

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

Legislative Document

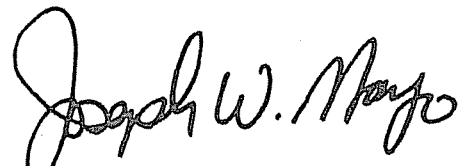
No. 1670

H.P. 1243

House of Representatives, January 10, 1994

### An Act to Amend the Harness Racing Laws.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Agriculture suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative ALIBERTI of Lewiston.

Cosponsored by Representatives: AHEARNE of Madawaska, BEAM of Lewiston, BRUNO of Raymond, CAMERON of Rumford, CARROLL of Gray, COTE of Auburn, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, GWADOSKY of Fairfield, HATCH of Skowhegan, HICHBORN of LaGrange, HOGLUND of Portland, JACQUES of Waterville, JALBERT of Lisbon, JOSEPH of Waterville, KETTERER of Madison, KUTASI of Bridgton, LARRIVEE of Gorham, LEMKE of Westbrook, MICHAEL of Auburn, MICHAUD of East Millinocket, MORRISON of Bangor, MURPHY of Berwick, PLOURDE of Biddeford, PLOWMAN of Hampden, POULIOT of Lewiston, RAND of Portland, RICKER of Lewiston, ST. ONGE of Greene, STEVENS of Orono, STROUT of Corinth, TOWNSEND of Eastport, TRACY of Rome, VIGUE of Winslow, Senators: BERUBE of Androscoggin, CIANCHETTE of Somerset.

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

2  
4       **Sec. 1. 8 MRSA §275-D, sub-§3**, as enacted by PL 1993, c. 388, §8, is amended to read:

6       **3. Notice to commercial racetracks; objections.** An A new applicant shall send written notice of its initial application for an off-track betting license to any commercial racetrack in whose market area the facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in paragraph Q. A commercial racetrack shall notify the commission within 30 days of receiving notice if the racetrack objects to the location of the facility based on adverse impact to the commercial track. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from a racetrack in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this section, the market area is the area within a 50-mile radius of the commercial racetrack, except that the market area changes to a 37.5-mile radius on November 1, 1994 if the commission has not issued a license for an off-track betting facility in the State by November 1, 1994 and to a 25-mile radius on November 1, 1995 if the commission has not issued a license for an off-track betting facility in the State by November 1, 1995.

30       **Sec. 2. 8 MRSA §275-D, sub-§6, ¶A**, as enacted by PL 1993, c. 328, §8, is amended to read:

34       A. The commission finds that the facility:

- 36           (1) Will not adversely affect the public interest;
- 38           (2) Will not adversely affect the integrity of live racing;
- 40           (3) Will not have an adverse impact on the local community;
- 44           (4) Provides a potential for job creation, including jobs in the racing and wagering industries and other service jobs;
- 46           (5) Has adequate seating facilities, toilet facilities and parking;
- 48
- 50

- 2 (6) Will not adversely affect the value of abutting property;
- 4 (7) Will be operated by an applicant with financial ability to maintain the facility in a manner that meets the standards set forth in this paragraph; and
- 6
- 8 ~~(8) Provides segregated areas for conducting betting separate from the areas in which restaurant or other services are provided to the general public for nonbetting purposes; and~~
- 10
- 12
- 14 (9) Will not adversely affect existing licensed off-track betting facilities within 35 miles of the proposed facility.
- 16

18 **Sec. 3. 8 MRSA §275-D, sub-§7**, as enacted by PL 1993, c. 388, §8, is amended to read:

20 **7. Operation of facility.** An off-track betting licensee may not permit a person under the age of 16 to enter the facility unless accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002. The off-track betting facility licensee may not permit a person under the age of 18 ~~within 15 feet~~ years of a betting window or other age to place for accepting wagers a wager of any kind.

