

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 829

H.P. 619

House of Representatives, March 14, 1995

An Act to Strengthen Maine's Live Harness Racing Industry.

(EMERGENCY)

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative REED of Falmouth.

Cosponsored by Representatives: AULT of Wayne, BUCK of Yarmouth, CHICK of Lebanon, CROSS of Dover-Foxcroft, DEXTER of Kingfield, JOYCE of Biddeford, MURPHY of Berwick, POULIOT of Lewiston, SAVAGE of Union, SPEAR of Nobleboro, UNDERWOOD of Oxford, WINSOR of Norway, Senators: BERUBE of Androscoggin, CIANCHETTE of Somerset, FERGUSON of Oxford, HARRIMAN of Cumberland, LORD of York, MICHAUD of Penobscot, SMALL of Sagadahoc, STEVENS of Androscoggin.

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

4 **Whereas,** the harness racing industry is an important
6 industry in the State; and

8 **Whereas,** a more equitable distribution of purse funds must
be provided immediately in order to strengthen live harness
10 racing in the State; and

12 **Whereas,** this legislation will provide for a more equitable
distribution of purse funds; and

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

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

22 **Sec. 1. 8 MRSA §275-A, sub-§1,** as enacted by PL 1993, c. 388,
24 §8, is amended to read:

26 **1. Commercial track.** "Commercial track" means a harness
~~horse-racing-track~~ horsetrack facility whose operator is licensed
28 under this chapter to conduct live harness horse racing with
pari-mutuel wagering that:

30 A. If the population within the 50-mile radius of the track
32 is 300,000 or more, ~~conducted~~ conducts racing on more than
~~100~~ 45 days in the ~~previous--2--calendar--years~~ current
34 calendar year; or

36 B. If the population within the 50-mile radius of the track
is less than 300,000, ~~conducted~~ conducts racing on more than
38 25 days in the ~~previous--2--calendar--years~~ current calendar
year.

40 **Sec. 2. 8 MRSA §275-A, sub-§1-A** is enacted to read:

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

46 **Sec. 3. 8 MRSA §275-D, sub-§8, ¶A,** as enacted by PL 1993, c.
388, §8, is amended to read:

48 A. An off-track betting facility located within a 75-mile
50 radius of a noncommercial racing licensee may not present a
simulcast at the same time that racing licensee is
52 conducting live racing, unless the racing licensee consents

2 and the facility pays the racing licensee 2% of the wagers
made at the facility at the time live racing is being
4 conducted. An off-track betting facility within a 50-mile
radius of a noncommercial racing licensee may not present a
6 simulcast during any day on which that racing licensee is
conducting live racing, unless the racing licensee consents
8 and the facility pays the racing licensee 1% of the wagers
made on that day. Amounts payable under this section are
10 taken from the facility's share of wagers authorized in
section 275-K. If the racing licensee is conducting
12 simulcasting pursuant to section 275-J, subsection 3, then
the racing licensee is not entitled to payment by the
facility under this section.

14 **Sec. 4. 8 MRSA §275-F, sub-§3, ¶A,** as enacted by PL 1993, c.
16 388, §8, is amended to read:

18 A. The first ~~\$295,000~~ \$400,000 of the total amount,
20 regardless of when actually collected, must be credited to
the Stipend Fund provided in Title 7, section 62.

22 **Sec. 5. 8 MRSA §275-F, sub-§3, ¶B,** as enacted by PL 1993, c.
24 388, §8, is repealed.

26 **Sec. 6. 8 MRSA §275-F, sub-§3, ¶C,** as enacted by PL 1993, c.
388, §8, is amended to read:

28 C. From the balance of the total amount in excess of
30 ~~\$350,000~~ \$400,000, regardless of when actually collected,
80% must be paid and returned no later than 30 days after
32 the end of the calendar year to those persons, associations
and corporations that during that calendar year, conducted
34 an extended meet pursuant to a license granted by the
commission in section 271. This payment must be divided in
36 the proportion that the contributions of regular and exotic
wagers to pari-mutuel pools on live racing made or conducted
38 at the extended meets of each racing licensee during that
calendar year bear to the total contributions of regular and
40 exotic wagers to pari-mutuel pools on live racing made or
conducted at the extended meets of all racing licensees
42 during that calendar year. Licensees sharing in this
distribution shall must use 1/2 of the funds so received for
44 the purpose of supplementing purse money.

46 The remaining 20% must be credited to the Stipend Fund
provided in Title 7, section 62.

48 **Sec. 7. 8 MRSA §275-H, sub-§3, ¶A,** as enacted by PL 1993, c.
50 388, §8, is amended to read:

52 A. The Treasurer of State must return to commercial meet
licensees 72% of the revenue credited to the General Fund

2 under this section attributable to amounts in excess of
3 \$33,500,000. This payment must be divided in the proportion
4 that the contributions of regular and exotic wagers of
5 pari-mutuel pools on live racing made or conducted at the
6 commercial meets of each licensee during the calendar year
7 bear to the total contributions of regular and exotic wagers
8 to pari-mutuel pools on live racing made or conducted at the
9 commercial meets of all licensees during that calendar
10 year. Licensees sharing in this distribution shall must use
11 1/2 of the funds received for the purpose of supplementing
12 purse money. The other 1/2 of this distribution must be
13 paid to the commercial licensees as reimbursement for
14 improvements made to their racing facilities in the calendar
15 year during which the funds are generated. To receive
16 reimbursement, commercial licensees must submit plans for
17 the improvements to the commission and receive approval from
18 the commission prior to making the improvements and the
19 commission must verify that the approved improvements have
20 been made.

21 **Sec. 8. 8 MRSA §275-I, sub-§3**, as corrected by RR 1993, c. 2,
22 §7, is amended to read:

23 **3. Distribution based on racing days.** Payments made under
24 subsections 1 and 2 for distribution in accordance with this
25 subsection must be distributed divided equally among licensees
26 conducting live racing in the State in proportion to the number
27 of ~~days each licensee is both licensed to be and is open for~~
28 ~~wagering during the year in which the payments are made.~~
29 ~~Payments made for wagers accepted before May 1st must be~~
30 ~~distributed not later than May 15th among all licensees in~~
31 ~~proportion to the number of days they are licensed to accept~~
32 ~~wagers for the entire year. Payments made for wagers accepted~~
33 ~~after April 30th and before September 1st must be distributed not~~
34 ~~later than September 15th. Payments made for wagers accepted~~
35 ~~after August 31st and on or before December 31st must be~~
36 ~~distributed among licensees so that the total distribution under~~
37 ~~this subsection to each licensee for the entire year is in~~
38 ~~proportion to the number of days each licensee was licensed to~~
39 ~~and did in fact accept wagers~~ racing days granted by the
40 commission and actually raced by that licensee and the total
41 number of racing days granted in any one year by the commission
42 and actually raced by all licensees. Payments under this
43 subsection must be made on May 15th, September 15th and January
44 15th in any given calendar year. The January 15th payment must
45 be adjusted to reflect days actually raced during that year, as
46 opposed to days granted.

47 **Sec. 9. 8 MRSA §275-J, sub-§3**, as amended by PL 1993, c. 646,
48 §2, is further amended to read:
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