

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to H.P. 1243, L.D. 1670, Bill, "An Act to Amend the Harness Racing Laws"

Amend the amendment by inserting after section 2 the following:

Sec. 3. 8 MRSA §275-D, sub-§2-B is enacted to read:

2-B. Application process. The commission shall:

A. Establish a deadline for the submission of applications for an off-track betting license and shall publish a notice of the deadline in those newspapers designated by the Secretary of State pursuant to Title 5, section 8053, subsection 5, paragraph B; and

B. Award a license within 60 days of the deadline for submitting an application for the operation of an off-track betting facility.'

Further amend the amendment in section 3 in subsection 3 in the 11th and 12th lines (page 2, lines 50 and 51 in amendment) by striking out the following: "based on adverse impact to the commercial track" and inserting in its place the following: '~~based-on-adverse-impact-to-the-commercial-track~~'

Further amend the amendment in section 3 in subsection 4 by inserting at the end a new blocked paragraph to read:

RCS

HOUSE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to H.P. 1243,  
L.D. 1670

2 'Notwithstanding this subsection, an off-track betting facility  
3 licensee may not object to the location of a proposed facility in  
4 that part of its 35-mile market area that overlaps the 50-mile  
5 market area of a commercial racetrack, except that the existing  
6 facility may object to a proposed facility within 15 miles of the  
7 existing off-track betting facility.'

8 Further amend the amendment in section 4 in subsection 6-B  
9 by striking out all of the first sentence (page 3, lines 42 and  
10 43 in amendment)

12 Further amend the amendment in section 4 in subsection 6-B  
13 by inserting at the end the following:

14 'At least 30 days but not more than 60 days prior to the  
15 expiration of a license to conduct pari-mutuel wagering at an  
16 off-track betting facility, the commission shall hold a public  
17 hearing to determine whether to renew the license. The  
18 commission shall renew the license for a period of one year  
19 unless it finds by clear and convincing evidence that:

22 A. The operation of the off-track betting facility has had  
23 a serious detrimental effect on live racing;

24 B. The licensee of the off-track betting facility has been  
25 convicted of a felony; or

26 C. The operation of the off-track betting facility has had  
27 a serious detrimental effect on the public interest.

28 The provisions of subsections 2 to 6 do not apply to renewal  
29 licenses.'

30 Further amend the amendment by inserting after section 6 the  
31 following:

32 'Sec. 7. 8 MRSA §275-D, sub-§10 is enacted to read:

33 10. License suspension; revocation. The commission may  
34 suspend or revoke an off-track betting facility license after  
35 notice and hearing, in accordance with the Maine Administrative  
36 Procedure Act, for violation of any provision of this section by  
37 an off-track betting licensee.

38 Sec. 8. 8 MRSA §275-H, sub-§3, ¶D is enacted to read:

39 D. Ten percent of the revenue credited to the General Fund  
40 under this section and attributable to this excess must  
41 remain in the General Fund, except that if the handle for  
42 any calendar year exceeds \$52,000,000 the funds attributable  
43 to the excess shall be distributed to the State Treasury.

to wagered amounts in excess of \$52,000,000 that would otherwise be deposited in the General Fund under this paragraph must be deposited in a dedicated nonlapsing account to be used by the commission to carry out its functions.'

Further amend the amendment by inserting after section 10 the following:

'Sec. 11. Allocation. The following funds are allocated from Othe Special Revenue to carry out the purposes of this Act.

1994-95

**AGRICULTURE, FOOD AND RURAL RESOURCES,  
DEPARTMENT OF**

**Harness Racing Commission**

Positions	(1.0)
Personal Services	42,363
All Other	30,000

Provides for the allocation of funds to upgrade an existing 39-week seasonal part-time Clerk Typist II position funded through the General Fund to permanent full-time status, to authorize one Administrative Assistant position and to cover increased operational costs.

**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES  
TOTAL**

\$72,363'

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

**FISCAL NOTE**

1994-95

R.S.

**APPROPRIATIONS/ALLOCATIONS**

2 Other Funds \$72,363

4  
6 **REVENUES**

8 Other Funds \$7,500

10 The requirement that a certain amount of undedicated  
12 revenues be deposited as dedicated revenue to the State Harness  
14 Racing Commission if the total betting handle exceeds \$52,000,000  
16 will represent a loss in unbudgeted General Fund revenue and an  
equivalent increase in dedicated revenues. The amounts can not  
be determined at this time.

18 This bill includes an Other Special Revenue allocation of  
20 \$72,363 in fiscal year 1994-95 for the State Harness Racing  
22 Commission to provide for the costs of supplementing the existing  
24 General Fund appropriation for a part-time Clerk Typist II  
26 position to upgrade that position to permanent full-time status,  
to authorize one Administrative Assistant position and to provide  
for the increased operational costs of the commission. Revenues  
for the funding of these allocations are largely dependent on the  
possible increase in dedicated revenues that may occur if the  
total betting handle exceeds \$52,000,000 in fiscal year 1994-95.  
28 These allocations will be funded only to the extent that the  
betting handle exceeds the \$52,000,000 threshold.

30 Authorizing certain changes in the requirements for  
32 off-track betting facility locations may have an effect on the  
total betting handle, a percentage of which goes to the General  
34 Fund. The ultimate effect on the General Fund can not be  
determined at this time.

36 The establishment of application and licensing fees for  
38 off-track betting facilities will increase dedicated revenue  
collections. The estimated annual increase of dedicated revenue  
40 to the commission is \$7,500 beginning in fiscal year 1994-95.

42 The State Harness Racing Commission will incur some minor  
44 additional costs to provide certain required public notices and  
to hold certain required public hearings. These costs can be  
46 absorbed within the commission's existing budgeted resources.'

**STATEMENT OF FACT**

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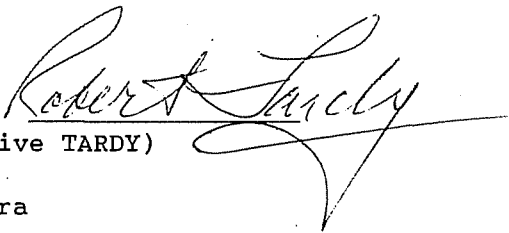
This amendment requires the Maine Harness Racing Commission to publish notice of a deadline for accepting applications for an off-track betting license and to award a license within 60 days of the application deadline.

The amendment removes reference to adverse impact as the grounds for objection by a commercial racetrack to an off-track betting facility.

The amendment prohibits an existing off-track betting facility from objecting to the location of a new facility that is within 50 miles of a commercial racetrack, unless the proposed facility is within 15 miles of the existing off-track betting facility.

The amendment also specifies the reasons for which the commission may refuse to renew an off-track betting facility license, provides for suspension or revocation of a license and provides for a portion of General Fund revenues attributable to pari-mutuel wagering to be dedicated to the use of the Maine Harness Racing Commission if the wagering total in any year exceeds \$52,000,000.

The amendment also replaces the fiscal note.

SPONSORED BY:   
(Representative TARDY)

TOWN: Palmyra