

# **Title 8: AMUSEMENTS AND SPORTS**

## **Chapter 11: HARNESS RACING**

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

**§261. COMMISSION**  
*(REPEALED)*

SECTION HISTORY

1975, c. 771, §103 (AMD). 1983, c. 75, (AMD). 1983, c. 812, §55 (AMD). 1983, c. 834, §1 (RPR). 1987, c. 402, §A81 (RPR). 1989, c. 503, §B48 (AMD). 1991, c. 579, §18 (AFF). 1991, c. 579, §3 (RP).

**§261-A. COMMISSION**

**1. Establishment.** The State Harness Racing Commission as established by Title 5, section 12004-G, subsection 32 and referred to in this chapter as the "commission," shall carry out the functions specified in this chapter. The commission is affiliated with the department as specified in this chapter.

[ 1997, c. 528, §3 (AMD) .]

**2. Members.** The commission consists of 5 members appointed by the Governor. One member must be a member of the general public with no industry affiliation. One member must be affiliated with an agricultural society that conducts an annual agricultural fair. The other 3 members must be persons with a knowledge of harness racing.

[ 1991, c. 579, §4 (NEW); 1991, c. 579, §18 (AFF) .]

**3. Geographic distribution.** The members must be appointed to provide broad geographic representation.

[ 1991, c. 579, §4 (NEW); 1991, c. 579, §18 (AFF) .]

**4. Term of office.** Members of the commission serve 3-year terms. For appointments that expire in 2003, the Governor shall appoint one commissioner for a term of one year, 2 commissioners for a term of 2 years and 2 commissioners 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, §1 (AMD) .]

**5. Confirmation.** Appointees must be reviewed by the joint standing committee of the Legislature having jurisdiction over agricultural matters and are subject to confirmation by the Legislature.

[ 1991, c. 579, §4 (NEW); 1991, c. 579, §18 (AFF) .]

**6. Chair.** The Governor shall appoint one of the 5 commission members as chair. The chair serves at the pleasure of the Governor.

[ 2001, c. 63, §2 (AMD) .]

**7. Removal.** Except as provided in subsection 6, the Governor may remove any member of the commission for just cause. A member who is subject to removal must be given a copy of the charges against that member and must, upon request, be given an opportunity to be heard upon 10 days' notice.

[ 1991, c. 824, Pt. A, §9 (AMD) . ]

**8. Conflict of interest.** A commission member may not participate in any matter before the commission in which that member has a direct or indirect pecuniary interest or personal bias or if any other conflict of interest is determined by the commission to exist, either on its own motion or in response to a written complaint.

[ 1991, c. 579, §4 (NEW); 1991, c. 579, §18 (AFF) . ]

#### SECTION HISTORY

1991, c. 579, §4 (NEW). 1991, c. 579, §18 (AFF). 1991, c. 780, §RR2 (AMD). 1991, c. 824, §A9 (AMD). 1997, c. 527, §1 (AMD). 1997, c. 528, §§3-5 (AMD). 2001, c. 63, §§1,2 (AMD).

## §262. ORGANIZATION

Three of the members of the commission constitute a quorum to do business. The commission shall meet as necessary to accomplish the purposes of this chapter and shall keep a record of all proceedings of the commission and preserve all books, maps, documents, papers and records entrusted to its care. [2017, c. 231, §1 (AMD).]

#### SECTION HISTORY

1971, c. 594, §14 (AMD). 1973, c. 537, §§5-A (AMD). 1979, c. 731, §19 (AMD). 1983, c. 834, §2 (AMD). 1991, c. 579, §5 (AMD). 2017, c. 231, §1 (AMD).

## §263. OFFICES

The commission shall have an office in Augusta and, during the time in which racing is conducted in the State, may maintain branch offices elsewhere.

### §263-A. COMMISSION RESPONSIBILITIES

The commission has the following responsibilities under this chapter. [1997, c. 528, §6 (NEW) . ]

**1. Rulemaking.** The commission shall adopt rules for:

- A. The conduct of harness racing and off-track betting facilities; [1997, c. 528, §6 (NEW) . ]
- B. The licensing of racetracks and off-track betting facilities; [1997, c. 528, §6 (NEW) . ]
- C. The licensing of individuals participating in harness racing and off-track betting facilities, including rules requiring applicants to submit information sufficient for the report required to be submitted by the executive director of the commission as required by section 1037; [2011, c. 358, §3 (AMD) . ]
- D. The procedures for hearing appeals from decisions of track judges; [1997, c. 528, §6 (NEW) . ]
- E. The procedures and standards for setting race dates; and [2017, c. 475, Pt. A, §8 (AMD) . ]
- F. Any other responsibility assigned to the commission under this chapter. [1997, c. 528, §6 (NEW) . ]

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[ 2017, c. 475, Pt. A, §8 (AMD) .]

**2. Appeals.** The commission shall hear appeals of decisions of track judges involving violations of this chapter and rules adopted under this chapter.

[ 1997, c. 528, §6 (NEW) .]

**3. Licensing of tracks and off-track betting facilities.** The commission shall license racetracks and off-track betting facilities as provided in sections 271 and 275-D.

[ 1997, c. 528, §6 (NEW) .]

**4. Setting race dates.** The commission shall set race dates as provided under section 271.

[ 1997, c. 528, §6 (NEW) .]

**5. Establishing minimum number of race dates for commercial tracks.** The commission shall establish a minimum number of race dates for commercial tracks.

[ 2017, c. 231, §2 (NEW) .]

**6. Promotion of harness racing.** The commission shall promote harness racing in the State through the formation of advisory subcommittees, the facilitation of marketing plans and the expenditure or granting of funds.

[ 2017, c. 371, §1 (NEW) .]

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

*§263-A. Executive director*

*(As enacted by PL 1997, c. 527, §2 is REALLOCATED TO TITLE 8, SECTION 263-C)*

[ 2017, c. 371, §1 (NEW) .]

#### SECTION HISTORY

1997, c. 527, §2 (NEW). 1997, c. 528, §6 (NEW). 1999, c. 790, §A8 (RAL). 2011, c. 358, §3 (AMD). 2017, c. 231, §2 (AMD). 2017, c. 371, §1 (AMD). 2017, c. 475, Pt. A, §8 (AMD).

## §263-B. DEPARTMENT RESPONSIBILITIES

The department has the following responsibilities under this chapter. [1997, c. 528, §6 (NEW) .]

**1. Strategies.** The department shall work with members of the harness racing industry to formulate common strategies for improving the status of harness racing in the State.

[ 1997, c. 528, §6 (NEW) .]

**2. Leadership in policy making.** The department, in conjunction with the commission, shall develop state policy with regard to the harness racing industry and shall address the needs of the industry to remain competitive.

[ 2003, c. 401, §1 (AMD) .]

**3. Review of statutes.** The department, in conjunction with the commission, shall maintain an ongoing review of the statutes relating to harness racing and make recommendations to the Governor and the Legislature regarding the need for changes in statutes to improve the condition of the harness racing industry and the conduct and regulation of harness racing and off-track betting.

[ 2003, c. 401, §1 (AMD) .]

**4. Oversight of disbursements.** The department may require licensees to provide financial records and reports related to sections 281, 298, 299 and 300. The department may audit records and reports provided under this subsection.

[ 2017, c. 231, §3 (NEW) .]

#### SECTION HISTORY

1997, c. 528, §6 (NEW). 2003, c. 401, §1 (AMD). 2017, c. 231, §3 (AMD).

## §263-C. EXECUTIVE DIRECTOR

*(REALLOCATED FROM TITLE 8, SECTION 263-A)*

The chief operating officer of the State Harness Racing Commission is the executive director. [1999, c. 790, Pt. A, §8 (RAL).]

**1. Position.** The executive director is a classified position within the department.

[ 2003, c. 401, §2 (AMD) .]

**2. Appointment.** The commissioner shall appoint an executive director with the approval of the commission. The executive director is the principal administrative, operational and executive employee of the commission.

[ 2003, c. 401, §3 (RPR) .]

**3. Qualifications.** The executive director must have knowledge of harness racing and a proven record of leadership.

[ 1999, c. 790, Pt. A, §8 (RAL) .]

**4. Duties.** The executive director has the following duties:

A. Management of the work of the commission, including:

- (1) Rulemaking;
- (2) Processing appeals;
- (3) Licensing of tracks and off-track betting facilities;
- (4) Setting race dates;
- (5) Making reports to the Governor and Legislature and recommendations to the commissioner regarding harness racing and off-track betting operations and the need for changes in statutes and rules; and

(6) Presenting evidence in adjudicatory hearings before the commission regarding alleged violations of this chapter or rules adopted in accordance with this chapter; and [2007, c. 611, §4 (AMD).]

B. Management of the work of the department regarding harness racing and off-track betting, including:

- (1) Supervision of all staff involved in harness racing and off-track betting functions;
- (2) Management of the collection and distribution of revenues under this chapter;
- (3) Budget development and management;
- (4) Policy development with regard to harness racing and off-track betting;
- (5) Management of participant licensing;
- (6) Enforcement of harness racing and off-track betting statutes and rules;
- (7) Investigation of harness racing and off-track betting violations; and
- (8) Facilitating the development of positive working relationships in the harness racing industry and State Government. [2003, c. 687, Pt. B, §11 (AFF); 2003, c. 687, Pt. B, §2 (RPR).]

[ 2007, c. 611, §4 (AMD) .]

#### SECTION HISTORY

1999, c. 790, §A8 (RAL). IB 2003, c. 1, §2 (AMD). 2003, c. 401, §§2-4 (AMD). 2003, c. 687, §B2 (AMD). 2003, c. 687, §B11 (AFF). 2007, c. 611, §4 (AMD).

## §264. EMPLOYEES

The department may employ such personnel as it considers necessary to provide adequate oversight and enforcement and to carry out the purposes of this chapter, subject to the Civil Service Law. The department may fix the compensation of the employees on a per diem basis, subject to the Civil Service Law. [1997, c. 735, §1 (RPR).]

Notwithstanding the provisions of this section, all officials whose presence is regularly required at a race meet must be licensed by the commission. The commission shall adopt rules providing for standards for the licensure and conduct of presiding and associate judges. For purposes of the Maine Tort Claims Act, the presiding judge and associate judges licensed pursuant to this section are deemed to be employees of the State, as those terms are defined in Title 14, section 8102, subsections 1 and 4. [2017, c. 231, §4 (AMD).]

When a presiding judge or an associate judge is required to attend an appeal hearing under section 263-A before the commission, the judge is entitled to mileage reimbursement consistent with Title 5, section 8 and a per diem of \$100 per day. To receive compensation for appearance at an appeal hearing, a presiding judge or associate judge must submit an expense voucher consistent with Title 5, section 12002-C. [2017, c. 231, §4 (NEW).]

#### SECTION HISTORY

1971, c. 594, §15 (RPR). 1979, c. 731, §19 (AMD). 1985, c. 785, §B50 (AMD). 1991, c. 579, §6 (RPR). 1997, c. 528, §7 (AMD). 1997, c. 735, §1 (RPR). 2001, c. 567, §1 (AMD). 2003, c. 401, §5 (AMD). 2017, c. 231, §4 (AMD).

## §265. COMPENSATION

Members of the commission are entitled to be compensated as provided in Title 5, chapter 379.

[1997, c. 527, §3 (AMD); 1997, c. 528, §8 (AMD).]

Compensation of the members of the commission and all other necessary expenses of the commission must be paid out of the operating account established under section 267-A. [2007, c. 539, Pt. G, §2 (AMD); 2007, c. 539, Pt. G, §15 (AFF).]

### SECTION HISTORY

1979, c. 672, §A45 (RPR). 1983, c. 812, §56 (RPR). 1991, c. 579, §7 (AMD). 1997, c. 527, §3 (AMD). 1997, c. 528, §8 (AMD). 2007, c. 539, Pt. G, §2 (AMD). 2007, c. 539, Pt. G, §15 (AFF).

## §266. DISBURSEMENTS

Compensation of the commissioners, their assistants and all other necessary expenses of the commission shall be paid out of the operating account established under section 267-A. [2007, c. 539, Pt. G, §3 (AMD); 2007, c. 539, Pt. G, §15 (AFF).]

### SECTION HISTORY

2007, c. 539, Pt. G, §3 (AMD). 2007, c. 539, Pt. G, §15 (AFF).

## §267. BUDGET; REPORT

**1. Budget.** The commission shall develop or revise a recommended operating budget covering All Other account expenses for the biennium in accordance with this subsection. Funding for the commission is provided entirely from the operating account established in section 267-A.

A. On or before August 1st of even-numbered years the commission shall hold a hearing to make findings regarding and develop its recommended operating budget covering All Other account expenses for the biennium. The commission shall provide notice of the hearing in accordance with Title 5, section 9052, and notice must be provided to persons who receive distributions from the funds established by sections 281, 298, 299 and 300 and Title 7, section 91. Based on the information obtained during the hearing, the commission shall submit to the commissioner as provided in Title 5, section 1665 a budget consistent with this subsection that is sufficient to carry out the provisions of this chapter, and the commissioner shall transmit this budget to the Bureau of the Budget without any revision, alteration or change. The commission shall submit a copy of this budget with any desired comments to the joint standing committee of the Legislature having jurisdiction over agricultural matters. [2017, c. 231, §5 (AMD).]

B. [2017, c. 231, §5 (RP).]

Any budgetary increases proposed by the commission in developing its recommended budget must be reasonable and related to expansion in the number of racing days, the numbers of races held, the expansion of programs and activities as recommended by the commission or inflation.

[ 2017, c. 231, §5 (AMD) .]

**2. Report.** Beginning February 15, 2019, and annually thereafter, the commission shall submit a report to the commissioner and the joint standing committees of the Legislature having jurisdiction over slot machines, harness racing, agricultural 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. The report must include an account of the commission's operations and actions regarding the promotion of harness racing, a summary of income and expenses of the Harness Racing Promotional Fund, including any receipts and disbursements, and an assessment of the economic condition of the harness racing industry in this State.

[ 2017, c. 371, §2 (AMD) .]

#### SECTION HISTORY

1991, c. 579, §8 (RPR). 1997, c. 528, §9 (AMD). 2007, c. 539, Pt. G, §§4, 5 (AMD). 2007, c. 539, Pt. G, §15 (AFF). 2017, c. 231, §5 (AMD). 2017, c. 371, §2 (AMD).

## §267-A. OPERATING ACCOUNT FOR THE COMMISSION

**1. Account established.** An operating account for the commission, referred to in this section as "the operating account," is established as a dedicated, nonlapsing fund. Funds in the operating account may be allocated and expended only for the purposes of funding the operations of the commission. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

[ 2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF) .]

**2. Revenues.** The following must be deposited in the operating account:

A. The state share as required under section 287; [2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF).]

B. All fees collected by the commission pursuant to sections 271, 275-D and 279-A; [2015, c. 493, §1 (AMD).]

C. Any funds allocated or appropriated to the operating account; and [2015, c. 493, §1 (AMD).]

D. Any funds deposited in the operating account pursuant to section 299, subsection 3. [2015, c. 493, §2 (NEW).]

[ 2015, c. 493, §§1, 2 (AMD) .]

**3. Additional revenue needs.** Using the total legislative allocation of the operating account for the fiscal year and the revenue received and anticipated under subsection 2, the commission shall calculate the amount of additional revenue needed, referred to in this section as "the shortfall," to equal the total legislative allocation. This calculation must be made at least annually and more frequently if needed.

[ 2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF) .]

**4. Administrative assessments.** The following funds, referred to collectively in this section as "the assessed funds," are subject to an administrative assessment determined under subsection 5:

A. The fund established in section 298 to supplement harness racing purses; [2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF).]

B. The Sire Stakes Fund established in section 281; [2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF).]

C. The Agricultural Fair Support Fund established in Title 7, section 91; [2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF).]

D. The Fund to Encourage Racing at Maine's Commercial Tracks established in section 299; and [2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF).]

E. The Fund to Stabilize Off-track Betting Facilities established in section 300. [2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF).]

Only those balances in the assessed funds from revenues received under section 1036, subsection 2, paragraphs B, C, D, H and I are subject to an assessment under this section.

[ 2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF) .]

**5. Calculation and transfer of administrative assessment.** The commission shall establish by rule an administrative assessment that when applied to each of the assessed funds yields a total that approximates the amount of the shortfall. The assessment is a percentage of the revenue each fund receives under section 1036. An assessment may be made on a monthly basis. The commission shall certify the amounts to be assessed on each of the assessed funds to the Treasurer of State, who shall transfer those amounts to the operating account.

[ 2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF) .]

**6. Working capital advance.** In addition to the administrative assessment established under subsection 5, the commission may assess a working capital advance from each of the assessed funds to meet the cash flow needs of the commission. The amount of the advance under this subsection must be established by rule and must be calculated as a single percentage applied to each of the assessed funds. The commission shall certify the amounts to be advanced from each of the assessed funds to the Treasurer of State, who shall transfer those amounts to the operating account.

The commission shall credit against future assessments calculated under subsection 5 any amounts advanced as a working capital advance under this subsection.

[ 2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF) .]

**7. Rulemaking.** Rules adopted under subsections 5 and 6 to establish administrative assessments and working capital advances are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2007, c. 539, Pt. G, §6 (NEW); 2007, c. 539, Pt. G, §15 (AFF) .]

#### SECTION HISTORY

2007, c. 539, Pt. G, §6 (NEW). 2007, c. 539, Pt. G, §15 (AFF). 2015, c. 493, §§1, 2 (AMD).

## §268. RULES

The commission shall adopt rules for holding, conducting and operating all harness horse races or meets for public exhibition held in this State; for the establishment of a minimum number of race dates at commercial tracks; and for the operation of racetracks on which any such race or meet is held. [2017, c. 231, §6 (AMD).]

The commission may adopt rules for licensing and operating off-track betting facilities. The commission shall submit proposed rules or proposed amendments to rules related to off-track betting to each member of the joint standing committee of the Legislature having jurisdiction over legal affairs and to each member of the joint standing committee of the Legislature having jurisdiction over agricultural matters not less than 20 days before a public hearing on the proposed rule or amendment and not less than 20 days before adoption of such a rule or amendment without a public hearing. The notice must include a copy of the proposed rule or amendment. [2017, c. 231, §7 (AMD).]

The commission may authorize licensees of extended meets to provide for the simulcasting of entire racing cards for horse racing during the first 8 weeks of each year. [1993, c. 95, §1 (AMD).]

The commission may adopt rules allowing interstate simulcasting of horse racing at a licensee's race track during any regular meeting. [1993, c. 95, §1 (AMD).]

The commission shall adopt rules specifying the manner in which an off-track betting facility or a racetrack conducting simulcasting may provide adequate coverage of broadcasts originating in the State. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [1997, c. 528, §10 (NEW).]

#### SECTION HISTORY

1969, c. 526, §1 (RPR). 1973, c. 309, (RPR). 1987, c. 886, §1 (AMD). 1989, c. 882, (AMD). 1991, c. 542, §§1,2 (AMD). 1991, c. 542, §3 (AFF). 1991, c. 579, §9 (AMD). 1993, c. 95, §1 (AMD). 1993, c. 388, §3 (AMD). 1997, c. 528, §10 (AMD). 1999, c. 394, §1 (AMD). 2017, c. 231, §§6, 7 (AMD).

## §269. RACES

No person, association or corporation shall hold, conduct or operate any harness horse race or meet for public exhibition, if pari-mutuel betting is permitted, within the State without a license from the commission.

## §270. LICENSES

Any person, association or corporation licensed to conduct pari-mutuel betting desiring to hold a harness horse race or meet for public exhibition if pari-mutuel betting is permitted shall apply to the commission for a license to do so. The application must be signed and sworn to by the person or executive officer of the association or corporation and must contain the following information: [2003, c. 401, §6 (AMD).]

- 1. Name and address.** The full name and address of the person, association or corporation;
- 2. If an association.** If an association, the names and residences of the members of the association;
- 3. If a corporation.** If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders;
- 4. Location to conduct races.** The exact location where it is desired to conduct or hold races or race meets;
  - 4-A. Requested dates.** The dates and time of day or night on which it is desired to conduct or hold races or race meets;

[ 1985, c. 444, §1 (NEW) .]
- 5. If racing plant owned or leased.** Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof;
- 6. Assets and liabilities.** A statement of the assets and liabilities of the person, association or corporation making such application;
- 7. Other information.** Such other information as the commission may require.

#### SECTION HISTORY

1985, c. 444, §1 (AMD). 2001, c. 567, §2 (AMD). 2003, c. 401, §6 (AMD).

## §270-A. CONFIDENTIALITY OF RECORDS AND INFORMATION

For the purposes of Title 1, section 402, subsection 3, the types of records and information listed in section 1006, subsection 1 when collected by or provided to the commission are designated as confidential and may not be disclosed except as provided in section 1006, subsection 2. This section applies to information or records included in an application or materials required by the commission for issuance of a commercial track license, including records obtained or developed by the commission related to an applicant or licensee.

[2007, c. 483, §1 (NEW).]

### SECTION HISTORY

2007, c. 483, §1 (NEW).

## §271. ISSUANCE OF LICENSES FOR THE CONDUCT OF RACING

**1. Licensing.** If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of race dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The fee for a license is \$100 or \$10 per week, whichever is higher. The commission shall make available harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this chapter. A license issued pursuant to this subsection is not transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license is automatically revoked, subject to Title 5, chapter 375, upon a change in ownership, legal or equitable, of 50% or more of the voting stock of the licensee; the licensee may not hold a harness horse race or meet for public exhibition without a new license.

[ 2017, c. 475, Pt. A, §9 (AMD) .]

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

A. The revenues to be generated, consistent with the profitability and financial health of the licensee, for the operating account pursuant to section 287; the purse supplements pursuant to section 286; the Sire Stakes Fund pursuant to section 281; and the Stipend Fund pursuant to Title 7, section 86; [2007, c. 539, Pt. G, §7 (AMD); 2007, c. 539, Pt. G, §15 (AFF).]

B. The quality of race programming and facilities offered and to be offered by the licensee and the suitability of the applicant's racing facilities for operation at the season for which the race dates are requested; [1995, c. 408, §2 (AMD).]

C. The necessity of having and maintaining proper physical facilities for racing meetings; and consequently, to ensure the continuance of the facilities, the quality of the licensee's maintenance of its track and plant, the adequacy of its provisions for rehabilitation and capital improvements and the necessity of fair treatment of the economic interests and investments of those who, in good faith, have provided and maintained racing facilities; [2017, c. 231, §9 (AMD).]

D. The desirability of reasonable consistency in the pattern of race date assignments from year to year; [1995, c. 408, §2 (AMD).]

E. With respect to agricultural societies seeking licenses to conduct harness racing meets at the time of their annual fairs, the scheduling of agricultural fairs determined by the Commissioner of Agriculture, Conservation and Forestry pursuant to Title 7, sections 83 and 84; [2005, c. 563, §5 (AMD); 2011, c. 657, Pt. W, §6 (REV).]

F. The preservation of a diversity of harness racing tracks in the State; [1985, c. 444, §2 (NEW).]

G. The quality of the licensee's observance and enforcement of this chapter and the rules adopted pursuant to this chapter during the past year; [2017, c. 231, §9 (AMD).]

H. The extent to which the licensee fully utilized race dates granted to it for the past year; [1995, c. 408, §2 (AMD).]

I. The personnel and resources available to the commission for the enforcement of this chapter and the rules adopted pursuant to this chapter; [2017, c. 231, §9 (AMD).]

J. The likely availability of race-worthy horses throughout the year with a goal of promoting full cards and avoiding 5-horse fields; and [2017, c. 231, §9 (AMD).]

K. Such other criteria consistent with the betterment of harness racing and the public health, safety and welfare as the commission may establish by rule. [1985, c. 444, §2 (NEW).]

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

[2007, c. 466, Pt. A, §26 (AMD); 2007, c. 539, Pt. G, §7 (AMD); 2007, c. 539, Pt. G, §15 (AFF); 2017, c. 231, §9 (AMD).]

**3. Overlapping race dates.** The commission may not award overlapping race dates for extended meets to licensees within 50 miles of each other without the approval of 60% or more of the entire commission.

[1991, c. 579, §10 (AMD).]

#### 4. Evaluation.

[1991, c. 579, §10 (RP).]

**5. Minimum number of race dates.** The commission may assign a commercial licensee a minimum number of race dates for a period of up to 3 years. The specific calendar dates for the minimum number of race dates and any additional race dates are determined each year in accordance with subsection 1. For the purposes of this subsection, "commercial licensee" means a licensee with an annual total of at least 25 race dates with pari-mutuel wagering in the previous calendar year.

[2017, c. 231, §10 (AMD).]

**6. Conditions.** The commission may impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued, but may be brought into compliance within a time period during the licensing year.

[ 1997, c. 406, §1 (NEW) .]

**7. Hearing on horse supply.** Prior to August 31st of each year, the commission shall conduct a hearing to determine whether the horse supply in the State has been adequate for the number of dashes conducted on assigned race dates. If the commission concludes that the horse supply has been inadequate, the commission shall limit to the extent necessary the number of dashes that a licensee may race on any date after August 1st of that year that has been assigned to more than one track. The commission may not restrict the number of dashes to fewer than 8.

[ 2017, c. 231, §11 (AMD) .]

**8. Term of license and race date assignment.** Notwithstanding any provision of this chapter to the contrary, each license to conduct live racing or to engage in simulcast wagering, including by operating an off-track betting facility as defined in section 275-A and all awards of race dates issued or made by the commission, beginning with licenses issued and race dates awarded for 1998, may be for a 2-year period.

[ 2001, c. 320, §1 (AMD) .]

**9. Previous year's dates.**

[ 2017, c. 231, §12 (RP) .]

SECTION HISTORY

1969, c. 218, §1 (AMD). 1971, c. 91, §2 (AMD). 1971, c. 593, §22 (AMD). 1973, c. 303, §3 (AMD). 1977, c. 694, §§151,152 (AMD). 1981, c. 705, §Q1 (AMD). 1983, c. 196, §§1,2 (AMD). 1985, c. 444, §2 (RPR). 1989, c. 203, §2 (AMD). 1991, c. 579, §10 (AMD). 1993, c. 388, §4 (AMD). 1995, c. 408, §§1-3 (AMD). RR 1997, c. 1, §§5-7 (COR). 1997, c. 406, §1 (AMD). 1997, c. 416, §1 (AMD). 1997, c. 474, §1 (AMD). 1997, c. 474, §6 (AFF). 1997, c. 528, §11 (AMD). 1997, c. 528, §12 (AMD). 1999, c. 547, §B25 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 320, §1 (AMD). 2001, c. 567, §3 (AMD). IB 2003, c. 1, §3 (AMD). 2003, c. 687, §B3 (AMD). 2003, c. 687, §B11 (AFF). 2005, c. 563, §§4,5 (AMD). 2007, c. 466, Pt. A, §26 (AMD). 2007, c. 539, Pt. G, §7 (AMD). 2007, c. 539, Pt. G, §15 (AFF). 2011, c. 657, Pt. W, §6 (REV). 2017, c. 231, §§8-12 (AMD). 2017, c. 475, Pt. A, §9 (AMD).

