

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

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**

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 **2. Eligible persons.** The board may accept applications for a license to operate slot
 2 machines from any person who is licensed to operate a commercial track that satisfies the
 3 following criteria:

4 A. The commercial track is located at or within a ~~5-mile~~ 25-mile radius of the center
 5 of a commercial track that conducted harness racing with pari-mutuel wagering on
 6 more than 25 days during calendar year 2002 or the track qualifies as a commercial
 7 track under section 275-A, subsection 1, paragraph C; and

8 B. The operation of slot machines at the commercial track is approved by the voters
 9 of the municipality in which the commercial track to be licensed is located by
 10 referendum election held at any time after December 31, 2002 and before December
 11 31, ~~2003~~ 2013.

12 **Sec. 5. 8 MRSA §1011, sub-§6** is enacted to read:

13 **6. License may not be denied on basis of proximity of track to other gambling**
 14 **facility.** Notwithstanding any other provision of this chapter, a license to operate slot
 15 machines at a commercial track may not be denied on the basis of the proximity of the
 16 commercial track to any other gambling facility if the commercial track was licensed and
 17 operating before the other gambling facility was licensed, unless the commercial track
 18 proposes to relocate or has relocated closer to the other gambling facility after the other
 19 gambling facility was licensed and operating.

20 **Sec. 6. 8 MRSA §1020, sub-§3,** as amended by PL 2005, c. 663, §9, is further
 21 amended to read:

22 **3. Limits on total slot machines.** The board shall determine the number of slot
 23 machines to be registered in the State. The board shall make this determination based
 24 upon the minimum net slot machine income, when distributed pursuant to section 1036,
 25 necessary to maintain the harness horse racing industry in this State, except that:

26 A. The total number of slot machines registered in the State may not exceed 1,500;
 27 and

28 B. A slot machine operator may not operate more than 1,500 slot machines at any
 29 one commercial track.

30 Notwithstanding any other provision of this subsection, the board may allow an
 31 additional 1,500 slot machines to be registered for each commercial track at which slot
 32 machines were not operated prior to January 1, 2010 and at which the operation of slot
 33 machines is thereafter licensed.

34 **SUMMARY**

35 This initiated bill allows the Gambling Control Board within the Department of
 36 Public Safety to accept applications for a license to operate slot machines from any
 37 person who is licensed to operate a commercial track located at or within a 25-mile radius
 38 of the center of a commercial track that conducted harness racing with pari-mutuel
 39 wagering on more than 25 days during calendar year 2002 or from any person who is
 40 licensed to operate a commercial track that is owned and operated by one or more

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.