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Legislative Document

No. 1183

H.P. 849

House of Representatives, February 11, 1999

An Act to Increase Harness Racing Opportunities.

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

GOSEPH W. MAYO, Clerk

Presented by Representative TESSIER of Fairfield.

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

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Sec. 1. 8 MRSA §271, sub-§1, as amended by PL 1997, c. 528, 4 §11, is further amended to read:

Licensing. If the commission is satisfied that all of 6 1. this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be 8 fully complied with during the coming year by the person, association or corporation applying for a license; that the 10 applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; 12 and that the applicant is financially responsible - and - that - the 14 award-of--racing-dates-to-the--applicant-is--appropriate--under-the eriteria-contained-in-subsection-2, it may issue a license for 16 the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The 18 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 20 Procedure Act to every initial licensee and a fee not to exceed 22 \$10 must be included in the license fee to cover the cost of this publication. The commission shall provide necessary revisions of 24 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 26 name of the licensee, and the place where the races or race meets 28 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 30 location-stated-in-the-license-where-the-race-or-race-meet-is-te be-held-may-be-transferred-to-any-other-licensee-on-the-dates-set 32 forth-in-tho-license-during-which-the-racing-may-bo-conducted, but, -with-respect- to- that- transfor, - the -transfor -may -only -be-made to--another--licensee--and-the--licensee-is--liable-for--compliance 34 with--all--laws--and--regulations-governing--the-conduct--of--harness 36 Any such license issued is not transferable or Facing. assignable. The Administrative Court Judge, as designated in 38 Title 4, chapter 25, may revoke any license issued at any time for violation of the commission's rules or licensing provisions 40 upon notice and hearing. The license of any corporation is automatically revoked, subject to Title 5, chapter 375, upon the 42 change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation and the corporation may not hold 44 a harness horse race or meet for public exhibition without a new license. 46

Sec. 2. 8 MRSA §271, sub-§2, as amended by PL 1995, c. 408, 48 §2, is repealed.

Sec. 3. 8 MRSA §271, sub-§3, as amended by PL 1991, c. 579, §10, is repealed.

Sec. 4. 8 MRSA §271, sub-§5, as amended by PL 1995, c. 408, §3, is repealed.

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Sec. 5. 8 MRSA §271, sub-§7, as reallocated by RR 1997, c. 1, $\S5$, is amended to read:

8 7. Hearing on horse supply. Prior to August of each year, the commission shall conduct a hearing to determine whether the horse supply in the State has been adequate for the number of 10 dashes conducted on assigned race dates. If the commission 12 concludes that the horse supply has been inadequate, the commission shall limit to the extent necessary the number of 14 dashes that a licensee may race on any date after August--1st Labor Day of that year that has been assigned to more than one track. The commission may not restrict the number of dashes to 16 fewer than 10.

Sec. 6. 8 MRSA §271, sub-§8, reallocated by RR 1997, c. 1, §6, 20 is amended to read:

license 22 8 Term of and race date assignment. Notwithstanding any provision of this chapter to the contrary, 24 each license to conduct live racing or to engage in simulcast wagering, including by operating an off-track betting facility as defined in section 275-A and-all-awards of -face-dates-issued-of 26 made-by-the -commission, beginning with licenses issued and race 28 dates awarded for 1998, may be for a 2-year periody-except,-that if-a-commercial-track-dees-net-use-during-the-first-year-of-any 30 such-2-year-license -a-race-date-that-it-was-entitled-to-receive for-both-years-pursuant-to-section -275-N/ -then-the-commission-may 32 hold-a-hearing-prior-to-the-2nd-year-or-the-term-of-that-racing license-to-determine-whether-the-award-of-that-race-date-for-the 34 second-year-of-the-term-should-be-revoked.

36 Sec. 7. 8 MRSA §271, sub-§9, as reallocated by RR 1997, c. 1, §7, is repealed.

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SUMMARY

42 The bill deregulates the race date assignment process, allowing all tracks, including fairs, to conduct live racing on 44 whatever day they choose.