

|            | L.D. 1670   |  |  |
|------------|---|--|--|
| 2          |   |  |  |
| 4          | DATE: $4/7/94$ (Filing No. S-587)   |  |  |
| 4          |   |  |  |
| б          | Reproduced and distributed under the direction of the Secretary of the Senate.  |  |  |
| · <b>8</b> |   |  |  |
| 10         | 116TH LEGISLATURE   |  |  |
| 10         |   |  |  |
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| 14         |   |  |  |
| 16         | SENATE AMENDMENT " $B$ " to COMMITTEE AMENDMENT "A" to H.P. 1243, L.D. 1670, Bill, "An Act to Amend the Harness Racing Laws"    |  |  |
| 18         | Amend the amendment by inserting after the title the following:   |  |  |
| 20         |   |  |  |
| 22         | 'Amend the bill by inserting after the title and before the enacting clause the following:                                      |  |  |
| 24         | 'Emergency preamble. Whereas, Acts of the Legislature do not<br>become effective until 90 days after adjournment unless enacted |  |  |
| 26         | as emergencies; and   |  |  |
| 28         | Whereas, this legislation affects off-track betting and   |  |  |
| 30         | simulcasting of horse races, which affect live harness racing in the State; and   |  |  |
| 32         | Whereas, the live harness racing season begins in Maine   |  |  |
| –          | before the end of the 90-day period following adjournment; and  |  |  |
| 34         |   |  |  |
| 36         | Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of          |  |  |
| 50         | Maine and require the following legislation as immediately  |  |  |
| 38         | necessary for the preservation of the public peace, health and<br>safety; now, therefore,' '                                    |  |  |
| 40         |   |  |  |
|            | Further amend the amendment in the first paragraph after the  |  |  |
| 42         | title in the first line (page 1, line 22 in amendment) by striking out the following: "Amend" and inserting in its place        |  |  |
| 44         | the following: 'Further amend'  |  |  |
|            |   |  |  |
|            |   |  |  |
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|            |   |  |  |

F & S

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# SENATE AMENDMENT

SENATE AMENDMENT " $\mathcal{B}$ " to committee amendment "A" to H.P. 1243, L.D. 1670

2 Further amend the amendment by inserting after section 2 the following:

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Rds

'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 20 the llth and l2th lines (page 2, lines 50 and 51 in amendment) by striking out the following: "based on adverse impact to the 22 commercial track" and inserting in its place the following: 'based-en-adverse-impact-te-the-commercial-track'

Further amend the amendment in section 4 in subsection 6-B 26 by striking out all of the first sentence (page 3, lines 42 and 43 in amendment)

Further amend the amendment in section 4 in subsection 6-B 30 by inserting at the end the following:

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

- A. The operation of the off-track betting facility has had a serious detrimental effect on live racing;
- 42 <u>B. The licensee of the off-track betting facility has been</u> convicted of a felony; or
- C. The operation of the off-track betting facility has had a serious detrimental effect on the public interest.

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

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SENATE AMENDMENT " $\mathcal{B}$ " to COMMITTEE AMENDMENT "A" to H.P. 1243, L.D. 1670

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

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

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

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Rds

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

D. Ten percent of the revenue credited to the General Fund under this section and attributable to this excess must remain in the General Fund, except that if the handle for any calendar year exceeds \$52,000,000 the funds attributable 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.'

24 26 Further amend the amendment by inserting after section 10 the following:

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

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1994-95

### 32 AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Harness Racing Commission

| 36 | -                 |          |
|----|-------------------|----------|
|    | Positions         | (1.0)    |
| 38 | Personal Services | \$42,363 |
|    | All Other         | 30,000   |
| 40 |                   |          |

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** 50 AND RURAL RESOURCES TOTAL

\$72,363

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### SENATE AMENDMENT

SENATE AMENDMENT " $\mathcal{B}$ " to COMMITTEE AMENDMENT "A" to H.P. 1243, L.D. 1670

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.'

Further amend the amendment by renumbering the sections to read consecutively.

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

1994-95

\$72,363

#### APPROPRIATIONS/ALLOCATIONS

Other Funds

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rds.

#### 20 **REVENUES**

22 Other Funds

\$7,500

24 The requirement that a certain amount of undedicated revenues be deposited as dedicated revenue to the State Harness 26 Racing Commission if the total betting handle exceeds \$52,000,000 will represent a loss in unbudgeted General Fund revenue and an 28 equivalent increase in dedicated revenues. The amounts can not be determined at this time.

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This bill includes an Other Special Revenue allocation of 32 \$72,363 in fiscal year 1994-95 for the State Harness Racing Commission to provide for the costs of supplementing the existing 34 General Fund appropriation for a part-time Clerk Typist II position to upgrade that position to permanent full-time status, 36 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 38 possible increase in dedicated revenues, which may occur if the 40 total betting handle exceeds \$52,000,000 in fiscal year 1994-95. These allocations will be funded only to the extent that the betting handle exceeds the \$52,000,000 threshold. 42

44 The establishment of application and licensing fees for off-track betting facilities will increase dedicated revenue 46 collections. The State Harness Racing Commission may realize an increase in dedicated revenues for fiscal year 1993-94. The 48 amounts can not be determined at this time. The estimated annual increase of dedicated revenue after fiscal year 1993-94 to the 50 commission is \$7,500 beginning in fiscal year 1994-95. SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1243, L.D. 1670

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

#### STATEMENT OF FACT

This amendment incorporates the changes made by House Amendment "E" to Committee Amendment "A", except that this amendment restores the original law with respect to the radius within which an existing off-track betting facility licensee's right to object to a new off-track betting facility applies.

16 18 SPONSORED BY: 20 (Senator HANDY)

COUNTY: Androscoggin

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R<sup>dS.</sup>

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## SENATE AMENDMENT