

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

~~A law enforcement officer may, without fee, take the personal recognizance of any person for his appearance on a charge of a Class D or Class E crime.~~

Sec. 23. Transition. A bail commissioner appointed under the Maine Revised Statutes, Title 14, section 5541, prior to the effective date of this Act, may continue to act with all powers of a bail commissioner under this Act until 60 days after the effective date of this Act, at which time that appointment shall terminate.

Effective August 4, 1988.

CHAPTER 759

H.P. 1781 — L.D. 2434

AN ACT Relating to Horse Racing and Racing Facilities.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, harness racing is one of Maine's most important recreational activities; and

Whereas, harness racing is vital for the continued prosperity of those agricultural societies which conduct pari-mutuel racing; and

Whereas, the harness racing industry is in jeopardy because of increased costs of maintenance and labor and is in immediate need of relief; and

Whereas, this Act should become effective for the harness racing season of 1988 in order to provide additional funds for the State Harness Racing Commission to operate efficiently; and

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

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

Sec. 1. 7 MRSA §62, first ¶, as amended by PL 1987, c. 395, Pt. A, §31, is further amended to read:

There shall be appropriated annually from the State Treasury a sum of money equal to 5% of the amount contributed under Title 8, section 275, and additional sums of money as provided and limited by Title 8, section 274, which shall be known as the state stipend for aid and encouragement to agricultural societies and hereafter designated as the "stipend." Forty-four percent of the amounts contributed under Title 8, section 274, shall be

divided for reimbursements in equal amounts to each recipient of the Stipend Fund which conducts ~~parimutuel~~ pari-mutuel racing in conjunction with its annual fair if the recipient has improved its racing facilities and has met the standards for facility improvements set by the commissioner for the recipients. If a recipient has not complied with the individual standards set by the commissioner, yearly reimbursements shall be paid in equal amounts to those recipients which have met such standards. A sum equal to 8% of the amount collected under Title 8, section 274 shall be divided for reimbursement in amounts in proportion to the sums expended for premiums in the current year to each recipient of the Stipend Fund which does not conduct ~~parimutuel~~ pari-mutuel racing, if the recipient has improved its facilities and has met the standards for facility improvements set by the commissioner for the recipients. From the state stipend the commissioner may expend annually a sum not to exceed ~~2%~~ 13% for administrative and inspection services and for administration of the State's standardbred horses program and the Sire Stakes Fund, as established by Title 8, section 281. The balance of this stipend shall be divided among the legally incorporated agricultural clubs, societies, counties and fair associations of the State, hereafter in this Title designated as "societies," according to the following schedule and method. The stipend shall be divided pro rata among the legally incorporated societies according to the amount of premiums and gratuities actually paid in full and in cash or valuable equivalent by those societies upon horses, cattle, sheep, swine, poultry and agricultural and domestic ~~product~~ products, provided that each of the qualifying societies which do not conduct ~~parimutuel~~ pari-mutuel racing shall receive shares which, considering the amount of premiums and gratuities actually paid during the fair season in question, are not less than the equivalent amount received by such societies during the 1976 fair season, and provided further, that no such society whether specifically mentioned in this Title or otherwise is entitled to any share of the stipend unless it shall have complied with the following requirements, which shall be considered by the commissioner as the basis upon which his apportionment of the stipend shall be made as provided in this section. No premiums or gratuities may be considered by the commissioner in apportioning the amount of stipend to which any society is entitled except those offered and paid upon horses, cattle, sheep, swine, poultry, vegetables, grain, fruit, flowers, products derived from horses, cattle, sheep, swine, home canned foods, grange exhibits, farm exhibits, boys' and girls' club exhibits, exhibits of the mechanical arts, domestic and fancy articles produced in the farm home and pulling contests by horses and oxen. No society is entitled to any share of the stipend unless it has first obtained a license issued pursuant to section 65. No society, the Maine State Pomological Society excepted, may receive from the State a sum greater than that actually raised and paid by the society as premiums and gratuities in the classes provided and in no case may any society be entitled to any share of the stipend unless it has raised and paid in premiums in the classes set forth at least \$200. No society may receive

any portion of the stipend in excess of \$10,000, except that such limitation shall not apply to any additional stipend provided for by Title 8, section 274. No society may receive any portion of such stipend unless it has regularly entered and displayed in an attractive manner upon its exhibition grounds distinct exhibits or entries of vegetables, fruits, grains or dairy products, or of subordinate and other granges and 4-H clubs, of a quality acceptable to the commissioner or his regularly authorized agent and of varieties known to be common or standard to the county in which such exhibition is held.

Sec. 2. 8 MRSA §274, sub-§1, as enacted by PL 1981, c. 705, Pt. Q, §2, is amended to read:

1. Sale of pari-mutuel pools. Within the enclosure of any race track where a race or race meet licensed and conducted under this chapter is held, but not elsewhere, the sale of pari-mutuel pools by the licensee, under such rules as may be prescribed by the commission, is permitted and authorized. Commissions on pools of regular wagers other than exotic wagers shall not in any event or at any track exceed ~~16%~~ 18% of each dollar wagered, and commissions on pools of exotic wagers shall not in any event or at any track exceed ~~25%~~ 26% of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered, whether regular wagers or exotic wagers, exceeding a sum equal to the next lowest multiple of 10, known as "breakage," which breakage shall be retained by the licensee. For the purpose of this chapter, "exotic wagers" means those in which the bettor selects 2 or more horses in one or more races in a single wager. The maximum shall include the tax on regular wagers and the tax on exotic wagers prescribed in section 275.

