

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

Sec. 3. 22 MRSA §311, as enacted by PL 1977, c. 687, §1, is amended by adding at the end a new paragraph to read:

A decision by the department is not final where opportunity for reconsideration under section 310 exists with respect to matters involving new information or changes in circumstances. Where new information or changes in circumstances are not alleged by the applicant or other person aggrieved by the decision, a person aggrieved by a decision of the department may, at its option, seek reconsideration under section 310 or may seek direct judicial review under this section.

Effective September 19, 1985.

CHAPTER 444

H.P. 790 - L.D. 1120

AN ACT to Clarify the Discretionary Authority
of the Harness Racing Commission to
License Pari-mutuel Meets and Assign
Racing Dates.

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

Sec. 1. 8 MRSA §270, sub-§4-A is enacted to read:

4-A. Requested dates. The dates and time of day or night on which it is desired to conduct or hold races or race meets;

Sec. 2. 8 MRSA §271, as amended by PL 1983, c. 196, §§ 1 and 2, is repealed and the following enacted in its place:

§271. Issuance of licenses

1. 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 ap-

plicant 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 shall expire on December 31st. The fee for the license shall be \$10 for each calendar week or part of a week of harness racing whether or not pari-mutuel pools are sold. The license shall set forth the name of the licensee, the place where the races or race meets are to be held and the specific dates and time of day or night during which racing may be conducted by the licensee. The location stated in the license where the race or race meet is to be held may be transferred to any other licensee on the dates set forth in the license during which the racing may be conducted, but, with respect to such a transfer, the transfer shall only be made to another licensee and the licensee shall be liable for compliance with all laws and regulations governing the conduct of harness racing. Any such license issued shall not be transferable or assignable. The Administrative Court Judge, as designated in Title 4, chapter 25, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license of any corporation shall be 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 shall not hold a harness horse race or meet for public exhibition without a new license.

2. Criteria for date awards. In assigning dates to licensees, the commission shall consider the following factors:

A. The revenues to be generated, consistent with the profitability and financial health of the licensee, for the General Fund pursuant to section 275; the purse supplements pursuant to section 275; the Sire Stakes Fund pursuant to section 281; and the Stipend Fund pursuant to Title 7, section 62;

B. The quality of race programming and facilities offered and to be offered by the licensee and the suitability of the applicant's racing facilities for operation at the season for which the dates are requested;

C. The necessity of having and maintaining proper physical facilities for racing meetings; and consequently, to insure the continuance of the facilities, the quality of the licensee's mainte-

nance of its track and plant, the adequacy of its provisions for rehabilitation and capital improvements and the necessity of fair treatment of the economic interests and investments of those who, in good faith, have provided and maintained racing facilities;

D. The desirability of reasonable consistency in the pattern of date assignments from year to year;

E. With respect to agricultural societies seeking licenses to conduct harness racing meets at the time of their annual fairs, the scheduling of agricultural fairs determined by the Commissioner of Agriculture, Food and Rural Resources pursuant to Title 7, sections 65 and 65-A;

F. The preservation of a diversity of harness racing tracks in the State;

G. The quality of the licensee's observance and enforcement of this chapter and the rules promulgated pursuant to this chapter during the past year;

H. The extent to which the licensee fully utilized racing dates granted to it for the past year;

I. The personnel and resources available to the commission for the enforcement of this chapter and the rules promulgated pursuant to this chapter;

J. The likely availability of race-worthy horses throughout the year; and

K. Such other criteria consistent with the betterment of harness racing and the public health, safety and welfare as the commission may establish by rule.

3. Overlapping race dates. The commission shall not award overlapping race dates for extended meets to licensees which are within 50 miles of each other without the approval of 2/3 or more of the entire commission, except that a majority of the commission upon request by the Commissioner of Agriculture, Food and Rural Resources may award up to 8 trial overlapping race dates during 1986 following an evaluation by the commissioner of the impact of overlapping race dates.

4. Evaluation. The Commissioner of Agriculture, Food and Rural Resources shall thoroughly evaluate the effects of concurrent racing in Maine, including a survey and analysis of racing patrons, during April and May of 1986. The commissioner shall report his findings and recommendations to the Joint Standing Committee on Agriculture for legislative action prior to July 1, 1986.

Sec. 3. 8 MRSA §274, sub-§2, ¶B, as enacted by PL 1981, c. 705, Pt. Q, §2, is amended to read:

B. From the next \$55,000 of the total amount, regardless of when actually collected, 75% shall be paid and returned by the end of each calendar year to those persons, associations and corporations which during that calendar year conducted an extended meet pursuant to a license granted by the commission as provided in section 271. As used in this section chapter, the term "extended meet" means any series of harness horse races, except harness horse races conducted by an agricultural society at the time of its annual fair. This payment shall be divided in the proportion that the contributions of regular and exotic wagers to pari-mutuel pools made or conducted at the extended meets of each licensee during that calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools made or conducted at the extended meets of all licensees during that calendar year. Licensees sharing in this distribution shall use 1/2 of the funds so received for the purpose of supplementing purse money.

The remaining 25% shall be credited to the Stipend Fund, provided in Title 7, section 62.

Sec. 4. 8 MRSA §275, 2nd ¶, as amended by PL 1977, c. 564, §40, is further amended to read:

A sum equal to 1% of the total contributions on regular wagers and a sum equal to 1% of the total contributions on exotic wagers on all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter shall be paid and returned to the licensees for the purpose of supplementing purse money. A sum equal to 1 1/2% of the total contributions on exotic wagers on all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter shall be retained by the licensee and shall be added to purse money. This sum shall be divided equally among the licensees in the proportion that the number of racing days of a licensee granted

by the commission and actually raced bears to the total number of racing days granted in any one year by the commission and actually raced by all licensees. Payments shall be made to said licensees by the end of the calendar year.

Sec. 5. 8 MRSA §279, as amended by PL 1969, c. 526, §4, is further amended to read:

§279. Supervision; investigations

The commission shall have the power and authority to regulate, supervise and check the making of pari-mutuel pools and the distribution therefrom. Said The commission shall have the power and authority to investigate as to the direct and indirect ownership and control of any licensee and any expense incurred by the commission in so doing shall be at the expense of such licensee or of the applicant for a license. Said The commission shall have the power and authority to supervise and regulate all medication administered to horses entered to race. Such supervision is to include taking such specimens of body fluids as are deemed proper and necessary by an employee of the commission who shall be a veterinarian licensed to practice veterinary medicine within the State of Maine.

The commission may investigate any suspected violation of this chapter or the rules promulgated pursuant to this chapter. In connection with any such investigation, the commission shall have the power to conduct hearings, subpoena and examine under oath all persons, associations and corporations whose activities are subject to the jurisdiction of the commission or from whom the commission may need information in order to carry out the purposes of this chapter, and their officers, agents and representatives, together with their records, books and accounts. Any member of the commission, or the secretary of the commission, may sign subpoenas and administer oaths to witnesses.

Effective September 19, 1985.

CHAPTER 445

S.P. 484 - L.D. 1312

AN ACT to Prohibit Discrimination Against
Handicapped People in Insurance.