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## **An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry**

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶N,** as amended by PL 2007, c. 249, §5, is further amended to read:

N. A person who is not an attorney, but is representing the State under section 807-A; or

**Sec. 2. 4 MRSA §807, sub-§3, ¶O,** as amended by PL 2007, c. 58, §3 and enacted by c. 249, §6, is further amended to read:

O. A person who is not an attorney, but who is representing a party in any hearing, action or proceeding before the Maine Public Employees Retirement System; or

**Sec. 3. 4 MRSA §807, sub-§3, ¶P** is enacted to read:

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Food and Rural Resources in accordance with Title 8, section 263-C.

**Sec. 4. 8 MRSA §263-C, sub-§4, ¶B,** as repealed and replaced by PL 2003, c. 687, Pt. B, §2 and affected by §11, is amended to read:

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; and

(8) Facilitating the development of positive working relationships in the harness racing industry and State Government-; and

(9) Presentation of evidence regarding alleged violations of this chapter or rules adopted in accordance with this chapter.

**Sec. 5. 8 MRSA §267-A** is enacted to read:

**§ 267-A. Account to support laboratory testing**

The Laboratory Testing Account, referred to in this section as "the account," is established as a dedicated account to support the detection of restricted and prohibited substances. The account does not lapse but continues from year to year. The commission shall annually estimate the funding needed for laboratory testing and include this estimate in the budget submitted under section 267. Funds are deposited into the laboratory testing account in accordance with this section.

**1. Funds contributing to the laboratory testing account.** The commission shall annually calculate an amount to be transferred from each of the following funds to the account:

A. The fund established in section 298 to supplement harness racing purses;

B. The Sire Stakes Fund under section 281;

C. The Agricultural Fair Support Fund established in Title 7, section 91;

D. The Fund to Encourage Racing at Maine's Commercial Tracks established in section 299; and

E. The Fund to Stabilize Off-track Betting Facilities established in section 300.

**2. Maximum contribution.** The amount contributed annually from each of the funds listed in subsection 1, paragraphs A to E must be based on a percentage of the money received by each fund under section 1036. The contribution must represent the same percentage from each fund and that percentage may not exceed 2% a year.

In any year the total contributions deposited into the account from the funds listed under subsection 1, paragraphs A to E may not exceed the General Fund appropriation to the commission for the purpose of testing.

**3. Administration.** The executive director, in consultation with the Treasurer of State, shall develop a protocol for calculating contributions and transferring money into the account.

**Sec. 6. 8 MRSA §273** is amended to read:

**§ 273. Penalties**

Any person, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of, any harness horse race or meet for public exhibition within the State without a license duly issued by said the commission, ~~or any person, association or corporation who violates any of the provisions of this chapter or who violates any of the rules and regulations prescribed by the commission shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both~~ commits a Class D crime.

**Sec. 7. 8 MRSA §279-A, first ¶**, as amended by PL 1999, c. 482, §3, is further amended to read:

For the purpose of enabling the commission 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 may issue conditional licenses to owners, trainers, drivers, grooms and all other persons participating in harness racing, including pari-mutuel employees and race officials if one or more criteria are not met as contained in the commission rules. A person issued a license as a trainer shall submit a horse for testing in accordance with section 279-E.

**Sec. 8. 8 MRSA §279-B, first ¶**, as amended by PL 1991, c. 579, §14, is further amended to read:

To enforce the provisions of this chapter and the rules referred to in section 279-A, the commission is authorized to establish a schedule for fines ~~not to exceed \$1,000~~ for each violation of this chapter or the rules. The commission is authorized to levy a fine, after notice and hearing, for each violation of this chapter or the rules.

**Sec. 9. 8 MRSA §279-E** is enacted to read:

**§ 279-E. Trainers; duty to submit a horse for testing for use of prohibited substances**

Upon request of the commission, a person who signs an application for and receives a trainer's license in accordance with this chapter and rules adopted under section 279-A shall submit a horse trained by that licensee and identified by the commission for the purpose of obtaining a blood sample to test for the use of prohibited substances.

**1. Obtaining a sample.** Pursuant to this section, the commission may require a licensed trainer to:

A. Transport the horse to a designated site where a veterinarian employed by the commission or the department may draw a blood sample; or

B. Allow a veterinarian employed by the commission or the department, or a veterinarian designated by the commission and accompanied by a state steward, access to the premises where the horse is kept for the purpose of obtaining a blood sample.

**2. Rulemaking.** The commission shall adopt rules establishing a procedure for obtaining blood samples and ensuring a secure chain of custody for transporting the sample to a laboratory for testing. The rules must consider travel distances and costs associated with obtaining a sample when designating a testing site and may assess a fee to defray travel costs for the veterinarian and the state steward. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Refusal.** Refusal to comply with the commission's directives for obtaining a sample under this section is a basis for suspension of a trainer's license.

**Sec. 10. 8 MRSA §280, sub-§5** is enacted to read:

**5. Investigation by State Police.** The State Police may assist in investigating alleged violations of subsection 1 when:

A. The commission requests assistance; and

B. A sample submitted for testing under rules adopted pursuant to section 279-A or 279-E yields a positive test result.

**Sec. 11. 8 MRSA §1001, sub-§36**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

**Sec. 12. 8 MRSA §1035**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

### **§ 1035. Location of slot machines**

Slot machines may be located only on the premises of a commercial track. For the purposes of this section, "premises of a commercial track" means property owned by the person who owns the property on which a commercial track is located and that is either within 200 feet of the outside edge of the racing oval or, if the commercial track was owned by a municipality when a license to operate slot machines in association with that commercial track was issued, within 2,000 feet of the center of the racing oval.

## **SUMMARY**

This bill does the following.

1. It specifies that the duties of the executive director of the State Harness Racing Commission include presenting evidence on alleged violations.

2. It establishes a dedicated account for laboratory testing to detect restricted and prohibited substances administered to horses.

3. It requires a trainer to submit a horse for testing to detect prohibited substances.

4. It removes the statutory caps on fines for violations of the harness racing statutes and rules.

5. It clarifies that conducting a harness horse racing meet without a license is a Class D crime.

6. It authorizes the State Police upon the request of the State Harness Racing Commission to assist in investigations following a positive test for use of substances in violation of the harness racing rules.

7. It restricts licenses to operate slot machines to property within 200 feet of a commercial track, except that the 2,000-foot maximum distance continues for a commercial track that received an initial license for slot machines while owned by a municipality.