

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

The chief operating officer of the State Harness Racing Commission is the executive director.

1. Position. The executive director is an unclassified position within the department.

2. Appointment. The executive director is appointed by the commissioner in consultation with the commission. The executive director serves at the pleasure of the commissioner.

3. Qualifications. The executive director must have knowledge of harness racing and a proven record of leadership.

4. Duties. The executive director has the following duties:

A. Management of the work of the commission, including:

- (1) Rulemaking;
- (2) Processing appeals;
- (3) Licensing of tracks and off-track betting facilities; and
- (4) Setting race dates; and

B. Management of the work of the department regarding harness racing and off-track betting, including:

- (1) Supervision of all staff involved in harness racing and off-track betting functions;
- (2) Management of the collection and distribution of revenues under this chapter;
- (3) Budget development and management;
- (4) Policy development with regard to harness racing and off-track betting;
- (5) Management of participant licensing;
- (6) Enforcement of harness racing and off-track betting statutes and rules;
- (7) Investigation of harness racing and off-track betting violations;
- (8) Facilitating the development of positive working relationships in the harness racing industry and State Government; and
- (9) Making reports to the Governor and Legislature and recommendations to the commissioner regarding harness racing and off-track betting operations and the need for changes in statutes and rules.

Sec. 3. 8 MRSA §265, as amended by PL 1991, c. 579, §7, is further amended to read:

§265. Compensation

~~Except as provided for the chair in section 261-A, subsection 5, members~~ Members of the commission are entitled to be compensated as provided in Title 5, chapter 379.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
State Harness Racing Commission		
Personal Services	\$27,466	\$26,475
Appropriates funds for the net costs of replacing the full-time chair of the commission with an executive director position.		

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

Effective June 12, 1997.

CHAPTER 528

H.P. 1318 - L.D. 1868

An Act to Implement the Recommendations of the Harness Racing Task Force

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

Sec. 1. 5 MRSA §12004-G, sub-§3-B, as enacted by PL 1993, c. 388, §1, is repealed.

Sec. 2. 7 MRSA §62, first ¶, as amended by PL 1993, c. 388, §2, is further amended to read:

There must be appropriated annually from the State Treasury a sum of money equal to 5% of the amount contributed under Title 8, section ~~275-H~~ 287, and additional sums of money as provided and limited by Title 8, section ~~275-F~~ 286, which is known as the state stipend for aid and encouragement to agricultural

societies and designated as the "stipend." Forty-four percent of the amounts contributed under Title 8, section ~~275-F~~ 286 must be divided for reimbursements in equal amounts to each recipient of the Stipend Fund ~~which that~~ 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 must be paid in equal amounts to those recipients that have met those standards. A sum equal to 8% of the amount collected under Title 8, section ~~275-F~~ 286 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 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 ~~standard-bred~~ standard-bred horses program and the Sire Stakes Fund, as established by Title 8, section 281. The balance of this stipend must be divided among the legally incorporated agricultural clubs, societies, counties and fair associations of the State, in this Title designated as "societies," according to the following schedule and method. The stipend 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 except~~ provided except that each of the qualifying societies that ~~do~~ does not conduct pari-mutuel racing is entitled to receive shares 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 those societies during the 1976 fair season, and ~~provided except~~ provided except that that society, whether specifically mentioned in this Title or otherwise, is not entitled to any share of the stipend unless it has complied with the following requirements, which must be considered by the commissioner as the basis upon which the commissioner's apportionment of the stipend must be made as provided in this section. ~~No premiums~~ Premiums or gratuities may not 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 A~~ A society is not entitled to any share of the stipend unless it has first obtained a

license issued pursuant to section 65. ~~No A~~ A society, the Maine State Pomological Society excepted, may not 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 a society be~~ is not entitled to any share of the stipend unless it has raised and paid in premiums in the classes set forth at least \$200. ~~No A~~ A society may not receive any portion of the stipend in excess of \$10,000, except that such limitation does not apply to any additional stipend provided for by Title 8, section ~~275-F~~ 286. ~~No A~~ A society may not receive any portion of 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 the commissioner's regularly authorized agent and of varieties known to be common or standard to the county in which the exhibition is held.