Sec. 3. 8 MRSA §274, sub-§2, as amended by PL 1985, c. 444, §3, is further amended to read:

2. Payment to Treasurer of State. Each person, association or corporation licensed to conduct a race or race meet under this chapter shall pay to the Treasurer of State a sum equal to ~~1.13% of the total contributions of regular and exotic wagers to all pari-mutuel pools~~ 1.203% of the total contributions of regular wagers and 1.18% of the total contributions of exotic wagers to all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter. The Treasurer of State shall ~~distribute the total amount so collected~~ credit .073% of the total contributions of regular wagers and .050% of the total contributions of exotic wagers to all pari-mutuel pools, to the stipend fund provided by Title 7, section 62, and shall distribute the balance in the following manner.

A. The first \$295,000 of the total amount, regardless of when actually collected, shall be credited to the Stipend Fund, provided by Title 7, section 62.

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 per-

sons, 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 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.

C. From the balance of the total amount in excess of \$350,000, regardless of when actually collected, 80% 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 in section 271. 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 20% shall be credited to the Stipend Fund, provided by Title 7, section 62.

Sec. 4. 8 MRSA §274, sub-§3, as enacted by PL 1981, c. 705, Pt. Q, §2, is amended to read:

3. Payment to commission. A sum equal to ~~1-1/2%~~ 1.566% of the total contributions on exotic wagers and a sum equal to .073% of the total contributions on regular wagers shall be paid to the commission to be credited to the Sire Stakes Fund, provided in section 281.

Sec. 5. 8 MRSA §275, first ¶, as repealed and replaced by PL 1981, c. 705, Pt. Q, §3, is amended to read:

~~On the effective date of this paragraph each person, association or corporation licensed to conduct a race meet under this chapter shall pay to the Treasurer of State, to be credited to the General Fund of the State, a sum equal to .70% of the total contributions of regular wagers and 3.80% of the total contributions of exotic wagers to all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter. Beginning January 1, 1983, each person, association or corporation~~

licensed to conduct a race meet under this chapter shall pay to the Treasurer of State, to be credited to the General Fund of the State, a sum equal to .50% of the total contributions of regular wagers and 2.27% of the total contributions of exotic wagers to all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter. If the total of the regular and exotic wagers exceeds \$37,000,000 for any calendar year, 72% of the revenue credited to the General Fund under this section attributable to this excess shall be returned by the Treasurer of State to commercial meet licensees. As used in this chapter, the term "commercial meet" means any meeting where harness racing is held with an annual total of more than 25 racing days duration with pari-mutuel wagering. This payment shall be divided in the proportion that the contributors of regular and exotic wagers of pari-mutuel pools made or conducted at the commercial meets of each licensee during the calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools made or conducted at the commercial 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 other 1/2 of this distribution is to be used by the commercial licensees for improving its racing facilities for the benefit of the public, horse owners, horsemen and horsewomen, and to increase the revenue to the State from the increase in pari-mutuel wagering resulting from such improvements. For the purpose of this section, "improvements" means the amount paid out for new buildings or for permanent improvements made to improve the facilities utilized by the licensee for conduct of its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility which results in the addition or replacement of a fixed asset. In general, the amounts referred to as improvements include amounts paid which add to the value, improve or substantially prolong the useful life of the race track utilized by the licensee for the conduct of its racing meeting. Amounts paid or incurred for repairs and maintenance of property, interest expense or lease payments in connection with the capital improvements are not improvements within the meaning of this section. In addition, 9% of the revenue credited to the General Fund under this section attributable to this excess shall be distributed to the stipend fund provided by Title 7, section 62. Further, 9% of the revenue credited to the General Fund under this section attributable to this excess shall be paid to the commission to be credited to the Sire Stakes Fund, provided in section 281. Each licensee shall calculate on an annual basis the difference between the sum paid by him pursuant to this paragraph, as it then existed, for calendar year 1981 and the sum paid by him pursuant to this paragraph for each succeeding calendar year 1987. One-half of this difference shall be used for the purpose of supplementing purse money.

Sec. 6. 8 MRSA §275, 2nd ¶, as amended by PL 1985, c. 444, §4, is further amended to read:

A sum equal to 1% of the total contributions on regu-

lar 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 licensees. Payments shall be made to said licensees by the end of the calendar year. A sum equal to 1.797% of the total contributions on exotic wagers and .348% of the total contributions on regular 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 added to purse money.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1987-88	1988-89
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>		
State Harness Racing Commission		
Positions	(1)	(1)
Personal Services	\$4,380	\$26,700
All Other	1,000	11,300
Capital Expenditures	800	
Total	<u>\$6,180</u>	<u>\$38,000</u>
Provides funds to establish a new Administrative Coordinator position and general operating expenses to assist in the administration of the standardbred horses program and the Sires Stakes Fund.		

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 22, 1988.

CHAPTER 760

S.P. 897 — L.D. 2326

AN ACT to Clarify the Site Location of Development Law.

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

Sec. 1. 38 MRSA §484, sub-§2, as amended by PL 1983, c. 513, §3, is repealed and the following enacted in its place: