

11-2007

## Maine State Harness Racing Commission Report to the Joint Standing Committee on Agriculture, Conservation and Forestry

Henry W. Jackson  
*Maine State Harness Racing Commission*

Follow this and additional works at: <https://digitalcommons.usm.maine.edu/maine-acf-docs>

---

### Recommended Citation

Jackson, Henry W., "Maine State Harness Racing Commission Report to the Joint Standing Committee on Agriculture, Conservation and Forestry" (2007). *Department of Agriculture, Conservation, and Forestry (ACF)*. 5.

<https://digitalcommons.usm.maine.edu/maine-acf-docs/5>

This Book is brought to you for free and open access by the Maine State Documents at USM Digital Commons. It has been accepted for inclusion in Department of Agriculture, Conservation, and Forestry (ACF) by an authorized administrator of USM Digital Commons. For more information, please contact [jessica.c.hovey@maine.edu](mailto:jessica.c.hovey@maine.edu).

H 22.10:Ha 289

MAINE STATE HARNESS RACING COMMISSION  
REPORT TO THE JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY

November 1, 2007

Submitted by: Henry W. Jackson  
Executive Director

UNIVERSITY OF SO. MAINE  
PORTLAND  
LIBRARY  
DEC 04 2007  
Maine State Doc.

## TABLE OF CONTENTS

- i. Letter to the Joint Standing Committee on Agriculture, Conservation and Forestry
- ii. Letter from the Joint Standing Committee on Agriculture, Conservation and Forestry
- iii. Introduction
- iv. Copy of submission to Maine State Government Annual Report
  - A. Enabling or authorizing law
  - B. Programs
    - 1. Controlled Medication Program
    - 2. Maine Sire Stakes
    - 3. Agricultural Fair Stipend
    - 4. Budget Administration
  - C. Organizational structure
  - D. Compliance with federal and state health and safety laws
  - E. Financial summary
  - F. Regulatory agenda
  - G. Coordinated efforts with other agencies
  - H. Identification of constituencies
  - I. Alternative delivery systems
  - J. Emerging issues
  - K. Other information requested by the Committee
  - L. Comparison of Related Federal Laws and Regulations
  - M. Agencies Policies for Collecting, Managing and Using Personal Information
  - N. A list of Reports, Applications and Other Similar paperwork Required by the Public

GOVERNOR  
JOHN ELIAS BALDACCI

COMMISSIONER  
SETH H. BRADSTREET, III



HARNESS RACING COMMISSION  
GEORGE W. MCHALE, CHAIR  
HENRY JACKSON, EXECUTIVE DIRECTOR  
RALPH CANNEY, PROGRAM MANAGER  
28 STATE HOUSE STATION  
AUGUSTA, ME 04333-0028  
TEL: (207) 287-3221  
FAX: (207) 287-7548

---

November 1, 2007

Senator John M. Nutting  
Representative Wendy Pieh  
Joint Standing Committee on Agriculture, Conservation and Forestry  
2 State House Station  
Augusta, ME 04333-0002

Dear Senator Nutting and Representative Pieh:

Enclosed is the program evaluation report you requested regarding the Maine State Harness Racing Commission. The report was requested pursuant to the Government Evaluation Act (3 MRSA Chapter 25).

The report includes information, in a concise but complete manner, which was requested in your letter, dated April 30, 2007.

I will gladly provide any additional information upon request.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'H. Jackson'.

Henry W. Jackson  
Executive Director

ENC:

CC: Seth H. Bradstreet, III, Commissioner, DAF&RR  
MSHRC Commission Members

SENATE

HOUSE

JOHN M. NUTTING, DISTRICT 17, CHAIR  
MARGARET ROTUNDO, DISTRICT 16  
ROGER L. SHERMAN, DISTRICT 34



WENDY PIEH, BREMEN, CHAIR  
JACQUELINE A. LUNDEEN, MARS HILL  
RAYMOND G. PINEAU, JAY  
JOHN F. PIOTTI, UNITY  
TIMOTHY A. CARTER, BETHEL  
BENJAMIN MARRINER PRATT, EDDINGTON  
DONALD G. MAREAN, HOLLIS  
PETER EDGECOMB, CARIBOU  
DEAN A. CRAY, PALMYRA  
JEFFERY A. GIFFORD, LINCOLN

JILL IPPOLITI, LEGISLATIVE ANALYST  
JEREMY LESTAGE, COMMITTEE CLERK

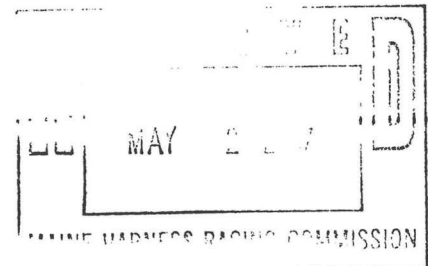
STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

April 30, 2007

Henry Jackson, Executive Director  
Maine Harness Racing Commission  
Maine Department of Agriculture, Food & Rural Resources  
28 State House Station



RE: Review of the Maine Harness Racing Commission

Dear Mr. Jackson:

We are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted to review the Maine Harness Racing Commission, pursuant to the Government Evaluation Act, Title 3 of the Maine Revised Statutes, chapter 35.

