

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

Expenditures of State Government General Fund and Other Funds and Changing Certain Provisions of the Law," as originally presented to the First Regular Session of the 116th Legislature;

B. Whether the definition of earnable compensation should make a distinction between extracurricular activities and other stipendiary positions;

C. Whether changes to the definition of teacher or earnable compensation can be made without creating a serious impediment to individuals moving between positions;

D. The advisability of phasing in any recommended change to the definition of "earnable compensation" so that teachers who have been compensated for stipendiary positions for an extended time period including their highest 3 years will be entitled to have those earnings included in average final compensation; and

E. An effective date for any recommended changes that will permit the local school districts to make a smooth transition to participation in the defined contribution plan for any excluded positions or earnings.

Sec. B-3. Membership. The advisory committee consists of the following members:

1. Three members of the Legislature appointed jointly by the President of the Senate and the Speaker of the House of Representatives, of whom one must be from the Joint Standing Committee on Aging, Retirement and Veterans and one must be from the Joint Standing Committee on Education. At least one of the legislative members appointed jointly by the President of the Senate and the Speaker of the House of Representatives must be from the minority party;

2. One member from the Maine Teachers Association, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

3. One member from the Maine School Management Association, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

4. One member from the Maine State Retirement System, appointed by its board of trustees;

5. One member from the Department of Education, appointed by the Governor; and

6. One member from the Department of Administrative and Financial Services, appointed by the Governor.

Sec. B-4. Appointment deadline; first meeting. Appointments must be made within 30 days of the effective date of this Part. The advisory committee shall hold its first meeting, called by the Executive Director of the Legislative Council, before August 1, 1993.

Sec. B-5. Report. The advisory committee shall report its preliminary findings, along with any necessary legislation, to the Joint Standing Committee on Aging, Retirement and Veterans no later than November 1, 1993.

Sec. B-6. Staff. The advisory committee may request staffing assistance from the Legislative Council for a period of time that does not coincide with a regular session of the Legislature.

Sec. B-7. Expenses. The legislative members of the advisory committee are entitled to receive expenses and legislative per diem for meetings attended. The Legislative Council shall absorb the costs of the advisory committee within existing resources.

Sec. B-8. Chair. The President of the Senate and the Speaker of the House of Representatives shall appoint jointly a chair from among the legislative members of the advisory committee.

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

Effective June 17, 1993.

CHAPTER 388

H.P. 691 - L.D. 932

An Act to Amend the Laws Relating to Harness Racing

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 an important industry in the State, providing jobs and recreational opportunities for the people of this State and visitors to the State; and

Whereas, wagering on harness racing provides funds to maintain the harness racing industry and additional funds for the State through increased tourism and through payment of a portion of the wagered funds to the General Fund; and

Whereas, the live racing season is already underway in the State; 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. 5 MRSA §12004-G, sub-§3-B is enacted to read:

| | | | |
|--------------------|--------------------|-------------------|---------------|
| <u>3-B.</u> | <u>Harness</u> | <u>Not Autho-</u> | <u>8 MRSA</u> |
| <u>Agriculture</u> | <u>Racing Pro-</u> | <u>riized</u> | <u>§284</u> |
| | <u>motional</u> | | |
| | <u>Board</u> | | |

Sec. 2. 7 MRSA §62, first ¶, as amended by PL 1987, c. 759, §1, is further amended to read:

There ~~shall~~ must be appropriated annually from the State Treasury a sum of money equal to 5% of the amount contributed under Title 8, section ~~275~~ 275-H, and additional sums of money as provided and limited by Title 8, section ~~274~~ 275-E, which ~~shall be~~ is 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 275-F must be divided for reimbursements in equal amounts to each recipient of the Stipend Fund which conducts 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~~ must be paid in equal amounts to those recipients ~~which that~~ have met such those standards. A sum equal to 8% of the amount collected under Title 8, section ~~274~~ shall 275-F must 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 that~~ does not conduct 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 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~~ must 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~~ must 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 products, provided that

each of the qualifying societies ~~which that~~ do not conduct pari-mutuel racing ~~shall~~ is entitled to receive shares ~~which that~~, 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~~ those societies during the 1976 fair season, and provided ~~further~~; that ~~no such that~~ society, whether specifically mentioned in this Title or otherwise, is ~~not~~ not entitled to any share of the stipend unless it ~~shall have~~ has complied with the following requirements, which ~~shall~~ must be considered by the commissioner as the basis upon which ~~his~~ the commissioner's apportionment of the stipend ~~shall~~ must 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~~ does not apply to any additional stipend provided for by Title 8, section ~~274~~ 275-F. No society may receive any portion of ~~such the~~ the 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~~ the commissioner's regularly authorized agent and of varieties known to be common or standard to the county in which ~~such the~~ the exhibition ~~if~~ is held.