Sec. 3. 8 MRSA §261-A, sub-§1, as enacted by PL 1991, c. 579, §4 and affected by §18, is amended to read:

1. Establishment. The State Harness Racing Commission as established by Title 5, section 12004-G, subsection 32; and referred to in this chapter as the "commission," shall carry out the ~~purposes of functions specified in~~ this chapter. The commission is affiliated with the ~~Department of Agriculture, Food and Rural Resources~~ department as specified in this chapter. ~~For the purposes of this chapter, "department" means the Department of Agriculture, Food and Rural Resources and "commissioner" means the Commissioner of Agriculture, Food and Rural Resources.~~

Sec. 4. 8 MRSA §261-A, sub-§4, as amended by PL 1991, c. 824, Pt. A, §9, is further amended to read:

4. Term of office. ~~Except as provided in subsection 6, members~~ Members of the commission serve 3-year terms. Any vacancy is filled by appointment for the remainder of the unexpired term. Members whose terms expire serve until their successors are qualified and appointed.

Sec. 5. 8 MRSA §261-A, sub-§6, as amended by PL 1991, c. 780, Pt. RR, §2, is further amended to read:

6. Chair. The Governor shall appoint one of the 5 commission members who has no industry affiliation as chair. ~~Beginning July 1, 1992, this position is a full time, unclassified position and is entitled to an annual salary as determined by the Governor within salary range 28.~~ The chair serves at the pleasure of the Governor.

Sec. 6. 8 MRSA §§263-A to 263-B are enacted to read:

§263-A. Commission responsibilities

The commission has the following responsibilities under this chapter.

1. Rulemaking. The commission shall adopt rules for:

A. The conduct of harness racing and off-track betting facilities;

B. The licensing of racetracks and off-track betting facilities;

C. The licensing of individuals participating in harness racing and off-track betting facilities;

D. The procedures for hearing appeals from decisions of track judges;

E. The procedures and standards for setting racing dates; and

F. Any other responsibility assigned to the commission under this chapter.

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

2. Appeals. The commission shall hear appeals of decisions of track judges involving violations of this chapter and rules adopted under this chapter.

3. Licensing of tracks and off-track betting facilities. The commission shall license racetracks and off-track betting facilities as provided in sections 271 and 275-D.

4. Setting race dates. The commission shall set race dates as provided under section 271.

§263-B. Department responsibilities

The department has the following responsibilities under this chapter.

1. Strategies. The department shall work with members of the harness racing industry to formulate common strategies for improving the status of harness racing in the State.

2. Leadership in policy-making. The department shall take the lead in developing state policy with regard to the harness racing industry and shall address the needs of the industry to remain competitive.

3. Review of statutes and rules. The department shall maintain an ongoing review of the statutes

and rules relating to harness racing and make recommendations to the Governor, the Legislature and the commission regarding the need for changes in statutes and rules to improve the condition of the harness racing industry and the conduct and regulation of harness racing and off-track betting.

Sec. 7. 8 MRSA §264, as repealed and replaced by PL 1991, c. 579, §6, is amended to read:

§264. Employees

The ~~commission~~ department shall contract with or employ, and shall prescribe the duties of, all persons it determines necessary to carry out the purposes of this chapter. Except as provided in this section, the appointment and compensation of this staff are subject to the Civil Service Law.

The ~~commission~~ department shall contract for the services of qualified persons to serve as presiding and associate track judges as necessary to provide adequate policing and enforcement. The judges are not employees of the State for any purpose. They are entitled to ~~be paid~~ a per diem fee as determined by the ~~commission~~ department. They are not entitled to be reimbursed separately for expenses. The ~~race tracks racetracks~~ and fairs shall reimburse the ~~commission~~ department for the per diem compensation of those presiding and associate judges assigned to them.

Sec. 8. 8 MRSA §265, as amended by PL 1991, c. 579, §7, is further amended to read:

§265. Compensation

~~Except as provided for the chair in section 261-A, subsection 5, members~~ Members of the commission are entitled to be compensated as provided in Title 5, chapter 379.

Compensation of the members of the commission and all other necessary expenses of the commission must be paid out of amounts the Legislature may appropriate.

Sec. 9. 8 MRSA §267, sub-§2, as enacted by PL 1991, c. 579, §8, is amended to read:

2. Report. ~~Coincident with the submission of its budget~~ By May 1st annually, the commission shall make an annual a report to the commissioner with copies to the Governor, the joint standing committee of the Legislature having jurisdiction over agricultural matters and the Executive Director of the Legislative Council. This report must include an account of the commission's operations and actions, a report of its financial position, including receipts, an account of the practical effects of application of this chapter and any recommended legislation. The operations report must include the number and types of violations of racing

laws and rules, the disposition of those violations and the amount of time required for their disposition, including a history of any appeals.

Sec. 10. 8 MRSA §268, as amended by PL 1993, c. 388, §3, is further amended by adding at the end a new paragraph to read:

The commission shall adopt rules specifying the manner in which an off-track betting facility or a racetrack conducting simulcasting may provide adequate coverage of broadcasts originating in the State. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 11. 8 MRSA §271, sub-§1, as amended by PL 1995, c. 408, §1, is further amended to read:

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 applicant 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 must expire on December 31st. ~~The commission shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed annually the greater of \$100 or \$10 for each calendar week or part of a week of harness racing regardless of whether pari mutuel pools are sold. The fee for a license is \$100 or \$10 per week, whichever is higher.~~ The commission shall provide a booklet containing harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included in the license fee to cover the cost of this publication. The commission shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost of the revisions, not to exceed \$10, in the renewal fee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race 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 that transfer, the transfer may only be made to another licensee and the licensee is liable for compliance with all laws and regulations governing

the conduct of harness racing. Any such license issued is not 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 is 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 may not hold a harness horse race or meet for public exhibition without a new license.

Sec. 12. 8 MRSA §271, sub-§6 is enacted to read:

6. Previous year's dates. Beginning with licenses issued for calendar year 1996, notwithstanding any other provision of this chapter, every commercial track that is licensed for a specific calendar year must be assigned all of the race dates that it requests for that year if it conducted live racing on those dates during the immediately preceding calendar year. For the purposes of this section, a race date is the same from year to year if it is the closest calendar date that falls on the same day of the week.

Sec. 13. 8 MRSA §275-A, first ¶, as enacted by PL 1993, c. 388, §8, is amended to read:

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

Sec. 14. 8 MRSA §275-A, sub-§§1-B to 1-D are enacted to read:

1-B. Commission; agency. "Commission," with regard to an agency, means the State Harness Racing Commission.

1-C. Commission; wagers. "Commission," with regard to wagers, means all amounts not paid or payable to persons winning wagers.

1-D. Commissioner. "Commissioner" means the Commissioner of Agriculture, Food and Rural Resources.

Sec. 15. 8 MRSA §275-A, sub-§2, as enacted by PL 1993, c. 388, §8, is repealed.

Sec. 16. 8 MRSA §275-A, sub-§3-A is enacted to read:

3-A. Department. "Department" means the Department of Agriculture, Food and Rural Resources.

Sec. 17. 8 MRSA §275-D, sub-§1, as enacted by PL 1993, c. 388, §8, is amended to read:

1. Off-track betting on simulcast racing. A person may conduct pari-mutuel wagering at a hotel, as defined in Title 28-A, section 2, subsection 15, paragraph H, with public dining facilities, a Class A restaurant, as defined in Title 28-A, section 2, subsection 15, paragraph R, in this State or a Class A restaurant/lounge, as defined in Title 28-A, section 2, subsection 15, paragraph R-1 if the hotel, restaurant or restaurant/lounge is licensed as an off-track betting facility under this section.

Sec. 18. 8 MRSA §275-D, sub-§2, as enacted by PL 1993, c. 388, §8, is amended by amending the first paragraph to read:

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 the fee required in subsection 2-A and an application on a form prescribed by the commission that specifies at least the following:

Sec. 19. 8 MRSA §275-D, sub-§§2-A and 2-B are enacted to read:

2-A. Application fee. The fee for an initial application for an off-track betting facility is \$1,000. The fee for a renewal is \$250.

2-B. Renewal. An off-track betting facility license must be renewed annually.

Sec. 20. 8 MRSA §275-D, sub-§3, as corrected by RR 1993, c. 2, §6, is amended to read:

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 subsection 2, 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.~~

Sec. 21. 8 MRSA §275-D, sub-§8, ¶A, as amended by PL 1995, c. 408, §7, is further amended to read:

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~~ 286. If the racing licensee is conducting simulcasting pursuant to section ~~275-J~~ 295, subsection ~~3~~ 2, then the racing licensee is not entitled to payment by the facility under this section.

Sec. 22. 8 MRSA §275-D, sub-§8, ¶B, as enacted by PL 1993, c. 388, §8, is amended to read:

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, as required by rule of the commission, 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.

Sec. 23. 8 MRSA §275-D, sub-§9, as enacted by PL 1993, c. 388, §8, is amended to read:

9. Annual report. The commission department 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~~ department finds appropriate. The ~~commission~~ department may include in its report any recommendations for necessary changes in laws governing off-track betting.

Sec. 24. 8 MRSA §275-D, sub-§§10 to 13 are enacted to read:

10. License nontransferable. An off-track betting facility license issued is not transferable or assignable.

11. Revocation. 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 is 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 may not conduct off-track betting without a new license.