Pursuant to that law, the Committee respectfully requests that the commission prepare a program evaluation report and submit the report to this committee no later than November 1, 2007. Title 3, section 956 provides a list of information to be included in the evaluation report. Please review each item and advise us if any item is not applicable to the duties and responsibilities of the commission and this committee's oversight of the authority.

We will begin our review of the commission no later than February 1, 2008, as provided in law, and we anticipate submitting our findings, administrative recommendations and implementing legislation to the Legislature no later than March 15, 2008. We look forward to working with you on this review process. Please feel free to contact one of us or our committee staff if you have questions about the process. Thank you.

Sincerely,

Sen. John M. Nutting  
Senate Chair

Rep. Wendy Pieh  
House Chair

cc: Senator Beth Edmonds, President of the Senate  
Representative Glenn Cummings, Speaker of the House  
Patrick T. Norton, Director, Office of Policy and Legal Analysis

Prev: [Chapter 35 §955](#)  
Next: [Chapter 35 §957](#)

### **Title 3: LEGISLATURE**

#### **Chapter 35: STATE GOVERNMENT EVALUATION (HEADING: PL 1995, c. 488, §2 (new))**

[Download Chapter 35 PDF, Word \(RTF\)](#)

#### **§956. Program evaluation report**

[Download Section 956 PDF, Word \(RTF\)](#)

[Statute Search](#)  
[List of Titles](#)  
[Maine Law](#)

**1. Report required.** Each agency and independent agency shall prepare and submit to the Legislature, through the committee of jurisdiction, a program evaluation report by a date specified by the committee. [1995, c. 488, §2 (new) .]

[Disclaimer](#)

**2. Program evaluation report; contents.** Each report must include the following information in a concise but complete manner:

[Revisor's Office](#)

A. Enabling or authorizing law or other relevant mandate, including any federal mandates; [1995, c. 488, §2 (new) .]

[Maine Legislature](#)

B. A description of each program administered by the agency or independent agency, including the following for each program:

(1) Established priorities, including the goals and objectives in meeting each priority;

(2) Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and

(3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives; [1995, c. 488, §2 (new) .]

C. Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility; [1995, c. 488, §2 (new) .]

D. Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation; [1995, c. 488, §2 (new) .]

E. Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years; [1995, c. 488, §2 (new) .]

F. When applicable, the regulatory agenda and the summary of rules adopted; [1995, c. 488, §2 (new) .]

G. Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements; [1999, c. 661, §1 (amd) .]

H. Identification of the constituencies served by the agency or program, noting any changes or projected changes; [1995, c. 488, §2 (new).]

I. A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives; [1995, c. 488, §2 (new).]

J. Identification of emerging issues for the agency or program in the coming years; [1999, c. 661, §1 (amd).]

K. Any other information specifically requested by the committee of jurisdiction; [2001, c. 321, Pt. A, §1 (amd).]

L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program; [2001, c. 495, §1 (amd).]

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; and [2001, c. 495, §2 (amd).]

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

(1) The statutory authority for each filing requirement;

(2) The date each filing requirement was adopted or last amended by the agency;

(3) The frequency that filing is required;

(4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and

(5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication.

[2001, c. 495, §3 (new).]

[2001, c. 495, §1-3 (amd).]

Section History:

PL 1995, Ch. 488, §2 (NEW).

PL 1999, Ch. 661, §1,2 (AMD).

PL 2001, Ch. 321, §A1-3 (AMD).

PL 2001, Ch. 495, §1-3 (AMD).

# STATE HARNESS RACING COMMISSION

## HENRY JACKSON, EXECUTIVE DIRECTOR

Central Office: AMHE--DEERING BUILDING, AUGUSTA, ME 04333-0028  
Mail Address: 28 STATE HOUSE STATION, AUGUSTA, ME 04333-0028 FAX: (207) 287-5576  
Established: 1935 Telephone: (207) 287-3221  
Reference: Policy Area:04 ; Umbrella: 01 Unit: 017 ; Citation: T0008 M.R.S.A., Sect. 000000261  
Average Count--All Positions: 6.578 Legislative Count: 4.00

### PURPOSE:

The State Harness Racing Commission was established to maintain honesty and integrity in pari-mutuel harness racing in the State of Maine and to insure that pari-mutuel racing is conducted in the best interest of horsemen, associations and the general public. The primary responsibilities of the Commission are to make rules and regulations for holding, conducting and operating all harness horse races or meets for public exhibition in the State and for the operation of race tracks on which any such race or meet is held; to assign dates for holding harness horse races or meets for public exhibition with pari-mutuel pools as will best serve the interests of the agricultural associations of Maine; to license Off-Track Betting facilities in Maine; and to oversee the enforcement of the Commission's Rules and Regulations and the Statutes governing horse racing in Maine.

The Commission: grants track licenses to operate day or night harness racing; licenses off-track betting facilities to operate and accept pari-mutuel wagers; licenses or registers participants in harness horse racing, pari-mutuel employees and race officials, upon application, and charges a fee for such license not to exceed \$100; regulates, supervises and checks the making of pari-mutuel pools and the distribution therefrom; establishes a schedule of fines not to exceed \$1,000 and adopts a schedule of suspensions which may include lifetime suspensions from participating in the sport; and encourages and promotes the breeding of a strain of Maine standardbred horse.

