

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 637

S.P. 240

In Senate, February 23, 1995

**An Act to Change the Commissions Payable to the State from Off-track Betting.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.

Cosponsored by Senator: KIEFFER of Aroostook, Representatives: AHEARNE of Madawaska, BAILEY of Township 27, CLARK of Millinocket, DONNELLY of Presque Isle, KNEELAND of Easton, MARTIN of Eagle Lake, O'NEAL of Limestone, SIROIS of Caribou.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, off-track betting parlors in smaller markets are  
6 struggling financially; and

8           Whereas, those parlors provide badly needed jobs and tax  
dollars for the communities they serve; and

10           Whereas, in the judgment of the Legislature, these facts  
12 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

18           **Sec. 1. 8 MRSA §275-D, sub-§4,** as corrected by RR 1993, c. 2,  
20 §6, is amended to read:

22           **4. Notice to off-track betting facilities; objections.** An  
applicant shall send written notice of its application for an  
24 off-track betting license to any existing off-track betting  
facility in whose market area the proposed facility will be  
26 located and shall present proof to the commission that it has  
provided the notice. The notice must include all information  
28 contained in the application except information described in  
subsection 2, paragraph Q. An existing off-track betting  
30 facility shall notify the commission within 30 days of receiving  
notice if the facility objects to the location of the proposed  
32 facility. The commission shall suspend consideration of the  
application for the 30-day objection period. If the commission  
34 receives an objection from an off-track betting facility in whose  
market area the facility would be located within the 30-day  
36 period, the commission shall reject the application. If the  
commission does not receive an objection within that period, the  
38 commission may proceed to consider the application. For purposes  
of this section, the market area is the area within a 35-mile  
40 50-mile radius of the off-track betting facility, except that a  
42 person holding an off-track betting license on January 1, 1995  
44 may continue to operate within the 50-mile radius of another  
off-track betting licensee without that licensee's permission if  
the person's facility is outside the 35-mile radius of that  
licensee.

46           **Sec. 2. 8 MRSA §275-O** is enacted to read:

48           **§275-O. Reduced commissions**



2 proposed off-track betting parlor is required to obtain approval  
3 from an existing parlor if the proposed parlor is within the  
4 market area of the existing parlor.

6 The bill also reduces the amounts payable by an off-track  
7 betting parlor to the State and to certain state programs in any  
8 week in which the total wagers made at the parlor are less than  
9 \$100,000. The majority of those wagers are returned to bettors  
10 as winnings.

12 Reductions would occur in amounts paid to the Sire Stakes  
13 Fund, the Agricultural Stipend Fund, the General Fund, the  
14 Harness Racing Promotional Fund and purse supplements.

16 Finally, the bill grants a credit toward required payments  
17 to parlors that lost money in calendar year 1994, as determined  
18 by audited financial statements.