**§272. BONDS**

Every person, association or corporation licensed under this chapter shall, before said license is issued, give bond or irrevocable letter of credit to the State in such reasonable sum, not exceeding \$100,000, as may be fixed by the commission, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed by this chapter and to keep its books and records and make reports as provided, and to conduct its racing in conformity with this chapter and the rules and regulations prescribed by the commission. [2003, c. 401, §7 (AMD).]

SECTION HISTORY

1969, c. 526, §2 (AMD). 2003, c. 401, §7 (AMD).

**§272-A. TRUST ACCOUNT***(REPEALED)*

## SECTION HISTORY

1997, c. 474, §2 (NEW). 1997, c. 474, §6 (AFF). 1997, c. 735, §§2-4 (AMD). 1999, c. 482, §1 (AMD). 2003, c. 401, §8 (RP).

**§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 a majority of the membership of which is composed of owners, trainers and drivers or any combination of owners, trainers and drivers who are licensed by the commission and 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. [2013, c. 490, §1 (AMD).]

**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; [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]
- B. The purse supplement share calculated under section 286 for distribution under section 290; [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]
- C. The funds designated from the commercial meet account to supplement purses under section 287, subsection 2; [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]
- D. The funds designated from the extended meet account to supplement purses under section 289, subsection 2, paragraph B; [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]
- E. The fund to supplement harness racing purses established under section 298 and receiving payment pursuant to section 1036, subsection 2, paragraph B; and [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]
- F. Disbursements from the Agricultural Fair Support Fund under Title 7, section 91, subsection 2, paragraph A. [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]

[2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF) .]

**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; [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]
- 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 [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]
- 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. [2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF).]

[2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF) .]

**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.

[ 2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF) .]

**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.

[ 2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF) .]

**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.

[ 2007, c. 211, §1 (NEW); 2007, c. 211, §2 (AFF) .]

#### SECTION HISTORY

2003, c. 401, §9 (NEW). 2007, c. 211, §2 (AFF). 2007, c. 211, §1 (RPR).  
2013, c. 490, §1 (AMD).

## §272-C. TRUST ACCOUNT

**1. Establishment; deposits; rules.** A licensee conducting live racing in the State shall establish a trust account for the benefit of the persons who race horses at that licensee's facility. Except as provided by subsection 3, funds distributed to or retained by the licensee pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any administrative assessments pursuant to section 267-A, that must be used to pay or supplement harness racing purses must be deposited in that account and used exclusively to pay harness racing purses. The funds in a trust account established in accordance with this subsection are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee and are not subject to attachment or execution by creditors of the licensee. The commission may adopt rules governing the handling of trust accounts, providing for the reallocation of trust account funds to other licensed commercial tracks in the event that a track ceases operation or cancels a significant number of race days, as determined by the commission, and governing the handling of harness racing purses at any commercial track that does not have a contract with a statewide horsemen association. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 231, §13 (AMD) .]

**2. Payment if licensee fails to conduct racing.** If a licensee ceases to operate and therefore fails to conduct racing during any of the assigned race dates in a calendar year, all funds not committed to pay purses held in the trust account established under this section by that licensee must be returned within 15 days to the commission, which shall return to the licensee any amount that represented a reimbursement that equaled an overpayment of harness racing purses. Any remaining balance of the trust account must be redistributed by the commission to the trust accounts of all racetracks that continue to conduct live racing in the State, with each track receiving that portion of money determined by multiplying the amount of money available for redistribution by a fraction, the numerator of which is the number of race dates at that racing facility during the prior calendar year and the denominator of which is the total number of race dates throughout the State

during that year, except that those funds received by a licensee pursuant to section 298 must be returned to the fund to supplement harness racing purses established in section 298 and must be distributed according to that section.

[ 2017, c. 231, §13 (AMD) .]

### **3. Limited interim use of funds permitted.**

[ 2013, c. 490, §2 (NEW); T. 8, §272-C, sub-§3 (RP) .]

#### SECTION HISTORY

2013, c. 490, §2 (NEW). 2017, c. 231, §13 (AMD).

## **§273. PENALTIES**

Any person, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of, any harness horse race or meet for public exhibition within the State without a license duly issued by the commission when a license is required under sections 269 and 270 commits a Class D crime. [2007, c. 611, §5 (AMD).]

#### SECTION HISTORY

2007, c. 611, §5 (AMD).

## **§274. PARI-MUTUEL POOLS**

*(REPEALED)*

#### SECTION HISTORY

1965, c. 511, §1 (AMD). 1971, c. 433, §1 (AMD). 1973, c. 391, §1 (AMD). 1977, c. 96, §§2-4 (AMD). 1979, c. 672, §A46 (AMD). 1981, c. 705, §Q2 (RPR). 1985, c. 444, §3 (AMD). 1987, c. 759, §§2-4 (AMD). 1989, c. 787, §§A1,2 (AMD). 1991, c. 686, §1 (AMD). 1993, c. 388, §5 (RP).

## **§274-A. OFF-TRACK BETTING**

*(REPEALED)*

#### SECTION HISTORY

1991, c. 579, §11 (NEW). 1991, c. 686, §2 (AMD). 1993, c. 388, §6 (RP).

## **§275. TAXES**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 391, §2 (AMD). 1977, c. 96, §§5,6 (AMD). 1977, c. 564, §§40,41 (AMD). 1979, c. 672, §A47 (AMD). 1981, c. 705, §Q3 (AMD). 1985, c. 444, §4 (AMD). 1987, c. 759, §§5,6 (AMD). 1987, c. 886, §2 (AMD). 1989, c. 787, §A3 (AMD). 1991, c. 579, §12 (AMD). 1993, c. 388, §7 (RP).

## **§275-A. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 528, §13 (AMD).]

**1. Commercial track.** "Commercial track" means any harness horse racing track that is a for-profit business and is licensed under this chapter to conduct harness horse racing with pari-mutuel wagering that is not associated with an agricultural fair as defined in Title 7, section 81 and that:

A. If the population of the region is 300,000 or more, based on the 1990 U.S. Census, conducted racing on more than 69 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is 300,000 or more, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 70 days in each of the 2 preceding calendar years; [2017, c. 231, §14 (AMD).]

B. If the population of the region is less than 300,000, based on the 1990 U.S. Census, conducted racing on more than 34 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is less than 300,000, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 35 days in each of the 2 preceding calendar years; [2017, c. 231, §14 (AMD).]

C. Began operation after January 1, 2014 in a region with a population of 300,000 or more, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph A that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a racetrack is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 70 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 70 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial track that ceased operation after January 1, 2014 are credited to the replacement commercial track; or [2017, c. 231, §14 (AMD).]

D. Began operation after January 1, 2014 in a region with a population of less than 300,000, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph B that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a racetrack is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 35 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 35 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial track that ceased operation after January 1, 2014 are credited to the replacement commercial track. [2017, c. 231, §14 (AMD).]

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.

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

[2017, c. 231, §14 (AMD).]

**1-A. Commercial meet.** "Commercial meet" means harness horse racing conducted live at a commercial track.

[ 1995, c. 408, §4 (NEW) . ]

**1-B. Commission; agency.** "Commission," with regard to an agency, means the State Harness Racing Commission.

[ 1997, c. 528, §14 (NEW) . ]

**1-C. Commission; wagers.** "Commission," with regard to wagers, means all amounts not paid or payable to persons winning wagers.

[ 1997, c. 528, §14 (NEW) . ]

**1-D. Commissioner.** "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.

[ 1997, c. 528, §14 (NEW); 2011, c. 657, Pt. W, §6 (REV) . ]

## **2. Commissions.**

[ 1997, c. 528, §15 (RP) . ]

**3. Common pool or commingled pool.** "Common pool" or "commingled pool" means a pool in which wagers placed at more than one location are merged for purposes of determining the payout on winning wagers.

[ 1993, c. 388, §8 (NEW) . ]

**3-A. Department.** "Department" means the Department of Agriculture, Conservation and Forestry.

[ 1997, c. 528, §16 (NEW); 2011, c. 657, Pt. W, §5 (REV) . ]

**4. Exotic wagers.** "Exotic wagers" means wagers in which the bettor selects 2 or more horses in one or more races in a single wager.

[ 1993, c. 388, §8 (NEW) . ]

**5. Extended meet.** "Extended meet" means a series of harness horse races, except harness horse races conducted by an agricultural society at the time of its annual fair.

[ 1993, c. 388, §8 (NEW) . ]

**6. Licensee.** "Licensee" means a person licensed under section 271 or section 275-D to conduct pari-mutuel wagering on horse racing in this State.

[ 1993, c. 388, §8 (NEW) . ]

**7. Municipal officers.** "Municipal officers" has the same meaning as in Title 28-A, section 2, subsection 21 except that, when an off-track betting facility is proposed in an unincorporated location, the term "municipal officers" means the county commissioners of the county in which the facility is to be located and the term "municipality" means the unincorporated location.

[ 1993, c. 388, §8 (NEW) . ]

**7-A. Net commission.** "Net commission" means the total commission less 4% of the amount wagered.

[ 2015, c. 200, §1 (NEW) .]

**8. Off-track betting facility.** "Off-track betting facility" means a facility other than a racetrack at which a person is licensed to conduct pari-mutuel wagering on simulcast racing.

[ 1993, c. 388, §8 (NEW) .]

**9. Off-track betting licensee.** "Off-track betting licensee" means a person who has obtained a license to conduct pari-mutuel wagering at an off-track betting facility.

[ 1993, c. 388, §8 (NEW) .]

**9-A. Race date.** "Race date" means a scheduled date awarded by the commission pursuant to section 271 for which there is a racing program of not less than 8 separate live races. In the event of cancellation of a portion of the scheduled racing program due to weather, power failure or a decision to cancel by the presiding judge on duty, a minimum of 5 live races actually raced constitutes a race date. If a licensee schedules separate programs for both an afternoon and an evening on the same calendar day and each program qualifies as a race date under this subsection, that licensee is granted one race date for each program.

[ 2017, c. 231, §15 (AMD) .]

**9-B. Race day.** "Race day" means a scheduled day of racing awarded by the commission pursuant to section 271 on which racing occurred.

[ 2017, c. 231, §16 (NEW) .]

**10. Racing licensee.** "Racing licensee" means a person who is authorized under section 271 to conduct harness horse racing in this State.

[ 1993, c. 388, §8 (NEW) .]

**10-A. Regular meeting.** "Regular meeting" means the period of time from the first date a licensee is authorized to conduct live racing through the last date a licensee is authorized to conduct live racing, excluding periods of time longer than 14 days when the licensee is not authorized to conduct live racing.

[ 2017, c. 231, §17 (AMD) .]

**11. Regular wagers.** "Regular wagers" means wagers other than exotic wagers.

[ 1993, c. 388, §8 (NEW) .]

#### SECTION HISTORY

1993, c. 388, §8 (NEW). 1995, c. 408, §§4-6 (AMD). 1997, c. 474, §3 (AMD). 1997, c. 474, §6 (AFF). 1997, c. 528, §§13-16 (AMD). 1999, c. 482, §2 (AMD). 1999, c. 482, §10 (AFF). 2003, c. 401, §10 (AMD). 2011, c. 657, Pt. W, §§5, 6 (REV). 2013, c. 490, §3 (AMD). 2015, c. 200, §1 (AMD). 2017, c. 231, §§14-17 (AMD).

## §275-B. SALE OF PARI-MUTUEL POOLS

The following persons may sell pari-mutuel pools on horse racing in accordance with this chapter and rules adopted by the commission. [1993, c. 388, §8 (NEW).]

**1. Racetracks.** A person licensed pursuant to section 271 to conduct harness horse racing with pari-mutuel betting may sell pari-mutuel pools and common pari-mutuel pools for simulcast races. The seller must be within the enclosure of the racetrack where the licensed race or race meet is conducted or within the licensee's slot machine facilities licensed pursuant to section 1011.

[ 2011, c. 142, §1 (AMD) .]

**2. Off-track betting facility.** A person licensed pursuant to section 275-D to operate an off-track betting facility may sell pari-mutuel pools at that licensed facility.

[ 1993, c. 388, §8 (NEW) .]

#### SECTION HISTORY

1993, c. 388, §8 (NEW). 2003, c. 401, §11 (AMD). 2011, c. 142, §1 (AMD).

### §275-C. COMMON PARI-MUTUEL POOLS

**1. Authority.** A person authorized to sell pari-mutuel pools on horse racing may sell common pari-mutuel pools for simulcast races. The sale must be conducted within the enclosure of the licensee's racetrack, at the licensee's slot machine facilities licensed pursuant to section 1011 or at the licensee's off-track betting facility.

[ 2011, c. 142, §2 (AMD) .]

**2. Payments to agricultural fairs conducting live racing.** A commercial track located within a 35-mile radius of an agricultural fair track may not present a simulcast on a day when the commercial track is not conducting live racing and the agricultural fair track is conducting live racing unless the commercial track pays the agricultural fair track 2% of the wagers made at the commercial track at the time live racing is being conducted at the agricultural fair track and 1% of the wagers on the other races conducted on a day when live racing is being conducted at the agricultural fair track.

