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Date: (Filing No. H-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1052, L.D. 1532, Bill, “An Act To Modernize the Laws Governing Maine Harness Racing”

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, the provisions of this bill affecting the number of harness horse racing race dates must take effect prior to the commencement of this year’s harness horse 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,'

Amend the bill in section 5 in §267 by striking out all of subsection 2 (page 3, lines 6 to 16 in L.D.) and inserting the following:

'2. Report. ~~By May 1st Beginning April 1, 2018, and annually thereafter,~~ the commission shall ~~make submit~~ a report to the commissioner ~~with copies to the Governor,~~ ~~and~~ the joint standing ~~committee~~ committees of the Legislature having jurisdiction over ~~slot machines, harness racing, agricultural matters and the Executive Director of the Legislative Council~~ fairs and appropriations and financial affairs. This report must include an account of the commission's operations and actions, a report of its financial position, including receipts and disbursements, an account of the practical effects of application of this chapter and any recommended legislation. The operations report must include the number and types of violations of racing laws and rules, the disposition of those violations and the amount of time required for their disposition, including a history of any appeals. The report must include the date and amount of each administrative assessment withdrawn in accordance with section 267-A from each of the assessed funds under section 267-A, subsection 4.'

COMMITTEE AMENDMENT

1 Amend the bill in section 8 in subsection 1 in the 9th and 10th lines (page 4, lines 4
2 and 5 in L.D.) by striking out the following: "is \$100 or \$10 per week, whichever is
3 higher is established by the commission" and inserting the following: 'is \$100 or \$10 per
4 week, whichever is higher'

5 Amend the bill in section 9 in subsection 2 by inserting at the end a new blocked
6 paragraph to read:

7 'If the executive director or the commission determines that any of the criteria listed in
8 this subsection have not been met by the licensee, the executive director shall submit a
9 notice of the deficiency in meeting any criteria to the licensee, regardless of whether the
10 deficiency resulted in the denial of the application for or the refusal to award race dates.
11 The director shall also submit a copy of the notice in the same manner and at the same
12 time to the joint standing committee of the Legislature having jurisdiction over
13 agriculture matters.'

14 Amend the bill in section 13 in subsection 1 in the first line (page 6, line 4 in L.D.) by
15 inserting after the following: "**deposits**" the following: '**; rules**'

16 Amend the bill in section 13 in subsection 1 in the 10th and 11th lines (page 6, lines
17 13 and 14 in L.D.) by striking out the following: "to provide for the allocation of purse
18 money and oversight of the trust account" and inserting the following: 'governing the
19 handling of trust accounts, providing for the reallocation of trust account funds to other
20 licensed commercial tracks in the event that a track ceases operation or cancels a
21 significant number of race days, as determined by the commission, and governing the
22 handling of harness racing purses at any commercial track that does not have a contract
23 with a statewide horsemen association'

24 Amend the bill in section 14 in subsection 1 by inserting at the end the following:

25 'For the purpose of determining the number of days a race track conducted racing under
26 this subsection, if a race day is canceled due to a natural or other disaster, or due to a
27 horse supply shortage as verified by the state steward, the track is considered to have
28 conducted racing on that day.'

29 Amend the bill by striking out all of section 18 and inserting the following:

30 '**Sec. 18. 8 MRSA §275-N**, as amended by PL 2015, c. 200, §2, is further
31 amended to read:

32 **§275-N. Limitations on off-track betting facilities**

33 The commission may allow interstate simulcasting and license any off-track betting
34 facility regardless of the number of race dates that were conducted in the State for any
35 calendar year. Interstate simulcasting always must be allowed at any commercial track
36 ~~that conducted at least 136 race dates during the immediately preceding 2 calendar years~~
37 ~~or at an existing commercial track as defined in section 275-A, subsection 1, paragraph B~~
38 ~~at which at least 35 race dates were conducted during the preceding 2 years if the~~
39 ~~interstate simulcasting at the commercial track is conducted during the regular meeting.~~
40 ~~For the purposes of this section, any race date that the commission determines was~~
41 ~~canceled due to a natural or other disaster must be counted as a race date. For the~~
42 ~~purposes of this section and for the purpose of meeting the requirements of section~~

1 ~~275-A, subsection 1, any race date that is canceled at a commercial race track due to the~~
2 ~~inability to meet the requirements of section 275-A, subsection 9-A because of a horse~~
3 ~~shortage, as verified by the state steward, is counted as a race date.'~~

4 Amend the bill by striking out all of section 23.

5 Amend the bill by striking out all of section 24 and inserting the following:

6 '**Sec. 24. 8 MRSA §299, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §4 and
7 affected by Pt. B, §11, is amended to read:

8 **2. Distribution.** On ~~May 30th, September 30th~~ July 30th and January 30th, all
9 amounts credited to the fund established by this section as of the last day of the preceding
10 month and not distributed before that day must be distributed to each commercial track
11 licensed under section 271 within 30 days, with each track receiving that amount of the
12 money available for distribution determined by multiplying that amount times a fraction,
13 the numerator of which is the total number of ~~live race days conducted by~~ race day credits
14 awarded to the commercial track during the preceding time period and the denominator of
15 which is the total number of race ~~days conducted by~~ day credits awarded for all
16 commercial tracks licensed under section 271 during that time period. The payment in
17 January must be adjusted so that for the prior ~~3~~ 2 time periods each commercial track
18 receives that fraction of the total money distributed over the full year from the fund
19 established by this section, the amount determined by multiplying the total amount of
20 money times a fraction, the numerator of which is the number of live race ~~days conducted~~
21 day credits actually earned by the commercial track during the calendar year and the
22 denominator of which is the total number of race ~~days conducted~~ day credits actually
23 earned by all commercial tracks licensed under section 271 during that calendar year.'

24 Amend the bill in section 25 in subsection 3 in the 13th line (page 11, line 11 in L.D.)
25 by striking out the following: "attended" and inserting the following: 'extended'

26 Amend the bill by striking out all of section 27 and inserting the following:

27 '**Sec. 27. 8 MRSA §1037, first ¶**, as enacted by PL 2011, c. 358, §6 and amended
28 by c. 657, Pt. W, §6, is further amended to read:

29 Beginning ~~February 15, 2012~~ April 1, 2018 and annually thereafter, the executive
30 director of the State Harness Racing Commission, in consultation with the Commissioner
31 of Agriculture, Conservation and Forestry, ~~annually~~ shall submit a report to the joint
32 standing committees of the Legislature having jurisdiction over slot machines, harness
33 racing, agricultural fairs and appropriations and financial affairs regarding the use of slot
34 machine revenue deposited in funds under section 1036, subsection 2, paragraphs B, C,
35 D, H and I. The executive director and the commissioner shall obtain the information as
36 described in this section. The report required by this section must be completed using
37 budgeted resources. The executive director may not distribute funds listed under section
38 1036, subsection 2, as applicable, to harness racing tracks, off-track betting facilities,
39 agricultural fairs or the Sire Stakes Fund under section 281 until the information required
40 to submit the report required by this section is provided. The report required by this
41 section may be combined with the report required under section 267.'

42 Amend the bill by inserting at the end before the summary the following:

