

MAINE STATE LEGISLATURE

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Date: 3/6/20

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

129TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1149, L.D. 1590, Bill, "An Act To Amend the Laws Relating to Harness Racing"

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 8 MRSA §263-A, sub-§1, ¶A, as enacted by PL 1997, c. 528, §6, is amended to read:

A. The conduct of harness racing and off-track betting facilities, including rules that may reduce the required number of separate live races for a licensee that is associated with an agricultural fair as defined in Title 7, section 81 to qualify as a racing program from 8 separate live races to 7 separate live races if a minimum number of horses is not available;

Sec. 2. 8 MRSA §267, sub-§1, as amended by PL 2017, c. 231, §5, is repealed and the following enacted in its place:

1. Budget. The department shall develop a recommended operating budget covering All Other account expenses for the biennium for the operating account established in section 267-A. The recommended budget must provide for the conduct of core activities necessary to carry out the provisions of this chapter and may allow for expenditures for discretionary activities, provided those activities are consistent with the purposes of this chapter. The commission shall conduct a hearing, provide notice of the hearing in accordance with Title 5, section 9052 and receive testimony on the recommended operating budget. Notice of the hearing must be provided to persons who receive distributions from the funds established by sections 281, 298, 299 and 300 and Title 7, section 91. The commission shall make findings based on the hearing and submit its recommendations to the commissioner, who may incorporate the recommendations in the final draft of the recommended budget. The commissioner shall transmit the final draft of the recommended budget to the Department of Administrative and Financial Services, Bureau of the Budget as provided in Title 5, section 1665. During the biennium, the commission may conduct additional hearings and receive additional testimony on revisions to the budget, including an expenditure for a discretionary activity. The commission may approve revisions to the budget, including an expenditure for a

COMMITTEE AMENDMENT

1 discretionary activity, if the commission determines that the activity is consistent with the
2 provisions of this chapter and best serves the interest of the harness racing industry.'

3 Amend the bill by inserting after section 5 the following:

4 '**Sec. 6. 8 MRSA §272-B, sub-§1**, as enacted by PL 2007, c. 211, §1 and affected
5 by §2, is amended to read:

6 **1. ~~Payment from licensee Disbursements to association.~~ A licensee described in**
7 **~~section 271 shall pay~~ The commission shall disburse to an association determined eligible**
8 **under subsection 2 an amount not to exceed 3% of each of the following:**

9 A. Disbursements from the Sire Stakes Fund under section 281 for the purpose of
10 supplementing purses;

11 B. The purse supplement share calculated under section 286 for distribution under
12 section 290;

13 C. The funds designated from the commercial meet account to supplement purses
14 under section 287, subsection 2;

15 D. The funds designated from the extended meet account to supplement purses under
16 section 289, subsection 2, paragraph B;

17 E. The fund to supplement harness racing purses established under section 298 and
18 receiving payment pursuant to section 1036, subsection 2, paragraph B; and

19 F. Disbursements from the Agricultural Fair Support Fund under Title 7, section 91,
20 subsection 2, paragraph A.

21 '**Sec. 7. 8 MRSA §272-B, sub-§4**, as enacted by PL 2007, c. 211, §1 and affected
22 by §2, is amended to read:

23 **4. ~~Payment Disbursements.~~ Each year, upon receipt and verification of the**
24 **~~information required under subsection 2, the commission shall advise licensees of the~~**
25 **~~maximum amount payable to the association under subsection 1.~~ Total payments**
26 **disbursements made each year to the association under this section may not exceed the**
27 **association's budget for that year.'**

28 Amend the bill by striking out all of sections 7 to 13 and inserting the following:

29 '**Sec. 7. 8 MRSA §275-D, sub-§1**, as amended by PL 2011, c. 99, §1, is further
30 amended to read:

31 **1. Off-track betting on simulcast racing.** A person may conduct pari-mutuel
32 wagering at an off-track betting facility that is licensed under this section, if the ~~person~~
33 ~~facility is licensed to operate~~ located and operated within a hotel, as defined in Title
34 28-A, section 2, subsection 15, paragraph H, with public dining facilities, a Class A
35 lounge, as defined in Title 28-A, section 2, subsection 15, paragraph L, a Class A
36 restaurant, as defined in Title 28-A, section 2, subsection 15, paragraph R, or a Class A
37 restaurant/lounge, as defined in Title 28-A, section 2, subsection 15, paragraph R-1.'

38 Amend the bill by striking out all of section 15 and inserting the following:

39 '**Sec. 15. 8 MRSA §286, sub-§8** is enacted to read:

1 **8. Payment from Stipend Fund.** Notwithstanding any other provision of law, the
2 amounts payable to the Stipend Fund under this section from an off-track betting facility
3 newly licensed after January 1, 2020 must be divided among all agricultural fair licensees
4 based upon the number of days raced in conjunction with the annual agricultural fairs of
5 the licensees.'

6 Amend the bill in section 16 in subsection 2-A in the 6th line (page 8, line 6 in L.D.)
7 by striking out the following: "and" and inserting the following: 'and.'

