

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1203

I.B. 2

House of Representatives, March 21, 2011

**An Act To Amend the Laws Governing the Deadline and Conditions  
for Municipal Approval of a Second Racino and To Allow a Tribal  
Racino in Washington County**

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Transmitted to the Clerk of the 125th Maine Legislature by the Secretary of State on  
March 17, 2011 and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

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

2 **Sec. 1. 8 MRSA §275-A, sub-§1, ¶A**, as amended by PL 2003, c. 401, §10, is  
3 further amended to read:

4 A. If the population of the region is 300,000 or more, based on the 1990 U.S.  
5 Census, conducted racing on more than 100 days in each of the previous 2 calendar  
6 years, except that if a racetrack that qualifies as a commercial track under this  
7 paragraph ceases operation, a separate racetrack operated by the owner or operator of  
8 the racetrack that ceased operation qualifies as a commercial track, and for all  
9 purposes is considered the same commercial track as the track that ceased operation,  
10 if the population of the region of that separate racetrack is 300,000 or more, based on  
11 the 1990 U.S. Census, and the sum of the number of days on which racing was  
12 conducted at the track that ceased operation and the number of days on which racing  
13 was conducted at the separate racetrack equals at least 100 days in each of the 2  
14 preceding calendar years; ~~or~~

15 **Sec. 2. 8 MRSA §275-A, sub-§1, ¶B**, as amended by PL 2003, c. 401, §10, is  
16 further amended to read:

17 B. If the population of the region is less than 300,000, based on the 1990 U.S.  
18 Census, conducted racing on more than 25 days in each of the previous 2 calendar  
19 years, except that if a racetrack that qualifies as a commercial track under this  
20 paragraph ceases operation, a separate racetrack operated by the owner or operator of  
21 the racetrack that ceased operation qualifies as a commercial track, and for all  
22 purposes is considered the same commercial track as the track that ceased operation,  
23 if the population of the region of that separate racetrack is less than 300,000, based on  
24 the 1990 U.S. Census, and the sum of the number of days on which racing was  
25 conducted at the track that ceased operation and the number of days on which racing  
26 was conducted at the separate racetrack equals at least 26 days in each of the 2  
27 preceding calendar years; or

28 **Sec. 3. 8 MRSA §275-A, sub-§1, ¶C** is enacted to read:

29 C. Is owned and operated by one or more federally recognized Indian tribes located  
30 in this State, is located more than 90 miles from the nearest existing commercial track  
31 that operates slot machines, as defined in section 1001, subsection 39, is within 45  
32 miles of the operating tribe's Indian reservation as defined in Title 30, chapter 601  
33 and conducts racing on more than 25 days each calendar year after having been  
34 granted a license to conduct harness horse racing. For the purposes of this paragraph,  
35 distance in miles is determined by measuring from the center of the commercial track  
36 along the most commonly used roadway as determined by the Department of  
37 Transportation.

38 **Sec. 4. 8 MRSA §1011, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
39 affected by Pt. B, §11, is amended to read:



1 federally recognized Indian tribes located in this State if the operation of these slot  
2 machines is approved by the voters of the municipality in which the commercial track to  
3 be licensed is located by referendum held before December 31, 2013. Current law  
4 requires the commercial track to be located at or within a 5-mile radius of the center of a  
5 commercial track that conducted harness racing with pari-mutuel wagering on more than  
6 25 days during calendar year 2002 and requires the referendum to have been held before  
7 December 31, 2003.

8 The initiated bill changes the definition of "commercial track" to include a harness  
9 horse racing track licensed to conduct harness horse racing with pari-mutuel wagering  
10 that is owned and operated by one or more federally recognized Indian tribes located in  
11 this State, is located more than 90 miles from the nearest existing commercial track that  
12 operates slot machines, is within 45 miles of the operating tribe's Indian reservation and  
13 conducts racing on more than 25 days each calendar year after having been granted a  
14 license to conduct harness horse racing.

15 The initiated bill provides that a license to operate slot machines at a commercial  
16 track may not be denied on the basis of the proximity of the commercial track to any  
17 other gambling facility if the commercial track was licensed and operating before the  
18 other gambling facility was licensed, unless the commercial track proposes to relocate or  
19 has relocated closer to the other gambling facility after the other facility was licensed and  
20 operating.

21 The initiated bill permits the Gambling Control Board to allow an additional 1,500  
22 slot machines to be registered for each commercial track at which slot machines were not  
23 operated prior to January 1, 2010 and at which the operation of slot machines is licensed  
24 after January 1, 2010. Current law limits the total number of slot machines registered in  
25 the State to 1,500.