Sec. 3. 8 MRSA §268, 2nd ¶, as amended by PL 1993, c. 95, §1, is further amended to read:

The commission may adopt rules for licensing and operating off-track betting facilities. The commission shall mail notice of proposed rules or proposed amendments to rules related to off-track betting to each member of the joint standing committee of the Legislature having jurisdiction over legal affairs matters and to each member of the joint standing committee of the Legislature having jurisdiction over agricultural matters not less than 20 days before a public hearing on the proposed rule or amendment and not less than 20 days before adoption of such a rule or amendment without a public hearing. The notice must include a copy of the proposed rule or amendment. ~~This paragraph is repealed 91 days~~

~~after adjournment of the First Regular Session of the 117th Legislature:~~

Sec. 4. 8 MRSA §271, sub-§2, ¶A, as enacted by PL 1985, c. 444, §2, is amended to read:

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

Sec. 5. 8 MRSA §274, as amended by PL 1991, c. 686, §1, is repealed.

Sec. 6. 8 MRSA §274-A, as amended by PL 1991, c. 686, §2, is repealed.

Sec. 7. 8 MRSA §275, as amended by PL 1991, c. 579, §12, is repealed.

Sec. 8. 8 MRSA §§275-A to 275-L are enacted to read:

§275-A. Definitions

As used in sections 275-A to 275-L, unless the context otherwise indicates, the following terms have the following meanings.

1. Commercial track. “Commercial track” means a harness horse racing track licensed under this chapter to conduct harness horse racing with pari-mutuel wagering that:

A. If the population within the 50-mile radius of the track is 300,000 or more, conducted racing on more than 100 days in the previous 2 calendar years; or

B. If the population within the 50-mile radius of the track is less than 300,000, conducted racing on more than 25 days in the previous 2 calendar years.

2. Commissions. “Commissions” means all amounts not paid or payable to persons placing winning wagers.

3. Common pool or commingled pool. “Common pool” or “commingled pool” means a pool in which wagers placed at more than one location are merged for purposes of determining the payout on winning wagers.

4. Exotic wagers. “Exotic wagers” means wagers in which the bettor selects 2 or more horses in one or more races in a single wager.

5. Extended meet. “Extended meet” means a series of harness horse races, except harness horse races

conducted by an agricultural society at the time of its annual fair.

6. Licensee. “Licensee” means a person licensed under section 271 or section 275-D to conduct pari-mutuel wagering on horse racing in this State.

7. Municipal officers. “Municipal officers” has the same meaning as in Title 28-A, section 2, subsection 21 except that, when an off-track betting facility is proposed in an unincorporated location, the term “municipal officers” means the county commissioners of the county in which the facility is to be located and the term “municipality” means the unincorporated location.

8. Off-track betting facility. “Off-track betting facility” means a facility other than a racetrack at which a person is licensed to conduct pari-mutuel wagering on simulcast racing.

9. Off-track betting licensee. “Off-track betting licensee” means a person who has obtained a license to conduct pari-mutuel wagering at an off-track betting facility.

10. Racing licensee. “Racing licensee” means a person who is authorized under section 271 to conduct harness horse racing in this State.

11. Regular wagers. “Regular wagers” means wagers other than exotic wagers.

§275-B. Sale of pari-mutuel pools

The following persons may sell pari-mutuel pools on horse racing in accordance with this chapter and rules adopted by the commission.

1. Racetracks. A person licensed pursuant to section 271 to conduct harness horse racing with pari-mutuel betting may sell pari-mutuel pools within the enclosure of the racetrack where the licensed race or race meet is conducted.

2. Off-track betting facility. A person licensed pursuant to section 275-D to operate an off-track betting facility may sell pari-mutuel pools at that licensed facility.

