

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SMC  
R. 03.

L.D. 1111

Date: 3/12/14

(Filing No. S-422)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE  
SENATE  
126TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 780,  
L.D. 1111, Bill, "An Act To Allow Maine's Harness Racing Industry To Compete with  
Casino Gaming"

Amend the amendment by striking out everything after the title and before the  
summary and inserting the following:

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

'Sec. 1. 7 MRSA §82, sub-§5, as amended by PL 2011, c. 358, §1, is further  
amended to read:

**5. Rulemaking.** The commissioner shall adopt rules to establish procedures for  
licensing and awarding dates for agricultural fairs and performance standards for  
evaluating agricultural fairs. The commissioner, in consultation with the executive  
director of the State Harness Racing Commission, shall adopt rules that require  
agricultural fairs that receive a distribution of slot machine revenue in accordance with  
Title 8, section 1036, ~~subsection~~ subsections 2, 2-A and 2-D to submit information  
regarding the use of that revenue sufficient for the executive director to submit the report  
required by Title 8, section 1037. Rules adopted pursuant to this subsection are routine  
technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 7 MRSA §91, sub-§1,** as amended by PL 2007, c. 539, Pt. G, §1 and  
affected by §15, is further amended to read:

**1. Fund created.** The Treasurer of State shall establish an account to be known as  
"the Agricultural Fair Support Fund" and shall credit to it all money received under Title  
8, section 1036, subsection 2, paragraph D, subsection 2-A, paragraph G and subsection  
2-D, paragraph B. The fund is a dedicated, nonlapsing fund. All revenues deposited in  
the fund must be disbursed in accordance with this section, except that assessments and  
advances may be withdrawn in accordance with Title 8, section 267-A.

**Sec. 3. 8 MRSA §272-B, sub-§1, ¶E,** as enacted by PL 2007, c. 211, §1 and  
affected by §2, is amended to read:

1 E. The fund to supplement harness racing purses established under section 298 and  
2 receiving payment pursuant to section 1036, subsection 2, paragraph B, subsection  
3 2-A, paragraph H and subsection 2-D, paragraph A; and

4 **Sec. 4. 8 MRSA §298, sub-§1**, as amended by PL 2007, c. 539, Pt. G, §10 and  
5 affected by §15, is further amended to read:

6 **1. Fund created.** A fund is established to supplement harness racing purses to  
7 which the commission shall credit all payments received pursuant to section 1036,  
8 subsection 2, paragraph B, subsection 2-A, paragraph H and subsection 2-D, paragraph A  
9 for distribution in accordance with this section. The fund is a dedicated, nonlapsing fund,  
10 and all revenues deposited in the fund remain in the fund and must be disbursed in  
11 accordance with this section, except that assessments and advances may be withdrawn in  
12 accordance with section 267-A. The commission shall distribute in accordance with this  
13 section amounts credited to the fund.

14 **Sec. 5. 8 MRSA §1011, sub-§2-A**, as amended by PL 2011, c. 417, §2, is further  
15 amended to read:

16 **2-A. Persons eligible for casino operator license.** The board may accept an  
17 application for a casino operator license to operate slot machines and table games at a  
18 casino from a commercial track that conducted harness racing at or within a 20-mile  
19 radius of the center of a commercial track with pari-mutuel wagering on at least 100  
20 calendar days in 2003 or a commercial track licensed to operate a slot machine facility on  
21 January 1, 2011 for the same location where slot machines were operated on January 1,  
22 2011 and any person if that person and casino satisfy the following criteria:

23 A. The casino is located on a parcel of land in Oxford County that is:

24 (1) No less than 50 acres in size; and

25 (2) Located not more than:

26 (a) Thirty miles from a Level I or Level II trauma center verified as such by  
27 the American College of Surgeons or successor organization;

28 (b) Fifteen miles from the main office of a county sheriff;

29 (c) Twenty-five miles from the main office of a state police field troop;

30 (d) Thirty miles from an interchange of the interstate highway system;

31 (e) Ten miles from a fire station;

32 (f) Ten miles from a facility at which harness racing was conducted pursuant  
33 to a license from the State Harness Racing Commission for the 2009 racing  
34 year; and

35 (g) One-half mile from a state highway as defined in Title 23, section 1903,  
36 subsection 15.

