

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "*B*" to COMMITTEE AMENDMENT "A" to S.P. 423,  
L.D. 1135, Bill, "An Act Concerning the Regulation of Electronic  
Video Credit Machines by the State Police"

Amend the amendment by striking out all of the fiscal note  
and inserting in its place the following:

**Sec. 16. Statutory referendum procedure; submission at statewide  
election; form of question; effective date.** This Act must be submitted  
to the legal voters of the State of Maine at a statewide election  
to be held on the Tuesday following the first Monday of November  
following passage of this Act. The municipal officers of this  
State shall notify the inhabitants of their respective cities,  
towns and plantations to meet, in the manner prescribed by law  
for holding a statewide election, to vote on the acceptance or  
rejection of this Act by voting on the following question:

"Should video gaming machines be a legalized form of  
gambling in Maine?"

The legal voters of each city, town and plantation shall  
vote by ballot on this question, and shall designate their choice  
by a cross or check mark placed within a corresponding square  
below the word "Yes" or "No." The ballots must be received,  
sorted, counted and declared in open ward, town and plantation  
meetings and returns made to the Secretary of State in the same  
manner as votes for members of the Legislature. The Governor  
shall review the returns and, if it appears that a majority of  
the legal votes are cast in favor of the Act, the Governor shall  
proclaim that fact without delay, and the Act takes effect 30  
days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each  
city, town and plantation all ballots, returns and copies of this  
Act necessary to carry out the purpose of this referendum.

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## FISCAL NOTE

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The estimated cost of sending this bill out to referendum will vary according to the total number of referenda. The estimated cost to the Secretary of State if one to 6 referenda are enacted is \$95,000. Each additional referendum costs an additional \$6,500.

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If approved by the voters, this bill would require General Fund appropriations of \$339,692 and \$344,741 respectively in fiscal years 1991-92 and 1992-93 and allocations from the Video Lottery Fund established by this bill of \$816,941 and \$3,346,501 in the same 2 fiscal years. Revenues to the General Fund are estimated to be \$2,024,422 in fiscal year 1991-92 and \$11,764,603 in fiscal year 1992-93. Estimated revenues of \$1,384,808 and \$5,724,411 for the 2 fiscal years would accrue to the Local Government Fund as provided in this bill.

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Included in the revenue figures is a projected decrease in General Fund revenue from current lottery operations of \$2,437,000 and \$5,848,630 in fiscal years 1991-92 and 1992-93 respectively. Lottery revenues are expected to recover slowly in subsequent years.

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The appropriations and revenue estimates above may need to be adjusted depending on the effective date and the implementation time after the effective date.

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In addition to these revenues, a substantial but undeterminable amount of additional income tax revenue would result from the estimated \$12,700,000 and \$52,500,000 that would be distributed to machine distributors and operators and the expanded employment opportunities.

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Sales tax revenues may be affected both positively, with the sale or lease of up to 3,500 terminals, and negatively since the dollars spent on the video lottery may have been spent on other taxable purchases.

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The bill would authorize a \$250,000 working capital advance from the General Fund Unappropriated Surplus to the Bureau of the Lottery. This advance must be repaid by the end of fiscal year 1991-92.

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The bill would establish Class C and Class D crimes for violating various provisions of the bill. The additional work load and administrative costs associated with a minimal number of new cases will be absorbed within the budgeted resources of the

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2 Judicial Department. The appointment of court-appointed counsel  
3 for indigent defendants who are charged with these crimes would  
4 result in costs to the Judicial Department. A General Fund  
5 appropriation to the Judicial Department may be necessary for the  
6 indigent defense program once the cumulative effect of all  
7 legislation for which court-appointed counsel for indigent  
8 defendants must be provided is known. The Governor's proposed  
9 adjusted current services budget affects the indigent defense  
10 program by discontinuing appointment of counsel for certain  
11 crimes.

12 Sentences imposed for Class C offenses must be served in a  
13 state correctional institution. The projected cost to the State  
14 for each person sentenced for a Class C offense is approximately  
15 \$36,900 and is based upon an average length of sentence of one  
16 year and 9 months. This amount does not include additional  
17 capital expenditures to meet demand for bed space.

18 Sentences imposed for Class D offenses must be served in a  
19 county jail facility. The projected cost to a county for each  
20 person sentenced under the new Class D crime is approximately  
21 \$6,780 and is based upon an average length of stay of 119 days.

22 The bill would establish fees and penalties that may result  
23 in an insignificant amount of additional General Fund revenue.'

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### STATEMENT OF FACT

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27 This amendment adds a referendum to Committee Amendment "A"  
28 and replaces the fiscal note.

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30 Filed by Rep. Anthony of South Portland  
31 Reproduced and distributed under the direction of the Clerk of the  
32 House  
33 (6/12/91) (Filing No. H-675)