

# MAINE STATE LEGISLATURE

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DATE: 2-12-02

(Filing No. H- 794)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 253, L.D. 289, Bill, "An Act Regarding Horse Racing"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 8 MRSA §264, 2nd ¶, as repealed and replaced by PL 1997, c. 735, §1, is amended to read:

Notwithstanding the provisions of this section, all officials whose presence is regularly required at a race meet must be licensed by the commission and-hired-on-an-annual-basis by-the-licensee. The commission shall appoint the presiding judge and associate judges on an annual basis with the consent of the licensee. The licensee shall employ judges appointed in accordance with this section on an annual basis. The commission shall provide the list of approved judges in accordance with section 279-C. The licensee may terminate the employment of a presiding or associate judge hired under this section only with the consent of the commission.

Sec. 2. 8 MRSA §270, first ¶ is amended to read:

Any person, association or corporation licensed to conduct pari-mutuel betting desiring to hold a harness horse race or meet for public exhibition shall apply to said the commission for a license to do so. The application shall must be signed and sworn to by the person or executive officer of the association or corporation and shall must contain the following information:

2           **Sec. 3. 8 MRSA §271, sub-§1**, as amended by PL 1999, c. 547,  
Pt. B, §25 and affected by §80, is further amended to read:

4           **1. Licensing.** If the commission is satisfied that all of  
6 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 that the applicant is financially responsible; and that the award  
of racing dates to the applicant is appropriate under the  
14 criteria contained in subsection 2, it may issue a license for  
the holding of harness horse races or meets for public exhibition  
16 with pari-mutuel pools, which must expire on December 31st. The  
fee for a license is \$100 or \$10 per week, whichever is higher.  
18 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  
\$10 must be included in the license fee to cover the cost of this  
22 publication. The commission shall provide necessary revisions of  
this booklet to those persons renewing licenses at the time of  
24 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, the place where the races or race meets are  
to be held and the specific race dates and time of day or night  
28 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  
30 forth in the license during which the racing may be conducted,  
but, with respect to that transfer, the transfer may only be made  
32 to another licensee and the licensee is liable for compliance  
with all laws and regulations governing the conduct of harness  
34 racing.~~ If the commission determines that the location where a  
commercial track is licensed to conduct races is unavailable, it  
36 may permit a licensee to transfer its license to another  
location. The substitute location and the races conducted there  
38 by the licensee must be conducted in accordance with this  
chapter. Any such license issued is not transferable or  
40 assignable. The District Court Judge, as designated in Title 4,  
chapter 5, may revoke any license issued at any time for  
42 violation of the commission's rules or licensing provisions upon  
notice and hearing. The license of any corporation is  
44 automatically revoked, subject to Title 5, chapter 375, upon the  
change in ownership, legal or equitable, of 50% or more of the  
46 voting stock of the corporation and the corporation may not hold  
a harness horse race or meet for public exhibition without a new  
48 license.

2           **Sec. 4. 8 MRSA §275-N**, as amended by PL 2001, c. 320, §2, is  
further amended to read:

4           **§275-N. Limitations on off-track betting facilities**

6           The commission may not allow interstate simulcasting or  
license any off-track betting facility for any calendar year  
8 unless during the preceding 2 calendar years there were at least  
150 race dates on which live racing actually was conducted at the  
10 commercial tracks. Interstate simulcasting always must be  
allowed at any commercial track that conducted at least 136 race  
12 dates during the immediately preceding 2 calendar years or at an  
existing commercial track as defined in section 275-A, subsection  
14 1, paragraph B at which at least 35 race dates were conducted  
during the preceding 2 years if the interstate simulcasting at  
16 the commercial track is conducted during the regular meeting.  
For the purposes of this section, any race date that the  
18 commission determines was canceled due to a natural or other  
disaster must be counted as a race date. For the purposes of  
20 this section, any race date that is canceled at a commercial race  
track due to the inability to meet the requirements of section  
22 275-A, subsection 9-A because of a horse shortage, as verified by  
the state steward, is counted as a race date for the purpose of  
24 meeting the requirements of section 275-A, subsection 1.

26           **Sec. 5. 8 MRSA §295, sub-§2**, as amended by PL 2001, c. 300,  
§3, is further amended to read:

28           **2. Distribution.** On May 30th, September 30th and within 30  
30 days after the close of all off-track betting facilities for the  
year, amounts payable under subsection 1 for distribution in  
32 accordance with this subsection must be distributed ~~only for the~~  
~~dates assigned by the commissioner pursuant to Title 7, section~~  
34 ~~65 to the commercial racetracks and the agricultural fair~~  
~~associations that provide simulcast transmission of live racing~~  
36 ~~in the State~~ to all commercial tracks that have provided  
simulcast transmission of live racing in the State on any date  
38 and to those agricultural fair associations that have provided  
simulcast transmission of live racing in the State on the dates  
40 assigned by the commissioner pursuant to Title 7, section 65.  
Distribution must be in the proportion that the amount of exotic  
42 wagers placed at off-track betting facilities on simulcast races  
from each licensee up to the last day of the preceding month  
44 bears to the total amount of exotic wagers at off-track betting  
facilities on races simulcast from all commercial racetracks and  
46 agricultural fair associations up to that date. The last payment  
of the calendar year must be adjusted to reflect each licensee's  
48 exotic wagers in proportion to the total of the exotic wagers at  
off-track betting facilities in that calendar year.'

2

## SUMMARY

4           This amendment replaces the original bill. It specifies  
6 that harness racing judges for commercial tracks are appointed by  
8 the State Harness Racing Commission with the approval of the  
10 track and that the judges are hired as employees of the track on  
12 an annual basis. It also provides for the transfer of a  
commercial track license to another location. This amendment  
provides that if a race date at a commercial track is canceled  
due to a horse shortage that race date is still valid for the  
purposes of meeting the number of race dates required for the  
track to qualify as a commercial track.