

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1073

H.P. 791

House of Representatives, March 6, 2007

Resolve, To Study the Promotion, Expansion and Regulation of the Harness Racing Industry

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MAREAN of Hollis.
Cosponsored by Senator SAVAGE of Knox and
Representatives: CRAY of Palmyra, GIFFORD of Lincoln, LUNDEEN of Mars Hill, PIOTTI
of Unity, PRATT of Eddington, SYKES of Harrison, Senators: RAYE of Washington,
SHERMAN of Aroostook.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Commission To Study the Recruitment, Training, Compensation and
4 Oversight of Racing Officials is established to review the racing industry in Maine; and

5 **Whereas,** the study must be initiated before the 90-day period expires in order that
6 the study may be completed and a report submitted in time for submission to the next
7 legislative session; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore, be it

12 **Sec. 1. Commission established. Resolved:** That the Commission To Study
13 the Recruitment, Training, Compensation and Oversight of Racing Officials, referred to
14 in this resolve as "the commission," is established; and be it further

15 **Sec. 2. Commission membership. Resolved:** That the commission consists of
16 9 members appointed as follows:

17 1. Two members of the Senate, one member of the party holding the highest number
18 of seats appointed by the President of the Senate and one member of the party holding the
19 2nd highest number of seats appointed by the Senate Minority Leader. At least one
20 Senate member must be serving on the Joint Standing Committee on Agriculture,
21 Conservation and Forestry;

22 2. Two members of the House of Representatives, one member of the party holding
23 the highest number of seats appointed by the Speaker of the House and one member of
24 the party holding the 2nd highest number of seats appointed by the House Minority
25 Leader. At least one House member must be serving on the Joint Standing Committee on
26 Agriculture, Conservation and Forestry;

27 3. The chair of the Maine harness racing promotion board;

28 4. The Chair of the State Harness Racing Commission or the chair's designee;

29 5. Two members recommended by an association of horsemen appointed by the
30 Commissioner of Agriculture, Food and Rural Resources; and

31 6. One member who is a racing director for an agricultural fair recommended by a
32 statewide fair association and appointed by the Commissioner of Agriculture, Food and
33 Rural Resources; and be it further

34 **Sec. 3. Chairs. Resolved:** That the Senate member named by the President is
35 the Senate chair of the commission and the House of Representatives member named by
36 the Speaker is the House chair of the commission; and be it further

1 **Sec. 4. Appointments; convening of commission. Resolved:** That all
2 appointments must be made no later than 30 days following the effective date of this
3 resolve. The appointing authorities shall notify the Executive Director of the Legislative
4 Council once all appointments have been completed. Within 15 days after appointment
5 of all members, the chairs shall call and convene the first meeting of the commission,
6 which must be no later than 60 days following the effective date of this resolve; and be it
7 further

8 **Sec. 5. Duties. Resolved:** That the commission shall study the best way to
9 expand racing opportunities for Maine horsemen and Maine-owned horses, including an
10 orderly expansion of race dates and venues and how to better fund the State Harness
11 Racing Commission in a way that serves the racing industry and the public. The
12 commission shall review rules and regulations and issues such as drug testing to ensure
13 the integrity of the sport. In addition, the commission shall explore ways to promote
14 public interest and participation in harness racing for followers of the sport and horse
15 owners; and be it further

16 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
17 necessary staffing services to the commission; and be it further

18 **Sec. 7. Compensation. Resolved:** That the legislative members of the
19 commission are entitled to receive the legislative per diem, as defined in the Maine
20 Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary
21 expenses related to their attendance at authorized meetings of the commission. Public
22 members not otherwise compensated by their employers or other entities that they
23 represent are entitled to receive reimbursement of necessary expenses and, upon a
24 demonstration of financial hardship, a per diem equal to the legislative per diem for their
25 attendance at authorized meetings of the commission; and be it further

26 **Sec. 8. Report. Resolved:** That, no later than December 5, 2007, the commission
27 shall submit a report that includes its findings and recommendations, including suggested
28 legislation, for presentation to the Joint Standing Committee on Agriculture,
29 Conservation and Forestry. The commission is authorized to introduce legislation related
30 to its report to the Second Regular Session of the 123rd Legislature at the time of
31 submission of its report; and be it further

32 **Sec. 9. Extension. Resolved:** That, if the commission requires a limited
33 extension of time to complete its study and make its report, it may apply to the
34 Legislative Council, which may grant an extension; and be it further

35 **Sec. 10. Commission budget. Resolved:** That the commission shall seek
36 outside funds to fully fund all costs of the commission. If sufficient outside funding has
37 not been received by the commission by September 15, 2007 to fully fund all costs of the
38 commission, no meetings are authorized and no expenses of any kind may be incurred or
39 reimbursed. Contributions to support the work of the commission may not be accepted
40 from any party having a pecuniary or other vested interest in the outcome of the matters
41 being studied. Any person, other than a state agency, desiring to make a financial or in-
42 kind contribution must certify to the Legislative Council that it has no pecuniary or other

1 vested interest in the outcome of the study. The certification must be made in the manner
2 prescribed by the Legislative Council. All contributions are subject to approval by the
3 Legislative Council. All funds accepted must be forwarded to the Executive Director of
4 the Legislative Council along with an accounting record that includes the amount of the
5 funds, the date the funds were received, from whom the funds were received and the
6 purpose of and any limitation on the use of the funds. The Executive Director of the
7 Legislative Council shall administer any funds received by the commission. The
8 executive director shall notify the chairs of the commission when sufficient funding has
9 been received. Within 10 days after its first meeting, the commission shall present a
10 work plan and proposed budget to the Legislative Council for its approval. The
11 commission may not incur expenses that would result in the commission's exceeding its
12 approved budget.

13 **Emergency clause.** In view of the emergency cited in the preamble, this
14 legislation takes effect when approved.

15

SUMMARY

16 This resolve establishes the Commission To Study the Recruitment, Training,
17 Compensation and Oversight of Racing Officials to study ways to improve the harness
18 racing industry in Maine. The commission is to study the best way to expand racing
19 opportunities for Maine horsemen and Maine-owned horses, including an orderly
20 expansion of race dates and venues and how to better fund the State Harness Racing
21 Commission in a way that serves the horse racing industry and the public. The
22 commission will review rules and regulations and issues such as drug testing to ensure the
23 integrity of the sport. In addition, the commission is directed to explore ways to promote
24 public interest and participation in harness racing.