12. Approval of dates. An applicant for an initial off-track betting facility license or renewal of an off-track betting facility license shall identify the dates on which pari-mutuel wagering will be conducted. When approving an initial license or the renewal of a license for an off-track betting facility, the commission shall identify the dates on which pari-mutuel wagering is permitted at the off-track betting facility.

13. Conditions. The commission is authorized to impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued and the licensee is able to comply with the conditions within a specified time period during the licensing year.

Sec. 25. 8 MRSA §275-F, as amended by PL 1995, c. 408, §§8 to 10, is repealed.

Sec. 26. 8 MRSA §275-G, as enacted by PL 1993, c. 388, §8, is repealed.

Sec. 27. 8 MRSA §275-H, as amended by PL 1995, c. 408, §11, is repealed.

Sec. 28. 8 MRSA §275-I, as amended by PL 1995, c. 408, §12, is repealed.

Sec. 29. 8 MRSA §275-J, as amended by PL 1995, c. 408, §13, is repealed.

Sec. 30. 8 MRSA §275-K, as amended by PL 1993, c. 707, Pt. U, §1, is repealed.

Sec. 31. 8 MRSA §275-L, as enacted by PL 1993, c. 388, §8, is repealed.

Sec. 32. 8 MRSA §275-M, as enacted by PL 1993, c. 707, Pt. U, §2, is repealed.

Sec. 33. 8 MRSA §275-N, last ¶, as enacted by PL 1995, c. 408, §14, is repealed.

Sec. 34. 8 MRSA §275-O, sub-§3, ¶¶A and B, as enacted by PL 1995, c. 403, §1, are amended to read:

A. Section ~~275-F~~ 286, subsection ~~4~~ 5, paragraph A, subparagraph (3) and paragraph B, subparagraph (3);

B. Section ~~275-G~~ 286, subsection ~~4~~ 5, paragraph A, subparagraph (2) and paragraph B, subparagraph (2);

Sec. 35. 8 MRSA §275-O, sub-§3, ¶¶C and D, as amended by PL 1995, c. 667, §1, are further amended to read:

C. Section ~~275-I~~ 286, subsection ~~4~~ 4, paragraph A, subparagraph (4) and paragraph B, subparagraph (4);

D. Section ~~275-L~~ 286, subsection ~~4~~ 5, paragraph A, subparagraph (5) and paragraph B, subparagraph (5); and

Sec. 36. 8 MRSA §275-O, sub-§3, ¶E, as enacted by PL 1995, c. 677, §2, is amended to read:

E. Section ~~275-J~~ 286, subsection ~~4~~ 4, paragraph A, subparagraph (7) and paragraph B, subparagraph (7).

Sec. 37. 8 MRSA §275-O, sub-§4, as enacted by PL 1995, c. 403, §1, is amended to read:

4. Retention of commission. Any amount not required to be paid to the Treasurer of State or the State Harness Racing Commission as a result of this section is added to the amount retained by the off-track betting parlor under section ~~275-K~~ 286, subsection 4, paragraph A, subparagraph (6) and paragraph B, subparagraph (6).

Sec. 38. 8 MRSA §276, as amended by PL 1993, c. 388, §9, is further amended to read:

§276. Payments

The payment under section ~~275-H~~ 287 must be made not later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the ~~commission~~ department may require.

Sec. 39. 8 MRSA §279, as amended by PL 1985, c. 444, §5, is further amended to read:

§279. Supervision; investigations

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

The ~~commission department~~ may investigate any suspected violation of this chapter or the rules promulgated adopted pursuant to this chapter. In connection with any such investigation, the ~~commission shall have the power to~~ department may conduct hearings, subpoena and examine under oath all persons, associations and corporations whose activities are subject to the jurisdiction of the ~~commission department~~ or from whom the ~~commission department~~ 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,~~ The executive director may sign subpoenas and administer oaths to witnesses.

Sec. 40. 8 MRSA §279-A, as amended by PL 1991, c. 677, §1, is further amended to read:

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

For the purpose of enabling the ~~State Harness Racing Commission~~ department to exercise and maintain a proper control over racing conducted under this chapter, the commission may adopt rules for the licensing, with or without fee in the discretion of the commission, of owners, trainers, drivers, grooms and all other persons participating in harness horse racing, including pari-mutuel employees and race officials.

The commission, in consultation with the department, shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed \$100 annually. The ~~commission department~~

shall provide a booklet containing harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included in the license fee to cover the cost of this publication. The ~~commission~~ department shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost not to exceed \$10 in the renewal fee.