37 For the purposes of this paragraph, distances are determined by measuring along the  
38 most commonly used roadway, as determined by the Department of Transportation;

1. 2. 3.

1 B. The criteria adopted through rulemaking by the board regarding the licensing of  
2 the operation of slot machines and table games;

3 C. The operation of a casino is approved by the voters of the municipality in which  
4 the casino to be licensed is located in a referendum election or by a vote of the  
5 municipal officers in the municipality in which the casino is to be licensed and  
6 located held at any time after October 1, 2009 and on or before December 31, 2011;

7 D. The person owns a facility that is within 10 miles of the proposed casino at which  
8 harness racing was conducted pursuant to a license from the State Harness Racing  
9 Commission for the 2009 racing year; and

10 E. The slot machines and table games are located and operated in the casino.

11 **Sec. 6. 8 MRSA §1011, sub-§3**, as amended by PL 2011, c. 417, §3, is further  
12 amended to read:

13 **3. Requirements for license; continued commercial track licensure; facility**  
14 **requirements.** The board may not issue a license to operate a slot machine facility or a  
15 casino to any person unless that person demonstrates compliance with the qualifications  
16 set forth in sections 1016 and 1019. To maintain eligibility for a slot machine operator  
17 license or a casino operator license under subsection 2-A issued to a commercial track  
18 ~~with slot machines~~, a licensed commercial track must at all times maintain a license to  
19 operate a commercial track without lapse, suspension or revocation. A commercial track  
20 that is initially issued a casino operator license after January 1, 2014, in order to maintain  
21 eligibility for a casino operator license, must ensure that table games and slot machines  
22 are located in a facility immediately adjacent to a 5/8-mile racetrack constructed or  
23 reconstructed after January 1, 2014 that includes a dining facility that provides expansive  
24 views of the racing oval. The facility where table games and slot machines are operated  
25 must be part of a complex that comprises a hotel with a minimum of 100 rooms, spa  
26 facilities, indoor and outdoor swimming pools, an entertainment venue and retail space.

27 **Sec. 7. 8 MRSA §1018, sub-§1, ¶C-1**, as amended by PL 2011, c. 417, §4, is  
28 further amended to read:

29 C-1. The initial application fee for a casino operator license is \$225,000, except that  
30 the initial application fee for an applicant that is a commercial track that was licensed  
31 to operate slot machines as of January 1, 2011 is \$25,000. The annual renewal fee is  
32 \$80,000 plus an amount, set by rules of the board, equal to the cost to the board of  
33 licensing casino operators and determined by dividing the costs of administering the  
34 casino operator licenses by the total number of casino operators licensed by the  
35 board. In addition, a casino operator shall pay an initial gaming table fee of \$100,000  
36 for the privilege to operate each gaming table for a period of 20 years as long as the  
37 casino operator is licensed. Each gaming table is also subject to an annual gaming  
38 table renewal fee of \$1,000. The gaming table fees authorize the casino operator to  
39 conduct any authorized table game at the gaming table during the 20-year period. A  
40 casino licensed in accordance with section 1011, subsection 2-A, paragraph A is not  
41 required to pay the gaming table fees until after one calendar year of table game  
42 operation. Fees collected in accordance with this paragraph must be deposited to the  
43 Gambling Control Board administrative expenses Other Special Revenue Funds  
44 account, which is a nonlapsing dedicated account. A casino operator license initially

R. 413

1 issued to a commercial track after January 1, 2014 is subject to a license fee as  
2 provided by section 1018-A that must be paid to the Treasurer of State and deposited  
3 to the General Fund.