### ORGANIZATION:

The State Harness Racing Commission was established in 1935 as the State Racing Commission. It received its present name in 1951, and in 1973 was placed within the Department of Agriculture. During 1988, the Legislature expanded responsibility for activities related to breeding farms involved in breeding Standardbred trotters and pacers in Maine; and to coordinate activities of mutual interest to the Department of Agriculture, Food and Rural Resources and the various agricultural fairs.

The Commission consists of five 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 remaining three members must be persons with a knowledge of harness racing. The members must be appointed to provide a broad geographic representation. Members of the Commission serve three-year terms. A vacancy is filled by appointment for the remainder of the unexpired term. Members whose terms expire serve until their successor is qualified and appointed. The Governor shall appoint one of the five commission members as Chair. The Commissioner of Agriculture or his designee serves ex officio as secretary to the Commission, but is not a voting member.

Pursuant to 1991 PL Ch. 579, the Commission's authority was expanded to include jurisdiction over off-track betting facilities. Pursuant to 1997 PL Ch. 527, an Executive Director's position was created to provide administrative management for the Commission's daily activities. Pursuant to 1997 PL Ch. 528, the Department of Agriculture shall have the administrative responsibilities of the Commission budget and the hiring and contracting for services on behalf of the Commission. The Commission shall have the responsibilities of rule-making, enforcement and adjudicatory hearings. The law requires that the Commission's budget be submitted unchanged to the Committee having jurisdiction over Agriculture. Pursuant to 1997 P.L. Ch. 406, the Commission may impose conditions of a license if one or more of the criteria are not met at time of licensing.



**PROGRAM:**

Major emphasis has been directed toward overall improvement of the sport and promotion of a breed of Maine Standardbred horses. The Maine Standardbred Sire Stakes Program received its original funding by the 108th Legislature. It was increased by the 113th Legislature. The Commission feels improvement of the breed, and a desire of persons in other areas to breed to Maine studs, will guarantee future State incomes from this source and a healthy expanding industry, and will encourage involvement of youth in horse ownership, breeding and care.

Drug testing programs are used on a continuing basis in an effort to eliminate as nearly as possible drug use on racehorses and by humans within the State.

The Agricultural Fair Promotional Coordination will include Department sponsored educational efforts at various fairs and supplementing capabilities of each fair by proper exposure and utilization of Department of Agriculture resources, funds and personnel.

**LICENSES:**

Licenses:

- Standardbred Horse Owners
- Drivers, Trainers, and Grooms
- Various Pari-Mutuel Racing Officials
- Pari-Mutuel Racing Association---
- Fairs, Extended Meets and Commercial Meets
- Pari-Mutuel Employees - Directors, Managers and Tellers
- Vendors at Licensed Pari-Mutuel Facilities
- Off-Track Betting Facilities and Simulcast Facilities

**PUBLICATIONS:**

Rules and Regulations of the Maine State Harness Racing Commission, not to exceed \$10

- Maine State Harness Racing Commission Annual Report
- Maine Sire Stakes Annual Report - contained within the Racing Report

**FINANCES, FISCAL YEAR 2007:** The following financial DISPLAY was generated from this unit's accounts as recorded in the files of the Bureau of the Budget's MFASIS System.

STATE HARNESS RACING COMMISSION	TOTAL	SPECIAL					MISC FUNDS
	FOR ALL FUNDS	GENERAL FUND	REVENUE FUNDS	HIGHWAY FUND	FEDERAL FUNDS		
<b>EXPENDITURES</b>							
SALARIES & WAGES	282,619	253,394	29,225				
HEALTH BENEFITS	79,855	66,194	13,661				
RETIREMENTS	45,404	39,815	5,589				
OTHER FRINGE BENEFITS	3,665	3,405	260				
COMPUTER SERVICES	11,145	9,071	2,074				
CONTRACTUAL SERVICES	618,647	507,665	110,982				
RENTS	22,044	20,810	1,234				
COMMODITIES	20,163	20,163					
GRANTS, SUBSIDIES, PENSIONS	10,466,491	253,901	10,212,590				
TRANSFER TO OTHER FUNDS	1,529		1,529				
<b>TOTAL EXPENDITURES</b>	<b>11,551,562</b>	<b>1,174,418</b>	<b>10,377,144</b>				

## INTRODUCTION

There are eleven (11) racetracks that are licensed to conduct pari mutuel wagering in Maine, two (2) commercial racetracks and nine (9) agricultural fair racetracks. The two commercial racetracks are authorized to accept wagers on full card simulcast races originating outside the state. There are four Off-track Betting Facilities licensed to accept pari mutuel wagers on full card simulcast races from within and outside the state. This represents an increase of one live racing venue, Oxford County Fair began offering pari mutuel wagering in 2003. The industry has lost two Off-track Betting Facilities since 2000, Bath House of Pizza went out of business in 2000 and Miller's OTB in Bangor was purchased by Penn National Gaming and became an inter-track wagering facility on 2006.

