be made without penalty
48 and without consent being required. Repayment on a different
49 schedule is permitted pursuant to the written authorization
50 of the exclusive bargaining agent elected pursuant to

2 section ~~285~~ 285-A, but in any event any repayment must be
paid no later than December 31st of the year the funds were
borrowed.

4
6 **Sec. 4. 8 MRSA §272-A, sub-§5**, as enacted by PL 1997, c. 474,
§2 and affected by §6, is amended to read:

8 **5. Repayment from distribution under section 275-J.** If by
January 1st of any year a licensee has not repaid in full any
10 money borrowed pursuant to subsection 3, the exclusive bargaining
agent elected pursuant to section ~~285~~ 285-A at that track shall
12 notify the commission of the amount of the outstanding debt. The
commission shall withhold that amount from the next payment due
14 to that licensee under section 275-J and conduct a hearing to
determine whether in fact money borrowed pursuant to subsection 3
16 has not been repaid. If the commission finds that any borrowed
amount remains unpaid, the commission shall deposit directly into
18 the licensee's trust account the amount of the withheld money
needed to repay the loan and shall tender any balance to the
20 licensee.

22 **Sec. 5. 8 MRSA §285**, as enacted by PL 1997, c. 474, §5, is
reallocated to 8 MRSA §285-A.

24 **Sec. 6. 8 MRSA §285, sub-§10**, as enacted by PL 1997, c. 528,
26 §46 and affected by §47, is amended to read:

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

36 That portion of the fund, exclusive of money raised by the board,
38 that exceeds the administrative costs of the board must be paid
to licensees as reimbursement for promotional expenses incurred
40 by the licensees and approved in advance by the board. Each
licensee is entitled to receive as reimbursement for approved
42 promotional expenses a portion of the fund, net of money raised
by the board and the administrative costs of the board, that is
44 determined by multiplying that amount by a fraction the numerator
of which is the number of race days raced by that licensee and
46 the denominator of which is the number of race days raced by all
licensees entitled to reimbursement from the fund.

48 This subsection is repealed July 1, 1999.
50

2 **Sec. 7. 8 MRSA §286**, as enacted by PL 1997, c. 528, §46, is
amended to read:

4 **§286. Calculation of distribution of commission**

6 1. **Live racing.** The distribution of the commission on live
racing is calculated as percentages of the handle and distributed
8 as follows.

10 A. On exotic wagers:

- 12 (1) The state share is 2.248%;
- 14 (2) The Sire Stakes Fund share is 1.551%;
- 16 (3) The Stipend Fund share is 1.169%;
- 18 (4) The purse supplement share is 0.99%;
- 20 ~~(5) --The Harness-Racing-Promotional-Fund-share-is-0.25%;~~
- 22 (6) The horsemen's purse share is 3.315%; and
- 24 (7) The track share is 16.477%.

26 B. On regular wagers:

- 28 (1) The state share is 0.493%;
- 30 (2) The Sire Stakes Fund share is 0.072%;
- 32 (3) The Stipend Fund share is 1.186%;
- 34 (4) The purse supplement share is 0.986%;
- 36 ~~(5) --The Harness-Racing-Promotional-Fund-share-is-0.25%;~~
- 38 (6) The horsemen's purse share is 0.526%; and
- 40 (7) The track share is 14.487%.

42 2. **Off-track betting facility intrastate simulcasting.** The
distribution of the commission on simulcasting of races
44 originating at a racetrack in the State by an off-track betting
facility is calculated as percentages of the handle and
46 distributed as follows.

48 A. On exotic wagers:

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(1) The state share is 2.248% for an off-track betting facility located in the same municipality as a commercial track and 2.578% for all other facilities;

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

(3) The Stipend Fund share is 1.169%;

~~(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%.

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. The distribution of the commission on simulcasting of races 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%;~~

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

4 (7) The track share is 15.487%.

6 B. On regular wagers:

8 (1) The state share is 0.493%;

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

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

14 (4) The purse supplement share is 0.986%;

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

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

20 (7) The track share is 13.501%.

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24 **4. Off-track betting facility interstate simulcasting with**
26 **commingled pools.** The distribution of the commission on
28 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.

30 A. On exotic wagers:

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

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

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

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

42 ~~(5) ---The--Harness--Racing--Promotional--Fund--share--is~~
44 ~~0.962%;~~

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

48 (7) The off-track betting facility simulcast fund
50 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%;~~

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

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

5. Track 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 a racetrack in the State is calculated as percentages of the commission and distributed as follows.

A. On exotic wagers:

(1) The state share is 8.647%;

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

(3) The Stipend Fund share is 4.494%;

(4) The purse supplement share is 3.809%;

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

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

(7) The track share is 59.565%.

B. On regular wagers:

(1) The state share is 2.739%;

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

- 2 (3) The Stipend Fund share is 6.590%;
- 4 (4) The purse supplement share is 5.479%;
- 6 ~~(5)---The---Harness---Racing---Promotional---Fund---share---is~~
7 ~~1.289%;~~
- 8 (6) The horsemen's purse share is 8.399%; and
- 10 (7) The track share is 75.004%.

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14 **6. Off-track betting facility interstate simulcasting with**
15 **noncommingled pools.** The distribution of the commission on
16 simulcasting of races with noncommingled pools originating at a
17 racetrack in another state by an off-track betting facility is
18 calculated as percentages of the handle and distributed as
19 follows.

20 A. On exotic wagers:

- 22 (1) The state share is 2.248%;
- 24 (2) The Sire Stakes Fund share is 1.551%;
- 26 (3) The Stipend Fund share is 1.169%;
- 28 (4) The purse supplement share is 4.305%;
- 30 ~~(5)---The---Harness---Racing---Promotional---Fund---share---is~~
31 ~~0.250%;~~
- 32 (6) The off-track betting facility share is 13.110%;
- 34 and
- 36 (7) The off-track betting facility simulcast fund
37 share is 3.367%.

38 B. On regular wagers:

- 40 (1) The state share is 0.493%;
- 42 (2) The Sire Stakes Fund share is 0.072%;
- 44 (3) The Stipend Fund share is 1.186%;
- 46 (4) The purse supplement share is 1.512%;
- 48 ~~(5)---The---Harness---Racing---Promotional---Fund---share---is~~
50 ~~0.250%;~~

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

4
6 (7) The off-track betting facility simulcast fund
share is 3.353%.

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

14 A. On exotic wagers:

16 (1) The state share is 2.248%;

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

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

22 (4) The purse supplement share is 0.990%;

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

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

28 (7) The track share is 15.487%.

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32 B. On regular wagers:

34 (1) The state share is 0.493%;

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

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

40 (4) The purse supplement share is 0.986%;

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

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

46 (7) The track share is 13.501%.

48 **Sec. 8. 8 MRSA §291**, as enacted by PL 1997, c. 528, §46, is
50 repealed.

