

MAINE STATE LEGISLATURE

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L.D. 1053

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JUDICIARY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 370, L.D. 1053, Bill, "An Act To Protect Maine Harness Racing from Illegal Wagering"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 8 MRSA §300-A is enacted to read:

§300-A. Illegal wagering

1. Illegal wagering on harness races. A person is liable for the damages specified in this section if that person accepts a wager concerning harness racing from a person located within this State unless the person accepting the wager is licensed to do so under this chapter.

2. Right of action. A commercial licensee under section 271 may bring an action in Superior Court against a person who has accepted an illegal wager described in subsection 1. The court shall award damages to the prevailing plaintiff and the commission, as provided in subsection 4, in an amount equal to 25% of the monetary amount of illegal wagers accepted, including illegal wagers accepted as described in subsection 1, plus reasonable attorney's fees and costs.

3. Punitive damages. If a person accepting an illegal wager described in subsection 1 has been advised in writing of

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HWS

2 the provisions of this section either by the Attorney General or
3 by a commercial track licensed under this chapter before
4 accepting any such wager, then the person accepting the illegal
5 wager, in addition to all other damages authorized under this
6 section, is liable in an amount of up to 4 times the damages
7 awarded under subsection 2 that the court determines are
8 appropriate given the willfulness of the violation, any
9 mitigating circumstances, any efforts by the person who accepted
10 the wager to comply with Maine law, the need to deter acceptance
11 of illegal wagers and all other relevant circumstances.

12 **4. Distribution of damages.** Damages awarded under this
13 section must be distributed as follows.

14 A. Reasonable costs of bringing the action, including
15 reasonable attorney's fees and costs, must be paid to the
16 plaintiff.

17 B. All other damages awarded must be paid to the
18 commission. The commission shall distribute the damages it
19 receives as follows:

20 (1) One fourth must be deposited to the extended meet
21 account established under section 289, subsection 2;

22 (2) One fourth must be deposited to the fund to
23 supplement harness racing purses established under
24 section 298;

25 (3) One fourth must be deposited to the Fund to
26 Encourage Racing at Maine's Commercial Tracks,
27 established under section 299; and

28 (4) One fourth must be deposited to the Fund to
29 Stabilize Off-track Betting Facilities, established
30 under section 300.'

31
32
33 **SUMMARY**

34 This amendment replaces the bill.

35 It builds on the current law under which accepting harness
36 racing wagers from anyone located in Maine is illegal unless the
37 person accepting the wager is licensed by the Maine Harness
38 Racing Commission. Any gambling in Maine that is not
39 specifically authorized by law is illegal.

40 This amendment creates a private right of action to enforce
41 the law with any damages, after the reasonable costs of suit, to

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2 be divided among the State's funds to provide for Maine's
extended meets, harness racing purses, Maine's commercial tracks
4 and Maine's off-track betting facilities. The damages are
intended to make up for the lost revenues experienced in Maine's
6 harness racing industry because of electronic wagering that is
not subject to the taxes placed on wagers legally placed in
8 Maine. Punitive damages are authorized for violations after
written notice of the provisions of this section.

10

FISCAL NOTE REQUIRED
(See attached)

12

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1053

LR 1361(02)

An Act To Protect Maine Harness Racing from Illegal Wagering

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Authorizing the distribution of certain court-awarded damages to certain funds within the Department of Agriculture, Food and Rural Resources may increase Other Special Revenue Funds revenue collected by the department; the amounts will depend on the frequency and size of any applicable damage awards.