In 1997 the wagering handle at the licensed wagering facilities was \$72,349,191 and continued to decline through 2001 to \$65,645,217. In 2002 it rose to \$69,104,246; however, it has continued its downward trend through 2006 to \$58,032,670. The sharpest decline has been the wagers on the live racing product. In 1997 the total wagered on the live racing product in Maine was 12,523,729 and in 2006 it was \$7,490,496 or a 40.2% decrease. The wagers on the full card simulcast races at the commercial racetracks and the off-track betting facilities were 59,825,462 in 1997 and \$50,542,175 or a 15.5% decrease.

Although the amount of money available for drug testing continues to decline due to budget constraints we continue to protect the integrity of the sport through its drug detection program of both horses and licensed participants. The Joint Standing Committee on Agriculture, Conservation and Forestry successfully increased our funding for drug detection for FY 07.

The acceptance of and subsequent licensing of slots at the Bangor Racino has been a great asset to the industry. The Financial Summary for the last ten years, Section E, shows a sharp increase in revenues in 2006 and 2007. These additional funds are a direct result of the Racino operation in Bangor and will benefit the entire infrastructure of the industry as well as all of Maine residents. As examples, the average purses have grown from \$1,200 in the late 1990s to over \$2,500 and the Sire Stakes finals went for over \$40,000 for two-year-old horses and \$60,000 for three-year-old horses in 2007.

A Task Force Committee, established in the First Regular Session of the 123<sup>rd</sup> Legislature, is looking at ways to improve, promote and regulate the harness racing industry. The major concerns that face this group is the need for additional dollars for drug testing; equitable rule enforcement; equitable officiating at racetracks; on-track facilities improvements; increased sampling; and, improved technical equipment for drug detection.

(A.)

Enabling or Authorizing Law

Enabling or authorizing law is found in 5 M.R.S.A. Section 12004-G, subsection 32.

(B.)

Programs Administered by the Maine State Harness Racing Commission

1. Controlled Medication Program is authorized in 8 M.R.S.A. Section 279-A. This program allows use of the controlled medications Phenylbutazone and Furosemide.

The established priority of this program was to ensure an adequate supply of horses be available for racing in Maine. Several horses that are presently competing would not be able to do so without the administration of phenylbutazone, which reduces inflammation and relieves minor pain. Additionally, there are horses that are presently competing that would not be able to do so without the administration of furosemide, which reduces the incidence of Exercise Induced Pulmonary Hemorrhage (EIPH).

The Department staff that is assigned to the Commission has monitored the horse supply for the past five years. They have determined that the Controlled Medication Program has prevented a further reduction in the number of days granted and the number of dashes raced.

2. Maine Sire Stakes Fund is authorized in 8 M.R.S.A. Section 281. Licensees or others established this program to have the Commission encourage and promote the breeding of a strain of Maine Standardbreds and make provisions to encourage donations to persons or institutions within the State for breeding purposes.

The priority of the program was to encourage people to breed horses in Maine to provide horses for racing in Maine. Since the inception of the program the number of Maine bred horses has increased from less than fifty to more than two hundred (200) per year, which augments our horse supply. The program was authorized in 1973, amended in 1979 and again in 1999. The 1997 amendment gave the responsibility to the Department rather than the Commission for administration and rule adoption. In 1999 the rule making authority was returned to the Commission.

3. Agricultural Fair Stipend Fund is established in 8 M.R.S.A. Section 289 and is distributed pursuant to 7 M.R.S.A. Section 62.

This program was established to encourage agricultural societies to provide agricultural and domestic education to the citizens of that area and to encourage the display of agricultural, domestic, horticultural, and youth exhibits and pulling contests.

The licensed agricultural societies continue to meet the goals established by the Department as can be observed when reviewing the annual reports and visiting the fairs.

(B.) Cont.

Programs

4. The Department administers the finances on behalf of the Commission. The Department collects, deposits the money due from the wagers, fees and licensing revenue. The Department makes expenditures from the General Fund and distributes revenue from the Agricultural Stipend Fund; Fair Stipend Fund; Sire Stakes Fund; Purse Supplement Fund; Commercial Meet Stipend Fund; Extended Meet Fund; and, the Off-track Betting Simulcast Fund.

Further, the Department distributes revenue from the Agricultural Fair Support Fund; the Fund to Encourage Racing at Maine's Commercial Tracks; the Fund to Supplement Harness Racing Purses; the Sire Stakes Fund; and, the Fund to Stabilize Off-track Betting Facilities that are generated from the Racino operating in Bangor. These funds exceeded seven million dollars in 2006.

