

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1371

H.P. 957

House of Representatives, March 17, 2005

An Act To Provide Additional Funding for Prescription Drugs for Maine's Elderly

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HOTHAM of Dixfield.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: ADAMS of Portland, BLANCHARD of Old Town, BROWN of South
Berwick, HOGAN of Old Orchard Beach, JODREY of Bethel, LANSLEY of Sabattus,
SAVIELLO of Wilton, Senator: RAYE of Washington.

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

2
4 **Sec. 1. 8 MRSA §300**, as enacted by PL 2003, c. 687, Pt. A, §4
and affected by Pt. B, §11, is repealed.

6 **Sec. 2. 8 MRSA §300-A** is enacted to read:

8 **§300-A. Harness Racing Stabilization Fund**

10 **1. Fund created.** The Harness Racing Stabilization Fund,
12 referred to in this section as "the fund," is established to
provide financial assistance to Maine's off-track betting
facilities.

14 **2. Request for financial assistance.** Each off-track
16 betting facility licensed under section 275-D and in operation as
of December 31, 2003 may file a request for financial assistance
18 with the Department of Public Safety, Gambling Control Board
established in chapter 31 and referred to in this section as "the
20 board." The request for financial assistance must be on forms
provided by the board and must meet the criteria established by
22 the board pursuant to subsection 3. An off-track betting
facility seeking financial assistance pursuant to this section
24 shall provide proof of need on a quarterly basis for the first
year of assistance; thereafter, proof must be provided on a
26 annual basis.

28 **3. Criteria for financial assistance.** The board, by
routine technical rulemaking pursuant to Title 5, chapter 375,
30 subchapter 2-A, shall establish criteria for determining
financial need. The criteria must include proof of loss of
32 revenue due to the presence of slot machines registered pursuant
to chapter 31, subchapter 2.

34 **4. Distribution; timing.** Within 30 days of receipt of a
36 request for financial assistance under subsection 2, the board
shall determine whether the request meets the board's criteria
38 under subsection 3 and, if the criteria are met, the amount to
which the off-track betting facility is entitled. If the board
40 denies, in whole or in part, the request for financial
assistance, the board shall notify the off-track betting facility
42 of the board's decision and its reasons for the decision. If the
board grants the request, the board may establish a schedule for
44 making payments to that off-track betting facility. If the
amount in the fund is insufficient to satisfy the amount the
46 board determines the off-track betting facility is entitled to,
the board may modify the amount to be paid to reflect the limit
48 of the fund.

2 5. Payment limits; lapse of funds. Payments from the fund
to off-track betting facilities may not exceed the amount
4 deposited annually into the fund pursuant to section 1036,
subsection 2, paragraph K. The total annual payments from the
6 fund as of July 1st may not exceed the total deposits to the fund
as of the preceding June 30th. Any funds remaining in the fund
8 after all annual distributions pursuant to subsection 4 must be
forwarded to the Treasurer of State, who shall credit the funds
10 to the elderly low-cost drug program established in Title 22,
section 254.

12 6. Termination of payments. Payments from the fund to
off-track betting facilities must be discontinued 48 months after
14 the first distribution of payments pursuant to subsection 4.

16 7. Repeal. This section is repealed 6 months after the
date the board terminates financial assistance payments pursuant
18 to subsection 6.

20 **Sec. 3. 8 MRSA §1036, sub-§2, ¶I,** as enacted by PL 2003, c.
687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

22 **Sec. 4. 8 MRSA §1036, sub-§2, ¶J,** as enacted by PL 2003, c.
24 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

26 J. One percent of the total gross slot machine income must
be forwarded directly to the municipality in which the slot
28 machines are located,; and

30 **Sec. 5. 8 MRSA §1036, sub-§2, ¶K** is enacted to read:

32 K. Two percent of the total gross slot machine income must
be forwarded by the board to the Treasurer of State, who
34 shall credit the money to the Harness Racing Stabilization
Fund established in section 300-A to provide financial
36 assistance payments to qualified off-track betting
facilities. Once payments to off-track betting facilities
38 have terminated pursuant to section 300-A, subsection 6, 2%
of the total gross slot machine income must be forwarded to
40 the Treasurer of State, who shall credit the money to the
elderly low-cost drug program established in Title 22,
42 section 254.

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SUMMARY

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48 Under current law, 2% of total gross slot machine income is
deposited in the Fund to Stabilize Off-track Betting Facilities
for the distribution of revenue to off-track betting facilities.

2 This bill repeals that fund and creates a new fund, the
4 Harness Racing Stabilization Fund, into which 2% of the total
6 gross slot machine income must be deposited. The new fund serves
8 as a source of revenue for licensed off-track betting facilities
10 that apply to the Department of Public Safety, Gambling Control
12 Board for financial assistance payments. The board is required
14 to establish criteria that the off-track betting facility must
16 meet in order to be eligible for financial assistance payments.
18 One criterion that an off-track betting facility must meet is a
showing of loss of revenue due to the presence of licensed slot
machines in the State. The board determines whether the
off-track betting facility has met the criteria and the amount of
the financial assistance payment. If the amount of payments to
the fund exceeds the amount of financial assistance payments,
then the excess lapses to the Treasurer of State to be used for
the elderly low-cost drug program in the Department of Health and
Human Services.

20 The financial assistance payments cease 48 months after the
22 start of payments. When the financial assistance payments cease,
2% of the total gross slot machines income is allocated to the
elderly low-cost drug program.