28 **Sec. 4. 8 MRSA §275-D, sub-§8, ¶A**, as enacted by PL 1993, c. 388, §8, is repealed and the following enacted in its place:

30 A. An off-track betting facility may present a simulcast at the same time a licensee is conducting live racing.

34 **Sec. 5. 8 MRSA §275-D, sub-§8, ¶B**, as enacted by PL 1993, c. 388, §8, is amended to read:

36 B. If live racing being conducted in this State is available for simulcast, all off-track betting facilities not located within a 35-mile radius of another commercial meet in the State that is currently operating shall provide broadcasts originated in the State on at least 50% a monitor in every grouping of the monitors in the facility and shall accept wagers on these races if monitors are arranged individually, then they must be available to receive the broadcast originated in the State on 50% of these individual monitors. Wagers must be accepted on all of its pari-mutuel selling terminals in the off-track betting facility. The races must be broadcast as announced on the track. At any time harness racing originated in the State is available for simulcast, the off-track betting facility may not broadcast

2 harness racing from ~~outside--the--State~~ inside New England  
without approval of:

4 (1) Each racetrack in the State conducting harness  
6 racing at that time; and

8 (2) Either the association representing the horsemen  
at those tracks at that time or the commission.

10 **Sec. 6. § 8 MRSA §275-H, sub-§2, ¶A**, as enacted by PL 1993, c.  
12 388, §8, is amended to read:

14 A. A licensee shall pay ~~2.739%~~ 2.738% of the commission on  
16 regular wagers made to interstate commingled pools and  
~~8.647%~~ 8.648% of the commission on exotic wagers made to  
those pools.

18 **Sec. 7. § 8 MRSA §275-H, sub-§3, ¶A**, as enacted by PL 1993, c.  
20 388, §8, is amended to read:

22 A. The Treasurer of State must return to commercial meet  
24 licensees ~~72%~~ 63% of the revenue credited to the General  
Fund under this section attributable to amounts in excess of  
26 \$33,500,000. This payment must be divided in the proportion  
of each licensee during the calendar year bear to the total  
28 contributions of regular and exotic wagers to pari-mutuel  
pools made or conducted at the commercial meets of all  
30 licensees during that calendar year. Licensees sharing in  
this distribution shall use 1/2 of the funds received for  
32 the purpose of supplementing purse money. The other 1/2 of  
this distribution must be paid to the commercial licensees  
34 as reimbursement for improvements made to their racing  
facilities in the calendar year during which the funds are  
36 generated. To receive reimbursement, commercial licensees  
must submit plans for the improvements to the commission and  
38 receive approval from the commission prior to making the  
improvements and the commission must verify that the  
40 approved improvements have been made.

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

44 D. Nine percent of the revenue credited to the General Fund  
46 under this section attributable to this excess must be paid  
48 to the commission to be distributed to off-track betting  
50 licensees in proportion to the total handle generated by the  
off-track betting licensees. Licensees sharing in this  
distribution shall use the funds received for improvements  
made to their off-track betting facilities during the

2 calendar year in which the funds are generated. To receive  
4 reimbursement, off-track betting licensees must submit plans  
6 for the improvements to the commission and receive approval  
8 from the commission prior to making the improvements and the  
10 commission must verify that the approved improvements have  
12 been made.

14 **Sec. 9. 8 MRSA §275-J, sub-§3, as enacted by PL 1993, c. 388,**  
16 **§8, is amended to read:**

18 **3. Distribution based on wagered amounts.** Amounts payable  
20 under subsections 1 and 2 for distribution in accordance with  
22 this subsection must be divided equally proportionately among  
24 commercial-race-tracks all licensees conducting live pari-mutuel  
26 racing in the State that provide simulcast transmission of live  
28 racing in the State in proportion to the amount of wagers placed  
30 at off-track betting facilities on simulcast races from that  
32 licensee in the previous calendar year and the total amount  
34 wagered at off-track betting facilities on races simulcast from  
36 all commercial racetracks in that year. In the first year of  
38 distribution, the amounts must be distributed based on the  
40 proportion of wagers made in that first year. For purposes of  
42 this distribution, 1994 dates issued by the commission as of  
44 December 31, 1993 determine the proportion of the distribution to  
46 all licensees conducting live pari-mutuel racing. If at any time  
a licensee conducting live pari-mutuel racing does not continue  
to offer live racing, that licensee's portion of the distribution  
must be distributed to the remainder of the licensees conducting  
live pari-mutuel racing.

Distribution of funds in accordance with this subsection must be  
done monthly.

36 **STATEMENT OF FACT**

38 The purpose of this bill is to amend the harness racing laws  
40 as they pertain to off-track betting.

42  
44 This document has not yet been reviewed to determine the  
46 need for cross-reference, stylistic and other technical  
amendments to conform existing law to current drafting standards.