4 **Sec. 8. 8 MRSA §1018, sub-§1-A**, as enacted by PL 2011, c. 699, §2, is amended  
5 to read:

6 **1-A. Fees for slot machine and casino operator licenses on or after September 1,**  
7 **2012.** Notwithstanding subsection 1, paragraphs C and C-1, beginning September 1,  
8 2012, an applicant for a slot machine operator license or a casino operator license must  
9 pay a \$250,000 nonrefundable privilege fee to be submitted with the application for the  
10 license and a minimum license fee, or cash bid if the license is part of a competitive  
11 bidding process established by law, of \$5,000,000. This subsection does not apply to a  
12 casino licensed for operation in the State as of September 1, 2012 or to a commercial  
13 track initially licensed as a casino after January 1, 2014.

14 **Sec. 9. 8 MRSA §1018, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
15 affected by Pt. B, §11, is amended to read:

16 **2. Term of license; renewal, renewal fees.** ~~All~~ Except for a casino operator license  
17 initially issued to a commercial track after January 1, 2014, all licenses issued by the  
18 board under this chapter are effective for one year, unless revoked or surrendered  
19 pursuant to subchapter 5. Upon proper application and payment of the required fees and  
20 taxes and in accordance with rules adopted by the board, the board may renew a license  
21 for an additional year if municipal approval has been obtained as provided in section  
22 1012. The board shall transfer \$25,000 of the renewal fee required by subsection 1,  
23 paragraph C to the municipality in which the slot machines are operated.

24 **Sec. 10. 8 MRSA §1018-A to 1018-C** are enacted to read:

25 **§1018-A. Casino operator application and license fee for a commercial track**  
26 **licensed after January 1, 2014**

27 For the purposes of this section, "commissioner" means the Commissioner of  
28 Administrative and Financial Services. Notwithstanding section 1018, subsection 1, the  
29 license fee for a casino operator license initially issued to a commercial track after  
30 January 1, 2014 must be determined in accordance with this section and is in addition to  
31 an application fee of \$250,000. The license fee is deposited to the General Fund pursuant  
32 to section 1018. The application fee must be used by the board to cover the costs of  
33 administering the casino application and licensing process including background  
34 investigations and to fund a market study that must be conducted by the Department of  
35 Administrative and Financial Services, the purpose of which is to determine the current  
36 market value of a casino operator license. The commissioner shall meet with the  
37 commercial track that has applied for or been initially issued a license to operate a casino  
38 after January 1, 2014 to negotiate an amount for a one-time license fee that may not be  
39 less than \$50,000,000. The commissioner shall consider all of the elements in  
40 subsections 1 to 5 when negotiating the license fee with the commercial track.

41 **1. Recent transaction relating to casino ownership.** The commissioner shall  
42 determine the amount paid by existing casino operator licensees as part of a contract to  
43 purchase a licensed existing casino or similar contracts between operators and entities

ii. of 6.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

who have funded efforts to pass legislation to authorize the use of slot machines in the State within the past 15 years.

**2. Gaming market.** The commissioner shall consider the potential market for gaming in the State and specifically in the region where the commercial track that has initially applied for or received a casino operator license after January 1, 2014 is located or is to be located and including consideration of competition from gaming venues in the northeast region of the United States. The commissioner shall also consider the market risks associated with operating a resort casino with live harness racing.

**3. Live harness racing.** The commissioner shall consider the extent to which the commercial track will be required by law to conduct live harness racing and any other operations that may not be profitable to the casino operator and consider the losses incurred by such operations. The commissioner shall consider secondary benefits of harness racing to the local community, agricultural businesses and other businesses that directly benefit from harness racing in the State.

**4. Revenue distributions.** The commissioner shall consider the distribution of revenues to be required of the commercial track once it is licensed as a casino and how those distributions benefit the State.