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

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

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

Sec. 41. 8 MRSA §280, last ¶, as amended by PL 1991, c. 677, §2, is further amended to read:

The ~~Commissioner of Agriculture, Food and Rural Resources~~ department is authorized to employ a State Veterinarian. The duties of the veterinarian include the medical and physical examination and testing of horses to ensure compliance with the statutes; and advising the ~~commission~~ department of any violation ~~thereof~~ of the statutes.

Sec. 42. 8 MRSA §281, as amended by PL 1979, c. 731, §19, is further amended to read:

§281. Standard-bred horses

The ~~commission department~~ shall encourage and promote the breeding of a strain of Maine ~~standard bred horses~~ Standardbreds and make provision to encourage donations of the same by licensees or others to persons or institutions within the State for breeding purposes.

The ~~commission department,~~ by regulation rule, may define a strain of Maine ~~standard bred horses~~ Standardbred, bred or owned in the State of Maine; and registered with the ~~commission department~~ in its registry book. The ~~commission department~~ is also authorized to establish necessary fees for horses and

racers; in the establishment of a Maine ~~standard-bred horses~~ Standardbred program, the funds from which ~~shall~~ must be administered by the ~~commission department~~ by deposit in a trust account entitled Sire Stakes Fund. All disbursements ~~therefrom shall from the fund~~ must be for the purposes of supplementing purses, costs of administration and any other appropriate expenses incurred by the ~~commission department~~. A report ~~shall be prepared and filed annually by the Harness Racing Commission~~ must be submitted annually by the executive director to the Commissioner of Agriculture, Food and Rural Resources ~~commissioner~~ setting forth an itemization of all deposits to and expenditures from ~~said the~~ the fund.

Sec. 43. 8 MRSA §282, as amended by PL 1973, c. 567, §20, is further amended to read:

§282. Enforcement

It ~~shall be~~ is the duty of the Attorney General with the aid of the district attorneys of the several counties to enforce this chapter upon notification from ~~said commission the department~~ of any violations thereof of this chapter.

Sec. 44. 8 MRSA §283, as enacted by PL 1991, c. 579, §16, is amended to read:

§283. Reciprocal disciplinary action

The ~~commission department~~ shall act to obtain current listings from other states of persons in harness racing occupations regulated by the state who have been refused a license or who have had their license revoked or suspended. The ~~commission department~~ shall refuse to license or shall suspend the license of these persons until notification that they are again eligible for licensing in the state or states in question.

Sec. 45. 8 MRSA §284, as enacted by PL 1993, c. 388, §10, is repealed.

Sec. 46. 8 MRSA §§285 to 295 are enacted to read:

§285. Harness Racing Promotional Board

1. Board created. The Harness Racing Promotional Board, referred to in this section as the "board," is created to promote the industry of harness racing in the State.

2. Board as public instrumentality. The board is a public body corporate and public instrumentality of the State. The exercise of powers conferred by this section is held to be the performance of essential government functions.

A. Employees of the board may not be construed to be state employees for any purpose, including the state civil service provisions of Title

5, Part 2 and Title 5, chapter 372, the state retirement provisions of Title 5, Part 20 or the state employee health insurance program under Title 5, chapter 13, subchapter II.

B. The board may not be construed to be a state agency for any purposes, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4.

C. Notwithstanding paragraphs A and B:

(1) All meetings and records of the board are subject to the provisions of Title 1, chapter 13, subchapter I;

(2) For the purposes of the Maine Tort Claims Act, the board is a governmental entity and its employees are employees as those terms are defined in Title 14, section 8102;

(3) Funds received by the board pursuant to this chapter must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and

(4) Except for representation of specific interests required by subsection 3, members of the board are governed by the conflict of interest provisions set forth in Title 5, section 18.

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

A. Two persons representing commercial tracks: one representing and recommended by each of the 2 commercial harness racing tracks in the State;

B. One person recommended by an association in Maine representing harness horsemen;

C. Two persons recommended by an association in Maine representing Standardbred breeders and owners;

D. One person nominated by the Maine Association of Agricultural Fairs;

E. One person who represents the interests of off-track betting facilities; and

F. Two persons who are members of the general public with an interest in harness racing.

3. Terms. Members serve 3-year terms.

4. Chair. Board members shall annually elect a chair from among the members by a majority vote.

5. Bylaws. The board shall adopt bylaws to govern its operations. Bylaws are not rules for purposes of Title 5, chapter 375.