§275-C. Common pari-mutuel pools

A person authorized to sell pari-mutuel pools on horse racing may sell common pari-mutuel pools for simulcast races. The sale must be conducted within the enclosure of the licensee’s racetrack or at the licensee’s off-track betting facility.

§275-D. Off-track betting

1. Off-track betting on simulcast racing. A person may conduct pari-mutuel wagering at a Class A restaur-

rant, as defined in Title 28-A, section 2, subsection 15, paragraph R, in this State if the restaurant is licensed as an off-track betting facility under this section.

2. Application for off-track betting. To obtain a license to conduct pari-mutuel wagering at an off-track betting facility, a person must submit to the commission an application on a form prescribed by the commission that specifies at least the following:

- A. The number of permanent and part-time jobs to be created at the proposed facility;
- B. The population of the municipality and surrounding area where the proposed facility is to be located;
- C. The exact location of the proposed facility and its proximity to any other approved off-track betting facility or licensed racetrack;
- D. The type of seating to be provided, including areas in the proposed facility where patrons can handicap races;
- E. The total seating capacity of the proposed facility;
- F. The size and number of toilet facilities;
- G. The availability of food and beverages, including the number of tables, chairs, kitchen facilities and concession stands;
- H. The number of available parking spaces;
- I. A description of the general design or style of the proposed facility, including lighting, decor and plans for the exterior of the facility;
- J. The number of betting windows and stand-alone betting terminals to be provided;
- K. A description of the heating and air-conditioning units, the smoke removal equipment and other climate control devices;
- L. The total area in square feet of the proposed facility;
- M. The number, type and quality of the television equipment to be installed and, if applicable, the name and place of business of any proposed independent contract operator;
- N. The full name and address of the person, association or corporation applying for the license; if an association, the names and residences of the members of the association; and if a corporation, the name of the state under which it is incorpo-

rated with its principal place of business and the names and addresses of its directors and stockholders;

O. The dates and times of day or night when it is desired to conduct wagering;

P. Whether the facility is owned or leased and, if leased, the name and residence of the fee owner or, if a corporation, the names and residences of the directors and stockholders of that corporation;

Q. A statement of the assets and liabilities of the person, association or corporation submitting the application; and

R. The name of the entity that will originate each simulcast likely to be offered for wagering at the facility and other information required by the commission regarding that entity.

3. Notice to commercial racetracks; objections. An applicant shall send written notice of its application for an off-track betting license to any commercial racetrack in whose market area the facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in paragraph Q. A commercial racetrack shall notify the commission within 30 days of receiving notice if the racetrack objects to the location of the facility based on adverse impact to the commercial track. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from a racetrack in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this section, the market area is the area within a 50-mile radius of the commercial racetrack, except that the market area changes to a 37.5-mile radius on November 1, 1994 if the commission has not issued a license for an off-track betting facility in the State by November 1, 1994 and to a 25-mile radius on November 1, 1995 if the commission has not issued a license for an off-track betting facility in the State by November 1, 1995.

4. Notice to off-track betting facilities; objections. An applicant shall send written notice of its application for an off-track betting license to any existing off-track betting facility in whose market area the proposed facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in paragraph Q. An existing off-track betting facility shall notify the commission within 30 days of receiving notice if the facility objects to the location of the proposed facility. The commission shall

suspend consideration of the application for the 30-day objection period. If the commission receives an objection from an off-track betting facility in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this section, the market area is the area within a 35-mile radius of the off-track betting facility.

5. Municipal approval. The commission may not grant a license to conduct pari-mutuel wagering at an off-track betting facility unless the facility is approved in accordance with this subsection by the municipal officers of the municipality in which the facility is to be located.

A. Within 15 days after receiving an application for an off-track betting facility license or within 15 days after the expiration of the 30-day objection period described in subsections 3 and 4 when the proposed facility is located within the market area of an existing off-track betting facility or a commercial racetrack, the commission shall notify the municipal officers of the municipality in which the facility is to be located and shall send a copy of the application to those officers. The municipal officers shall hold a public hearing for the consideration of the application in accordance with this subsection.