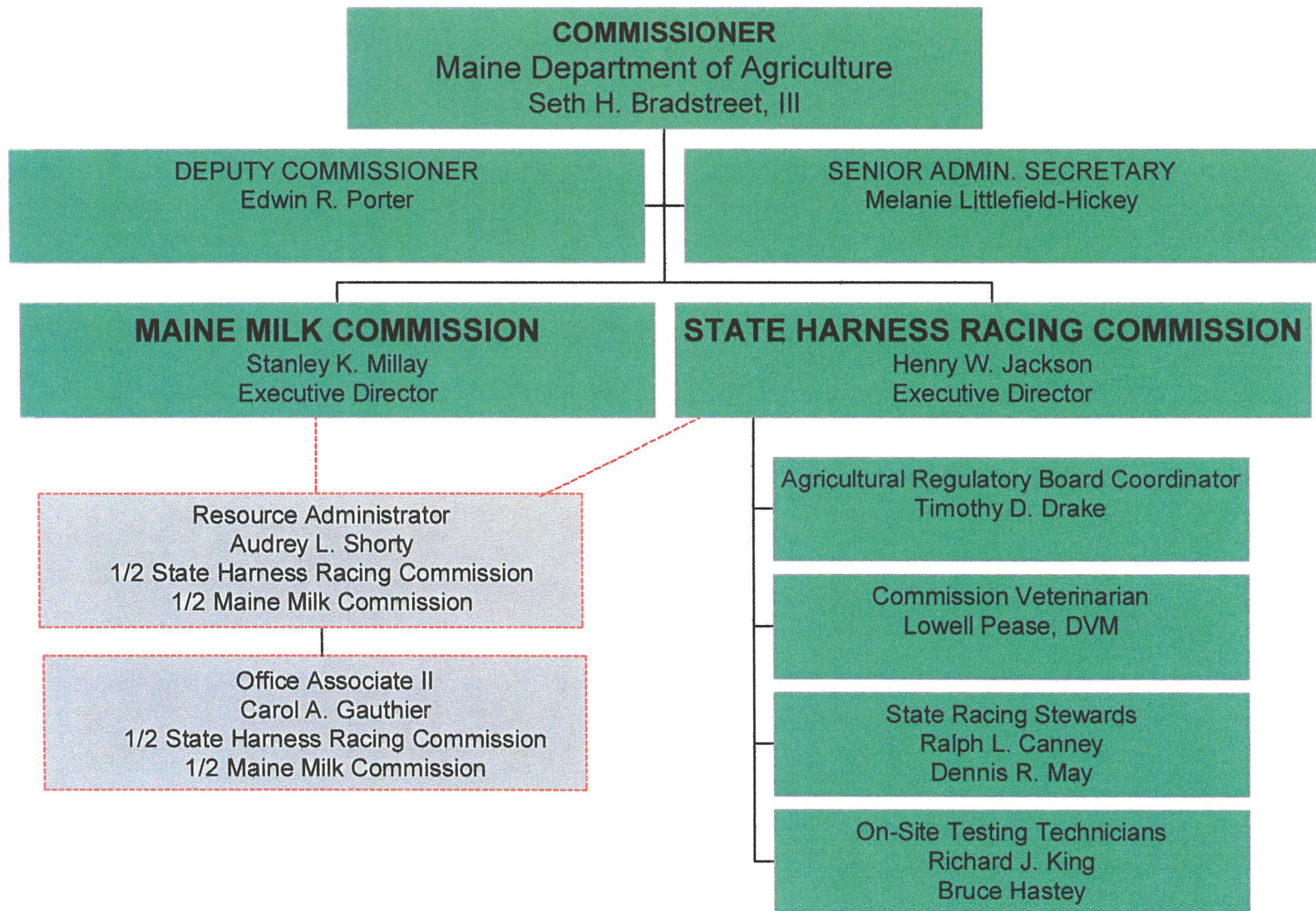
(C.)

Organizational Structure



# Maine State Harness Racing Commission

## Organizational Structure



(D.)

Compliance with federal and state health and safety laws  
Including the American with Disabilities Act, the federal Occupational Safety and Health Act,  
affirmative action requirements and worker's compensation.



**DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES  
POLICY STATEMENT AGAINST HARASSMENT**

**I. General Policy Statement**

The State of Maine recognizes the dignity of the individual employee and the right of employees to work in an environment which is free of intimidation and harassment. Such intimidation or harassment based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, or marital status is a violation of State policy. Because such harassment seriously undermines the integrity of the work place and adversely affects employee morale, it is unacceptable and will not be tolerated. In addition, it is considered grounds for disciplinary action up to and including discharge. Harassment based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act may also constitute illegal employment discrimination.

Examples of harassment related to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act, include the following, which may be a series of incidents or a single occurrence:

- Unwelcome sexual advances, gestures, comments, or contact;
- Threats;
- Offensive jokes;
- Subjecting employees to ridicule, slurs, or derogatory actions;
- Basing employment decisions or practices on submission to such harassment;
- Refusal to cooperate with employees in performing work assignments;
- Inequitable disciplinary actions and work assignments.

Further examples of sexual harassment include: behavior that is verbal and sexual in nature – such as comments about a person's looks, personal inquiries, sexual jokes, use of derogatory sexual stereotypes, uttering sexually suggestive sounds, writing sexual notes, use of State computer equipment to send, receive and/or download material of a sexual nature; **non-verbal sexual behavior**- such as looking someone up and down, staring or leering at someone's body, deliberate blocking of a person's path, displaying sexual visuals, making sexual gestures; or **physical** – such as pinching, grabbing, sexual assault or any physical contact of a sexual nature.

