

MAINE STATE LEGISLATURE

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m
H. 891

L.D. 1820

DATE: 4-12-04

(Filing No. H-891)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 1342, L.D. 1820, Bill, "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks"

Amend the bill in Part A by inserting after section 11 the following:

'Sec. A-12. Contingent effective date; referendum. This Part takes effect contingent on the referendum set out in Part D.'

Further amend the bill in Part B by inserting after section 9 the following:

'Sec. B-10. Contingent effective date; referendum. This Part takes effect contingent on the referendum set out in Part D.'

Further amend the bill by inserting after Part B and before the emergency clause the following:

PART C

Sec. C-1. 7 MRSA §76, as enacted by IB 2003, c. 1, §1, is repealed.

Sec. C-2. 8 MRSA §263-C, sub-§4, ¶¶A and B, as amended by PL 2003, c. 401, §4 and IB 2003, c. 1, §2, are repealed and the following enacted in their place:

A. Management of the work of the commission, including:

(1) Rulemaking;

- 2 (2) Processing appeals;
- 4 (3) Licensing of tracks and off-track betting
 facilities;
- 6 (4) Setting race dates; and
- 8 (5) Making reports to the Governor and Legislature and
10 recommendations to the commissioner regarding harness
12 racing and off-track betting operations and the need
 for changes in statutes and rules; and
- 14 B. Management of the work of the department regarding
 harness racing and off-track betting, including:
- 16 (1) Supervision of all staff involved in harness
18 racing and off-track betting functions;
- 20 (2) Management of the collection and distribution of
 revenues under this chapter;
- 22 (3) Budget development and management;
- 24 (4) Policy development with regard to harness racing
26 and off-track betting;
- 28 (5) Management of participant licensing;
- 30 (6) Enforcement of harness racing and off-track
 betting statutes and rules;
- 32 (7) Investigation of harness racing and off-track
34 betting violations; and
- 36 (8) Facilitating the development of positive working
 relationships in the harness racing industry and State
38 Government.

40 **Sec. C-3. 8 MRSA §271, sub-§1, as amended by IB 2003, c. 1,**
42 **§3, is further amended to read:**

- 44 **1. Licensing.** If the commission is satisfied that all of
46 this chapter and rules prescribed by the commission have been
48 substantially complied with during the past year and will be
50 fully complied with during the coming year by the person,
 association or corporation applying for a license; that the
 applicant, its members, directors, officers, shareholders,
 employees, creditors and associates are of good moral character;
 that the applicant is financially responsible; and that the award

of racing dates to the applicant is appropriate under the
 2 criteria contained in subsection 2, it may issue a license for
 the holding of harness horse races or meets for public exhibition
 4 with pari-mutuel pools, which must expire on December 31st. The
 fee for a license is \$100 or \$10 per week, whichever is higher.
 6 The commission shall provide a booklet containing harness racing
 laws and rules and relevant portions of the Maine Administrative
 8 Procedure Act to every initial licensee and a fee not to exceed
 \$10 must be included in the license fee to cover the cost of this
 10 publication. The commission shall provide necessary revisions of
 this booklet to those persons renewing licenses at the time of
 12 renewal and shall include the cost of the revisions, not to
 exceed \$10, in the renewal fee. The license must set forth the
 14 name of the licensee, the place where the races or race meets are
 to be held and the specific race dates and time of day or night
 16 during which racing may be conducted by the licensee. If the
 commission determines that the location where a commercial track
 18 is licensed to conduct races is unavailable, it may permit a
 licensee to transfer its license to another location. The
 20 substitute location and the races conducted there by the licensee
 must be conducted in accordance with this chapter. Any such
 22 license issued is not transferable or assignable. The District
 Court Judge, as designated in Title 4, chapter 5, may revoke any
 24 license issued at any time for violation of the commission's
 rules or licensing provisions upon notice and hearing. ~~A license~~
 26 ~~issued under this section is transferable or assignable as long~~
~~as the commission finds that the transferee or assignee satisfies~~
 28 ~~all elements for the issuance of the license being transferred or~~
~~assigned.---~~ The license of any corporation is automatically
 30 revoked, subject to Title 5, chapter 375, upon the change in
 ownership, legal or equitable, of 50% or more of the voting stock
 32 of ~~a the corporation licensed under this section constitutes a~~
~~transfer of the license~~ and the corporation may not hold a
 34 harness horse race or meet for public exhibition without a new
license.

