

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1797

H.P. 1276

House of Representatives, May 29, 2019

An Act To Amend the Advance Deposit Wagering Laws

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.
Cosponsored by Senator LUCHINI of Hancock and
Senators: DOW of Lincoln, President JACKSON of Aroostook, LIBBY of Androscoggin,
TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 8 MRSA §1001, sub-§1-A**, as enacted by PL 2015, c. 499, §1, is repealed
3 and the following enacted in its place:

4 **1-A. Advance deposit wagering.** "Advance deposit wagering" means a form of
5 pari-mutuel wagering on harness or thoroughbred races in which wagers are made in
6 person or by telephone, Internet, mobile device, electronic communication or, if approved
7 by the board, other electronic media and the account holder deposits funds in a wagering
8 account administered by an advance deposit wagering licensee. An advance deposit
9 wagering licensee makes wagers from the wagering account at the direction of and on
10 behalf of the account holder, and the advance deposit wagering licensee deposits money
11 into the wagering account from winning wagers awarded to the account holder.

12 **Sec. 2. 8 MRSA §1001, sub-§1-B**, as enacted by PL 2015, c. 499, §1, is amended
13 to read:

14 **1-B. Advance deposit wagering licensee.** "Advance deposit wagering licensee"
15 means a person that is ~~chosen by competitive bid and~~ licensed by the board pursuant to
16 subchapter 7 to conduct advance deposit wagering.

17 **Sec. 3. 8 MRSA §1001, sub-§29-C**, as enacted by PL 2015, c. 499, §2, is
18 repealed.

19 **Sec. 4. 8 MRSA §1001, sub-§29-D** is enacted to read:

20 **29-D. Multijurisdictional account wagering provider.** "Multijurisdictional
21 account wagering provider" means a business entity domiciled in a jurisdiction other than
22 this State that is licensed by another jurisdiction to offer advance deposit wagering on
23 harness or thoroughbred races for which it offers wagering to account holders in or out of
24 the jurisdiction that issued the license, including in this State.

25 **Sec. 5. 8 MRSA §1071**, as enacted by PL 2015, c. 499, §8, is repealed.

26 **Sec. 6. 8 MRSA §1072, first ¶**, as enacted by PL 2015, c. 499, §8, is amended to
27 read:

28 ~~The net commission established in the contract executed pursuant to section 1071,~~
29 ~~subsection 3 by the board by rule must be distributed according to this section, except that~~
30 ~~an entity that operates advance deposit wagering may not receive a distribution of the net~~
31 ~~commission.~~

32 **Sec. 7. 8 MRSA §1073** is enacted to read:

33 **§1073. Advance deposit wagering**

34 A commercial track licensed by the State Harness Racing Commission; an off-track
35 betting facility, as defined in section 275-A, subsection 8, licensed by the State Harness
36 Racing Commission and in operation as of January 1, 2014; and a multijurisdictional

1 account wagering provider may receive a license from the board to conduct advance
2 deposit wagering in this State, including accepting deposits and wagers from account
3 holders. The board shall require a nonrefundable application fee of \$1,000 and an
4 applicant must pay the costs of the board for processing an application and performing
5 background investigations. A license issued pursuant to this section authorizes the
6 licensee to conduct advance deposit wagering for a period of 5 years. The fee for a
7 license to conduct advance deposit wagering is \$500. The renewal fee for a license to
8 conduct advance deposit wagering is \$250. A licensee shall purchase a bond to secure
9 the accounts of advance deposit wagering bettors. A licensee shall use a system to
10 conduct advance deposit wagering to ensure that bettors who establish accounts to place
11 bets on horse racing via advance deposit wagering are 18 years of age or older and
12 residents of the State. Advance deposit wagering may be conducted directly by an
13 advance deposit wagering licensee or through such a licensee entering into a contract
14 with a provider of advance deposit wagering services located within the United States.

15 An advance deposit wagering licensee may accept a wager from an advance deposit
16 wagering account holder in person or by telephone, Internet, mobile device, electronic
17 communication or, if approved by the board, other electronic media. If permitted by an
18 off-track betting facility or a commercial track, an advance deposit wagering account
19 holder may access the account holder's account at such locations so that a wager using an
20 advance deposit wagering account is treated as if the wager had been made at the
21 commercial track or off-track betting facility.

22 **SUMMARY**

23 This bill allows commercial tracks, off-track betting facilities and multijurisdictional
24 account wagering providers to be licensed to participate in advance deposit wagering. It
25 repeals the provision that directs the Department of Public Safety, Gambling Control
26 Board, through a competitive bidding process, to award one bidder the privilege to be
27 licensed to conduct advance deposit wagering. It requires the board to establish by rule
28 the net commission that must be collected by a licensee for distribution by the board.