

# MAINE STATE LEGISLATURE

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L.D. 704

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DATE: 5-19-03

(Filing No. H-479)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 521, L.D. 704, Bill, "An Act Relating to Harness Racing Laws"

Amend the bill by inserting after section 4 the following:

'Sec. 5. 8 MRSA §264, 2nd ¶, as amended by PL 2001, c. 567, §1, is further 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. 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. For purposes of the Maine Tort Claims Act, the presiding judge and associate judges appointed pursuant to this section are deemed to be employees of the State, as those terms are defined in Title 14, section 8102, subsections 1 and 4. The licensee may terminate the employment of a presiding or associate judge hired under this section only with the consent of the commission.'

Further amend the bill by inserting after section 15 the following:

'Sec. 16. 8 MRSA §285, sub-§2, ¶C, as enacted by PL 1997, c. 528, §46 and affected by §47, is amended to read:

C. Notwithstanding paragraphs A and B:

HOUSE AMENDMENT "A" to H.P. 521, L.D. 704

2 (1) All meetings and records of the board are subject  
to the provisions of Title 1, chapter 13, subchapter 1;  
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6 (2) For the purposes of the Maine Tort Claims Act, the  
board is a governmental entity and its employees are  
employees as those terms are defined in Title 14,  
8 section 8102. The board and its employees are  
10 considered a state agency for purposes of Title 5,  
section 191;

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

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

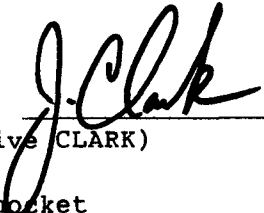
22 Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
24 consecutively.

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**SUMMARY**

This amendment specifies that the presiding judge and  
30 associate judges appointed by the State Harness Racing Commission  
are deemed to be employees of the State for purposes of the Maine  
32 Tort Claims Act. The amendment also specifies that the Harness  
Racing Promotional Board and its employees are considered a state  
34 agency for purposes of the Maine Revised Statutes, Title 5,  
section 191, which directs the Attorney General's office to  
36 appear for state agencies in civil actions and proceedings.

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SPONSORED BY:   
(Representative CLARK)  
TOWN: Millinocket

FISCAL NOTE REQUIRED  
(See attached)

**HOUSE AMENDMENT**