B. The municipal officers shall provide public notice of a hearing held under this subsection by causing a notice stating the name and place of hearing, at the applicant's prepaid expense, to appear on at least 6 consecutive days before the date of hearing in a daily newspaper of general circulation in the municipality where the facility will be located or on 2 consecutive weeks before the date of the hearing in a weekly newspaper of general circulation in the municipality where the facility is to be located.

C. Following the public hearing, the municipal officers shall grant or deny approval of the facility, indicate the reasons for their decision and provide a copy to the applicant.

D. Approval of a facility may be denied on one or more of the following grounds:

- (1) Objection on policy or other grounds to the conduct of pari-mutuel wagering within the municipality;
- (2) Conviction by the applicant or a holder of more than 50% of the shares or other interests of the applicant of a Class A, Class B or Class C crime;

(3) Noncompliance of the facility or the facility's use with a local zoning ordinance or other land use ordinance;

(4) Conditions of record, such as waste disposal violations, health or safety violations and repeated parking or traffic violations, on or in the vicinity of the facility and caused by persons patronizing or employed by the facility or other conditions caused by persons patronizing or employed by the facility that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the facility to use their property in a reasonable manner;

(5) Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the facility and caused by persons patronizing or employed by the facility; or

(6) A violation of any provision of this section.

E. An applicant aggrieved by the decision of the municipal officers under this section may appeal to the Superior Court. Denial of approval on the grounds listed under paragraph D, subparagraph (1) is not reviewable by the court.

6. Requirements for approval of license. The commission shall review the application and hold a public hearing on the application. The commission may issue a license to conduct pari-mutuel wagering at an off-track betting facility if:

A. The commission finds that the facility:

- (1) Will not adversely affect the public interest;
- (2) Will not adversely affect the integrity of live racing;
- (3) Will not have an adverse impact on the local community;
- (4) Provides a potential for job creation, including jobs in the racing and wagering industries and other service jobs;
- (5) Has adequate seating facilities, toilet facilities and parking;
- (6) Will not adversely affect the value of abutting property;

(7) Will be operated by an applicant with financial ability to maintain the facility in a manner that meets the standards set forth in this paragraph;

(8) Provides segregated areas for conducting betting separate from the areas in which restaurant or other services are provided to the general public for nonbetting purposes; and

(9) Will not adversely affect existing licensed off-track betting facilities within 35 miles of the proposed facility.

B. The municipal officers of the municipality in which the facility is to be located have approved the facility pursuant to subsection 5;

C. The commission is satisfied that the provisions of this chapter and any rules prescribed by the commission 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; and that the applicant is financially responsible; and

D. No commercial racetrack or off-track betting facility in whose market area the facility would be located has filed a written objection to the facility within the time period prescribed in subsections 3 and 4.

7. Operation of facility. An off-track betting licensee may not permit a person under the age of 16 to enter the facility unless accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002. The off-track betting licensee may not permit a person under the age of 18 within 15 feet of a betting window or other place for accepting wagers.

8. Requirements for simulcasting. The following requirements apply to simulcasting by off-track betting facilities.

A. An off-track betting facility located within a 75-mile radius of a noncommercial racing licensee may not present a simulcast at the same time that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 2% of the wagers made at the facility at the time live racing is being conducted. An off-track betting facility within a 50-mile radius of a noncommercial racing licensee may not present a simulcast during any day on which that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 1% of the wagers made on that day.

Amounts payable under this section are taken from the facility's share of wagers authorized in section 275-K.

B. If live racing being conducted in this State is available for simulcast, all off-track betting facilities shall provide broadcasts originated in the State on at least 50% of the monitors in the facility and shall accept wagers on those races on all of its pari-mutuel selling terminals. The races must be broadcast as announced on the track. At any time harness racing originated in the State is available for simulcast, the facility may not broadcast harness racing from outside the State without approval of:

(1) Each racetrack in the State conducting harness racing at that time; and

(2) Either the association representing the horsemen at those tracks at that time or the commission.

9. Annual report. The commission shall report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over legal affairs matters and to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the effect of off-track betting facilities on the local economy, the public interest, the integrity of live racing and other matters the commission finds appropriate. The commission may include in its report any recommendations for necessary changes in laws governing off-track betting.

§275-E. Limit on total commission

1. Commissions. Except as provided in subsection 2, the total commission on pools of regular wagers is 18% of each dollar wagered and the total commission on pools of exotic wagers is 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 must be retained by the licensee.