6. Duties. The board shall undertake efforts to promote and improve the economic condition of the harness racing industry in Maine including:

A. Assisting racetracks by developing opportunities for sponsorship of races by commercial sponsors;

B. Increasing the opportunities for Maine tracks to market their races through simulcasting inside and outside of the State;

C. Developing and pursuing strategies for effectively publicizing the harness racing industry in this State;

D. Exploring the feasibility of high technology access to wagering on Maine races;

E. Exploring the possibility of creating cooperative purchasing entities and other mechanisms aimed at decreasing the cost of raising horses or operating racetracks;

F. Conducting research to determine the most effective methods of increasing the income or reducing the costs of participants in the harness racing industry; and

G. Any other activity determined by the board to have a reasonable opportunity to improve the economic condition of the harness racing industry in the State.

7. Executive director; staff. The board may appoint an executive director who is the board's chief administrative officer and serves at the pleasure of the board. The executive director may employ, as the board directs, additional staff who serve at the pleasure of the executive director. The salary of the executive director and other staff of the board must be determined by the board. The board may delegate to its staff the power to execute the board's policies and programs, subject to the board's oversight.

8. Compensation. The members of the board are entitled to compensation from funds received pursuant to this chapter according to guidelines the board may establish.

9. Debt. A debt or obligation incurred by the board is not a debt or obligation of the State.

10. Fund created. The Harness Racing Promotional Fund is established to carry out the purposes of this section. The fund consists of all amounts dedicated to it in section 291 and all other funds donated to or otherwise obtained by the board for use

of the 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 purposes.

11. Funding. The board may receive and expend funds from any source, public or private, that it determines necessary to carry out its purposes.

12. Report. By February 15th of each year, the board shall report to the commissioner and to the joint standing committee of the Legislature having jurisdiction over agricultural matters on activities of the board and expenditures from the fund. The board may recommend legislation to accomplish its objectives.

13. Dissolution. Upon dissolution of the board by the Legislature, all assets of the board, including property, equipment and unexpended cash balances derived from section 291, must be distributed by the Legislature and used for the purposes of promoting harness racing in the State. Prior to distributing the assets of the board, the Legislature must review recommendations from the joint standing committee of the Legislature having jurisdiction over legal affairs regarding the distribution of assets.

§286. Calculation of distribution of commission

1. Live racing. The distribution of the commission on live racing is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

- (1) The state share is 2.248%;
- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The purse supplement share is 0.99%;
- (5) The Harness Racing Promotional Fund share is 0.25%;
- (6) The horsemen's purse share is 3.315%; and
- (7) The track share is 16.477%.

B. On regular wagers:

- (1) The state share is 0.493%;
- (2) The Sire Stakes Fund share is 0.072%;
- (3) The Stipend Fund share is 1.186%;
- (4) The purse supplement share is 0.986%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horsemen's purse share is 0.526%; and

(7) The track share is 14.487%.

2. Off-track betting facility intrastate simulcasting. The distribution of the commission on simulcasting of races originating at a racetrack in the State by an off-track betting facility is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248% for an off-track betting facility located in the same municipality as a commercial track and 2.578% for all other facilities;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The Harness Racing Promotional Fund share is 0.25%;

(5) The horsemen's purse share is 7.871%;

(6) The track share is 7.922%; and

(7) The off-track betting facility share is 4.659%.

B. On regular wagers:

(1) The state share is 0.493% for an off-track betting facility located in the same municipality as a commercial track and 0.823% for all other facilities;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The Harness Racing Promotional Fund share is 0.25%;

(5) The horsemen's purse share is 5.062%;

(6) The track share is 7.899%; and

(7) The off-track betting facility share is 2.718%.

3. Track intrastate simulcasting. The distribution of the commission on simulcasting of races originating at a racetrack in the State by another racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The purse supplement share is 0.99%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horsemen's purse share is 4.305%; and

(7) The track share is 15.487%.

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 0.986%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horsemen's purse share is 1.512%; and

(7) The track share is 13.501%.

4. Off-track betting facility interstate simulcasting with commingled pools. The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by an off-track betting facility is calculated as percentages of the commission and distributed as follows.

A. On exotic wagers:

(1) The state share is 8.647% for an off-track betting facility located in the same municipality as a commercial track and 9.801% for all other facilities;

(2) The Sire Stakes Fund share is 5.965%;

(3) The Stipend Fund share is 4.494%;

(4) The purse supplement share is 16.558%;

(5) The Harness Racing Promotional Fund share is 0.962%;

(6) The off-track betting facility share is 49.269%; and

(7) The off-track betting facility simulcast fund share is 12.951%.

