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**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1328, L.D. 1984, “An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine”

Amend the bill in Part A by striking out all of section 10.

Amend the bill in Part A in section 23 in §3855 in the first indented paragraph in the 3rd line (page 7, line 15 in L.D.) by inserting after the following: "after the" the following: 'order of'

Amend the bill in Part A by striking out all of sections 37 to 48, 59 to 62, 69, 80 and 81.

Amend the bill by inserting after Part B the following:

**'PART B**

**Sec. B-1. 5 MRSA §81**, as amended by PL 1977, c. 674, §1, is further amended to read:

**§81. Office and duties; vacancy; salary; expenses; fees**

The Department of the Secretary of State, as ~~heretofore~~ established, ~~shall consist~~ consists of the Secretary of State, the State Archives and such other state departments and agencies as are by law subject to the direction of the Secretary of State. The secretary shall keep ~~his~~ the Secretary of State's office at the seat of government; have the custody of the state seal and preserve all records in ~~such~~ that office, at the expense of the State. The Secretary of State may appoint deputy secretaries of state who ~~shall~~ serve at the pleasure of the Secretary of State. The secretary shall designate one of ~~his~~ the deputies as first deputy secretary of state. When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the first deputy secretary of state shall act as Secretary of State until a Secretary of State is elected by the Legislature. ~~Such~~ That deputy shall take the oath required of the elected Secretary of State and must have the same compensation while ~~he~~ performs performing the duties of the office.

**COMMITTEE AMENDMENT**

1           The Secretary of State and ~~his deputy~~ shall any deputy secretaries of state must receive  
2 such actual traveling expenses incident to the administration of ~~his department~~ the  
3 Department of the Secretary of State as ~~shall be~~ are necessary.

4           The Secretary of State shall collect the legal and usual fees payable to ~~him by virtue of~~  
5 ~~his office~~ the Secretary of State and shall pay them over ~~forthwith~~ immediately to the  
6 Treasurer of State.

7           **Sec. B-2. 8 MRSA §263-A, sub-§7**, as enacted by PL 2017, c. 371, §1, is amended  
8 to read:

9           **7. Input on the promotion of harness racing.** The commission shall invite input  
10 from a statewide association of harness ~~horsemen~~ horse owners, trainers and drivers, a  
11 statewide association of Standardbred breeders, a statewide association of agricultural fairs  
12 and persons who are members of organizations representing the interests of commercial  
13 harness racing tracks and off-track betting facilities on the marketing and promotion of  
14 harness racing in this State.

15           **Sec. B-3. 8 MRSA §271, sub-§2**, as amended by PL 2019, c. 626, §§4 to 6, is  
16 further amended to read:

17           **2. Minimum number of race days; criteria for date awards.** The commission shall  
18 determine the number of race days that should be awarded to licensed applicants pursuant  
19 to this section based on the criteria set forth herein. The commission may award fewer than  
20 the minimum race days set forth in section 275-A, subsection 1 to commercial tracks with  
21 the express written approval of the track, and with the express written approval of an  
22 association of ~~horsemen~~ horse owners, trainers and drivers as defined in section 272-B, if  
23 credible evidence is presented that demonstrates that fewer race days is in the best interest  
24 of Maine's harness racing industry. The award of fewer race days than set forth in section  
25 275-A, subsection 1 may not affect the status of those tracks as commercial tracks pursuant  
26 to section 299. In assigning race dates to licensees, the commission shall consider the  
27 following factors:

28           A. The revenues to be generated, consistent with the profitability and financial health  
29 of the licensee and the development of revenues from interstate simulcasting of the  
30 licensee's race programming, for the operating account pursuant to section 287; the  
31 purse supplements pursuant to section 286; the Sire Stakes Fund pursuant to section  
32 281; and the Stipend Fund pursuant to Title 7, section 86;

33           B. The quality of race programming and facilities offered and to be offered by the  
34 licensee, the suitability of the applicant's racing facilities for operation at the season for  
35 which the race dates are requested and the ability of the applicant to offer racing at  
36 night;

37           C. The necessity of having and maintaining proper physical facilities for racing  
38 meetings, including the ability to maintain ownership of or a leasehold on the facilities;  
39 and consequently, to ensure the continuance of the facilities, the quality of the  
40 licensee's maintenance of its track and plant, the adequacy of its provisions for  
41 rehabilitation and capital improvements and the necessity of fair treatment of the  
42 economic interests and investments of those who, in good faith, have provided and  
43 maintained racing facilities;

- 1 D. The desirability of reasonable consistency in the pattern of race date assignments
- 2 from year to year;
- 3 E. With respect to agricultural societies seeking licenses to conduct harness racing
- 4 meets at the time of their annual fairs, the scheduling of agricultural fairs determined
- 5 by the Commissioner of Agriculture, Conservation and Forestry pursuant to Title 7,
- 6 sections 83 and 84;
- 7 F. The preservation of a diversity of harness racing tracks in the State;
- 8 G. The quality of the licensee's observance and enforcement of this chapter and the
- 9 rules adopted pursuant to this chapter during the past year;
- 10 H. The extent to which the licensee fully utilized race dates granted to it for the past
- 11 year;
- 12 I. The personnel and resources available to the commission for the enforcement of this
- 13 chapter and the rules adopted pursuant to this chapter;
- 14 J. The likely availability of race-worthy horses throughout the year with a goal of
- 15 promoting full cards and avoiding 5-horse fields; and
- 16 K. Such other criteria consistent with the betterment of harness racing and the public
- 17 health, safety and welfare as the commission may establish by rule.

