

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 289

H.P. 253

House of Representatives, January 25, 2001

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### An Act Regarding Horse Racing.

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative McKENNEY of Cumberland.  
Cosponsored by Senator FERGUSON of Oxford and  
Representatives: CHIZMAR of Lisbon, CRABTREE of Hope, DUNCAN of Presque Isle,  
GOODWIN of Pembroke, PERRY of Bangor.

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

2  
4       **Sec. 1. 8 MRSA §271, sub-§5**, as amended by PL 1995, c. 408, §3, is further amended to read:

6       **5. Minimum number of race dates.** The commission may assign  
8 a commercial licensee a minimum number of race dates for a period  
10 of up to 3 years. The specific calendar dates for the minimum  
12 number of race dates and any additional race dates are determined  
14 each year in accordance with subsection 1. ~~For the purposes of  
this subsection, "commercial licensee" means a licensee with an  
annual total of more than 25 race dates with pari-mutuel wagering  
in the previous calendar year.~~

16       **Sec. 2. 8 MRSA §271, sub-§9**, as reallocated by RR 1997, c. 1, §7, is amended to read:

18       **9. Previous year's dates.** Beginning with licenses issued  
20 for calendar year 1996, notwithstanding any other provision of  
22 this chapter, every commercial track that is licensed licensee  
24 for a specific calendar year must be assigned all of the race  
26 dates that it requests for that year if it conducted live racing  
on those dates during the immediately preceding calendar year.  
For the purposes of this section, a race date is the same from  
year to year if it is the closest calendar date that falls on the  
same day of the week.

28       **Sec. 3. 8 MRSA §275-A, sub-§1**, as repealed and replaced by PL  
30 1999, c. 482, §2 and affected by §10, is repealed and the  
following enacted in its place:

32       **1. Commercial track.** "Commercial track" means a harness  
34 racing track owned or operated by a commercial licensee.

36       **Sec. 4. 8 MRSA §275-A, sub-§1-E** is enacted to read:

38       **1-E. Commercial licensee.** "Commercial licensee" means a  
licensee that conducted more than 25 race dates with pari-mutuel  
40 wagering in each of the 2 previous calendar years.

42       **Sec. 5. 8 MRSA §275-D, sub-§3**, as amended by PL 1997, c. 528, §20, is further amended to read:

44       **3. Notice to commercial track; objections.** An applicant  
46 shall send written notice of its application for an off-track  
betting license to any commercial racetrack track in whose market  
48 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  
50 information described in subsection 2, paragraph Q. A

2 commercial ~~racetrack~~ track shall notify the commission within 30  
4 objects to the location of the facility based on adverse impact  
6 to the commercial track. The commission shall suspend  
8 consideration of the application for the 30-day objection  
10 period. If the commission receives an objection from a ~~racetrack~~  
12 commercial track in whose market area the facility would be  
14 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~~  
track.

16 **Sec. 6. 8 MRSA §275-N**, as amended by PL 1999, c. 568, §1, is  
further amended to read:

18 **§275-N. Limitations on off-track betting facilities**

20 The commission may not allow interstate simulcasting or  
22 license any off-track betting facility for any calendar year  
24 unless during the preceding calendar year there were at least 150  
26 race dates on which live racing actually was conducted at the  
commercial tracks. Interstate simulcasting always must be  
allowed at any commercial track that conducted at least ~~136~~ 35  
28 race dates during the immediately preceding calendar year ~~or at~~  
~~an existing commercial track as defined in section 275-A,~~  
~~subsection 1, paragraph B at which at least 35 race dates were~~  
~~conducted during the immediately preceding year if the interstate~~  
~~simulcasting at the commercial track is conducted during the~~  
30 regular meeting. For the purposes of this section, any race date  
32 that the commission determines was canceled due to a natural or  
other disaster must be counted as a race date.

34 **Sec. 7. 8 MRSA §285, sub-§3, ¶A**, as repealed and replaced by  
36 PL 1997, c. 735, §7, is amended to read:

38 A. Two persons representing commercial ~~tracks~~ licensees:  
40 one representing and recommended by each of the 2 commercial  
~~harness racing tracks~~ licensees in the State;

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**SUMMARY**

46 This bill amends the definition of a "commercial track" by  
deleting the different criteria that currently apply to areas  
with different populations. It also makes technical changes to  
48 make the use of this term consistent with the term "commercial  
licensee."