

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1611 An Act to Adjust the Dates for Distributions from the State Harness Racing Commission

**PUBLIC 646
EMERGENCY**

SPONSOR(S)
TARDY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-925

SUMMARY

Under current law, distributions from the State Harness Racing Commission to racetracks to supplement purses are apportioned based on days actually raced and are made at the end of the year in which the racing that was used to compute the distributions took place. The bill requires these payments to be made in 3 equal installments during the year, with the first 2 installments made based on assigned racing dates. The final installment would be adjusted to reflect days actually raced.

Under current law, distributions from the State Harness Racing Commission to commercial racetracks that provide simulcast transmission of live racing within the State are apportioned based on wagering of the previous year. With the exception of the first year, no distribution date is specified in the law. This bill requires that distributions be made 3 times a year to reflect the amounts wagered that year up to the date of each payment.

COMMITTEE AMENDMENT "A" (H-925) replaces the bill. It alters the method of distributing purse supplement money to provide that wagers are distributed based on the number of days a licensee is open for wagering, not on the number of days the licensee conducts live racing, and provides for 3 payments during the calendar year instead of one payment at the end of the year. The amendment also changes the method of paying purse supplements for tracks that originate simulcast races by basing the distribution on wagers placed on those simulcasts in the year of payment rather than the previous year, and providing for 3 payments during the year.

LD 1663 An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine

PUBLIC 548

SPONSOR(S)
NORTON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-761
H-824 TARDY

SUMMARY

Because trade in wild American ginseng is regulated by the Convention on International Trade of Endangered Species of Wild Flora and Fauna, federal law requires that the export of ginseng to other states and internationally be regulated by a state certification program. The bill requires persons who buy ginseng for resale to be registered with the department as a ginseng dealer and requires persons who sell ginseng to be licensed by the department. The bill also requires the department to establish a procedure to certify ginseng for export.

COMMITTEE AMENDMENT "A" (H-761) deletes language prohibiting the harvesting of ginseng, clarifies that only cultivated ginseng may be certified for export, establishes a nonlapsing dedicated account for fees collected under the chapter and adds a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-824) adds an allocation section.

LD 1670 An Act to Amend the Harness Racing Laws

VETO SUSTAINED

SPONSOR(S)
ALIBERTI

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED
H-1003 TARDY
H-1095 TARDY
H-948

SUMMARY

The bill would have provided that notice of an off-track betting (OTB) license application must be given to commercial racetracks within 50 miles only for the initial application, deleted the requirement that wagering at an OTB be conducted in an area segregated from the restaurant at which the facility is located, and eliminated restrictions on where a person under age 18 could stand provided the person is not allowed to place a wager. The bill would also have allowed an OTB to present a simulcast at the same time live racing is occurring in the state, altered the requirement for an OTB to carry simulcasts of live racing from within Maine, made minor adjustments to distributions to assure that they add up to 100.00%, granted a portion of the funds that are now used for capital improvements at racetracks to be used for capital improvements at OTBs, and redistributed to all live racing licensees wagers that currently go to only licensees who originate simulcast races.

COMMITTEE AMENDMENT "A" (H-948) replaced the bill. It would have established application fees for new and renewal off-track betting licenses, required the State Harness Racing Commission to notify municipal officers of a renewal application and allow municipal officers to comment on the application. The amendment also would have clarified how mileage is to be measured, prohibited simulcasting at an off-track betting facility when commercial live racing is being conducted within 35 miles, unless the licensee permits the simulcast, and made minor adjustments to the distribution of commissions to ensure that distributions add up to the correct number. The amendment also provided for a person who purchases a licensed facility to apply to continue off-track betting at that facility if that person meets certain criteria, and authorized the commission to include conditions in all licenses it issues.

HOUSE AMENDMENT "D" (H-1003) would have permitted operation of an off-track betting facility at a Class A restaurant/lounge and at a facility contiguous to a Class A restaurant or Class A restaurant/lounge that is connected by an internal doorway.

HOUSE AMENDMENT "F" (H-1095) would have required the Maine Harness Racing Commission to publish notice of a deadline for accepting applications for an off-track betting license and to award a license within 60 days of the application deadline. The amendment would also have removed reference to adverse impact as the grounds for objection by a commercial racetrack to an off-track betting facility.

The amendment would have prohibited an existing off-track betting facility from objecting to the location of a new facility that is within 50 miles of a commercial racetrack, unless the proposed facility is within 15 miles of the existing off-track betting facility.

The amendment also specified the reasons for which the commission may refuse to renew an off-track betting facility license, provided for suspension or revocation of a license and provided for a portion of General Fund revenues attributable to pari-mutuel wagering to be dedicated to the use of the Maine Harness Racing Commission if the wagering total in any year exceeded \$52,000,000.

LD 1676 An Act to Change the Membership of the Maine Pull Events Commission

PUBLIC 549

SPONSOR(S)
CROSS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-778

SUMMARY

The bill would have replaced the Maine Draft Horse and Ox Association ox puller appointee with a Pine Tree Ox Association ox puller appointee, to reflect recent changes in the makeup of the various associations interested in pulling events.

COMMITTEE AMENDMENT "A" (H-778) increases the membership of the Pull Events Commission from 8 members to 9 members, permits the Pine Tree Ox Association to appoint a member, and deletes reference to specific qualifications of appointees.