18 If the executive director or the commission determines that any of the criteria listed in this  
19 subsection have not been met by the licensee, the executive director shall submit a notice  
20 of the deficiency in meeting any criteria to the licensee, regardless of whether the  
21 deficiency resulted in the denial of the application for or the refusal to award race dates.  
22 The director shall also submit a copy of the notice in the same manner and at the same time  
23 to the joint standing committee of the Legislature having jurisdiction over agriculture  
24 matters.

25 **Sec. B-4. 8 MRSA §272-B, first ¶**, as amended by PL 2013, c. 490, §1, is further  
26 amended to read:

27 Notwithstanding any other provision of this chapter to the contrary, up to 3% of funds  
28 designated to supplement purses may be paid to a statewide association of horsemen horse  
29 owners, trainers and drivers in accordance with this section. A statewide association of  
30 horsemen horse owners, trainers and drivers, referred to in this section as "the association,"  
31 means an association of horsemen horse owners, trainers and drivers a majority of the  
32 membership of which is composed of owners, trainers and drivers or any combination of  
33 owners, trainers and drivers who are licensed by the commission and whose officers are  
34 authorized by the membership to negotiate with a person licensed to conduct racing under  
35 section 271 on behalf of the association's membership.

36 **Sec. B-5. 8 MRSA §272-C, sub-§1**, as amended by PL 2017, c. 231, §13, is further  
37 amended to read:

38 **1. Establishment; deposits; rules.** A licensee conducting live racing in the State shall  
39 establish a trust account for the benefit of the persons who race horses at that licensee's  
40 facility. Except as provided by subsection 3, funds distributed to or retained by the licensee  
41 pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any  
42 administrative assessments pursuant to section 267-A, that must be used to pay or  
43 supplement harness racing purses must be deposited in that account and used exclusively

1 to pay harness racing purses. The funds in a trust account established in accordance with  
2 this subsection are not considered to be property of the licensee, may not be pledged as  
3 security for the debts of the licensee and are not subject to attachment or execution by  
4 creditors of the licensee. The commission may adopt rules governing the handling of trust  
5 accounts, providing for the reallocation of trust account funds to other licensed commercial  
6 tracks in the event that a track ceases operation or cancels a significant number of race  
7 days, as determined by the commission, and governing the handling of harness racing  
8 purses at any commercial track that does not have a contract with a statewide ~~horsemen~~  
9 association of horse owners, trainers and drivers. Rules adopted pursuant to this subsection  
10 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

11 **Sec. B-6. 8 MRSA §275-A, sub-§1, ¶A**, as repealed and replaced by PL 2021, c.  
12 406, §1, is amended by amending subparagraph (2) to read:

13 (2) A determination by the commission under section 271, subsection 2, and with  
14 the express written approval of the track and of a statewide association of ~~horsemen~~  
15 horse owners, trainers and drivers as defined in section 272-B, that a lesser number  
16 of race days is in the best interest of the State's harness horse racing industry; or

17 **Sec. B-7. 8 MRSA §275-A, sub-§1, ¶B**, as repealed and replaced by PL 2021, c.  
18 406, §2, is amended by amending subparagraph (2) to read:

19 (2) A determination by the commission under section 271, subsection 2, and with  
20 the express written approval of the track and of a statewide association of ~~horsemen~~  
21 horse owners, trainers and drivers as defined in section 272-B, that a lesser number  
22 of race days is in the best interest of the State's harness horse racing industry.

23 **Sec. B-8. 8 MRSA §275-D, sub-§8, ¶B**, as amended by PL 1997, c. 528, §22, is  
24 further amended by amending subparagraph (2) to read:

25 (2) Either the association representing the ~~horsemen~~ horse owners, trainers and  
26 drivers at those tracks at that time or the commission.