B. On regular wagers:

- (1) The state share is 2.739% for an off-track betting facility located in the same municipality as a commercial track and 4.405% for all other facilities;
- (2) The Sire Stakes Fund share is 0.400%;
- (3) The Stipend Fund share is 6.590%;
- (4) The purse supplement share is 8.399%;
- (5) The Harness Racing Promotional Fund share is 1.389%;
- (6) The off-track betting facility share is 60.190%; and
- (7) The off-track betting facility simulcast fund share is 18.627%.

5. Track interstate simulcasting with commingled pools. The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by a racetrack in the State is calculated as percentages of the commission and distributed as follows.

A. On exotic wagers:

- (1) The state share is 8.647%;
- (2) The Sire Stakes Fund share is 5.965%;
- (3) The Stipend Fund share is 4.494%;
- (4) The purse supplement share is 3.809%;
- (5) The Harness Racing Promotional Fund share is 0.962%;
- (6) The horsemen's purse share is 16.558%; and
- (7) The track share is 59.565%.

B. On regular wagers:

- (1) The state share is 2.739%;
- (2) The Sire Stakes Fund share is 0.400%;
- (3) The Stipend Fund share is 6.590%;
- (4) The purse supplement share is 5.479%;
- (5) The Harness Racing Promotional Fund share is 1.389%;
- (6) The horsemen's purse share is 8.399%; and
- (7) The track share is 75.004%.

6. Off-track betting facility interstate simulcasting with noncommingled pools. The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by an off-track betting facility is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

- (1) The state share is 2.248%;
- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The purse supplement share is 4.305%;
- (5) The Harness Racing Promotional Fund share is 0.250%;
- (6) The off-track betting facility share is 13.110%; and
- (7) The off-track betting facility simulcast fund share is 3.367%.

B. On regular wagers:

- (1) The state share is 0.493%;
- (2) The Sire Stakes Fund share is 0.072%;
- (3) The Stipend Fund share is 1.186%;
- (4) The purse supplement share is 1.512%;
- (5) The Harness Racing Promotional Fund share is 0.250%;
- (6) The off-track betting facility share is 11.134%; and
- (7) The off-track betting facility simulcast fund share is 3.353%.

7. Track interstate simulcasting with noncommingled pools. The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by a racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

- (1) The state share is 2.248%;
- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The purse supplement share is 0.990%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The horsemen's purse share is 4.305%; and

(7) The track share is 15.487%.

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 0.986%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The horsemen's purse share is 1.512%; and

(7) The track share is 13.501%.

§287. Payment of state share

1. Payment. Amounts calculated as state share under section 286 must be paid to the Treasurer of State for deposit in the General Fund. If the total of regular and exotic wagers placed at facilities licensed under this chapter exceeds \$35,000,000 for any calendar year, the portion payable to the General Fund must be distributed in accordance with this section. 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.

2. Commercial meet account. The Treasurer of State shall deposit in a commercial meet account 72% of the revenue credited to the General Fund under this section that is attributable to amounts in excess of \$35,000,000. This account must be divided in the proportion that the contributions of regular and exotic wagers of pari-mutuel pools on live racing 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 on live racing 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.

3. Payment to Stipend Fund. Nine percent of the revenue credited to the General Fund under this section that is attributable to amounts in excess of \$35,000,000 must be distributed to the Stipend Fund as provided in Title 7, section 62.

4. Sire Stakes Fund. Nine percent of the revenue credited to the General Fund under this section that is attributable to amounts in excess of \$35,000,000 must be paid to the commission to be credited to the Sire Stakes Fund as provided in section 281.

5. Definition. For the purposes 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 racetrack 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.

6. Timing of payment. Payment under this section must be made no later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the commission requires.

§288. Payment to Sire Stakes Fund share

Amounts calculated as Sires Stakes Fund share under section 286 must be paid to the Treasurer of State for deposit in the Sire Stakes Fund for use as provided in section 281.

§289. Payment to Stipend Fund share

1. Initial distribution to Stipend Fund. 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, 0.72% of the regular wagers made to all other pools and 0.49% of the exotic wagers made to all other pools to the Stipend Fund as provided in Title 7, section 62 and shall distribute the balance as provided in subsection 2.

2. Extended meet account. The Treasurer of State shall distribute the balance of the amount calculated as Stipend Fund share as follows.

A. The first \$400,000 of the total amount, regardless of when actually collected, must be credited to the Stipend Fund as provided in Title 7, section 62.

B. From the balance of the total amount in excess of \$400,000, 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 on live racing 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 on live racing 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 the purse money.

C. The remaining 20% of the total amount in excess of \$400,000 must be credited to the Stipend Fund as provided in Title 7, section 62.

