

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Resolve
123rd Legislature
First Regular Session

Chapter 128
H.P. 791 - L.D. 1073

**Resolve, To Study the Promotion, Expansion
and Regulation of the Harness Racing Industry**

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

Whereas, the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry is established to review the racing industry in Maine; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Commission established. Resolved: That the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry, referred to in this resolve as "the commission," is established; and be it further

Sec. 2 Commission membership. Resolved: That the commission consists of 11 members appointed as follows:

1. Two members of the Senate, one member of the party holding the highest number of seats and one member of the party holding the 2nd highest number of seats, appointed by the President of the Senate. At least one Senate member must be serving on the Joint Standing Committee on Agriculture, Conservation and Forestry;

2. Four members of the House of Representatives, at least one member of the party holding the highest number of seats and at least one member of the party holding the 2nd highest number of seats, all appointed by the Speaker of the House. At least one House member must be serving on the Joint Standing Committee on Agriculture, Conservation and Forestry;

3. The chair of the Maine harness racing promotion board;

4. Two members recommended by an association of horsemen appointed by the Commissioner of Agriculture, Food and Rural Resources;

5. One member who is a racing director for an agricultural fair recommended by a statewide fair association and appointed by the Commissioner of Agriculture, Food and Rural Resources; and

6. One member representing commercial harness racing tracks appointed by the Commissioner of Agriculture, Food and Rural Resources; and be it further

Sec. 3 Chairs. Resolved: That the Senate member named by the President is the Senate chair of the commission and the House of Representatives member named by the Speaker is the House chair of the commission; and be it further

Sec. 4 Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 60 days following the effective date of this resolve; and be it further

Sec. 5 Duties. Resolved: That the commission shall study the best way to expand racing opportunities for Maine horsemen and Maine-owned horses, including an orderly expansion of race dates and venues and how to better fund the State Harness Racing Commission in a way that serves the racing industry and the public. The commission shall review rules and regulations and issues such as drug testing to ensure the integrity of the sport. In addition, the commission shall explore ways to promote public interest and participation in harness racing for followers of the sport and horse owners; and be it further

Sec. 6 Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7 Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

Sec. 8 Report. Resolved: That, no later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including any suggested legislation, for presentation to the Joint Standing Committee on Agriculture, Conservation and Forestry. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to introduce legislation related to the harness racing industry to the Second Regular Session of the 123rd Legislature; and be it further

Sec. 9 Commission budget. Resolved: That the commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by the commission by September 15, 2007 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded

to the Executive Director of the Legislative Council along with an accounting record that includes the amount of the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget; and be it further

Sec. 10 Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides an allocation of Other Special Revenue Funds in fiscal year 2007-08 in the event outside funds are received to fully fund the cost of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$1,760	\$0
All Other	\$3,000	\$0
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,760	\$0

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

Effective June 27, 2007.