

Maine Revised Statutes
Title 8: AMUSEMENTS AND SPORTS
Chapter 11: HARNESS RACING

§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.

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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. [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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. [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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 1;

(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. The board and its employees are considered a state agency for purposes of Title 5, section 191;

(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. [2003, c. 401, §17 (AMD) .]

[2003, c. 401, §17 (AMD) .]

3. Membership. The board consists of 9 members and 2 alternates appointed by the commissioner. Full, voting board members must 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; [1997, c. 735, §7 (RPR) .]

B. One person recommended by an association in the State representing harness horsemen; [1997, c. 735, §7 (RPR) .]

C. Two persons recommended by an association in the State representing Standardbred breeders and owners; [1997, c. 735, §7 (RPR) .]

D. One person nominated by the Maine Association of Agricultural Fairs; [1997, c. 735, §7 (RPR) .]

E. One person who represents the interests of off-track betting facilities; and [1997, c. 735, §7 (RPR) .]

F. Two persons who are members of the general public with an interest in harness racing. [1997, c. 735, §7 (RPR).]

Alternates must be members of the general public with an interest in harness racing. An alternate may cast a vote as a member of the board upon the absence of a full, voting member.

[2001, c. 63, §3 (AMD) .]

3-A. Terms. Members serve 3-year terms. For appointments that expire in 2001, the commissioner shall appoint 3 members for a term of one year, 3 members for a term of 2 years and 3 members for a term of 3 years. Any vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are qualified and appointed.

[2001, c. 63, §4 (NEW) .]

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

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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; [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF).]

B. Increasing the opportunities for Maine tracks to market their races through simulcasting inside and outside of the State; [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF).]

C. Developing and pursuing strategies for effectively publicizing the harness racing industry in this State; [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF).]

D. Exploring the feasibility of high technology access to wagering on Maine races; [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF).]

E. Exploring the possibility of creating cooperative purchasing entities and other mechanisms aimed at decreasing the cost of raising horses or operating racetracks; [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF).]

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 [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF).]

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. [1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF).]

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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.

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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.

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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.

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

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

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

12. Report to Legislature. The board shall provide a report to the joint standing committee of the Legislature having jurisdiction over matters of harness racing on or before the 15th of February each year. The report must contain:

A. A discussion of any areas of policy or administration that, in the opinion of the board, should be brought to the attention of the committee; [1997, c. 735, §8 (NEW).]

B. A review of the operations of the board, including a summary of income and expenses of the Harness Racing Promotional Fund and improvement to the economic condition of the harness racing industry in the State; and [1997, c. 735, §8 (NEW).]

C. A discussion of the progress toward meeting the goals of subsection 6. [1997, c. 735, §8 (NEW).]

[1997, c. 735, §8 (RPR) .]

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.

[1997, c. 528, §46 (NEW); 1997, c. 528, §47 (AFF) .]

SECTION HISTORY

1997, c. 474, §5 (NEW). 1997, c. 474, §6 (AFF). 1997, c. 528, §46 (NEW). 1997, c. 528, §47 (AFF). 1997, c. 735, §§7,8 (AMD). 1997, c. 735, §6 (RAL). 2001, c. 63, §§3,4 (AMD). 2003, c. 401, §17 (AMD).

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