As a matter of State policy, any behavior of a sexual nature in the workplace is considered unprofessional regardless of whether it constitutes illegal sexual harassment. Similarly, any conduct that degrades, ridicules or otherwise draws unwanted attention to any employee or other person having dealings with the department on the basis of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, or marital status is considered unprofessional regardless of whether it constitutes unlawful harassment. Such unprofessional conduct will not be tolerated in the work place because it undermines morale, interferes with performance and demeans its victims. Each employee is personally responsible for compliance with this policy.

As part of their supervisory responsibilities, supervisors are required to actively prevent or stop inappropriate, unprofessional conduct in the workplace regardless of whether the conduct rises to the level of illegal harassment. If they become aware of any such conduct occurring, they must take immediate and appropriate corrective action, including discipline, to end the conduct. Corrective action is required regardless of whether a complaint is made or the conduct appears to be unwelcome.

The Department's EEO Coordinator may be consulted for advice and direction and must be contacted if a complaint is received, even if the complainant requests that no action be taken. Managers and supervisors who fail to fulfill their obligations under this policy will be subject to disciplinary action, up to and including discharge.

## II. Definitions

"Sexual harassment" is defined as unwelcome sexual conduct that is a term or condition of employment. Unwelcome sexual conduct is sexual harassment when submission to such conduct is expressly or implicitly made a term or condition of employment.

"Quid pro quo" harassment occurs when submission or rejection of such conduct is used as the basis for employment decisions affecting an individual, *such as promotions in exchange for sexual favors, or an unfavorable change of duties in response to rejected sexual advances.*

"Hostile Work Environment." Unwelcome sexual conduct which unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment also constitutes illegal sexual harassment. Conduct which is not sexual in nature may still create a sexually hostile work environment if it is based on the victim's gender. Such conduct may include excluding or isolating employees, tampering with belongings or equipment, or physical or verbal abuse based on gender.

## III. Applicability

This policy applies to:



## **V. Retaliation**

Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assisting in an investigation is a violation of State policy. Any discriminatory action against any individual because the individual has opposed a practice that would be a violation of the Maine Human Rights Act, Title VII, the Americans with Disabilities Act, or the Age Discrimination in Employment Act or because the individual has made a charge, testified or assisted in any investigation, proceeding or hearing under the Maine Human Rights Act, Title VII, the Americans with Disabilities Act or the Age Discrimination in Employment Act is illegal. A complainant is protected from retaliation regardless of the merits of the original complaint. Retaliation should be reported in the same manner as described above for complaints of harassment and will be promptly investigated. Such retaliatory conduct will be grounds for disciplinary action.

Each State agency has designated EEO Officers responsible for handling complaints and providing technical assistance to staff regarding these issues. For information contact Amanda Beckwith at 287-7578, Kim Pierce at 287-5505, or Debra Phillips at 287-4925.

Laurel Shippee, the state EEO Coordinator in the Bureau of Human Resources, is also available as a resource to any state employee or supervisor. She may be reached at (207) 287-4651 (TTY - 287-4537).

Seth. H. Bradstreet, Commissioner  
June 2007

## **EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT**

The State of Maine shall continue to pursue a policy of non-discrimination in all employment actions, practices, procedures and conditions of employment.

1. Employment decisions will be based on the principles of equal employment opportunity. Recruitment, testing, selection, and promotion will be administered without regard to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status unless a bona fide occupational qualification exists.
2. Further, personnel actions and conditions of employment, such as compensation, benefits, layoffs, job assignments, employee development opportunities and discipline shall be administered without regard to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status.
3. Reasonable accommodations will be made for any qualified individual, applicant or employee, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.
4. Managers and supervisors are responsible for awareness of and response to potential discriminatory situations. Employees are required to cooperate fully with the investigation and/or resolution of any discrimination complaint.
5. Managers and supervisors are required to actively prevent and correct retaliation or harassment toward any employee who has been involved in the filing, investigation, or resolution of a discrimination claim.
6. The Department will address and attempt to resolve employee complaints regarding discrimination and harassment as expeditiously as possible. Supervisors and managers are required to contact the agency EEO Officer if they receive a complaint of this nature.
7. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

Each State agency has a designated EEO Officer who is responsible for the implementation, monitoring, and record keeping of the agency EEO/AA Program as well as providing technical assistance to applicants and employees. The State EEO Coordinator in the Bureau of Human Resources is also available as a resource to any state employee or supervisor. She may be reached at 287-4651 (TTY - 287-4537).