2. Commissions on interstate common pools. The total commission on interstate common pari-mutuel pools may not exceed the amount established by the laws of the state in which the wager is being pooled. In the event of a minus pool, the licensee shall pay the amount established by the laws of the state in which the race is held.

§275-F. Amounts payable to the Stipend Fund

A licensee shall pay the following amounts to the Treasurer of State for distribution as specified in subsection 3.

1. Interstate commingled pools. A licensee shall pay 6.590% of the commission on regular wagers made to interstate commingled pools and 4.494% of the exotic wagers made to those pools.

2. All other pools. A licensee shall pay 1.186% of the commission on regular wagers made to all pools other than interstate commingled pools and 1.169% of the exotic wagers made to those pools.

3. Distribution. The Treasurer of State shall credit .189% of the commission on regular wagers made to interstate commingled pools, .402% of the commission on exotic wagers made to interstate commingled pools, .072% of the regular wagers made to all other pools and .049% of the exotic wagers made to all other pools to the Stipend Fund provided in 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, must be credited to the Stipend Fund provided in Title 7, section 62.

B. From the next \$55,000 of the total amount, regardless of when actually collected, 75% must be paid and returned no later than 30 days after the end of the calendar year to those persons, associations and corporations that, during that calendar year, conducted an extended meet pursuant to a license granted by the commission as provided in section 271. This payment must 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 racing 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 racing 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% must 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% must be paid and returned no later than 30 days after the end of the calendar year to those persons, associations and corporations that during that calendar year, conducted an extended meet pursuant to a license granted by the commission in section 271. This payment must 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 racing 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 racing 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% must be credited to the Stipend Fund provided in Title 7, section 62.

§275-G. Amounts payable to Sire Stakes Fund

A licensee shall pay the following amounts to the commission to be credited to the Sire Stakes Fund created in section 281.

1. Interstate commingled pools. A licensee shall pay 4.00% of the commission on regular wagers made to interstate commingled pools and 5.965% of the commission on exotic wagers made to those pools.

2. All other pools. A licensee shall pay .072% of the regular wagers made to pools other than interstate commingled pools and 1.551% of the exotic wagers made to those pools.

§275-H. Amounts payable to General Fund

1. Definition. 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 conducting its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility that results in the addition or replacement of a fixed asset. In general, the amounts referred to as improvements include amounts paid that add to the value, improve or substantially prolong the useful life of the race track utilized by the licensee for conducting its racing meetings. 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.

2. Payments. A licensee shall pay to the Treasurer of State, to be credited to the General Fund, the following amounts.

A. A licensee shall pay 2.739% of the commission on regular wagers made to interstate commingled pools and 8.647% of the commission on exotic wagers made to those pools.

B. A licensee shall pay .493% of the regular wagers made to pools other than interstate commingled pools and 2.248% of the exotic wagers made to those pools.

3. Distribution when wager total exceeds \$33,500,000. If the total of regular and exotic wagers placed at facilities licensed under this chapter exceeds \$33,500,000 for any calendar year, the portion payable to the General Fund must be distributed in accordance with

this subsection. All wagers placed at off-track betting facilities and racetracks must be included in making this calculation, including wagers made in this State to commingled pools.

A. The Treasurer of State must return to commercial meet licensees 72% of the revenue credited to the General Fund under this section attributable to amounts in excess of \$33,500,000. This payment must be divided in the proportion that the contributions 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 received for the purpose of supplementing purse money. The other 1/2 of this distribution must be paid to the commercial licensees as reimbursement for improvements made to their racing facilities in the calendar year during which the funds are generated. To receive reimbursement, commercial licensees must submit plans for the improvements to the commission and receive approval from the commission prior to making the improvements and the commission must verify that the approved improvements have been made.

B. Nine percent of the revenue credited to the General Fund under this section attributable to this excess must be distributed to the Stipend Fund provided in Title 7, section 62.

C. Nine percent of the revenue credited to the General Fund under this section attributable to this excess must be paid to the commission to be credited to the Sire Stakes Fund provided in section 281.