**5. Capital investment benefits.** The commissioner shall consider the commercial track's willingness to accept conditions on licensure, including any capital investments required by law, and how any required investments will provide value to the local community and the State as a whole. Considerations must include facility investments to allow for horses owned and trained by licensees of the State Harness Racing Commission to be stabled at the location of the casino.

If the commissioner and the commercial track are not able to reach an agreement on a license fee, the commissioner shall make the final determination of the license fee. Determination of a license fee must be made within 90 calendar days after the commencement of negotiations under this section.

**§1018-B. Licensing decision deadline**

The board shall make a final decision on issuance of a casino operator license within 90 calendar days of receiving what it considers to be a complete application from a commercial track that initially applies for a casino operator license after January 1, 2014.

**§1018-C. Casino operator license fee for a commercial track licensed after January 1, 2014; reimbursement upon licensure of additional facilities**

If the board, or a similar agency authorized to issue a slot machine facility or casino operator license, issues a slot machine operator license or casino operator license authorizing the operation of more than 5 slot machines at any one location within 10 years of a commercial track's being initially licensed to operate a casino after January 1, 2014, the Treasurer of State shall reimburse a portion of the license fee paid by the commercial track as provided by section 1018-A in accordance with this section. If a slot machine facility operator license or casino operator license is issued within one year of the operation of the casino operated by a commercial track licensed after January 1, 2014, the Treasurer of State shall reimburse 90% of the fee submitted by the commercial track. The reimbursement percentage is reduced by 10 percentage points for each year after that

PL 149

1 in which a new initial slot machine facility operator license or casino operator license is  
2 not authorized.

3 **Sec. 11. 8 MRSA §1019, sub-§6**, as amended by PL 2011, c. 417, §5, is further  
4 amended to read:

5 **6. Proximity of licensed casinos and slot machine facilities.** A casino operator  
6 license or slot machine operator license may not be issued under this chapter to operate  
7 any casino or slot machine facility located within 100 miles of a licensed casino or slot  
8 machine facility. This subsection does not apply to a commercial track initially licensed  
9 to operate a casino after January 1, 2014 and it does not prohibit a commercial track that  
10 was licensed to operate slot machines on January 1, 2011 from obtaining a casino  
11 operator license for the same facility where slot machines were operated as of January 1,  
12 2011. A commercial track that initially applies for a casino operator license after January  
13 1, 2014 may relocate to a new location as long as it is not closer to an existing casino than  
14 the original location of the track.

15 **Sec. 12. 8 MRSA §1019, sub-§7**, as amended by PL 2011, c. 417, §6, is further  
16 amended to read:

17 **7. Statewide and county referendum; municipal vote.** ~~After~~ Unless otherwise  
18 specified by this subsection, after January 1, 2011, any a proposed casino or slot machine  
19 facility may not be issued a license unless it has been approved by a statewide  
20 referendum vote and a vote of the municipal officers or municipality in which the casino  
21 or slot machine facility is to be located, except that a commercial track licensed to operate  
22 slot machines on January 1, 2011 is only required, as a condition to obtain a casino  
23 license, to receive approval to operate a casino by means of a referendum of the voters of  
24 the county in which the commercial track is located. To be eligible for a casino operator  
25 license, a commercial track that initially applies for a casino operator license after  
26 January 1, 2014 is required to receive approval only of the voters of the municipality in  
27 which the casino will be located.

28 **Sec. 13. 8 MRSA §1019, sub-§8** is enacted to read:

29 **8. Slot machine and table game operation contingent upon facility construction.**  
30 A commercial track initially licensed as a casino operator after January 1, 2014 may not  
31 begin operation of slot machines and table games prior to the completion of all phases of  
32 construction of a resort that includes a hotel, spa, pool, dining facility and entertainment  
33 venue and provides for a view of the racing oval from the dining facility and from the  
34 location of slot machines within the facility.