8 Amend the bill in section 16 in subsection 2-A in the 6th and 7th lines (page 8, lines 6
9 and 7 in L.D.) by striking out the following: "~~as long as that licensee conducted an~~
10 ~~extended meet in 2005~~" and inserting the following: 'as long as that licensee conducted
11 an extended meet in 2005 and to each agricultural fair licensee awarded live race dates by
12 the commission upon closure of an existing commercial track that is not replaced'

13 Amend the bill by inserting after section 16 the following:

14 '**Sec. 17. 8 MRSA §299, sub-§5, ¶C**, as enacted by PL 2017, c. 231, §25, is
15 amended to read:

16 C. One additional race day credit is earned for each day raced during the months of
17 March and December. A maximum of ~~12~~ 16 race day credits may be awarded per
18 commercial track for the month of March and a maximum of ~~12~~ 16 race day credits
19 may be awarded per commercial track for the month of December.'

20 Amend the bill by inserting after section 17 the following:

21 '**Sec. 18. Commercial track ceases operation prior to March 1, 2021.** If the
22 State Harness Racing Commission as established by the Maine Revised Statutes, Title 8,
23 section 261-A determines that a commercial track ceased or agreed to cease operation
24 prior to March 1, 2021 following a request from a bona fide statewide organization of
25 horsemen in whole or in part to facilitate the prospect that a modernized commercial track
26 might open, notwithstanding the requirements of Title 8, section 275-D, the commission
27 may grant a license to the operator of the former commercial track or an entity controlled
28 by its owners to operate an off-track betting facility in the same municipality of the
29 commercial track at or after the commercial track ceases operation as a commercial track.'

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
31 section number to read consecutively.

32 SUMMARY

33 Current law defines "race date" as a scheduled date awarded by the State Harness
34 Racing Commission for which there is a racing program of not less than 8 separate live
35 races. The amendment provides that the commission may, by rule, reduce the required
36 number of separate live races for a licensee that is associated with an agricultural fair to
37 qualify as a racing program from 8 separate live races to 7 separate live races if a
38 minimum number of horses is not available.

39 This amendment revises the way in which the Department of Agriculture,
40 Conservation and Forestry develops a recommended operating budget for the operating
41 account for the commission.

1 The amendment strikes from the bill the requirement that an off-track betting facility
2 within a 50-mile radius of a commercial track must pay 1% of the wagers made during
3 the time live racing is being conducted on race day and 0.5% of the wagers made during
4 the time that live racing is not being conducted on race day.

5 Current law requires licensees to pay funds to a statewide association of horsemen to
6 supplement purses. The amendment requires the commission to disburse funds directly
7 to a statewide association of horsemen to supplement purses.

8 The amendment revises the provision in the bill that allows an off-track betting
9 facility to be located within a facility licensed to serve alcohol that is owned by an owner
10 other than the off-track betting facility owner. The amendment provides that a person
11 may conduct pari-mutuel wagering at an off-track betting facility that is licensed if the
12 facility is located and operated within a licensed hotel with public dining facilities, a
13 Class A lounge, a Class A restaurant or a Class A restaurant/lounge.

14 The amendment retains the requirement in current law that an applicant for an off-
15 track betting license notify commercial tracks within 50 miles of the proposed off-track
16 betting facility.

17 The amendment retains the requirement in current law that an applicant for an off-
18 track betting license notify and allow objections from existing off-track betting facilities
19 within 35 miles.

20 The amendment strikes from the bill the section relating to reduced payments for
21 facilities licensed after January 1, 2019 owned by a federally recognized Indian tribe.

22 The amendment provides that the amounts payable to the Stipend Fund from an off-
23 track betting facility newly licensed after January 1, 2020 must be divided among
24 agricultural fair licensees based on the number of days raced in conjunction with the
25 annual agricultural fairs of the licensees.

26 The bill provides that an agricultural fair licensee qualifies for funds from the fund to
27 supplement harness racing purses by conducting an extended meet, removing the
28 requirement that the licensee has conducted an extended meet in 2005. The amendment
29 retains this requirement. The amendment also provides that an agricultural fair licensee
30 qualifies for funds from the fund to supplement harness racing purses if that fair licensee
31 has been awarded live race dates by the commission upon closure of an existing
32 commercial track that is not replaced.

33 The amendment increases the maximum of race day credits that may be awarded per
34 commercial track during the months of March and December from 12 to 16.

35 The amendment provides that if the commission determines that a commercial track
36 ceased or agreed to cease operation prior to March 1, 2021 following a request from a
37 bona fide statewide organization of horsemen to facilitate the prospect that a modernized
38 commercial track might open, notwithstanding the requirements of the Maine Revised
39 Statutes, Title 8, section 275-D, the operator of the former commercial track or an entity
40 controlled by its owners is entitled to a license to operate an off-track betting facility in
41 the same municipality of the commercial track at or after the time the commercial track
42 ceases operation as a commercial track.

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/03/20 *MAC*

129th MAINE LEGISLATURE

LD 1590

LR 1279(02)

An Act To Amend the Laws Relating to Harness Racing

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

A (H-727)

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Harness Racing Commission within the Department of Agriculture, Conservation and Forestry as a result of changes to laws regarding the scheduling of race days, the method the department uses to develop an annual budget for the commission, reporting requirements to conduct racing events and qualifications to receive disbursements are anticipated to be minor and can be absorbed within existing budgeted resources. Changes to the number of entities eligible to receive disbursements or to the amount of disbursement they are eligible to receive will impact the ratio of funds distributed to each entity, but will not change the total amount disbursed.