

## STATE OF MAINE

—  
 IN THE YEAR OF OUR LORD  
 TWO THOUSAND AND SEVENTEEN

—  
 H.P. 1052 - L.D. 1532

**An Act To Modernize the Laws Governing Maine Harness Racing**

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

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

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

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 8 MRSA §262,** as amended by PL 1991, c. 579, §5, is further amended to read:

**§262. Organization**

Three of the members of the commission constitute a quorum to do business. The commission shall meet ~~at least monthly~~ 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.

**Sec. 2. 8 MRSA §263-A, sub-§5** is enacted to read:

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

**Sec. 3. 8 MRSA §263-B, sub-§4** is enacted to read:

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.

**Sec. 4. 8 MRSA §264**, as amended by PL 2003, c. 401, §5, is further amended to read:

**§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.

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 ~~appoint the presiding judge and associate judges on an annual basis with the consent of the licensee~~ adopt rules providing for standards for the licensure and conduct of presiding and associate judges. ~~The licensee shall employ judges appointed in accordance with this section on an annual basis. The commission shall provide the list of approved judges in accordance with section 279-C.~~ For purposes of the Maine Tort Claims Act, the presiding judge and associate judges ~~appointed~~ 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. ~~The licensee may terminate the employment of a presiding or associate judge hired under this section only with the consent of the commission.~~

~~In determining whether a presiding or associate judge may be terminated by a licensee, the commission shall consider improper conduct on behalf of the employee, failure to enforce the rules prescribed by the commission, malfeasance, violation of commission rules or behavior detrimental to the conduct of racing.~~

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.

**Sec. 5. 8 MRSA §267**, as amended by PL 2007, c. 539, Pt. G, §§4 and 5 and affected by §15, is further amended to read:

**§267. Budget; report**

**1. Budget.** The commission shall develop or revise a recommended operating budget covering All Other account expenses for ~~each fiscal year of~~ 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, ~~to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the Executive Director of the Legislative Council.~~

~~B. On or before August 1st of odd-numbered years the commission shall hold a hearing to make findings regarding and develop any revisions to its budget for the second fiscal year of 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. After the hearing, the commission may submit to the commissioner any recommended revisions to its budget, and the commissioner shall transmit these changes to the Bureau of the Budget without any revision, alteration or change. The commission shall submit a copy of this revised budget with any desired comments to the joint standing committee of the Legislature having jurisdiction over agricultural matters, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the Executive Director of the Legislative Council.~~

Any budgetary increases proposed by the commission in developing its recommended budget for fiscal year 2010 and thereafter must be reasonable and related to expansion in the number of racing days, the numbers of races held, the ~~need to maintain competitive salaries,~~ expansion of programs and activities as recommended by the commission or inflation.

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

**Sec. 6. 8 MRSA §268, first ¶**, as amended by PL 1999, c. 394, §1, is further amended to read:

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; ~~notwithstanding any other provision of law, harness horse races or meets licensed to be held on Sunday may commence at, but not before, noon.~~

**Sec. 7. 8 MRSA §268, 2nd ¶**, as amended by PL 1993, c. 388, §3, is further amended to read:

The commission may adopt rules for licensing and operating off-track betting facilities. The commission shall ~~mail notice of~~ 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 ~~matters~~ 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.

**Sec. 8. 8 MRSA §271, sub-§1**, as amended by PL 2003, c. 687, Pt. B, §3 and affected by §11, is further amended to read:

**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 racing 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 ~~provide a booklet containing~~ make available 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 commission shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost of the revisions, not to exceed \$10, in the renewal fee.~~ 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.

**Sec. 9. 8 MRSA §271, sub-§2**, as amended by PL 2007, c. 539, Pt. G, §7 and affected by §15 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

**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;
- 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;
- C. The necessity of having and maintaining proper physical facilities for racing meetings; and consequently, to ~~insure~~ 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;
- D. The desirability of reasonable consistency in the pattern of race date assignments from year to year;
- 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;
- F. The preservation of a diversity of harness racing tracks in the State;
- G. The quality of the licensee's observance and enforcement of this chapter and the rules ~~promulgated~~ adopted pursuant to this chapter during the past year;

- H. The extent to which the licensee fully utilized race dates granted to it for the past year;
- I. The personnel and resources available to the commission for the enforcement of this chapter and the rules ~~promulgated~~ adopted pursuant to this chapter;
- J. The likely availability of race-worthy horses throughout the year with a goal of promoting full cards and avoiding 5-horse fields; and
- 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.

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.

**Sec. 10. 8 MRSA §271, sub-§5**, as amended by PL 1995, c. 408, §3, is further amended to read:

**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 ~~more than~~ at least 25 race dates with pari-mutuel wagering in the previous calendar year.