[ 1997, c. 390, §1 (NEW) .]

**3. Required to carry races originating in the State.** If live racing being conducted in this State is available for simulcast, a licensee conducting simulcasting under this section shall provide broadcasts originating in the State on monitors in the facility, as required by rule of the commission. The rules adopted by the commission that are required pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 1997, c. 390, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 388, §8 (NEW). 1997, c. 390, §1 (RPR). 2011, c. 142, §2 (AMD).

### §275-D. OFF-TRACK BETTING

**1. Off-track betting on simulcast racing.** A person may conduct pari-mutuel wagering at an off-track betting facility that is licensed under this section, if the person is licensed to operate a hotel, as defined in Title 28-A, section 2, subsection 15, paragraph H, with public dining facilities, a Class A lounge, as defined

in Title 28-A, section 2, subsection 15, paragraph L, a Class A restaurant, as defined in Title 28-A, section 2, subsection 15, paragraph R, or a Class A restaurant/lounge, as defined in Title 28-A, section 2, subsection 15, paragraph R-1.

[ 2011, c. 99, §1 (AMD) . ]

**2. Application for off-track betting.** To obtain a license to conduct pari-mutuel wagering at an off-track betting facility, a person must submit to the commission the fee required in subsection 2-A and an application on a form prescribed by the commission that specifies at least the following:

- A. The number of permanent and part-time jobs to be created at the proposed facility; [1993, c. 388, §8 (NEW). ]
- B. The population of the municipality and surrounding area where the proposed facility is to be located; [1993, c. 388, §8 (NEW). ]
- C. The exact location of the proposed facility and its proximity to any other approved off-track betting facility or licensed racetrack; [1993, c. 388, §8 (NEW). ]
- D. The type of seating to be provided, including areas in the proposed facility where patrons can handicap races; [1993, c. 388, §8 (NEW). ]
- E. The total seating capacity of the proposed facility; [1993, c. 388, §8 (NEW). ]
- F. The size and number of toilet facilities; [1993, c. 388, §8 (NEW). ]
- G. The availability of food and beverages, including the number of tables, chairs, kitchen facilities and concession stands; [1993, c. 388, §8 (NEW). ]
- H. The number of available parking spaces; [1993, c. 388, §8 (NEW). ]
- I. A description of the general design or style of the proposed facility, including lighting, decor and plans for the exterior of the facility; [1993, c. 388, §8 (NEW). ]
- J. The number of betting windows and stand-alone betting terminals to be provided; [1993, c. 388, §8 (NEW). ]
- K. A description of the heating and air-conditioning units, the smoke removal equipment and other climate control devices; [1993, c. 388, §8 (NEW). ]
- L. The total area in square feet of the proposed facility; [1993, c. 388, §8 (NEW). ]
- M. The number, type and quality of the television equipment to be installed and, if applicable, the name and place of business of any proposed independent contract operator; [1993, c. 388, §8 (NEW). ]
- N. The full name and address of the person, association or corporation applying for the license; if an association, the names and residences of the members of the association; and if a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders; [1993, c. 388, §8 (NEW). ]
- O. The dates and times of day or night when it is desired to conduct wagering; [1993, c. 388, §8 (NEW). ]
- P. Whether the facility is owned or leased and, if leased, the name and residence of the fee owner or, if a corporation, the names and residences of the directors and stockholders of that corporation; [1993, c. 388, §8 (NEW). ]
- Q. A statement of the assets and liabilities of the person, association or corporation submitting the application; and [1993, c. 388, §8 (NEW). ]

R. The name of the entity that will originate each simulcast likely to be offered for wagering at the facility and other information required by the commission regarding that entity. [1993, c. 388, §8 (NEW).]

[ 1997, c. 528, §18 (AMD) .]

**2-A. Application fee.** The fee for an initial application for an off-track betting facility is \$1,000. The fee for a renewal is \$250.

[ 1997, c. 528, §19 (NEW) .]

**2-B. Renewal.** An off-track betting facility license must be renewed annually.

[ 1997, c. 528, §19 (NEW) .]

**3. Notice to commercial racetracks; objections.** An applicant shall send written notice of its application for an off-track betting license to any commercial racetrack in whose market area the facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in subsection 2, paragraph Q. A commercial racetrack shall notify the commission within 30 days of receiving notice if the racetrack objects to the location of the facility based on adverse impact to the commercial track. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from a racetrack in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this subsection, the market area is determined by measuring a distance of 50 miles from the center of the racetrack along the most commonly used roadway adjacent to the racetrack, as determined by the Department of Transportation, drawing a circle around the center of the racetrack using that 50-mile measurement.

[ 2003, c. 401, §12 (AMD) .]

**4. Notice to off-track betting facilities; objections.** An applicant shall send written notice of its application for an off-track betting license to any existing off-track betting facility in whose market area the proposed facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in subsection 2, paragraph Q. An existing off-track betting facility shall notify the commission within 30 days of receiving notice if the facility objects to the location of the proposed facility. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from an off-track betting facility in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this subsection, the market area is determined by measuring a distance of 35 miles from the off-track betting facility along the most commonly used roadway adjacent to the off-track betting facility, as determined by the Department of Transportation, drawing a circle around the center of the off-track betting facility using that 35-mile measurement.

[ 2003, c. 401, §13 (AMD) .]

**5. Municipal approval.** The commission may not grant a license to conduct pari-mutuel wagering at an off-track betting facility unless the facility is approved in accordance with this subsection by the municipal officers of the municipality in which the facility is to be located.

A. Within 15 days after receiving an application for an off-track betting facility license or within 15 days after the expiration of the 30-day objection period described in subsections 3 and 4 when the proposed facility is located within the market area of an existing off-track betting facility or a commercial racetrack, the commission shall notify the municipal officers of the municipality in which the facility is

to be located and shall send a copy of the application to those officers. The municipal officers shall hold a public hearing for the consideration of the application in accordance with this subsection. [ 1993 , c. 388 , §8 (NEW) . ]

B. The municipal officers shall provide public notice of a hearing held under this subsection by causing a notice stating the name and place of hearing, at the applicant's prepaid expense, to appear on at least 6 consecutive days before the date of hearing in a daily newspaper of general circulation in the municipality where the facility will be located or on 2 consecutive weeks before the date of the hearing in a weekly newspaper of general circulation in the municipality where the facility is to be located. [1993, c. 388, §8 (NEW).]

C. Following the public hearing, the municipal officers shall grant or deny approval of the facility, indicate the reasons for their decision and provide a copy to the applicant. [1993, c. 388, §8 (NEW) . ]

D. Approval of a facility may be denied on one or more of the following grounds:

- (1) Objection on policy or other grounds to the conduct of pari-mutuel wagering within the municipality;
- (2) Conviction by the applicant or a holder of more than 50% of the shares or other interests of the applicant of a Class A, Class B or Class C crime;
- (3) Noncompliance of the facility or the facility's use with a local zoning ordinance or other land use ordinance;
- (4) Conditions of record, such as waste disposal violations, health or safety violations and repeated parking or traffic violations, on or in the vicinity of the facility and caused by persons patronizing or employed by the facility or other conditions caused by persons patronizing or employed by the facility that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the facility to use their property in a reasonable manner;
- (5) Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the facility and caused by persons patronizing or employed by the facility; or
- (6) A violation of any provision of this section. [ 1993 , c. 388 , §8 (NEW) . ]

E. An applicant aggrieved by the decision of the municipal officers under this section may appeal to the Superior Court. Denial of approval on the grounds listed under paragraph D, subparagraph (1) is not reviewable by the court. [1993, c. 388, §8 (NEW) . ]

[ 1993 , c. 388 , §8 (NEW) . ]

**6. Requirements for approval of license.** The commission shall review the application and hold a public hearing on the application. The commission may issue a license to conduct pari-mutuel wagering at an off-track betting facility if:

A. The commission finds that the facility:

- (1) Will not adversely affect the public interest;
- (2) Will not adversely affect the integrity of live racing;
- (3) Will not have an adverse impact on the local community;
- (4) Provides a potential for job creation, including jobs in the racing and wagering industries and other service jobs;
- (5) Has adequate seating facilities, toilet facilities and parking;
- (6) Will not adversely affect the value of abutting property;

(7) Will be operated by an applicant with financial ability to maintain the facility in a manner that meets the standards set forth in this paragraph;

(8) Provides segregated areas for conducting betting separate from the areas in which restaurant or other services are provided to the general public for nonbetting purposes; and

(9) Will not adversely affect existing licensed off-track betting facilities within 35 miles of the proposed facility. [1993, c. 388, §8 (NEW).]

B. The municipal officers of the municipality in which the facility is to be located have approved the facility pursuant to subsection 5; [1993, c. 388, §8 (NEW).]

C. The commission is satisfied that the provisions of this chapter and any rules prescribed by the commission will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; and that the applicant is financially responsible; and [1993, c. 388, §8 (NEW).]

D. No commercial racetrack or off-track betting facility in whose market area the facility would be located has filed a written objection to the facility within the time period prescribed in subsections 3 and 4. [1993, c. 388, §8 (NEW).]

[ 1993, c. 388, §8 (NEW) .]

**7. Operation of facility.** An off-track betting licensee may not permit a person under the age of 16 to enter the facility unless accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002. The off-track betting licensee may not permit a person under the age of 18 within 15 feet of a betting window or other place for accepting wagers.

[ 1993, c. 388, §8 (NEW) .]

**8. Requirements for simulcasting.** The following requirements apply to simulcasting by off-track betting facilities.

A. An off-track betting facility located within a 75-mile radius of a noncommercial racing licensee may not present a simulcast at the same time that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 2% of the wagers made at the facility at the time live racing is being conducted. An off-track betting facility within a 50-mile radius of a noncommercial racing licensee may not present a simulcast during any day on which that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 1% of the wagers made on that day. Amounts payable under this section are taken from the facility's share of wagers authorized in section 286. If the racing licensee is conducting simulcasting pursuant to section 295, subsection 2, then the racing licensee is not entitled to payment by the facility under this section. [1997, c. 528, §21 (AMD).]

B. If live racing being conducted in this State is available for simulcast, all off-track betting facilities shall provide broadcasts originated in the State on the monitors in the facility, as required by rule of the commission, and shall accept wagers on those races on all of its pari-mutuel selling terminals. The races must be broadcast as announced on the track. At any time harness racing originated in the State is available for simulcast, the facility may not broadcast harness racing from outside the State without approval of:

(1) Each racetrack in the State conducting harness racing at that time; and

(2) Either the association representing the horsemen at those tracks at that time or the commission. [1997, c. 528, §22 (AMD).]

[ 1997, c. 528, §§21, 22 (AMD) .]

**9. Annual report.** The department shall report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over legal affairs matters and to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the effect of off-track betting facilities on the local economy, the public interest, the integrity of live racing and other matters the department finds appropriate. The department may include in its report any recommendations for necessary changes in laws governing off-track betting.

[ 1997, c. 528, §23 (AMD) . ]

**10. License nontransferable.** An off-track betting facility license issued is not transferable or assignable.

[ 1997, c. 528, §24 (NEW) . ]

**11. Revocation.** The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license of any corporation is automatically revoked, subject to Title 5, chapter 375, upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation, and the corporation may not conduct off-track betting without a new license.

[ 1999, c. 547, Pt. B, §26 (AMD); 1999, c. 547, Pt. B, §80 (AFF) . ]

**12. Approval of dates.** An applicant for an initial off-track betting facility license or renewal of an off-track betting facility license shall identify the dates on which pari-mutuel wagering will be conducted. When approving an initial license or the renewal of a license for an off-track betting facility, the commission shall identify the dates on which pari-mutuel wagering is permitted at the off-track betting facility.

[ 1997, c. 528, §24 (NEW) . ]

**13. Conditions.** The commission is authorized to impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued and the licensee is able to comply with the conditions within a specified time period during the licensing year or if the conditions are requested both by the municipality as a condition of its approval and by the applicant.

[ 1997, c. 735, §5 (AMD) . ]

#### SECTION HISTORY

RR 1993, c. 2, §6 (COR). 1993, c. 388, §8 (NEW). 1995, c. 408, §7 (AMD). 1997, c. 528, §§17-24 (AMD). 1997, c. 735, §5 (AMD). 1999, c. 421, §1 (AMD). 1999, c. 547, §B26 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 401, §§12,13 (AMD). 2003, c. 493, §1 (AMD). 2003, c. 493, §14 (AFF). 2011, c. 99, §1 (AMD).

## §275-E. LIMIT ON TOTAL COMMISSION

**1. Commissions.** Except as provided in subsection 2, the total commission on pools of regular wagers is 18% of each dollar wagered and the total commission on pools of exotic wagers is 26% of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered, whether regular wagers or exotic wagers, exceeding a sum equal to the next lowest multiple of 10, known as "breakage," which must be retained by the licensee. Notwithstanding anything in this chapter to the contrary, the minimum payoff on a winning show wager must be 5% above the amount wagered.

[ 2001, c. 300, §1 (AMD) . ]

**2. Commissions on interstate common pools.** The total commission on interstate common pari-mutuel pools may not exceed the amount established by the laws of the state in which the wager is being pooled. In the event of a minus pool, the licensee shall pay the amount established by the laws of the state in which the race is held.

[ 1993, c. 388, §8 (NEW) .]