36 **Sec. C-4. 8 MRSA §§296 and 297**, as enacted by IB 2003, c. 1,
 38 §4, are repealed.

40 **Sec. C-5. 8 MRSA c.30**, as amended, is repealed.

42 **Sec. C-6. 22 MRSA §1511, sub-§10**, as enacted by IB 2003, c. 1,
 44 §6, is repealed.

46 **Sec. C-7. 25 MRSA §3902, sub-§4**, as enacted by IB 2003, c. 1,
 §7, is repealed.

48 **Sec. C-8. Retroactivity.** This Part applies retroactively to
 50 January 3, 2004.

2 **Sec. C-9. Contingent effective date; referendum.** This Part takes
effect contingent on the referendum set out in Part D.

4
6 **PART D**

8 **Sec. D-1. Statutory referendum procedure; submission at general**
9 **election; form of question; effective date.** This Act takes effect when
10 approved only for the purpose of permitting its submission to the
11 legal voters of the State at the next general election in the
12 month of November following passage of this Act. The municipal
13 officers of this State shall notify the inhabitants of their
14 respective cities, towns and plantations to meet, in the manner
prescribed by law for holding a statewide election, to vote for
one of the following questions:

16 "Question A. Do you favor the law passed by the 121st
17 Legislature in Second Special Session that establishes the
18 Gambling Control Board to license and regulate slot machines
19 at commercial harness racing tracks, which amends the law
20 enacted by citizen's initiative approved by the voters of
21 Maine on November 4, 2003?"

24 "Question B. Do you favor the law enacted by citizen's
25 initiative approved by the voters of Maine on November 4,
26 2003, which allows slot machines at commercial harness
27 racing tracks, unchanged by the law passed by the 121st
28 Legislature in Second Special Session?"

30 "Question C. Do you favor repeal of all laws that permit the
31 operation of slot machines at commercial harness racing
32 tracks?"

34 The legal voters of each city, town and plantation shall
35 vote by ballot on these questions and designate their choice for
36 only one of the questions by a cross or check mark placed within
37 a corresponding square below the word "Yes." The ballots must be
38 received, sorted, counted and declared in open ward, town and
39 plantation meetings and returns made to the Secretary of State in
40 the same manner as votes for members of the Legislature. The
41 Governor shall review the returns. If it appears that a
42 plurality of the legal votes are cast in favor of Question A, the
43 Governor shall proclaim that fact without delay, and Part A and
44 Part B of this Act take effect 30 days after the date of the
45 proclamation. If it appears that a plurality of the legal votes
46 are cast in favor of Question B, the Governor shall proclaim that
47 fact without delay, and Part A, Part B and Part C of this Act do
48 not take effect. If it appears that a plurality of the legal
votes are cast in favor of Question C, the Governor

HOUSE AMENDMENT "A" to H.P. 1342, L.D. 1820

shall proclaim that fact without delay, and Part C of this Act takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.'

SUMMARY

This amendment changes the bill in 2 ways.

1. It adds Part D, which proposes to allow the voters of Maine at referendum to determine whether they want:


A. Slot machines at commercial harness racing tracks as amended by this bill and any accompanying amendments;

B. Slot machines at commercial harness racing tracks as enacted by citizen's initiative approved by the voters of Maine on November 4, 2003 and without the changes proposed in this bill and any accompanying amendments; or

C. No slot machines at commercial harness racing tracks by repealing the law enacted by citizen's initiative.

2. It adds a new Part C to the bill that repeals all the authorization for slot machines at commercial harness racing tracks. Part C takes effect only if Question C passes.

FISCAL NOTE REQUIRED (See attached)

SPONSORED BY: 
(Representative GLYNN)

TOWN: South Portland



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1820

**An Act To Establish the Gambling Control Board To License and
Regulate Slot Machines at Commercial Harness Racing Tracks**

LR 2664(09)

Fiscal Note for House Amendment " "

Sponsor: Rep. Glynn

Fiscal Note Required: Yes

Fiscal Note

Referendum Costs

Referendum Costs	Month/Year	Election Type	Question	Length
	Nov-04	General	Referendum	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions increases the ballot length, an additional appropriation of \$8,000 or more may be required.

Fiscal Detail and Notes

Depending on which ballot question in this amendment is finally approved by the voters, the revenue impact of IB 2003, c.1 (LD 1371), currently included in baseline budgeted estimates, will be changed, left intact, or eliminated entirely.