

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1728

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H.P. 1230

House of Representatives, May 14, 2019

### **An Act To Align the Harness Racing Laws with Current Policies**

(EMERGENCY)

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Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MAREAN of Hollis.  
Cosponsored by Senator DILL of Penobscot and  
Representative: HICKMAN of Winthrop.

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,** it is urgent for the harness racing industry in this State to align harness  
4 racing laws with current policy and the policies of every other racing jurisdiction across  
5 the country and to have this alignment take effect as soon as possible; and

6           **Whereas,** current statutory language undermines the integrity of harness racing in  
7 this State and the confidence of the wagering public and threatens the future of the  
8 industry; and

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

13           **Be it enacted by the People of the State of Maine as follows:**

14           **Sec. 1. 8 MRSA §279-A,** as amended by PL 2007, c. 611, §6, is further amended  
15 to read:

16           **§279-A. Licenses, rules and regulations for participating in racing**

17           For the purpose of enabling the commission to exercise and maintain a proper control  
18 over racing conducted under this chapter, the commission may adopt rules for the  
19 licensing, with or without fee in the discretion of the commission, of owners, trainers,  
20 drivers, grooms and all other persons participating in harness horse racing, including pari-  
21 mutuel employees and race officials. The commission may issue conditional licenses to  
22 owners, trainers, drivers, grooms and all other persons participating in harness racing,  
23 including pari-mutuel employees and race officials, if one or more criteria are not met as  
24 contained in the commission rules. A person issued a license as a trainer shall submit a  
25 horse for testing in accordance with section 279-E.

26           The commission, in consultation with the department, shall set licensing and license  
27 renewal fees sufficient to carry out the administration and enforcement of the licensing  
28 program. These fees may not exceed \$100 annually. The department shall provide a  
29 ~~booklet containing public access to the harness racing laws statutes and rules and relevant~~  
30 ~~portions of the Maine Administrative Procedure Act to every initial licensee and a fee not~~  
31 ~~to exceed \$10 must be included in the license fee to cover the cost of this publication.~~  
32 ~~The department shall provide necessary revisions of this booklet to those persons~~  
33 ~~renewing licenses at the time of renewal and shall include the cost not to exceed \$10 in~~  
34 ~~the renewal fee.~~

35           The commission may adopt rules for the conduct on the race track and grounds of  
36 owners, trainers, drivers, grooms and all other persons participating in harness horse  
37 racing. The rules must be reasonably necessary for any one or more of the following  
38 purposes: to protect the wagering public, to protect the State's share of pari-mutuel pools,  
39 to protect the health and welfare of spectators and participating owners, trainers, drivers,  
40 grooms and all other persons participating in harness horse racing, including pari-mutuel

1 employees and race officials, and to protect the health and welfare of ~~standard-bred~~  
2 standardbred horses.

3 The commission may adopt rules establishing allowable levels of permitted  
4 medications carried in the body of a horse while participating in races licensed by the  
5 commission. In addition, the commission may adopt rules establishing prohibited  
6 substances that may not be present in the body of a horse while participating in races  
7 licensed by the commission.

8 ~~Notwithstanding section 280, the department may adopt a controlled medication~~  
9 ~~program that permits controlled medication to be administered to racehorses.~~

10 The District Court Judge may revoke or suspend any license for violations of this  
11 chapter or the rules.

12 **Sec. 2. 8 MRSA §279-B**, as amended by PL 2007, c. 611, §7, is further amended  
13 to read:

14 **§279-B. Fines, suspensions and revocations**

15 To enforce the provisions of this chapter and the rules referred to in section 279-A,  
16 the commission is authorized to establish a schedule for fines for each violation of this  
17 chapter or the rules. The commission is authorized to levy a fine, after notice and hearing,  
18 for each violation of this chapter or the rules.

19 The commission is further authorized to establish a schedule of suspensions of  
20 licenses and may levy suspensions for each violation of this chapter or the rules.

21 The commission is further authorized to disqualify a horse, and may require the  
22 return of any purse won by the horse, if it is found to have carried in its body either a  
23 prohibited substance or an exceedance of an allowable level of a permitted medication  
24 during any race licensed by the commission.

25 Any person aggrieved by any fine, disqualification, purse return or suspension  
26 imposed by the commission may seek judicial review pursuant to the Maine  
27 Administrative Procedure Act, Title 5, chapter 375.

28 **2. Delegation of authority to commission chair.** The commission may delegate to  
29 the chair, by rules adopted in accordance with the Maine Administrative Procedure Act,  
30 its authority to levy fines, disqualifications, purse returns and suspensions for particular  
31 violations or classes of violations. The chair shall exercise this authority in a manner  
32 consistent with Title 5, chapter 375. Any person aggrieved by any fine, disqualification,  
33 purse return or suspension imposed by the chair may seek judicial review pursuant to the  
34 Maine Administrative Procedure Act. This subsection takes effect on July 1, 1992.

35 **Sec. 3. 8 MRSA §280, sub-§1**, as enacted by PL 2007, c. 244, §1, is amended to  
36 read:

37 **1. Violation; interference with horse.** ~~Except as provided in section 279-A, a~~ A  
38 person may not intentionally or knowingly:

1 A. Interfere with, tamper, injure, destroy, stimulate or depress by the use of  
2 narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose  
3 of racing, whether that horse is the property of that person or another;

4 B. Attempt to violate paragraph A; or

5 C. Cause, instigate, counsel or in any way abet the violation of paragraph A.

6 **Sec. 4. 8 MRSA §280, sub-§3, ¶B**, as enacted by PL 2007, c. 244, §1, is  
7 amended to read:

8 B. The owner of any horse that is found to have ~~been stimulated or doped~~ violated  
9 this section must be denied any part of the purse offered for a race in which that horse  
10 participated, and the purse must be distributed as in the case of a disqualification. If  
11 the owner of a horse is convicted of violating this section, the court may bar the  
12 owner from racing any horses in the State for a period of one year from the date of  
13 conviction.

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

16 **SUMMARY**

17 This bill allows for the disqualification of horses participating in harness racing that  
18 are found in violation of the laws and rules governing prohibited substances and  
19 allowable levels of permitted medication and allows for the forfeiture of any purses won  
20 by horses in violation of those laws and rules. It also removes language that requires the  
21 Department of Agriculture, Conservation and Forestry to provide a booklet containing  
22 harness racing laws and rules to harness racing licensees and instead requires the  
23 department to provide public access to those laws and rules.