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An Act Concerning Harness Racing Association Funding

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

Whereas, a statewide association of horsemen is vital to the health of the harness racing industry; and

Whereas, the timely distribution of funds to the association is important for the coming racing season; 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Sec. 1. 8 MRSA §272-B, as enacted by PL 2003, c. 401, §9, is repealed and the following enacted in its place:

§ 272-B. Association funding

Notwithstanding any other provision of this chapter, up to 3% of funds designated to supplement purses may be paid to a statewide association of horsemen in accordance with this section. A statewide association of horsemen, referred to in this section as "the association," means an association of horsemen whose officers are authorized by the membership to negotiate with a person licensed to conduct racing under section 271 on behalf of the association's membership.

1. Payment from licensee to association. A licensee described in section 271 shall pay to an association determined eligible under subsection 2 an amount not to exceed 3% of each of the following:

- A. Disbursements from the Sire Stakes Fund under section 281 for the purpose of supplementing purses;
- B. The purse supplement share calculated under section 286 for distribution under section 290;
- C. The funds designated from the commercial meet account to supplement purses under section 287, subsection 2;
- D. The funds designated from the extended meet account to supplement purses under section 289, subsection 2, paragraph B;
- E. The fund to supplement harness racing purses established under section 298 and receiving payment pursuant to section 1036, subsection 2, paragraph B; and
- F. Disbursements from the Agricultural Fair Support Fund under Title 7, section 91, subsection 2, paragraph A.

2. Eligibility for disbursement. To be eligible to receive funding under subsection 1, an association must submit to the commission the following:

A. A copy of the annual budget approved by a majority of the association's members present and voting at the annual business meeting of the association;

B. A letter signed by the officers of the association stating that a majority of association members present and voting in a separate vote at the annual meeting approved seeking funds under this section; and

C. A letter signed by the officers of the association indicating the date on which the votes referenced in paragraphs A and B were taken and attesting that the votes were taken in accordance with the association's bylaws.

3. Limitations. An association receiving payments under this section may not expend any portion of the payments for an item that did not appear in the association's budget approved by its members and submitted under subsection 2.

4. Payment. Each year, upon receipt and verification of the information required under subsection 2, the commission shall advise licensees of the maximum amount payable to the association under subsection 1. Total payments made each year to the association under this section may not exceed the association's budget for that year.

5. Rulemaking. The commission may adopt rules necessary to establish a process for calculating and disbursing funds under this section. The rules may include a process for recovery of funds received or expended in noncompliance with this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2007.

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

Effective June 4, 2007.