§290. Purse supplement

1. Payment. Amounts calculated as purse supplement share under section 286 must be paid to the commission for distribution as provided in subsection 2.

2. Distribution. On May 30th, September 30th and January 30th, payments made under this subsection and subsection 1 for distribution in accordance with this subsection must be divided among the licensees conducting live racing in the State. The amount of the payment made to a licensee is calculated by dividing the number of race dates on which that licensee conducted live racing in any calendar year by the total number of race dates on which all licensees conducted live racing in that year. Beginning January 30, 1997, the January 30th payment must be adjusted to reflect the dates when live racing was actually conducted during the previous year, not the dates granted.

§291. Harness Racing Promotional Fund share

Amounts calculated as Harness Racing Promotional Fund share under section 286 must be paid to

the Treasurer of State for deposit in the Harness Racing Promotional Fund for use as provided in section 285.

§292. Horsemen's purse share

Amounts calculated as horsemen's purse share under section 286 must be retained by the licensee to supplement purse money at the track where the wager was placed.

§293. Track share

Amounts calculated as track share under section 286 must be retained by the track where the wager was placed.

§294. Off-track betting facility share

1. Payment. Amounts calculated as off-track betting facility share under section 286 must be retained by the off-track betting facility where the wager was placed.

2. No restrictions. This chapter 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.

§295. Off-track betting facility simulcast fund share

1. Payment. Amounts calculated as off-track betting facility simulcast fund share under section 286 must be paid to the commission for distribution as provided in subsection 2.

2. Distribution. On May 30th, September 30th and within 30 days after the close of all off-track betting facilities for the year, amounts payable under subsection 1 for distribution in accordance with this subsection must be distributed only for the dates assigned by the commissioner pursuant to Title 7, section 65 to the commercial racetracks and the agricultural fair associations that provide simulcast transmission of live racing in the State. Distribution must be in the proportion that the amount of wagers placed at off-track betting facilities on simulcast races from each licensee up to the last day of the preceding month bears to the total amount wagered at off-track betting facilities on races simulcast from all commercial racetracks and agricultural fair associations up to that date. The last payment of the calendar year must be adjusted to reflect each licensee's wagers in proportion to the total wagered at off-track betting facilities in that calendar year.

Sec. 47. Transition; Harness Racing Promotional Board. Members currently serving on the Harness Racing Promotional Board shall serve until November 1, 1997. The Commissioner of

Agriculture, Food and Rural Resources shall appoint members of the Harness Racing Promotional Board to begin serving November 1, 1997 as provided in that section of this Act that enacts the Maine Revised Statutes, Title 8, section 285.

Sec. 48. Plan for reorganization of staff.

The Department of Agriculture, Food and Rural Resources, in consultation with the State Harness Racing Commission, shall develop a plan for the reorganization and reclassification of positions necessary to carry out the functions required under the Maine Revised Statutes, Title 8, chapter 11 in an efficient and effective manner.

Sec. 49. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
AGRICULTURE, FOOD AND RURAL RESOURCES		
State Harness Racing Commission		
All Other	(\$205,955)	(\$210,790)
Deallocates funds to reflect the establishment of the Harness Racing Promotional Board as a public instrumentality.		
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
TOTAL	(\$205,955)	(\$210,790)
HARNESS RACING PROMOTIONAL BOARD		
Harness Racing Promotional Board		
All Other	\$205,955	\$210,790
Allocates funds to reflect the establishment of the Harness Racing Promotional Board as a public instrumentality.		
HARNESS RACING PROMOTIONAL BOARD		
TOTAL	\$205,955	\$210,790
TOTAL ALLOCATIONS	\$0	\$0

See title page for effective date.

CHAPTER 529

S.P. 662 - L.D. 1882

An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions

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

Sec. 1. 1 MRSA §1015, sub-§3 is enacted to read:

3. Campaign contributions and solicitations prohibited. The following provisions prohibit certain campaign contributions and solicitation of campaign contributions during a legislative session.

A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist associate" have the same meanings as in Title 3, section 312-A and the term "contribution" has the same meaning as in Title 21-A, section 1012.

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to direct and indirect solicitation, acceptance, giving, offering and promising, whether through a political action committee, political committee, political party or otherwise.

C. This subsection does not apply to:

- (1) Solicitations or contributions for bona fide social events hosted for nonpartisan, charitable purposes;
- (2) Solicitations or contributions relating to a special election to fill a vacancy from the time of announcement of the election until the election; and
- (3) Solicitations or contributions after the deadline for filing as a candidate as provided in Title 21-A, section 335.