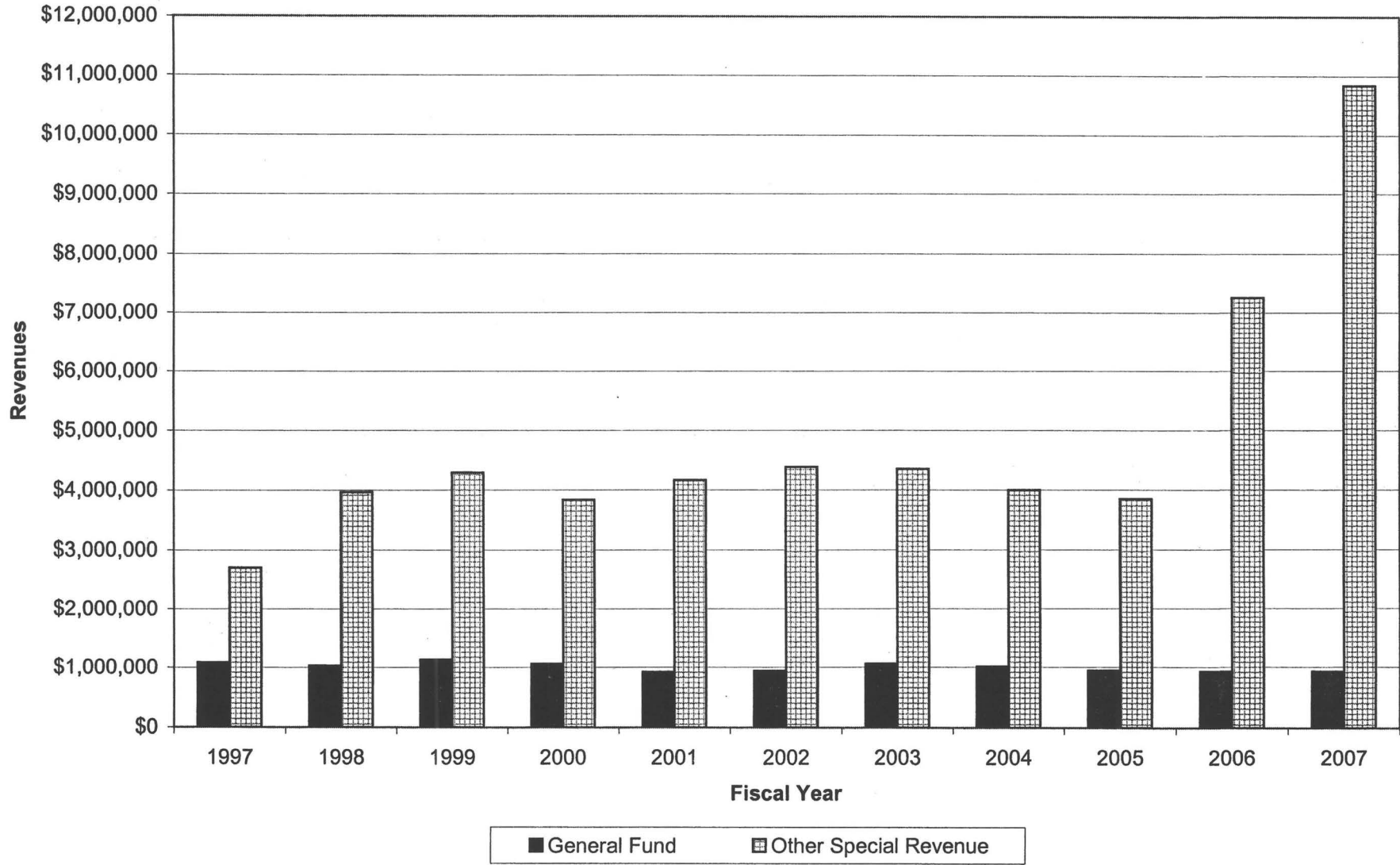
I sincerely appreciate the continued cooperation and support of all employees and supervisors in making the State a positive example for other employers in the State

Seth H. Bradstreet, Commissioner  
June 2007

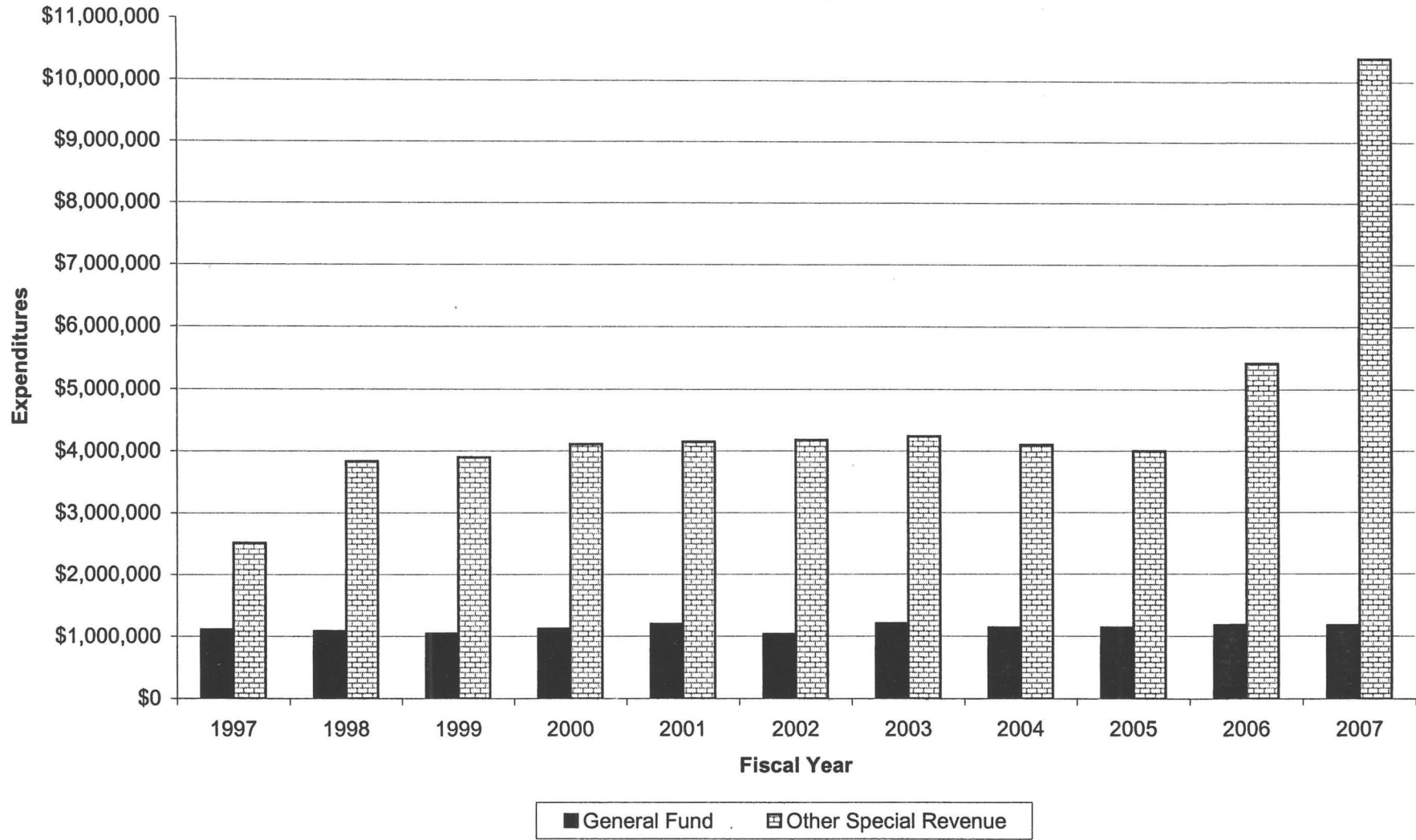
(E.)