35 **Sec. 14. 8 MRSA §1020, sub-§3, ¶A**, as amended by PL 2011, c. 585, §8, is  
36 further amended to read:

37 A. Except for slot machines used for training and educational purposes at  
38 postsecondary institutions as provided by section 1011, subsection 1-B, the total  
39 number of slot machines registered in the State may not exceed ~~3,000~~ 4,500; and

40 **Sec. 15. 8 MRSA §1036, sub-§2-D** is enacted to read:

41 **2-D. Distribution of table game income and slot machine revenue from a**  
42 **commercial track licensed to operate a casino after January 1, 2014.** A commercial

1 track initially licensed to operate a casino after January 1, 2014 shall collect and  
2 distribute revenue from the operation of slot machines and table games in accordance  
3 with this subsection. The casino operator shall collect and distribute 1% of the gross slot  
4 machine income to the Treasurer of State for deposit in the General Fund for the  
5 administrative expenses of the board. The casino operator shall collect and distribute  
6 39% of net slot machine income and 16% of net table game income to the board. The  
7 total amount of net slot machine revenue and net table game revenue forwarded to the  
8 board must be distributed as follows:

9 A. Sixteen percent must be forwarded by the board to the Treasurer of State, who  
10 shall credit the money to the fund established in section 298 to supplement harness  
11 racing purses;

12 B. Six percent must be forwarded by the board to the Treasurer of State, who shall  
13 credit the money to the Agricultural Fair Support Fund established in Title 7, section  
14 91;

15 C. Six percent must be forwarded by the board to the Treasurer of State, who shall  
16 credit the money to the Sire Stakes Fund created in section 281;

17 D. One percent must be forwarded directly to the municipality in which the slot  
18 machines and table games are located;

19 E. One percent must be forwarded directly to the county in which the slot machines  
20 and table games are located;

21 F. One percent must be forwarded to the Treasurer of State, who shall credit the  
22 money to the Fund to Stabilize Off-track Betting Facilities established by section 300.  
23 The amount distributed under this paragraph must be divided equally among the  
24 eligible off-track betting facilities except that no off-track betting facility may receive  
25 more than 25% of the amount forwarded by the board under this paragraph. Any  
26 revenues remaining after distribution to off-track betting facilities must be credited to  
27 the General Fund. An off-track betting facility is eligible for a distribution under this  
28 paragraph if it was licensed by the State Harness Racing Commission to conduct and  
29 actually conducted wagering operations for a minimum of 250 days during the  
30 preceding 12-month period in which the first payment to the fund is required; and

31 G. Sixty-nine percent must be deposited to the General Fund for administrative  
32 expenses of the board in accordance with rules adopted by the board under section  
33 1003, subsection 1, paragraph B, except that, of the amount calculated pursuant to  
34 this paragraph, \$100,000 must be transferred annually to the Gambling Addiction  
35 Prevention and Treatment Fund established by Title 5, section 20006-B.

36 **Sec. 16. 8 MRSA §1037, first ¶**, as enacted by PL 2011, c. 358, §6 and amended  
37 by c. 657, Pt. W, §6, is further amended to read:

38 Beginning February 15, 2012, the executive director of the State Harness Racing  
39 Commission, in consultation with the Commissioner of Agriculture, Conservation and  
40 Forestry, annually shall submit a report to the joint standing committees of the  
41 Legislature having jurisdiction over slot machines, harness racing, agricultural fairs and  
42 appropriations and financial affairs regarding the use of slot machine revenue deposited  
43 in funds under section 1036, subsection 2, paragraphs B, C, D, H and I, subsection 2-A,

H. & G.

1 paragraphs G, H and I and subsection 2-D, paragraphs A to C. The executive director  
2 and the commissioner shall obtain the information as described in this section. The report  
3 required by this section must be completed using budgeted resources. The executive  
4 director may not distribute funds listed under section 1036, subsection 2, subsection 2-A  
5 and subsection 2-D, as applicable, to harness racing tracks, off-track betting facilities,  
6 agricultural fairs or the Sire Stakes Fund under section 281 until the information required  
7 to submit the report required by this section is provided.

