

# MAINE STATE LEGISLATURE

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DATE: 1-29-04

(Filing No. H-645)

**MINDORITY  
UTILITIES AND ENERGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 876, L.D. 1201, Bill, "An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17 MRSA §348 is enacted to read:

**§348. Responsibility of casino for cost impact**

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

A. "Affected government entity" means:

(1) A state agency; or

(2) A municipality or county if at least some portion of the territory of the municipality or county is located within 25 miles of a casino.

B. "Casino" means any facility at which casino-style gambling is conducted as a for-profit business.

2           C. "Casino-style gambling" means games of chance involving  
4           one or more gambling machines, including, but not limited  
6           to, slot machines, video lottery machines or video poker  
8           machines. "Casino-style gambling" does not include any  
10           gambling that a person could legally conduct under a license  
12           or other authority prior to March 1, 2004.

14           D. "Impact assessment" means a charge levied by an affected  
16           government entity on a casino pursuant to this section to  
18           recover resulting costs.

20           E. "Resulting costs" means costs incurred or likely to be  
22           incurred by an affected government entity that are created  
24           by or that directly or indirectly result from the  
26           construction or operation of a casino, including, but not  
28           limited to, costs of road or other infrastructure  
30           modification or expansion or increases in law enforcement or  
32           fire protection costs.

34           2. Responsibility. The owner or operator of a casino shall  
36           pay any impact assessment imposed in accordance with this section.

38           3. Determination of cost. An affected government entity  
40           may levy an impact assessment on a casino in accordance with this  
42           subsection.

44           A. Prior to making any impact assessment, the commissioner  
46           of the state agency or the governing body of the  
48           municipality or county shall notify the casino of its  
              intention to make an impact assessment and the casino's  
              right to request a hearing to present evidence on the matter.

B. The commissioner of the state agency or the governing  
              body of the municipality or county must specify in writing  
              the findings that support its determination of resulting  
              costs that are the basis for the proposed impact assessment.

C. If requested by the casino within 30 days of its receipt  
              of notice pursuant to paragraph A, the commissioner of the  
              state agency or the governing body of the municipality or  
              county shall hold a hearing.

D. After any hearing held pursuant to paragraph C and no  
              earlier than 60 days after issuing notice pursuant to  
              paragraph A, the commissioner of the state agency or the  
              governing body of the municipality or county shall make a  
              final written determination of resulting costs and shall  
              provide to the casino written notice of the impact

2 assessment it is imposing to recover such costs. The impact  
3 assessment may include appropriate payment schedules.

4 4. Limitation; subsequent assessments. This section does  
5 not authorize the operation of any casino. A government entity  
6 may not impose an impact assessment pursuant to this section  
7 unless it has complied with subsection 3. This section does not  
8 limit any other authority of an affected government entity to  
9 recover resulting costs. An affected government entity may  
10 impose subsequent impact assessments under this section if new or  
11 increased resulting costs, not covered by any prior impact  
12 assessment, are determined in accordance with subsection 3, but a  
13 subsequent impact assessment may not be made less than 2 years  
14 after a prior impact assessment has been imposed.

15 5. Violation. Notwithstanding section 346, a person who  
16 knowingly fails to pay an impact assessment imposed in accordance  
17 with this section commits a Class E crime.

18  
19 Sec. 2. 35-A MRSA §315 is enacted to read:

20  
21 §315. Rates for casinos

22  
23 1. Definitions. As used in this section, unless the  
24 context otherwise indicates, the following terms have the  
25 following meanings.

26  
27 A. "Affected utility" means any public utility providing  
28 service to a casino.

29  
30 B. "Casino" has the same meaning as defined in Title 17-A,  
31 section 348.

32  
33 C. "Resulting costs" means costs incurred or likely to be  
34 incurred by an affected utility that directly or indirectly  
35 result from the construction or operation of a casino.

36  
37 2. Cost recovery. A casino is responsible for all resulting  
38 costs. The commission may undertake appropriate proceedings to  
39 ensure that the owner or operator of a casino pays all resulting  
40 costs.

41  
42 Sec. 3. 38 MRSA §1209-A is enacted to read:

43  
44 §1209-A. Rates for casinos

45  
46 1. Definitions. As used in this section, unless the  
47 context otherwise indicates, the following terms have the  
48 following meanings.

49  
50

2 A. "Affected district" means any sanitary district  
providing service to a casino.

4 B. "Casino" has the same meaning as defined in Title 17-A,  
section 348.

6 C. "Resulting costs" means costs incurred or likely to be  
8 incurred by an affected district that directly or indirectly  
10 result from the construction or operation of a casino.

12 2. Cost recovery. Notwithstanding any other provision of  
this chapter, an affected district may impose rates or fees  
14 necessary to ensure that the district recovers from the owner or  
operator of a casino all resulting costs.

16 Sec. 4. 38 MRS §1253-A is enacted read:

18 §1253-A. Rates for casinos

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

24 A. "Affected district" means any sewer district providing  
service to a casino.

26 B. "Casino" has the same meaning as defined in Title 17-A,  
28 section 348.

30 C. "Resulting costs" means costs incurred or likely to be  
32 incurred by an affected district that directly or indirectly  
result from the construction or operation of a casino.

34 2. Cost recovery. Notwithstanding any other provision of  
this chapter, an affected district may impose rates or fees  
36 necessary to ensure that the district recovers from the owner or  
operator of a casino all resulting costs.'

38

40 **SUMMARY**

42 This amendment, which is the minority report of the Joint  
44 Standing Committee on Utilities and Energy, replaces the bill.  
46 This amendment allows a state agency or any municipality or  
county located within 25 miles of a casino facility to assess the  
facility for all costs incurred by the agency or the town or  
county directly or indirectly resulting from the construction or

COMMITTEE AMENDMENT "A" to H.P. 876, L.D. 1201

2 responsible for all costs incurred by any utility that serves the  
facility. It defines "casino" so as to grandfather the so-called  
4 racinos that were approved by voters on November 3, 2003.

FISCAL NOTE REQUIRED  
(See attached)



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1201**

**An Act To Require the Owner or Operator of a Casino To Improve or  
Replace Utilities and Infrastructure in the Vicinity of the Casino**

**LR 0246(02)**

**Fiscal Note for Bill as Amended by Committee Amendment ""**

**Committee: Utilities and Energy**

**Fiscal Note Required: Yes**

**Minority Report**

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**Fiscal Note**

Undetermined current biennium cost increase - Highway Fund

Undetermined current biennium revenue increase - Highway Fund

Minor cost increase - General Fund

Minor revenue increase - General Fund

**Correctional and Judicial Impact Statements:**

This bill may increase the number of civil suits filed in the court system. The additional costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department.

**Fiscal Detail and Notes**

Requiring that the owners of casino-style gambling facilities be responsible for the costs of improving any necessary highway infrastructure will increase Highway Fund costs incurred by the Department of Transportation. Any such increased costs will be offset by reimbursements to the Highway Fund by the affected owner of a casino-style gambling facility. The amounts can not be determined at this time.