**Sec. 11. 8 MRSA §271, sub-§7**, as reallocated by RR 1997, c. 1, §5, is amended to read:

**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 ~~10~~ 8.

**Sec. 12. 8 MRSA §271, sub-§9**, as reallocated by RR 1997, c. 1, §7, is repealed.

**Sec. 13. 8 MRSA §272-C, sub-§§1 and 2**, as enacted by PL 2013, c. 490, §2, are amended to read:

**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.

**2. Payment if licensee fails to conduct racing.** If a licensee ceases to operate and therefore fails to conduct ~~a race meet~~ 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.

**Sec. 14. 8 MRSA §275-A, sub-§1**, as amended by PL 2013, c. 490, §3, is further amended to read:

**1. Commercial track.** "Commercial track" means a 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 ~~100~~ 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 ~~100~~ 70 days in each of the 2 preceding calendar years;

B. If the population of the region is less than 300,000, based on the 1990 U.S. Census, conducted racing on more than ~~25~~ 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 ~~26~~ 35 days in each of the 2 preceding calendar years;

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 ~~400~~ 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 ~~400~~ 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

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 ~~25~~ 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 ~~25~~ 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.

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.

**Sec. 15. 8 MRSA §275-A, sub-§9-A**, as enacted by PL 1995, c. 408, §5, is amended to read:

**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.

**Sec. 16. 8 MRSA §275-A, sub-§9-B** is enacted to read:

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

**Sec. 17. 8 MRSA §275-A, sub-§10-A**, as enacted by PL 1995, c. 408, §6, is amended to read:

**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. ~~Notwithstanding this subsection, the regular meeting of a licensee that is licensed to conduct live racing in at least 6 separate calendar months includes the entire calendar year.~~

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

**§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 ~~that conducted at least 136 race dates during the immediately preceding 2 calendar years or at an existing commercial track as defined in section 275-A, subsection 1, paragraph B at which at least 35 race dates were conducted during the preceding 2 years if the interstate simulcasting at the commercial track is conducted during the regular meeting.~~ For the purposes of this section, any race date that the commission determines was canceled due to a natural or other disaster must be counted as a race date. For the purposes of this section and for the purpose of meeting the requirements of section 275-A, subsection 1, any race date that is canceled at a commercial race track due to the inability to meet the requirements of section 275-A, subsection 9-A because of a horse shortage, as verified by the state steward, is counted as a race date.

**Sec. 19. 8 MRSA §276-B**, as enacted by PL 2013, c. 490, §4, is amended to read:

**§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 racing 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.

**Sec. 20. 8 MRSA §277**, as amended by PL 2013, c. 16, §10, is further amended to read:

**§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 ~~relating to racing~~ related to sections 281, 298, 299 and 300, which books and records ~~shall be~~ are subject to audit at any time by the department or the Office of the State Auditor.

**Sec. 21. 8 MRSA §279-E**, as enacted by PL 2007, c. 611, §8, is amended to read:

**§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 ~~blood~~ biological sample to test for the use of prohibited substances.

**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 ~~draw a blood~~ obtain a biological sample; or

B. Allow a veterinarian employed by the commission or the department, or a veterinarian designated by the commission and accompanied by ~~a state steward~~ designated department personnel, access to the premises where the horse is kept for the purpose of obtaining a ~~blood~~ biological sample.

**2. Rulemaking.** The commission shall adopt rules establishing a procedure for obtaining ~~blood~~ 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 ~~the state steward~~ designated department personnel. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**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.

**Sec. 22. 8 MRSA §283**, as amended by PL 2013, c. 155, §2, is further amended to read:

### §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 ~~who has been refused a license or who has had that person's~~ whose license is currently refused, revoked or suspended in another jurisdiction ~~until notification from the jurisdiction that refused to license or suspended or revoked the license of the person that the person is again eligible for licensing in that jurisdiction.~~

**Sec. 23. 8 MRSA §299, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §4 and affected by Pt. B, §11, is amended to read:

**2. Distribution.** On ~~May 30th, September 30th~~ 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 ~~live race days conducted by~~ race day credits awarded to the commercial track during the preceding time period and the denominator of which is the total number of ~~race days conducted by~~ 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 ~~3~~ 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 days conducted~~ day credits actually earned by the commercial track during the calendar year and the denominator of which is the total number of ~~race days conducted~~ day credits actually earned by all commercial tracks licensed under section 271 during that calendar year.

**Sec. 24. 8 MRSA §299, sub-§3**, as enacted by PL 2015, c. 493, §3, is amended to read:

**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 ~~by dividing the amount in the fund by 150 and multiplying the result by the number of days raced by that commercial track or agricultural fair 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 ~~on~~ 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.

**Sec. 25. 8 MRSA §299, sub-§5** is enacted to read:

**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;

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

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.

**Sec. 26. 8 MRSA §1037, first ¶**, as enacted by PL 2011, c. 358, §6 and amended by c. 657, Pt. W, §6, is further amended to read:

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

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