§275-I. Amounts payable to supplement purses

1. Interstate commingled pools. The following percentage of the commission on wagers made to interstate commingled pools must be used to supplement purses:

A. For wagers placed at an off-track betting facility on a simulcast race, 8.399% of the commission on regular wagers and 16.558% of the commission on exotic wagers, which must be sent to the commission for distribution in accordance with subsection 3; and

B. For wagers placed at a racetrack in the State on a simulcast race, 8.399% of the commission on regular wagers and 16.558% of the commission on exotic wagers, which must be retained by the licensee to supplement purse money at the track where the wager was placed, and 5.479% of the

commission on regular wagers and 3.809% of the commission on exotic wagers, which must be sent to the commission for distribution in accordance with subsection 3.

2. All other pools. The following percentage of wagers made to pools other than interstate commingled pools must be used to supplement purses:

A. For wagers placed at a racetrack in the State on live racing conducted at that track, .526% of regular wagers and 3.315% of exotic wagers, which must be retained by the licensee to supplement purses at that track, and .986% of regular wagers and .990% of exotic wagers, which must be sent to the commission for distribution in accordance with subsection 3;

B. For wagers placed at a racetrack in the State on a simulcast race, 1.512% of regular wagers and 4.305% of exotic wagers, which must be retained by the licensee to supplement purse money at the track where the wager was placed, and .986% of regular wagers and .990% of exotic wagers, which must be sent to the commission for distribution in accordance with subsection 3;

C. For wagers placed at an off-track betting facility on a harness race conducted in the State, 5.062% of regular wagers and 7.871% of exotic wagers, which must be sent to the track in the state where the harness race was conducted; and

D. For wagers placed at an off-track betting facility on an interstate simulcast race, 1.512% of regular wagers and 4.305% of exotic wagers, which must be sent to the commission for distribution in accordance with subsection 3.

3. Distribution based on race dates. Payments made under subsections 1 and 2 for distribution in accordance with this subsection must be divided equally among licensees conducting live racing in the State in proportion to the number of racing days granted by the commission and actually raced by that licensee and the total number of racing days granted in any one year by the commission and actually raced by all licensees. Payment must be made by the end of the calendar year.

§275-J. Amounts payable to or retained by racetracks

1. Interstate commingled pools. Racetracks in the State are entitled to receive the following amounts from wagers made to interstate commingled pools:

A. For wagers made at an off-track betting facility on a simulcast race, 18.627% of the commission on regular wagers and 12.951% of the commission on exotic wagers, which must be sent to the commission for distribution in accordance with subsection 3; and

B. For wagers made at a racetrack on simulcast races, 75.005% of the commission on regular wagers and 59.564% of the commission on exotic wagers, which must be retained by the racetrack where the wager was placed.

2. All other pools. Racetracks in the State are entitled to receive the following amounts from wagers made to pools other than interstate commingled pools:

A. For wagers placed at the racetrack on live racing, 14.487% of regular wagers and 16.477% of exotic wagers, which must be retained by the licensee;

B. For wagers placed at the racetrack on simulcast racing, 13.501% of regular wagers and 15.487% of exotic wagers, which must be retained by the licensee;

C. For wagers placed at an off-track betting facility on harness racing within the State, 7.889% of regular wagers and 7.923% of exotic wagers, which must be sent by the off-track betting facility to the racetrack where the race was conducted; and

D. For wagers placed at an off-track betting facility on races conducted outside this State, 3.353% of regular wagers and 3.367% of exotic wagers, which must be sent to the commission for distribution in accordance with subsection 3.

3. Distribution based on wagered amounts. Amounts payable under subsections 1 and 2 for distribution in accordance with this subsection must be divided equally among commercial race tracks in the State that provide simulcast transmission of live racing in the State in proportion to the amount of wagers placed at off-track betting facilities on simulcast races from that licensee in the previous calendar year and the total amount wagered at off-track betting facilities on races simulcast from all commercial racetracks in that year. In the first year of distribution, the amounts must be distributed based on the proportion of wagers made in that first year.

§275-K. Amounts retained by off-track betting facility

Off-track betting facilities may retain the following portions of wagers placed at the facility.

1. Interstate commingled pools. An off-track betting facility may retain 61.857% of the commission on regular wagers made to interstate commingled pools and 50.422% of the commission on exotic wagers made to those pools.