Financial Summary for last ten fiscal years.

### Harness Racing Commission Revenue Trends



## Harness Racing Commission Historical Expenditures





(F.)

Regulatory Agenda, and  
Summary of Rules Adopted

The Commission has filed a Regulatory Agenda with the Secretary of State Office that indicates the Commission will continue to review the adopted rules to determine whether any errors remain and to keep abreast of any statutory changes that may require changes in the rules. The agenda can be found on the Secretary of State web site.

The Commission continues to review the rules to make minor adjustments that were either overlooked or have become problematical following the overall review in 2001.

The rules that have been adopted are routine technical changes and have been field with the Secretary of State's Office.

(G.)

Agency Coordination With Other Agencies

The Commission shares the services of an Office Associate II and Resource Administrator and shares the cost of these positions equally.

The Commission coordinates with the United States Trotting Association and Association of Racing Commissions International in adopting licensing criteria and similar rules.

The Commission works closely with the Gambling Control Board in its licensing of commercial race tracks and slot operations.

(H.)

Constituencies Served by Maine State Harness Racing Commission

Wagering public  
Occupational licensees (owners, trainers, drivers, grooms and pari mutuel tellers)  
Licensed officials  
Licensed pari mutuel facilities  
Agricultural fair management  
Standardbred breeders  
Harness Racing Promotional Board  
Licensed vendors  
Other racing jurisdictions  
United States Trotting Association  
General public

(I.)

Use of Alternative Delivery Systems

We provide copies of all occupational license applications and other forms through the Commission's web site.

We continue to contract for payroll services for professional and technical services provided in the field (veterinarians, veterinary technicians, and data entry specialist).

(J.)

### Emerging Issues

We continue to experience a decline in the amount wagered at the pari mutuel facilities. Telephone and Internet wagering in part, cause the decrease in the amount wagered at the pari mutuel facilities. The decline in wagers causes a reduction in the amount of revenue available to the various funds that support the infrastructure and to the General Fund. The reduction in the purse structure causes a proportionate decline in return to owners. This then further translates to a decline in owners and subsequently a decline in the horse population.

However, the amount available to the support the infrastructure of the harness racing industry has been augmented with the advent of revenues from the Racino operation in Bangor.

Beginning in July there have been on going discussions regarding the potential of consolidation of the Gambling Control Board with the Maine State Harness Racing Commission and possibly the Maine Lottery Commission. These discussions led to recommendations filed with the Joint Standing Committee on Appropriations and Financial Affairs by the Commissioners of the Department of Agriculture, Food and Rural Resources and Public Safety. The recommendations outlined the need to further review the cost savings; the reaction of the racing industry; the possible sharing of staff for investigations; and, sharing of licensing functions.

(K.)

Additional Information Requested by the Committee of Jurisdiction

None

(L)

A Comparison of Any Related Federal laws and Regulations to the State Laws Governing the Agency or Programs and the Rules Implemented by the Agency or Program

None

(M)

Agency Policies for Collecting, Managing and Using Personal Information Over the Internet and Non-electronically, Information on the Agency's Implementation of Information technologies and an Evaluation of the Agency's Adherence to the Fair Information Practice Principles of Notice, Choice, Access, Integrity and Enforcement

The Agency follows statutes and rules established by the Legislature.

(N)

A List of Reports, Applications and Other Similar Paperwork Required to be Filed With the Agency by the Public

None