

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 1230 - L.D. 1728

An Act To Align the Harness Racing Laws with Current Policies

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

Whereas, it is urgent for the harness racing industry in this State to align harness racing laws with current policy and the policies of every other racing jurisdiction across the country and to have this alignment take effect as soon as possible; and

Whereas, current statutory language undermines the integrity of harness racing in this State and the confidence of the wagering public and threatens the future of the industry; 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 §279-A, as amended by PL 2007, c. 611, §6, is further amended to read:

§279-A. Licenses, rules and regulations for participating in racing

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.

The commission, in consultation with the department, shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed \$100 annually. The department shall provide a booklet containing public access to the harness racing laws statutes and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included in the license fee to cover the cost of this publication. ~~The department shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost not to exceed \$10 in the renewal fee.~~

The commission may adopt rules for the conduct on the race track and grounds of owners, trainers, drivers, grooms and all other persons participating in harness ~~horse~~ racing. The rules must be reasonably necessary for any one or more of the following purposes: to protect the wagering public, to protect the State's share of pari-mutuel pools, to protect the health and welfare of spectators and participating owners, trainers, drivers, grooms and all other persons participating in harness ~~horse~~ racing, including pari-mutuel employees and race officials, and to protect the health and welfare of ~~standard-bred~~ standardbred horses.

The commission may adopt rules establishing allowable levels of permitted medications carried in the body of a horse while participating in races licensed by the commission. In addition, the commission may adopt rules establishing prohibited substances that may not be present in the body of a horse while participating in races licensed by the commission.

~~Notwithstanding section 280, the department may adopt a controlled medication program that permits controlled medication to be administered to racehorses.~~

The District Court Judge may revoke or suspend any license for violations of this chapter or the rules.

Sec. 2. 8 MRSA §279-B, as amended by PL 2007, c. 611, §7, is further amended to read:

§279-B. Fines, suspensions and revocations

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 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.

The commission is further authorized to establish a schedule of suspensions of licenses and may levy suspensions for each violation of this chapter or the rules.

The commission is further authorized to disqualify a horse, and may require the return of any purse won by the horse, if it is found to have carried in its body either a prohibited substance or an exceedance of an allowable level of a permitted medication during any race licensed by the commission.

Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the commission may seek judicial review pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

2. Delegation of authority to commission chair. The commission may delegate to the chair, by rules adopted in accordance with the Maine Administrative Procedure Act, its authority to levy fines, disqualifications, purse returns and suspensions for particular violations or classes of violations. The chair shall exercise this authority in a manner consistent with Title 5, chapter 375. Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the chair may seek judicial review pursuant to the Maine Administrative Procedure Act. This subsection takes effect on July 1, 1992.

Sec. 3. 8 MRSA §280, sub-§1, as enacted by PL 2007, c. 244, §1, is amended to read:

1. Violation; interference with horse. ~~Except as provided in section 279-A, a~~ A person may not intentionally or knowingly:

- A. Interfere with, tamper, injure, destroy, stimulate or depress by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether that horse is the property of that person or another;
- B. Attempt to violate paragraph A; or
- C. Cause, instigate, counsel or in any way abet the violation of paragraph A.

Sec. 4. 8 MRSA §280, sub-§3, ¶B, as enacted by PL 2007, c. 244, §1, is amended to read:

B. The owner of any horse that is found to have ~~been stimulated or doped~~ violated this section must be denied any part of the purse offered for a race in which that horse participated, and the purse must be distributed as in the case of a disqualification. If the owner of a horse is convicted of violating this section, the court may bar the owner from racing any horses in the State for a period of one year from the date of conviction.

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