SECTION HISTORY

1993, c. 388, §8 (NEW). 2001, c. 300, §1 (AMD).

**§275-F. AMOUNTS PAYABLE TO THE STIPEND FUND**

*(REPEALED)*

SECTION HISTORY

1993, c. 388, §8 (NEW). 1995, c. 408, §§8-10 (AMD). 1997, c. 528, §25 (RP).

**§275-G. AMOUNTS PAYABLE TO SIRE STAKES FUND**

*(REPEALED)*

SECTION HISTORY

1993, c. 388, §8 (NEW). 1997, c. 528, §26 (RP).

**§275-H. AMOUNTS PAYABLE TO GENERAL FUND**

*(REPEALED)*

SECTION HISTORY

1993, c. 388, §8 (NEW). 1995, c. 408, §11 (AMD). 1997, c. 528, §27 (RP).

**§275-I. AMOUNTS PAYABLE TO SUPPLEMENT PURSES**

*(REPEALED)*

[2007, c. 466, Pt. A, §27 (RP).]

SECTION HISTORY

RR 1993, c. 2, §7 (COR). 1993, c. 388, §8 (NEW). 1993, c. 646, §1 (AMD). 1995, c. 408, §12 (AMD). 1997, c. 474, §4 (NEW). 1997, c. 474, §4 (AMD). 1997, c. 474, §6 (AFF). 1997, c. 474, §6 (AFF). 1997, c. 528, §28 (RP). 2007, c. 466, Pt. A, §27 (RP).

**§275-J. AMOUNTS PAYABLE TO OR RETAINED BY RACETRACKS**

*(REPEALED)*

SECTION HISTORY

1993, c. 388, §8 (NEW). 1993, c. 646, §2 (AMD). 1995, c. 408, §13 (AMD). 1997, c. 528, §29 (RP).

**§275-K. AMOUNTS RETAINED BY OFF-TRACK BETTING FACILITY**

*(REPEALED)*

SECTION HISTORY

1993, c. 388, §8 (NEW). 1993, c. 707, §U1 (AMD). 1997, c. 528, §30 (RP).

## **§275-L. AMOUNTS DEPOSITED IN HARNESS RACING PROMOTIONAL FUND** *(REPEALED)*

### SECTION HISTORY

1993, c. 388, §8 (NEW). 1997, c. 528, §31 (RP).

## **§275-M. AMOUNTS PAYABLE TO THE STATE HARNESS RACING COMMISSION** *(REPEALED)*

### SECTION HISTORY

1993, c. 707, §U2 (NEW). 1997, c. 528, §32 (RP).

## **§275-N. LIMITATIONS ON OFF-TRACK BETTING FACILITIES**

The commission may allow interstate simulcasting and license any off-track betting facility regardless of the number of race dates that were conducted in the State for any calendar year. Interstate simulcasting always must be allowed at any commercial track. [2017, c. 231, §18 (AMD).]

### SECTION HISTORY

1993, c. 707, §U2 (NEW). 1995, c. 408, §14 (RPR). 1997, c. 528, §33 (AMD). 1999, c. 568, §1 (AMD). 2001, c. 320, §2 (AMD). 2001, c. 567, §4 (AMD). 2003, c. 401, §14 (AMD). 2015, c. 200, §2 (AMD). 2017, c. 231, §18 (AMD).

## **§275-O. REDUCED PAYMENTS**

**1. Eligible licensees.** This section grants reduced payments to licensees of off-track betting facilities that were licensed and open for business before April 1, 2000 and that have a market area, as described in section 275-D, subsection 4, with a population of less than 50,000.

[ 1999, c. 421, §2 (AMD) .]

**2. Reduced payments formula.** For an off-track betting licensee that meets the conditions described in subsection 1, the reduction in payments due are calculated as follows.

A. For the first \$40,000 of all wagers into commingled pools on interstate simulcast races in any calendar week, the amounts payable by the licensee are 20% of the amounts prescribed by the sections listed in subsection 3. [1995, c. 403, §1 (NEW).]

B. For all wagers totaling over \$40,000 and \$80,000 or under into commingled pools on interstate simulcast races in any calendar week, the amounts payable by the licensee are 60% of the amounts prescribed by the sections listed in subsection 3. [1995, c. 403, §1 (NEW).]

C. For all wagers totaling over \$80,000 into commingled pools on interstate simulcast races in any calendar week, the amounts payable by the licensee are 100% of the amounts prescribed by the sections listed in subsection 3. [1995, c. 403, §1 (NEW).]

[ 1995, c. 403, §1 (NEW) .]

**3. Reduced payments.** Notwithstanding any other provisions of law, the amounts payable to the Treasurer of State or to the State Harness Racing Commission are reduced, as prescribed in subsection 2, for the following:

A. Section 286, subsection 5, paragraph A, subparagraph (3) and paragraph B, subparagraph (3); [1997, c. 528, §34 (AMD).]

B. Section 286, subsection 5, paragraph A, subparagraph (2) and paragraph B, subparagraph (2); [1997, c. 528, §34 (AMD).]

C. Section 286, subsection 4, paragraph A, subparagraph (4) and paragraph B, subparagraph (4); [1997, c. 528, §35 (AMD).]

D. Section 286, subsection 5, paragraph A, subparagraph (5) and paragraph B, subparagraph (5); and [1997, c. 528, §35 (AMD).]

E. Section 286, subsection 4, paragraph A, subparagraph (7) and paragraph B, subparagraph (7). [1997, c. 528, §36 (AMD).]

[ 1997, c. 528, §§34-36 (AMD) .]

**4. Retention of commission.** Any amount not required to be paid to the Treasurer of State or the State Harness Racing Commission as a result of this section is added to the amount retained by the off-track betting parlor under section 286, subsection 4, paragraph A, subparagraph (6) and paragraph B, subparagraph (6).

[ 1997, c. 528, §37 (AMD) .]

### **5. Repeal.**

[ 1995, c. 677, §3 (RP) .]

#### SECTION HISTORY

1995, c. 403, §1 (NEW). 1995, c. 677, §§1-3 (AMD). 1997, c. 528, §§34-37 (AMD). 1997, c. 542, §1 (AMD). 1999, c. 421, §2 (AMD).

## **§276. PAYMENTS**

The payment under section 287 must be made not later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the department may require. [1997, c. 528, §38 (AMD).]

#### SECTION HISTORY

1993, c. 388, §9 (AMD). 1997, c. 528, §38 (AMD).

### **§276-A. UNCLAIMED TICKET MONEY**

Upon the expiration of one year after the close of any harness horse race or race meet which has sold pari-mutuel tickets, any unclaimed pari-mutuel tickets outstanding shall no longer be valid and no claim for redemption shall be entertained by the commission or the racing association which conducted the race or race meet. [1979, c. 541, Pt. A, §79 (AMD).]

#### SECTION HISTORY

1969, c. 526, §3 (NEW). 1979, c. 541, §A79 (AMD).

## §276-B. COMMERCIAL TRACK CEASES OPERATION; ENTITLED TO FUNDS

Other than funds used exclusively to pay harness racing purses, a commercial track that ceases operation is entitled to distribution of all funds maintained by the State under this chapter based on the number of race days conducted by that commercial track up to and including the final race date conducted by that commercial track. Payments due from a commercial track that ceases operation to any in-state commercial track, agricultural fair or off-track wagering licensee must be made from the funds under this section prior to distribution to the commercial track that has ceased operation. [2017, c. 475, Pt. A, §10 (AMD).]

### SECTION HISTORY

2013, c. 490, §4 (NEW). 2017, c. 231, §19 (AMD). 2017, c. 475, Pt. A, §10 (AMD).

## §277. RECORDS

Every person, association or corporation conducting a race or race meet under the provisions of this chapter shall so keep its books and records as to clearly show all financial transactions related to sections 281, 298, 299 and 300, which books and records are subject to audit at any time by the department or the Office of the State Auditor. [2017, c. 231, §20 (AMD).]

### SECTION HISTORY

2013, c. 16, §10 (REV). 2017, c. 231, §20 (AMD).

## §278. MINORS

No minor whether attending a race or employed in any manner on or about a race track shall be permitted to participate in any pari-mutuel pool or be admitted to any pari-mutuel enclosure.

## §279. SUPERVISION; INVESTIGATIONS

The commission may regulate the making of pari-mutuel pools and the distribution from pari-mutuel pools. The department may supervise and check the making of pari-mutuel pools and the distribution from pari-mutuel pools. The department may investigate as to the direct and indirect ownership and control of any licensee, and any expense incurred by the department in so doing is at the expense of such licensee or of the applicant for a license. The commission may regulate all medication administered to horses entered to race. The department may supervise the administration of medication to horses entered to a race. Supervision includes taking such specimens of body fluids as are considered proper and necessary by an employee of the department who must be a veterinarian licensed to practice veterinary medicine within the State. [1997, c. 528, §39 (AMD).]

The department may investigate any suspected violation of this chapter or the rules adopted pursuant to this chapter. In connection with any such investigation, the department may conduct hearings, subpoena and examine under oath all persons, associations and corporations whose activities are subject to the jurisdiction of the department or from whom the department may need information in order to carry out the purposes of this chapter, and their officers, agents and representatives, together with their records, books and accounts. The executive director may sign subpoenas and administer oaths to witnesses. [1997, c. 528, §39 (AMD).]

### SECTION HISTORY

1969, c. 526, §4 (AMD). 1985, c. 444, §5 (AMD). 1997, c. 528, §39 (AMD).

## §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. [2007, c. 611, §6 (AMD).]

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 harness racing laws 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. [1997, c. 528, §40 (AMD).]

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 horses. [1991, c. 579, §13 (AMD).]

Notwithstanding section 280, the department may adopt a controlled medication program that permits controlled medication to be administered to racehorses. [1997, c. 528, §40 (AMD).]

The District Court Judge may revoke or suspend any license for violations of this chapter or the rules. [1991, c. 579, §13 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

### SECTION HISTORY

1967, c. 212, (NEW). 1973, c. 303, §3 (AMD). 1975, c. 35, (RPR). 1991, c. 579, §13 (AMD). 1991, c. 677, §1 (AMD). 1997, c. 528, §40 (AMD). 1999, c. 482, §3 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 611, §6 (AMD).

## §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. [2007, c. 611, §7 (AMD).]

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. [1991, c. 579, §14 (AMD).]

Any person aggrieved by any fine or suspension imposed by the commission may seek judicial review pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. [1989, c. 203, §3 (AMD).]

### 1. Delegation of authority to executive director.

[1991, c. 579, §15 (NEW); T. 8, §279-B, sub-§1 (RP).]

**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 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 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.

[ 1991, c. 579, §15 (NEW) .]

#### SECTION HISTORY

1973, c. 215, (NEW). 1973, c. 303, §3 (AMD). 1975, c. 52, (RPR). 1975, c. 623, §5-C (AMD). 1977, c. 694, §153 (RPR). 1989, c. 203, §3 (AMD). 1989, c. 878, §A22 (AMD). 1991, c. 579, §§14,15 (AMD). 2007, c. 611, §7 (AMD).

## §279-C. OFFICIALS, JUDGES AND STARTERS; POWERS AND DUTIES

At all harness race meetings licensed by the commission in accordance with this chapter, qualified judges and starters, approved and licensed by the commission and employed by the licensee under section 271, shall enforce the rules and regulations of the commission as provided by sections 279-A and 279-B.

[1975, c. 364, (NEW).]

Such officials shall render daily written reports of the activities and conduct of such race meeting and their decisions to the commission. [1975, c. 364, (NEW).]

Any person affected by the decision of such officials may request a hearing before the commission.

[1975, c. 364, (NEW).]

#### SECTION HISTORY

1975, c. 364, (NEW).

## §279-D. INSURANCE

Beginning January 1, 2004, applicants for an owner's license must provide proof of liability insurance on horses owned by the applicant in an amount not less than \$300,000. Copies of that liability insurance coverage must accompany the application for an owner's license. [2003, c. 401, §15 (NEW).]

#### SECTION HISTORY

2003, c. 401, §15 (NEW).

## §279-E. TRAINERS; DUTY TO SUBMIT A HORSE FOR TESTING FOR USE OF PROHIBITED SUBSTANCES

Upon request of the commission, a person who signs an application for and receives a trainer's license in accordance with this chapter and rules adopted under section 279-A shall submit a horse trained by that licensee, qualified to race and identified by the commission for the purpose of obtaining a biological sample to test for the use of prohibited substances. [2017, c. 231, §21 (AMD).]

**1. Obtaining a sample.** Pursuant to this section, the commission may require a licensed trainer to:

A. Transport the horse to a designated site where a veterinarian employed by the commission or the department may obtain a biological sample; or [2017, c. 231, §21 (AMD).]

B. Allow a veterinarian employed by the commission or the department, or a veterinarian designated by the commission and accompanied by designated department personnel, access to the premises where the horse is kept for the purpose of obtaining a biological sample. [2017, c. 231, §21 (AMD).]

[ 2017, c. 231, §21 (AMD) .]

**2. Rulemaking.** The commission shall adopt rules establishing a procedure for obtaining biological samples and ensuring a secure chain of custody for transporting the sample to a laboratory for testing. The rules must consider travel distances and costs associated with obtaining a sample when designating a testing site and may assess a fee to defray travel costs for the veterinarian and designated department personnel. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 231, §21 (AMD) .]

**3. Refusal.** Refusal to comply with the commission's directives for obtaining a sample under this section is a basis for suspension of a trainer's license.

[ 2007, c. 611, §8 (NEW) .]

#### SECTION HISTORY

2007, c. 611, §8 (NEW). 2017, c. 231, §21 (AMD).

## **§280. USE OF DRUGS OR APPLIANCES; PREARRANGEMENT OF RESULTS; VETERINARIAN**

**1. Violation; interference with horse.** Except as provided in section 279-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; [2007, c. 244, §1 (NEW).]

B. Attempt to violate paragraph A; or [2007, c. 244, §1 (NEW).]

C. Cause, instigate, counsel or in any way abet the violation of paragraph A. [2007, c. 244, §1 (NEW).]

[ 2007, c. 244, §1 (NEW) .]

**2. Prearrange results of race; prohibited.** A person may not intentionally or knowingly influence or have any understanding, arrangement or collusion with any person associated with or interested in any stable, horse, track or race in which any horse participates to prearrange the results of such a race.

[ 2007, c. 244, §1 (NEW) .]

**3. Penalties.** The following penalties apply to violations of this section.

A. A person who violates this section commits a Class C crime. [2007, c. 244, §1 (NEW).]

B. The owner of any horse that is found to have been stimulated or doped 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. [2007, c. 244, §1 (NEW).]

[ 2007, c. 244, §1 (NEW) .]

**4. Veterinarian; duties.** The department is authorized to employ a veterinarian. The duties of the veterinarian include the medical and physical examination and testing of horses to ensure compliance with the statutes and advising the department of any violation of the statutes.

[ 2007, c. 244, §1 (NEW) .]

**5. Investigation by State Police.** The State Police may assist in investigating alleged violations of subsection 1 when:

A. The commission requests assistance; and [2007, c. 611, §9 (NEW).]

B. A sample submitted for testing under rules adopted pursuant to section 279-A or 279-E yields a positive test result. [2007, c. 611, §9 (NEW).]

[ 2007, c. 611, §9 (NEW) .]

#### SECTION HISTORY

1969, c. 462, (AMD). 1971, c. 594, §16 (AMD). 1979, c. 731, §19 (AMD). 1991, c. 677, §2 (AMD). 1997, c. 528, §41 (AMD). 2007, c. 244, §1 (RPR). 2007, c. 611, §9 (AMD).

## §281. STANDARD-BRED HORSES

The department shall encourage and promote the breeding of a strain of Maine Standardbreds and make provision to encourage donations of the same by licensees or others to persons or institutions within the State for breeding purposes. [1997, c. 528, §42 (AMD).]

The commission, by rule, may define a strain of Maine Standardbred, bred or owned in the State of Maine and registered with the department in its registry book. The commission is also authorized to establish necessary fees for horses and races in the establishment of a Maine Standardbred program, the funds from which must be administered by the department by deposit in a trust account entitled Sire Stakes Fund. The fund is a dedicated, nonlapsing fund and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section. All disbursements from the fund must be for the purposes of supplementing purses, costs of administration, including assessments and advances withdrawn in accordance with section 267-A, and any other appropriate expenses incurred by the department. A report must be submitted annually by the executive director to the commissioner setting forth an itemization of all deposits to and expenditures from the fund. [2007, c. 539, Pt. G, §8 (AMD); 2007, c. 539, Pt. G, §15 (AFF).]

#### SECTION HISTORY

1973, c. 788, §31-A (AMD). 1979, c. 731, §19 (AMD). 1997, c. 528, §42 (AMD). 1999, c. 482, §4 (AMD). 2007, c. 539, Pt. G, §8 (AMD). 2007, c. 539, Pt. G, §15 (AFF).

### §281-A. STANDARDBRED HORSES ELIGIBLE FOR REGISTRATION

Notwithstanding section 281, a foal resulting from insemination may be registered as a Maine Standardbred if it is the offspring of a stallion registered with the department to stand at stud in the State for the breeding season during which the insemination took place and all other registration requirements are met. [2005, c. 382, Pt. D, §4 (AMD).]

#### SECTION HISTORY

2003, c. 31, §1 (NEW). 2005, c. 382, §D4 (AMD).

### §281-B. REGISTRATION OF STALLIONS

*(REPEALED)*

## SECTION HISTORY

2011, c. 16, §1 (NEW). MRS T 8, §281-B (RP).

**§282. ENFORCEMENT**

It is the duty of the Attorney General with the aid of the district attorneys of the several counties to enforce this chapter upon notification from the department of any violations of this chapter. [1997, c. 528, §43 (AMD).]

## SECTION HISTORY

1973, c. 567, §20 (AMD). 1997, c. 528, §43 (AMD).

**§283. RECIPROCAL DISCIPLINARY ACTION**

The department shall obtain current listings from other jurisdictions of persons in harness racing occupations regulated by the commission who have been refused a license or who have had their license revoked or suspended. The commission shall refuse to license or shall suspend the license of any person whose license is currently refused, revoked or suspended in another jurisdiction. [2017, c. 231, §22 (AMD).]

## SECTION HISTORY

1991, c. 579, §16 (NEW). 1997, c. 528, §44 (AMD). 1999, c. 482, §5 (AMD). 2003, c. 401, §16 (AMD). 2013, c. 155, §2 (AMD). 2017, c. 231, §22 (AMD).

**§284. HARNESS RACING PROMOTIONAL BOARD**

*(REPEALED)*

## SECTION HISTORY

1993, c. 388, §10 (NEW). 1997, c. 528, §45 (RP).

**§285. HARNESS RACING PROMOTIONAL BOARD**

*(REPEALED)*

## 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). 2017, c. 371, §3 (RP).

**§285-A. BARGAINING AGENT**

*(REPEALED)*

## SECTION HISTORY

1997, c. 735, §6 (RAL). 1999, c. 482, §§6-8 (AMD). MRS T. 8, §285-A, sub-§7 (RP).

**§285-B. DISPUTE RESOLUTION; EXCLUSIVE BARGAINING AGENT AND RACETRACK**

*(REPEALED)*

## SECTION HISTORY

1999, c. 482, §9 (NEW). MRSA T. 8, §285-B, sub-§5 (RP).

**§286. CALCULATION OF DISTRIBUTION OF COMMISSION**

**1. Live racing.** The distribution of the commission on live racing is calculated as percentages of the handle and distributed as follows.

## A. On exotic wagers:

- (1) The state share is 2.248%;
- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The purse supplement share is 0.99%;
- (5) The Harness Racing Promotional Fund share is 0.25%;
- (6) The horsemen's purse share is 3.315%; and
- (7) The track share is 16.477%. [1997, c. 528, §46 (NEW).]

## B. On regular wagers:

- (1) The state share is 0.493%;
- (2) The Sire Stakes Fund share is 0.072%;
- (3) The Stipend Fund share is 1.186%;
- (4) The purse supplement share is 0.986%;
- (5) The Harness Racing Promotional Fund share is 0.25%;
- (6) The horsemen's purse share is 0.526%; and
- (7) The track share is 14.487%. [1997, c. 528, §46 (NEW).]

[ 1997, c. 528, §46 (NEW) . ]

**2. Off-track betting facility intrastate simulcasting.** The distribution of the commission on simulcasting of races originating at a racetrack in the State by an off-track betting facility is calculated as percentages of the handle and distributed as follows.

## A. On exotic wagers:

- (1) The state share is 2.248% for an off-track betting facility located in the same municipality as a commercial track and 2.578% for all other facilities;
- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The Harness Racing Promotional Fund share is 0.25%;
- (5) The horsemen's purse share is 7.871%;
- (6) The track share is 7.922%; and
- (7) The off-track betting facility share is 4.659%. [1997, c. 528, §46 (NEW).]

## B. On regular wagers:

- (1) The state share is 0.493% for an off-track betting facility located in the same municipality as a commercial track and 0.823% for all other facilities;

- (2) The Sire Stakes Fund share is 0.072%;
- (3) The Stipend Fund share is 1.186%;
- (4) The Harness Racing Promotional Fund share is 0.25%;
- (5) The horsemen's purse share is 5.062%;
- (6) The track share is 7.899%; and
- (7) The off-track betting facility share is 2.718%. [1997, c. 528, §46 (NEW).]

[ 1997, c. 528, §46 (NEW) . ]

**3. Track intrastate simulcasting.** The distribution of the commission on simulcasting of races originating at a racetrack in the State by another racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

- (1) The state share is 2.248%;
- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The purse supplement share is 0.99%;
- (5) The Harness Racing Promotional Fund share is 0.25%;
- (6) The horsemen's purse share is 4.305%; and
- (7) The track share is 15.487%. [1997, c. 528, §46 (NEW).]

B. On regular wagers:

- (1) The state share is 0.493%;
- (2) The Sire Stakes Fund share is 0.072%;
- (3) The Stipend Fund share is 1.186%;
- (4) The purse supplement share is 0.986%;
- (5) The Harness Racing Promotional Fund share is 0.25%;
- (6) The horsemen's purse share is 1.512%; and
- (7) The track share is 13.501%. [1997, c. 528, §46 (NEW).]

[ 1997, c. 528, §46 (NEW) . ]

**4. Off-track betting facility interstate simulcasting with commingled pools.** The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by an off-track betting facility is calculated as a percentage of the commission with respect to the State's share and as percentages of the net commission with respect to all other participants' shares and is distributed as follows.

A. On exotic wagers:

- (1) The state share is 8.647% for an off-track betting facility located in the same municipality as a commercial track and 9.801% for all other facilities;
- (2) The Sire Stakes Fund share is 5.965%;
- (3) The Stipend Fund share is 4.494%;
- (4) The purse supplement share is 16.558%;
- (5) The Harness Racing Promotional Fund share is 0.962%;

- (6) The off-track betting facility share is all amounts not otherwise assigned; and
- (7) The off-track betting facility simulcast fund share is 12.951%. [ 2015, c. 200, §3 (AMD) . ]

B. On regular wagers:

- (1) The state share is 2.739% for an off-track betting facility located in the same municipality as a commercial track and 4.405% for all other facilities;
- (2) The Sire Stakes Fund share is 0.400%;
- (3) The Stipend Fund share is 6.590%;
- (4) The purse supplement share is 8.399%;
- (5) The Harness Racing Promotional Fund share is 1.389%;
- (6) The off-track betting facility share is all amounts not otherwise assigned; and
- (7) The off-track betting facility simulcast fund share is 18.627%. [ 2015, c. 200, §3 (AMD) . ]

[ 2015, c. 200, §3 (AMD) . ]

**5. Track interstate simulcasting with commingled pools.** The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by a racetrack in the State is calculated as percentages of the commission and distributed as follows.

A. On exotic wagers:

- (1) The state share is 8.647%;
- (2) The Sire Stakes Fund share is 5.965%;
- (3) The Stipend Fund share is 4.494%;
- (4) The purse supplement share is 3.809%;
- (5) The Harness Racing Promotional Fund share is 0.962%;
- (6) The horsemen's purse share is 16.558%; and
- (7) The track share is 59.565%. [ 1997, c. 528, §46 (NEW) . ]

B. On regular wagers:

- (1) The state share is 2.739%;
- (2) The Sire Stakes Fund share is 0.400%;
- (3) The Stipend Fund share is 6.590%;
- (4) The purse supplement share is 5.479%;
- (5) The Harness Racing Promotional Fund share is 1.389%;
- (6) The horsemen's purse share is 8.399%; and
- (7) The track share is 75.004%. [ 1997, c. 528, §46 (NEW) . ]

[ 1997, c. 528, §46 (NEW) . ]

**6. Off-track betting facility interstate simulcasting with noncommingled pools.** The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by an off-track betting facility is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

- (1) The state share is 2.248%;

- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The purse supplement share is 4.305%;
- (5) The Harness Racing Promotional Fund share is 0.250%;
- (6) The off-track betting facility share is 13.110%; and
- (7) The off-track betting facility simulcast fund share is 3.367%. [1997, c. 528, §46 (NEW) . ]

B. On regular wagers:

- (1) The state share is 0.493%;
- (2) The Sire Stakes Fund share is 0.072%;
- (3) The Stipend Fund share is 1.186%;
- (4) The purse supplement share is 1.512%;
- (5) The Harness Racing Promotional Fund share is 0.250%;
- (6) The off-track betting facility share is 11.134%; and
- (7) The off-track betting facility simulcast fund share is 3.353%. [1997, c. 528, §46 (NEW) . ]

[ 1997, c. 528, §46 (NEW) . ]

**7. Track interstate simulcasting with noncommingled pools.** The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by a racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

- (1) The state share is 2.248%;
- (2) The Sire Stakes Fund share is 1.551%;
- (3) The Stipend Fund share is 1.169%;
- (4) The purse supplement share is 0.990%;
- (5) The Harness Racing Promotional Fund share is 0.250%;
- (6) The horsemen's purse share is 4.305%; and
- (7) The track share is 15.487%. [1997, c. 528, §46 (NEW) . ]

B. On regular wagers:

- (1) The state share is 0.493%;
- (2) The Sire Stakes Fund share is 0.072%;
- (3) The Stipend Fund share is 1.186%;
- (4) The purse supplement share is 0.986%;
- (5) The Harness Racing Promotional Fund share is 0.250%;
- (6) The horsemen's purse share is 1.512%; and
- (7) The track share is 13.501%. [1997, c. 528, §46 (NEW) . ]

[ 1997, c. 528, §46 (NEW) . ]

SECTION HISTORY

1997, c. 528, §46 (NEW). 2015, c. 200, §3 (AMD).

## §287. PAYMENT OF STATE SHARE

**1. Payment.** Amounts calculated as state share under section 286 must be paid to the Treasurer of State for deposit in the operating account established under section 267-A. If the total of regular and exotic wagers placed at facilities licensed under this chapter exceeds \$35,000,000 for any calendar year, the portion payable to the operating account must be distributed in accordance with this section. All wagers placed at off-track betting facilities and racetracks must be included in making this calculation, including wagers made in this State to commingled pools.

[ 2007, c. 539, Pt. G, §9 (AMD); 2007, c. 539, Pt. G, §15 (AFF) .]

**2. Commercial meet account.** The Treasurer of State shall deposit in a commercial meet account 72% of the revenue credited to the operating account under this section that is attributable to amounts in excess of \$35,000,000. This account must be divided in the proportion that the contributions of regular and exotic wagers of pari-mutuel pools on live racing made or conducted at the commercial meets of each licensee during the calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the commercial meets of all licensees during that calendar year. Licensees sharing in this distribution shall use 1/2 of the funds received for the purpose of supplementing purse money. The other 1/2 of this distribution must be paid to the commercial licensees as reimbursement for improvements made to their racing facilities in the calendar year during which the funds are generated or, beginning January 1, 2000, during the prior year. To receive reimbursement, commercial licensees must submit plans for the improvements to the commission and receive approval from the commission prior to making the improvements, and the commission must verify that the approved improvements have been made.

[ 2007, c. 539, Pt. G, §9 (AMD); 2007, c. 539, Pt. G, §15 (AFF) .]

**3. Payment to Stipend Fund.** Nine percent of the revenue credited to the operating account under this section that is attributable to amounts in excess of \$35,000,000 must be distributed to the Stipend Fund as provided in Title 7, section 86.

[ 2007, c. 539, Pt. G, §9 (AMD); 2007, c. 539, Pt. G, §15 (AFF) .]

**4. Sire Stakes Fund.** Nine percent of the revenue credited to the operating account under this section that is attributable to amounts in excess of \$35,000,000 must be paid to the commission to be credited to the Sire Stakes Fund as provided in section 281.

[ 2007, c. 539, Pt. G, §9 (AMD); 2007, c. 539, Pt. G, §15 (AFF) .]

**5. Definition.** For the purposes of this section, "improvements" means the amount paid out for new buildings or for permanent improvements made to improve the facilities utilized by the licensee for conducting its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility that results in the addition, replacement or substantial enhancement or restoration of a fixed asset or of a movable asset that is important to efficient operation of the racing meetings. In general, the amounts referred to as improvements include amounts paid that add to the value, improve or substantially prolong the useful life of the racetrack and moveable assets utilized by the licensee for conducting its racing meetings. Amounts paid or incurred for routine repairs and maintenance of property, interest expense or lease payments in connection with the capital improvements are not improvements within the meaning of this section. In order to qualify as an improvement, a substantial enhancement or restoration of an asset must cost at least \$2,000 and must be an expenditure that would qualify for depreciation under the United States Internal Revenue Code. A moveable asset may be considered important to the efficient operation of a race

meeting if the asset will remain at the commercial track or at the offices of the licensee throughout its use and if that asset is directly associated with running races, accommodating patrons of the race meet, conducting pari-mutuel wagering or paying purses.

[ 1999, c. 622, §1 (AMD) . ]

**6. Timing of payment.** Payment under this section must be made no later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the commission requires.

[ 1997, c. 528, §46 (NEW) . ]

**7. Interim payments to commercial tracks.** If during the course of any calendar year the commission finds that wagers placed at facilities licensed under this chapter for the year are likely to exceed \$35,000,000, it may, if reasonably necessary for improvements to be effected expeditiously, direct the Treasurer of State to make interim payments to a commercial track in amounts as the commission finds the commercial track is likely to be entitled to receive under this section. If a commercial track receives interim payments under this subsection that exceed the total amount the commercial track is entitled to receive for the calendar year, the Treasurer of State shall reimburse the operating account for this excess by retaining money otherwise due to that commercial track pursuant to section 295.

[ 2007, c. 539, Pt. G, §9 (AMD); 2007, c. 539, Pt. G, §15 (AFF) . ]

#### SECTION HISTORY

1997, c. 528, §46 (NEW). 1999, c. 622, §§1,2 (AMD). 2005, c. 563, §6 (AMD). 2007, c. 539, Pt. G, §9 (AMD). 2007, c. 539, Pt. G, §15 (AFF).

## §288. PAYMENT TO SIRE STAKES FUND SHARE

Amounts calculated as Sires Stakes Fund share under section 286 must be paid to the Treasurer of State for deposit in the Sire Stakes Fund for use as provided in section 281. [1997, c. 528, §46 (NEW) . ]

#### SECTION HISTORY

1997, c. 528, §46 (NEW).

## §289. PAYMENT TO STIPEND FUND SHARE

**1. Initial distribution to Stipend Fund.** The Treasurer of State shall credit .189% of the commission on regular wagers made to interstate commingled pools, .402% of the commission on exotic wagers made to interstate commingled pools, 0.72% of the regular wagers made to all other pools and 0.49% of the exotic wagers made to all other pools to the Stipend Fund as provided in Title 7, section 86 and shall distribute the balance as provided in subsection 2.

[ 2005, c. 563, §7 (AMD) . ]

**2. Extended meet account.** The Treasurer of State shall distribute the balance of the amount calculated as Stipend Fund share as follows.

A. The first \$400,000 of the total amount, regardless of when actually collected, must be credited to the Stipend Fund as provided in Title 7, section 86. [2005, c. 563, §7 (AMD) . ]

B. From the balance of the total amount in excess of \$400,000, regardless of when actually collected, 80% must be paid and returned no later than 30 days after the end of the calendar year to those persons, associations and corporations that during that calendar year conducted an extended meet pursuant to a license granted by the commission in section 271. This payment must be divided in the proportion that the contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at

the extended meets of each racing licensee during that calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the extended meets of all racing licensees during that calendar year.

Licensees sharing in this distribution shall use 1/2 of the funds so received for the purpose of supplementing the purse money. [1997, c. 528, §46 (NEW).]

C. The remaining 20% of the total amount in excess of \$400,000 must be credited to the Stipend Fund as provided in Title 7, section 86. [2005, c. 563, §7 (AMD).]

[ 2005, c. 563, §7 (AMD) .]

#### SECTION HISTORY

1997, c. 528, §46 (NEW). 2005, c. 563, §7 (AMD).

### §290. PURSE SUPPLEMENT

**1. Payment.** Amounts calculated as purse supplement share under section 286 must be paid to the commission for distribution as provided in subsection 2.

[ 1997, c. 528, §46 (NEW) .]

**2. Distribution.** On May 30th, September 30th and January 30th, payments made under this subsection and subsection 1 for distribution in accordance with this subsection must be divided among the licensees conducting live racing in the State. The amount of the payment made to a licensee is calculated by dividing the number of race dates on which that licensee conducted live racing in any calendar year by the total number of race dates on which all licensees conducted live racing in that year. Beginning January 30, 1997, the January 30th payment must be adjusted to reflect the dates when live racing was actually conducted during the previous year, not the dates granted.

[ 1997, c. 528, §46 (NEW) .]

#### SECTION HISTORY

1997, c. 528, §46 (NEW).

### §291. HARNESS RACING PROMOTIONAL FUND SHARE

Amounts calculated as Harness Racing Promotional Fund share under section 286 must be paid to the Treasurer of State for deposit in the Harness Racing Promotional Fund for use as provided in section 299-A. [2017, c. 371, §4 (AMD).]

#### SECTION HISTORY

1997, c. 528, §46 (NEW). 2017, c. 371, §4 (AMD).

### §292. HORSEMEN'S PURSE SHARE

Amounts calculated as horsemen's purse share under section 286 must be retained by the licensee to supplement purse money at the track where the wager was placed, except that, for wagers placed at a racetrack in the State on a simulcast race conducted at another racetrack in the State, 1.512% of the regular wagers and 4.305% of the exotic wagers must be sent to the track in the State where the harness race was conducted. [2001, c. 300, §2 (AMD).]

#### SECTION HISTORY

1997, c. 528, §46 (NEW). 2001, c. 300, §§2,3 (AMD).

**§293. TRACK SHARE**

Amounts calculated as track share under section 286 must be retained by the track where the wager was placed. [1997, c. 528, §46 (NEW).]

## SECTION HISTORY

1997, c. 528, §46 (NEW).

**§294. OFF-TRACK BETTING FACILITY SHARE**

**1. Payment.** Amounts calculated as off-track betting facility share under section 286 must be retained by the off-track betting facility where the wager was placed.

[ 1997, c. 528, §46 (NEW) .]

**2. No restrictions.** This chapter does not prohibit an off-track betting facility from entering into a contract or otherwise arranging to share with any other person or entity a portion of the wagers to which it is entitled under this section.

[ 1997, c. 528, §46 (NEW) .]

## SECTION HISTORY

1997, c. 528, §46 (NEW).

**§295. OFF-TRACK BETTING FACILITY SIMULCAST FUND SHARE**

**1. Payment.** Amounts calculated as off-track betting facility simulcast fund share under section 286 must be paid to the commission for distribution as provided in subsection 2.

[ 2009, c. 2, §7 (COR) .]

**2. Distribution.** On May 30th, September 30th and within 30 days after the close of all off-track betting facilities for the year, amounts payable under subsection 1 for distribution in accordance with this subsection must be distributed to all commercial tracks that have provided simulcast transmission of live racing in the State on any date and to those agricultural fair associations that have provided simulcast transmission of live racing in the State on the dates assigned by the commissioner pursuant to Title 7, section 84. Distribution must be in the proportion that the amount of exotic wagers placed at off-track betting facilities on simulcast races from each licensee up to the last day of the preceding month bears to the total amount of exotic wagers at off-track betting facilities on races simulcast from all commercial racetracks and agricultural fair associations up to that date. The last payment of the calendar year must be adjusted to reflect each licensee's exotic wagers in proportion to the total of the exotic wagers at off-track betting facilities in that calendar year.

[ 2005, c. 563, §8 (AMD) .]

## SECTION HISTORY

1997, c. 528, §46 (NEW). 2001, c. 567, §5 (AMD). 2005, c. 563, §8 (AMD). RR 2009, c. 2, §7 (COR).

**§296. FUND TO SUPPLEMENT HARNESS RACING PURSES**

*(REPEALED)*

## SECTION HISTORY

IB 2003, c. 1, §4 (NEW). 2003, c. 687, §B11 (AFF). 2003, c. 687, §B4 (RP).

**§297. WORKING CAPITAL ADVANCE***(REPEALED)*

## SECTION HISTORY

IB 2003, c. 1, §4 (NEW). 2003, c. 687, §B11 (AFF). 2003, c. 687, §B4 (RP).

**§298. FUND TO SUPPLEMENT HARNESS RACING PURSES**

**1. Fund created.** A fund is established to supplement harness racing purses to which the commission shall credit all payments received pursuant to section 1036, subsection 2, paragraph B for distribution in accordance with this section. The fund is a dedicated, nonlapsing fund, and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A. The commission shall distribute in accordance with this section amounts credited to the fund.

[ 2007, c. 539, Pt. G, §10 (AMD); 2007, c. 539, Pt. G, §15 (AFF) .]

**2. Distribution.**

[ 2007, c. 183, §3 (AFF); 2007, c. 183, §1 (RPR); T. 8, §298, sub-§2 (RP) .]

**2-A. Distribution.** On April 30th, July 30th, October 30th and January 30th of each year, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track, as defined in section 275-A, subsection 1, to each agricultural fair licensee that conducts live racing on fair dates assigned by the commissioner pursuant to Title 7, section 84 and to each agricultural fair licensee that conducts an extended meet as long as that licensee conducted an extended meet in 2005, with each commercial track and each agricultural fair licensee receiving an amount of money determined by multiplying the amount of money available for distribution by a fraction, the numerator of which is the total number of live race dashes assigned to the commercial track or agricultural fair licensee for the year and the denominator of which is the total number of race dashes assigned to all commercial tracks and agricultural fair licensees for the year. The payment in January must be adjusted so that for the prior year each commercial track or agricultural fair licensee entitled to a distribution receives that portion of the total money distributed for the full year from the fund established by this section that is determined by multiplying the total amount of money by a fraction, the numerator of which is the number of live race dashes conducted by the commercial track or agricultural fair licensee during the calendar year that qualify for a distribution and the denominator of which is the total number of race dashes conducted during that calendar year that qualify for a distribution. For purposes of this subsection, a race dash qualifies for distribution if the dash was conducted by a commercial track or by an agricultural fair licensee on dates assigned under Title 7, section 84 or during an extended meet. The funds distributed pursuant to this subsection must be used to supplement harness racing purses.

This subsection takes effect December 31, 2009.

[ 2007, c. 183, §2 (NEW); 2007, c. 183, §3 (AFF) .]

**3. Rules.** The commission may adopt rules to enforce the obligation of licensees to use funds distributed under this section to supplement harness racing purses and to require licensees to account for funds. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 687, Pt. A, §3 (NEW); 2003, c. 687, Pt. B, §11 (AFF) .]

#### SECTION HISTORY

2003, c. 687, §A3 (NEW). 2003, c. 687, §B11 (AFF). 2005, c. 563, §9 (AMD). 2005, c. 576, §1 (AMD). 2007, c. 183, §3 (AMD). 2007, c. 183, §§1, 2 (AMD). 2007, c. 539, Pt. G, §10 (AMD). 2007, c. 539, Pt. G, §15 (AFF).

### §299. FUND TO ENCOURAGE RACING AT MAINE'S COMMERCIAL TRACKS

**1. Fund created.** The Fund to Encourage Racing at Maine's Commercial Tracks is established to provide revenues to Maine's commercial tracks. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

[ 2007, c. 539, Pt. G, §11 (AMD); 2007, c. 539, Pt. G, §15 (AFF) .]

**2. Distribution.** On July 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track licensed under section 271 within 30 days, with each track receiving that amount of the money available for distribution determined by multiplying that amount times a fraction, the numerator of which is the total number of race day credits awarded to the commercial track during the preceding time period and the denominator of which is the total number of race day credits awarded for all commercial tracks licensed under section 271 during that time period. The payment in January must be adjusted so that for the prior 2 time periods each commercial track receives that fraction of the total money distributed over the full year from the fund established by this section, the amount determined by multiplying the total amount of money times a fraction, the numerator of which is the number of live race day credits actually earned by the commercial track during the calendar year and the denominator of which is the total number of race day credits actually earned by all commercial tracks licensed under section 271 during that calendar year.

[ 2017, c. 231, §23 (AMD) .]

**3. Track closure distribution.** Notwithstanding subsection 2, if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts credited to the fund established by this section must be disbursed to the remaining commercial tracks and to agricultural fair licensees that conduct live racing based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. If a commercial track ceases operation, the commission may vary from the distribution schedule set forth in subsection 2 to facilitate racing at other licensed tracks in the State. The payment to a commercial track or agricultural fair is determined pursuant to subsections 2 and 5, with agricultural fair licenses conducting live racing during extended meets receiving race day credits as determined in subsection 5 in a similar manner as commercial race tracks receive race day credits. An agricultural fair must receive its payment no later than May 30th before extended meets are held based on assigned dates for extended meets for that agricultural fair. An adjustment must be made no later than the January 30th following the extended meets that results in payment to an agricultural fair based on days actually raced during extended meets by that agricultural fair. Any amount remaining in the fund on January 30th after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the commission under section 267-A.

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.

[ 2017, c. 231, §24 (AMD) . ]

**4. Natural disaster exception.** If the commission determines that a commercial track is unable to conduct harness racing due to a natural disaster and that the commercial track licensee cannot immediately relocate to another venue, the commercial track licensee may be allowed up to 6 months to repair, rebuild or relocate at the discretion of the commission and, if the commercial track licensee repairs, rebuilds or relocates within the time frame allowed, the commission may authorize the commercial track licensee to again receive distributions in accordance with subsection 2. If the commercial track licensee is unable to repair, rebuild or relocate during this 6-month time frame due to circumstances that are determined by the commission to be outside of the control of the commercial track licensee, the commission may grant a reasonable extension beyond 6 months. During any time that is granted by the commission under this subsection to the commercial track licensee in order to repair, rebuild or relocate, the distribution formula established under subsection 3 must be in effect.

[ 2015, c. 493, §3 (NEW) . ]

**5. Race day credits.** For the purposes of this section, race day credits are awarded as follows:

- A. One race day credit is earned for each day actually raced; [ 2017, c. 231, §25 (NEW) . ]
- B. One additional race day credit is earned for each day raced when no other association licensed under section 271 is scheduled to race; and [ 2017, c. 231, §25 (NEW) . ]
- C. One additional race day credit is earned for each day raced during the months of March and December. A maximum of 12 race day credits may be awarded per commercial track for the month of March and a maximum of 12 race day credits may be awarded per commercial track for the month of December. [ 2017, c. 231, §25 (NEW) . ]

[ 2017, c. 231, §25 (NEW) . ]

#### SECTION HISTORY

2003, c. 687, §A4 (NEW). 2003, c. 687, §B11 (AFF). 2007, c. 539, Pt. G, §11 (AMD). 2007, c. 539, Pt. G, §15 (AFF). 2015, c. 493, §3 (AMD). 2017, c. 231, §§23-25 (AMD).

## §299-A. HARNESS RACING PROMOTIONAL FUND

**1. Fund created.** The Harness Racing Promotional Fund, referred to in this section as "the fund," is established to be used solely for the marketing and promotion of harness racing in the State. The fund consists of any money received through the commission on wagers pursuant to section 286 and any contributions, grants or appropriations from private and public sources. The fund, to be accounted for within the commission, must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year.

[ 2017, c. 371, §5 (NEW) . ]

**2. Expenditures.** The commission shall administer the fund consistent with the purposes of this section.

[ 2017, c. 371, §5 (NEW) .]

SECTION HISTORY

2017, c. 371, §5 (NEW).

## §300. FUND TO STABILIZE OFF-TRACK BETTING FACILITIES

**1. Fund created.** The Fund to Stabilize Off-track Betting Facilities is established to provide revenues to those off-track betting facilities licensed and in operation as of December 31, 2003. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

[ 2007, c. 539, Pt. G, §12 (AMD); 2007, c. 539, Pt. G, §15 (AFF) .]

**2. Distribution.** On May 30th, September 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each of Maine's off-track betting facilities licensed and in operation as of December 31, 2003. Distributions must be made in equal amounts to each off-track betting facility in operation as of the date of the distribution.

[ 2003, c. 687, Pt. A, §4 (NEW); 2003, c. 687, Pt. B, §11 (AFF) .]

SECTION HISTORY

2003, c. 687, §A4 (NEW). 2003, c. 687, §B11 (AFF). 2007, c. 539, Pt. G, §12 (AMD). 2007, c. 539, Pt. G, §15 (AFF).

## §300-A. ILLEGAL WAGERING

**1. Illegal wagering on horse races.** A person is liable for the damages specified in this section if that person accepts a wager from a person located within this State and:

A. A license is required under this chapter to accept the wager; and [2005, c. 683, Pt. C, §3 (NEW) .]

B. The person who accepts the wager is not licensed to do so under this chapter. [2005, c. 683, Pt. C, §3 (NEW) .]

[ 2005, c. 683, Pt. C, §3 (AMD) .]

**2. Right of action.** A commercial licensee under section 271 may bring an action in Superior Court against a person who has accepted an illegal wager described in subsection 1. The court shall award damages to the prevailing plaintiff and the commission, as provided in subsection 4, in an amount equal to 25% of the monetary amount of illegal wagers accepted, including illegal wagers accepted as described in subsection 1, plus reasonable attorney's fees and costs.

[ 2005, c. 304, §1 (NEW) .]

**3. Punitive damages.** If a person accepting an illegal wager described in subsection 1 has been advised in writing of the provisions of this section either by the Attorney General or by a commercial track licensed under this chapter before accepting any such wager, then the person accepting the illegal wager, in addition to all other damages authorized under this section, is liable in an amount of up to 4 times the damages awarded

under subsection 2 that the court determines are appropriate given the willfulness of the violation, any mitigating circumstances, any efforts by the person who accepted the wager to comply with Maine law, the need to deter acceptance of illegal wagers and all other relevant circumstances.

[ 2005, c. 304, §1 (NEW) .]

**4. Distribution of damages.** Damages awarded under this section must be distributed as follows.

A. Reasonable costs of bringing the action, including reasonable attorney's fees and costs, must be paid to the plaintiff. [2005, c. 304, §1 (NEW) .]

B. All other damages awarded must be paid to the commission. The commission shall distribute the damages it receives as follows:

(1) One fourth must be deposited to the extended meet account established under section 289, subsection 2;

(2) One fourth must be deposited to the fund to supplement harness racing purses established under section 298;

(3) One fourth must be deposited to the Fund to Encourage Racing at Maine's Commercial Tracks, established under section 299; and

(4) One fourth must be deposited to the Fund to Stabilize Off-track Betting Facilities, established under section 300. [2005, c. 304, §1 (NEW) .]

[ 2005, c. 304, §1 (NEW) .]

#### SECTION HISTORY

2005, c. 304, §1 (NEW). 2005, c. 683, §C3 (AMD).

## §300-B. INTERCEPTION OF PARI-MUTUEL WINNINGS TO PAY CHILD SUPPORT DEBT

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Child support debt" means child support debt that has been liquidated by judicial or administrative action. [2013, c. 255, §1 (NEW) .]

B. "Department" means the Department of Health and Human Services. [2013, c. 255, §1 (NEW) .]

C. "Registry operator" means the department or an entity with whom the department enters into a contract to maintain the registry pursuant to subsection 3. [2013, c. 255, §1 (NEW) .]

[ 2013, c. 255, §1 (NEW) .]

**2. Interception.** A licensee shall intercept pari-mutuel winnings to pay child support debt in accordance with this section.

[ 2013, c. 255, §1 (NEW) .]

**3. Registry.** The department shall create and maintain, or shall contract with a private entity to create and maintain, a secure, electronically accessible registry containing information regarding individuals with outstanding child support debt. The department shall regularly enter into the registry information including:

A. The name and social security number of each individual with outstanding child support debt; [2013, c. 255, §1 (NEW) .]

B. The account number or identifier assigned by the department to the outstanding child support debt; [2013, c. 255, §1 (NEW).]

C. The amount of the outstanding child support debt; and [2013, c. 255, §1 (NEW).]

D. Any other information necessary to effectuate the purposes of this section. [2013, c. 255, §1 (NEW).]

[ 2013, c. 255, §1 (NEW) .]

**4. Electronic access to information; procedures.** A licensee shall electronically access the registry in accordance with this subsection.

A. Before making a payout on a winning wager of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social security number of the individual who placed the winning wager and shall electronically submit this information to the registry operator. [2013, c. 255, §1 (NEW).]

B. Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the individual who placed the winning wager is listed in the registry. If the individual is listed in the registry, the registry operator shall inform the licensee of the amount of the individual's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the individual of the right to an administrative hearing. [2013, c. 255, §1 (NEW).]

C. If the registry operator informs the licensee that the individual who placed a winning wager is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the individual. [2013, c. 255, §1 (NEW).]

D. If the registry operator informs the licensee that the individual who placed a winning wager is listed in the registry, the licensee may not make payment to the individual unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the individual of the amount of winnings that is in excess of the amount of the individual's outstanding child support debt. [2013, c. 255, §1 (NEW).]

[ 2013, c. 255, §1 (NEW) .]

**5. Lien against winnings.** If the registry operator informs a licensee pursuant to this section that an individual who placed a winning wager is listed in the registry, the department has a valid lien upon and claim of lien against the payout on the winning wager in the amount of the individual's outstanding child support debt.

[ 2013, c. 255, §1 (NEW) .]

**6. Withholding of winnings.** The licensee shall withhold from any payout on a winning wager an amount equal to the amount of the lien created under subsection 5 and shall provide a notice of withholding to the individual who placed the winning wager. Within 7 days after withholding an amount pursuant to this subsection, the licensee shall transmit the amount withheld to the department together with a report of the name, address and social security number of the individual from whom payment was withheld, the account number or identifier assigned to the debt, the amount withheld, the date of withholding and the name and location of the licensee.

[ 2013, c. 255, §1 (NEW) .]

**7. Licensee costs.** Notwithstanding subsection 6, the licensee may retain \$10 from an amount withheld pursuant to this section to cover the cost of the licensee's compliance with this section.

[ 2013, c. 255, §1 (NEW) .]

**8. Administrative hearing.** An individual from whom an amount was withheld pursuant to this section has the right, within 15 days of receipt of the notice of withholding, to request from the department an administrative hearing. The hearing is limited to questions of whether the debt is liquidated and whether any postliquidation events have affected the individual's liability. The administrative hearing decision constitutes final agency action.

[ 2013, c. 255, §1 (NEW) .]

**9. Authorization to provide information.** Notwithstanding any other provision of law to the contrary, the licensee may provide to the department or registry operator any information necessary to effectuate the intent of this section. The department or registry operator may provide to the licensee any information necessary to effectuate the intent of this section.

[ 2013, c. 255, §1 (NEW) .]

**10. Confidentiality of information.** The information obtained by the department or registry operator from a licensee pursuant to this section and the information obtained by the licensee from the department or registry operator pursuant to this section are confidential and may be used only for the purposes set forth in this section. An employee or prior employee of the department, the registry operator or a licensee who knowingly or intentionally discloses any such information commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.

[ 2013, c. 255, §1 (NEW) .]

**11. Effect of compliance; noncompliance.** A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of \$500 and the amount the licensee is required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.

[ 2013, c. 255, §1 (NEW) .]

**12. Exemption for agricultural fairs.** This section does not apply to payouts on winning wagers placed on races conducted at agricultural fairs.

[ 2013, c. 255, §1 (NEW) .]

**13. Biennial review.** The department shall report to the Legislature and the Governor on or before January 31, 2015 and biennially thereafter on:

- A. The number of names of individuals submitted by licensees to the registry operator pursuant to this section in each of the preceding 2 calendar years; [2013, c. 255, §1 (NEW) .]
- B. The number of individuals who were found to be listed in the registry in each of the preceding 2 calendar years; [2013, c. 255, §1 (NEW) .]
- C. The amount of winnings withheld by licensees pursuant to this section in each of the preceding 2 calendar years; and [2013, c. 255, §1 (NEW) .]

D. The amount of withheld winnings refunded to individuals as the result of administrative hearings requested pursuant to this section in each of the preceding 2 calendar years. [ 2013, c. 255, §1 (NEW) . ]

[ 2013, c. 255, §1 (NEW) . ]

SECTION HISTORY

2013, c. 255, §1 (NEW) .

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