2. All other pools. An off-track betting facility may retain 3.048% of regular wagers placed on harness races conducted in the State and made to pools other than interstate commingled pools, 4.989% of exotic wa-

gers on those races and made to those pools and 11.134% of regular wagers placed on interstate simulcasts and made to those pools and 13.110% of exotic wagers made on those races to those pools.

3. Other sharing arrangements. This section does not prohibit an off-track betting facility from entering into a contract or otherwise arranging to share with any other person or entity a portion of the wagers to which it is entitled under this section.

§275-L. Amounts deposited in Harness Racing Promotional Fund

The following amounts must be paid to the commission for deposit in the Harness Racing Promotional Fund created in section 284.

1. Interstate commingled pools. An amount of 1.389% of the commission on regular wagers made to interstate commingled pools and .962% of the commission on exotic wagers made to those pools must be paid to the commission.

2. All other pools. An amount of .25% of all wagers made to pools other than interstate commingled pools must be paid to the commission.

Sec. 9. 8 MRSA §276 is amended to read:

§276. Payments

The payment under section 275 shall 275-H must be made not later than 7 days after each race and shall must be accompanied by a report under oath showing the total of all said contributions to pari-mutuel pools covered by such the report and such other information as the commission may require.

Sec. 10. 8 MRSA §284 is enacted to read:

§284. Harness Racing Promotional Board

1. Board created. The Harness Racing Promotional Board, as established in Title 5, section 12004-G and referred to in this section as the "board," is created to promote the industry of harness racing in the State.

2. Membership. The board consists of 9 members, to be appointed by the commission as follows:

A. One person recommended by a statewide association of harness horse trainers, drivers and other persons active in the conduct of harness racing in the State;

B. One person representing agricultural fairs;

C. Two persons representing commercial tracks in this State, provided that not more than one person per track is appointed;

D. Two members of the public who demonstrate knowledge and support of the harness racing industry;

E. One member of the commission; and

F. Two persons recommended by the statewide association of standard horse breeders and owners.

One-third of the initial appointments must be for a one-year term; 1/3 for a 2-year term and the final 3rd for a 3-year term. Subsequent appointments must be made for 3-year terms. Board members shall annually elect a chair from among the membership by majority vote.

3. Powers and duties. The board shall develop and implement plans to promote harness racing in the State. To achieve this purpose, the board may make contracts with any agency, corporation or other entity.

4. Staff; facilities. The board is located within the Department of Agriculture, Food and Rural Resources. That department shall provide staff to the board as needed.

5. Expenses. Members of the board are not entitled to reimbursement for expenses.

6. Fund created. The Harness Racing Promotional Fund is established in the Department of Agriculture, Food and Rural Resources to carry out the purposes of this section. The fund consists of all amounts dedicated to it in section 275-L and all other funds donated to or otherwise obtained by the board or the department for use of the Harness Racing Promotional Board. Money in the fund is subject to allocation by the Legislature. Unexpended balances in the fund at the end of the fiscal year may not lapse, but must be carried forward to be used for the same purpose.

7. Report. By February 15th of each year, the board shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the activities of the board and expenditures from the fund.

Sec. 11. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

| | 1993-94 | 1994-95 |
|---|-----------|-------------|
| AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF | | |
| State Harness Racing Commission | | |
| All Other | \$554,504 | \$1,071,257 |

Provides for the allocation of funds for the operating costs of the Harness Racing Promotional Board and for certain other accounts administered by the State Harness Racing Commission.

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

Effective June 17, 1993.

CHAPTER 389

S.P. 467 - L.D. 1459

An Act to Regulate the Use of the Title of Certified Interior Designer

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

Sec. 1. 3 MRSA §927, sub-§8, ¶B, as amended by PL 1993, c. 92, §5, is further amended to read:

B. Independent agencies:

- (1) Real Estate Commission;
- (2) Maine Athletic Commission;
- (3) State Claims Commission;
- (4) Board of Examiners on Speech Pathology and Audiology;
- (5) Maine State Board for Licensure of Architects and Landscape Architects and Interior Designers;
- (6) State Board of Barbers;
- (7) State Board of Cosmetology;
- (8) Manufactured Housing Board;
- (9) State Board of Substance Abuse Counselors;
- (10) State Board of Licensure for Professional Foresters;
- (11) State Board of Certification for Geologists and Soil Scientists;
- (12) Board of Examiners in Physical Therapy;