8 **Sec. 17. 8 MRSA §1037, sub-§1,** as enacted by PL 2011, c. 358, §6, is amended  
9 to read:

10 **1. Commercial tracks.** A report required by this section must include the following  
11 information from commercial tracks licensed in accordance with chapter 11 that receive a  
12 distribution of slot machine revenue under section 1036, subsection 2, paragraph B, D or  
13 H, subsection 2-A, paragraph G, H or I or subsection 2-D, paragraph A, B or C:

- 14 A. The total amount wagered on live harness races;
- 15 B. The total amount wagered on intrastate simulcast races;
- 16 C. The total amount wagered on interstate simulcast races;
- 17 D. The number of harness races originated in the State and made available for  
18 simulcast outside of the State;
- 19 E. The amount of the harness racing handle from wagers at the commercial track  
20 kept by that commercial track and the distribution of the handle to the State and  
21 industry recipients under section 286;
- 22 F. The amount received from the handle distribution from wagers at other tracks and  
23 off-track betting facilities under section 286;
- 24 G. The amount of revenue received in accordance with section 1036, subsection 2,  
25 paragraphs B, D and H, subsection 2-A, paragraphs G, H and I and subsection 2-D,  
26 paragraphs A to C;
- 27 H. The number of full-time and part-time employees at the commercial track;
- 28 I. The amount, if any, spent on capital improvements to the commercial track and  
29 related facilities and a description of those improvements. The first report must  
30 include the amount spent since November 2005, shown by year. Subsequent annual  
31 reports must include the amount spent on capital improvements the immediately  
32 preceding calendar year;
- 33 J. Operating costs for the commercial track;
- 34 K. Profit and loss or depreciation figures for the commercial track; and
- 35 L. Administrative costs to comply with reporting requirements and contributions to  
36 the State Harness Racing Commission's operating account described in section  
37 267-A.

38 **Sec. 18. 8 MRSA §1037, sub-§2, ¶E,** as enacted by PL 2011, c. 358, §6 and  
39 amended by c. 657, Pt. W, §6, is further amended to read:

1 E. The amounts, reported separately, of revenue received in accordance with section  
2 1036, subsection 2, paragraphs B and D, subsection 2-A, paragraphs G and H and  
3 subsection 2-D, paragraphs A and B, in accordance with the Stipend Fund under Title  
4 7, section 86 and from any other source in accordance with rules adopted under  
5 section 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5 by the  
6 Commissioner of Agriculture, Conservation and Forestry or the State Harness Racing  
7 Commission; and

8 **Sec. 19. 8 MRSA §1037, sub-§3, ¶B**, as enacted by PL 2011, c. 358, §6 and  
9 amended by c. 657, Pt. W, §6, is further amended to read:

10 B. The amounts, reported separately, received from slot machine revenue in  
11 accordance with section 1036, subsection 2, paragraph D, subsection 2-A, paragraphs  
12 G and subsection 2-D, paragraph A, in accordance with the Stipend Fund under Title  
13 7, section 86 and from any other source in accordance with rules adopted under  
14 section 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5 by the  
15 Commissioner of Agriculture, Conservation and Forestry or the State Harness Racing  
16 Commission; and

17 **Sec. 20. 8 MRSA §1037, sub-§4**, as enacted by PL 2011, c. 358, §6, is amended  
18 to read:

19 **4. Breeders and owners within the Maine Standardbred program.** A report  
20 required by this section must include the following information from horse breeders and  
21 owners within the Maine Standardbred program established pursuant to section 281 who  
22 receive a distribution under section 1036, subsection 2, paragraph C, subsection 2-A,  
23 paragraph I and subsection 2-D, paragraph C:

24 A. The number of mares bred by each Maine Standardbred stallion as reported to the  
25 State Harness Racing Commission;