27 **Sec. B-9. 8 MRSA §286, sub-§1, ¶A**, as enacted by PL 1997, c. 528, §46, is  
28 amended by amending subparagraph (6) to read:

29 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 3.315%; and

30 **Sec. B-10. 8 MRSA §286, sub-§1, ¶B**, as enacted by PL 1997, c. 528, §46, is  
31 amended by amending subparagraph (6) to read:

32 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 0.526%; and

33 **Sec. B-11. 8 MRSA §286, sub-§2, ¶A**, as enacted by PL 1997, c. 528, §46, is  
34 amended by amending subparagraph (5) to read:

35 (5) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 7.871%;

36 **Sec. B-12. 8 MRSA §286, sub-§2, ¶B**, as enacted by PL 1997, c. 528, §46, is  
37 amended by amending subparagraph (5) to read:

38 (5) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 5.062%;

39 **Sec. B-13. 8 MRSA §286, sub-§3, ¶A**, as enacted by PL 1997, c. 528, §46, is  
40 amended by amending subparagraph (6) to read:

1 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 4.305%; and

2 **Sec. B-14. 8 MRSA §286, sub-§3, ¶B**, as enacted by PL 1997, c. 528, §46, is  
3 amended by amending subparagraph (6) to read:

4 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 1.512%; and

5 **Sec. B-15. 8 MRSA §286, sub-§5, ¶A**, as enacted by PL 1997, c. 528, §46, is  
6 amended by amending subparagraph (6) to read:

7 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 16.558%;  
8 and

9 **Sec. B-16. 8 MRSA §286, sub-§5, ¶B**, as enacted by PL 1997, c. 528, §46, is  
10 amended by amending subparagraph (6) to read:

11 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 8.399%; and

12 **Sec. B-17. 8 MRSA §286, sub-§7, ¶A**, as enacted by PL 1997, c. 528, §46, is  
13 amended by amending subparagraph (6) to read:

14 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 4.305%; and

15 **Sec. B-18. 8 MRSA §286, sub-§7, ¶B**, as enacted by PL 1997, c. 528, §46, is  
16 amended by amending subparagraph (6) to read:

17 (6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 1.512%; and

18 **Sec. B-19. 8 MRSA §292**, as amended by PL 2001, c. 300, §§2 and 3, is further  
19 amended to read:

20 **§292. Horsemen's Horse owners', trainers' and drivers' purse share**

21 Amounts calculated as ~~horsemen's~~ horse owners', trainers' and drivers' purse share  
22 under section 286 must be retained by the licensee to supplement purse money at the track  
23 where the wager was placed, except that, for wagers placed at a racetrack in the State on a  
24 simulcast race conducted at another racetrack in the State, 1.512% of the regular wagers  
25 and 4.305% of the exotic wagers must be sent to the track in the State where the harness  
26 race was conducted.

27 **Sec. B-20. 8 MRSA §1037, sub-§4, ¶F**, as enacted by PL 2011, c. 358, §6, is  
28 amended to read:

29 F. An accounting of the Sire Stakes Fund, including the total amount of the fund at the  
30 beginning and end of the racing season and, reported separately, expenditures used to  
31 supplement purses, pay breeder promotional contracts, pay advertising costs, make  
32 payments to a statewide ~~horsemen~~ association of horse owners, trainers and drivers,  
33 pay administrative costs and make contributions to the operating account described in  
34 section 267-A.

35 **Sec. B-21. 10 MRSA §3251**, as amended by PL 2015, c. 56, §1, is further amended  
36 to read:

37 **§3251. Lien established**

38 ~~Whoever~~ A person who performs labor or furnishes labor or materials, including repair  
39 parts of machines used, or performs services as a surveyor, an architect, a forester licensed  
40 under Title 32, chapter 76 or an engineer, or as a real estate licensee, or as an owner-renter,

1 owner-lessor, or owner-supplier of equipment used in erecting, altering, moving or  
2 repairing a house, building or appurtenances, including any public building erected or  
3 owned by any city, town, county, school district or other municipal corporation, or in  
4 constructing, altering or repairing a wharf or pier, or any building thereon, including the  
5 surveying, clearing, grading, draining, excavating or landscaping of the ground adjacent to  
6 and upon which any such objects are constructed, or in selling any interest in land,  
7 improvements or structures, by virtue of a contract with or by consent of the owner, has a  
8 lien thereon and on the land on which it stands and on any interest ~~such~~ the owner has in  
9 the same, to secure payment thereof, with costs. If the owner of the building has no legal  
10 interest in the land on which the building is erected or to which it is moved, the lien attaches  
11 to the building, and if the owner of the wharf or pier has no legal interest in the land on  
12 which the wharf or pier is erected, the lien attaches to the wharf or pier, and in either case  
13 may be enforced as provided. If the owner of ~~such~~ the land, building, wharf or pier, so  
14 contracting, is a minor ~~or married woman~~, such the lien exists and ~~such~~ that minority ~~or~~  
15 ~~evidence~~ does not bar a recovery in any proceeding brought to enforce it.'

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
17 number to read consecutively.

### 18 SUMMARY

19 This amendment removes from Part A, sections 10, 37 to 48, 59 to 62, 69, 80 and 81.  
20 The amendment amends Part A, section 23 by adding clarifying language describing orders  
21 of attachment. It adds a section correcting outdated, gender-specific language and outdated  
22 terminology in the Maine Revised Statutes, Title 5, section 81. It corrects outdated, gender-  
23 specific language in Title 8, sections 262 to 1037. It adds a section removing language  
24 describing married women in Title 10, section 3251.