### MAINE STATE LEGISLATURE

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			L.D. 289
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#### LEGAL AND VETERANS AFFAIRS

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

COMMITTEE AMENDMENT "H" 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'Sec. 1. 8 MRSA  $\S264$ , 2nd  $\P$ , as repealed and replaced by PL 1997, c. 735,  $\S1$ , is amended to read: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 <u>licensed to conduct pari-mutuel betting</u> desiring to hold a harness horse race or meet for public exhibition shall apply to said <u>the</u> commission for a license to do so. The application shall <u>must</u> be signed and sworn to by the person or executive officer of the association or corporation and shall <u>must</u> contain the following information:

Page 1-LR1104(2)

### COMMITTEE AMENDMENT



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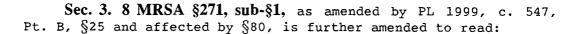
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Licensing. If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or 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 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. leeation-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 forth-in-the-license-during-which-the-racing-may-be-eenducted, 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 Faeing. If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this Any such license issued is not transferable or chapter. assignable. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon 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.

#### Page 2-LR1104(2)

### COMMITTEE AMENDMENT

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

#### §275-N. Limitations on off-track betting facilities

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

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

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 enly-fer-the dates-assigned by-the-commissioner-pursuant-to-Title-7,-section 65--te--the--commercial--racetracks--and--the--agricultural--fair associations - that -provide - simulcast - transmission - of - live -racing in--the--State to all commercial tracks that have provided simulcast transmission of live racing in the State on any date and to those agricultural fair associations that have provided simulcast transmission of live racing in the State on the dates assigned by the commissioner pursuant to Title 7, section 65. Distribution must be in the proportion that the amount of exotic 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 of exotic wagers 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 exotic wagers in proportion to the total of the exotic wagers at off-track betting facilities in that calendar year.'

Page 3-LR1104(2)



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## COMMITTEE AMENDMENT " to H.P. 253, L.D. 289

2 SUMMARY

This amendment replaces the original bill. It specifies that harness racing judges for commercial tracks are appointed by the State Harness Racing Commission with the approval of the track and that the judges are hired as employees of the track on 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.

Page 4-LR1104(2)

### COMMITTEE AMENDMENT