26 B. An assessment of whether the number of Maine Standardbred horses in the State  
27 is sufficient to grow and sustain harness racing in the State;

28 C. The number of yearling horses eligible and nominated to participate in sire stakes  
29 racing;

30 D. The amount received from slot machine revenue in accordance with section 1036,  
31 subsection 2, paragraph C, subsection 2-A, paragraph I and subsection 2-D,  
32 paragraph C;

33 E. The total number of qualifying dashes for sire stakes races and the average purse  
34 for each dash sorted by the age of the horse and the average purse for each sire stakes  
35 final dash sorted by the age of the horse; and

36 F. An accounting of the Sire Stakes Fund, including the total amount of the fund at  
37 the beginning and end of the racing season and, reported separately, expenditures  
38 used to supplement purses, pay breeder promotional contracts, pay advertising costs,  
39 make payments to a statewide horsemen association, pay administrative costs and  
40 make contributions to the operating account described in section 267-A.

41 **Sec. 21. 8 MRSA §1054, sub-§8**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
42 affected by Pt. B, §11, is amended to read:

P. of S.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

**8. Failure to deposit funds.** Violates section 1036, ~~subsection 2~~; or'

**SUMMARY**

This amendment replaces Committee Amendment "A". The amendment provides that a commercial track that conducted harness racing on at least 100 calendar days in 2003 and has received local approval via municipal referendum is eligible for a casino operator license. A casino licensed under this amendment is subject to a license fee, the amount of which depends on a market-value study, but which may not be less than \$50,000,000. The commercial track issued a license under this amendment is required to construct a casino facility adjacent to the commercial track that includes a dining facility and gaming space that provides expansive views of the racing oval in addition to other amenities such as a spa, swimming pools, a minimum of 100 hotel rooms, an entertainment venue and retail space. Authority to operate slot machines and table games is contingent upon the completion of such a facility. The amendment raises the statewide limit on slot machines from 3,000 to 4,500.

The amendment provides that the casino operator must be reimbursed a portion of its license fee if, within 10 years, the State licenses any additional gaming facilities authorized to operate more than 5 slot machines. For each year in the 10-year period that the State does not license a new gaming facility, the potential reimbursement amount decreases by 10%.

The amendment requires the operator of the casino to collect 1% of gross slot machine income for deposit to the General Fund for administrative expenses of the Gambling Control Board. It requires the casino to collect 39% of net slot machine revenue and 16% of net table game revenue, which is to be distributed as follows:

1. Sixteen percent to the fund to supplement harness racing purses;
2. Six percent to the Agricultural Fair Support Fund;
3. Six percent to the Sire Stakes Fund;
4. One percent to the host municipality;
5. One percent to the host county;
6. One percent to the Fund to Stabilize Off-track Betting Facilities, to be divided equally among the licensed facilities; and
7. Sixty-nine percent to the General Fund, except that \$100,000 must be transferred to the Gambling Addiction Prevention and Treatment Fund.

SPONSORED BY:           A L Tuttle            
(Senator TUTTLE)

COUNTY: York

FISCAL NOTE REQUIRED  
(See Attached)



Approved: 02/28/14 *MAC*

# 126th MAINE LEGISLATURE

LD 1111

LR 1490(03)

**An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming**

**Fiscal Note for Senate Amendment 'A' to Committee Amendment "A"**

**Sponsor: Sen. Tuttle of York**

**Fiscal Note Required: Yes**

---

## Fiscal Note

Future biennium revenue decrease - General Fund

Future biennium revenue increase - Other Special Revenue Funds

### Fiscal Detail and Notes

This floor amendment retains the overall tax structure in the committee amendment but reduces the percentage distributed to the General Fund and increases distributions to various dedicated accounts. The estimate of the revenue reduction to the General Fund is \$558,352 annually compared to the committee amendment, with revenue to Other Special Revenue Funds increased by the same amount.