

MAINE STATE LEGISLATURE

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BML
R. O. B.

L.D. 1022

Date: 6/10/15

(Filing No. H-377)

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3 **AGRICULTURE, CONSERVATION AND FORESTRY**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **127TH LEGISLATURE**
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 705, L.D. 1022, Bill, "An Act To
10 Protect the Future of Harness Racing"

11 Amend the bill by striking out all of section 3 and inserting the following:

12 'Sec. 3. 8 MRSA §299, sub-§§3 and 4 are enacted to read:

13 3. Track closure distribution. Notwithstanding subsection 2, if a commercial track
14 ceases operation and is not immediately replaced by a commercial track in the same
15 region that is owned by the same owner as the commercial track that ceased operation, all
16 amounts credited to the fund established by this section must be disbursed to the
17 remaining commercial tracks and to agricultural fair licensees that conduct live racing
18 based on days raced during extended meets up to a maximum of 100 days raced during
19 extended meets per year and until such time as a new commercial track begins operation.
20 The payment to a commercial track or agricultural fair is determined by dividing the
21 amount in the fund by 150 and multiplying the result by the number of days raced by that
22 commercial track or agricultural fair. An agricultural fair must receive its payment on
23 May 30th before extended meets are held based on assigned dates for extended meets for
24 that agricultural fair. An adjustment must be made no later than the January 30th
25 following the extended meets that results in payment to an agricultural fair based on days
26 actually raced during extended meets by that agricultural fair. Any amount remaining in
27 the fund on January 30th after payments are made to commercial tracks and agricultural
28 fairs must be transferred to the operating account of the commission under section 267-A.

29 For the purposes of this subsection, "region" is determined by measuring a distance of 50
30 miles from the center of the racing track along the most commonly used roadway, as
31 determined by the Department of Transportation, drawing a circle around the center of
32 the racing track using that 50-mile measurement and excluding those municipalities or
33 unorganized territories that do not have boundaries contained entirely by that circle.

34 4. Natural disaster exception. If the commission determines that a commercial
35 track is unable to conduct harness racing due to a natural disaster and that the commercial
36 track licensee cannot immediately relocate to another venue, the commercial track
37 licensee may be allowed up to 6 months to repair, rebuild or relocate at the discretion of

COMMITTEE AMENDMENT "A" to H.P. 705, L.D. 1022

1 the commission and, if the commercial track licensee repairs, rebuilds or relocates within
 2 the time frame allowed, the commission may authorize the commercial track licensee to
 3 again receive distributions in accordance with subsection 2. If the commercial track
 4 licensee is unable to repair, rebuild or relocate during this 6-month time frame due to
 5 circumstances that are determined by the commission to be outside of the control of the
 6 commercial track licensee, the commission may grant a reasonable extension beyond 6
 7 months. During any time that is granted by the commission under this subsection to the
 8 commercial track licensee in order to repair, rebuild or relocate, the distribution formula
 9 established under subsection 3 must be in effect.'

10 **SUMMARY**

11 This amendment adds a process whereby, in the event of a natural disaster, a
 12 commercial track may repair, rebuild or relocate at the discretion of the State Harness
 13 Racing Commission. During any time that is granted by the commission to a commercial
 14 track to repair, rebuild or relocate, the distribution formula provided in the bill for the
 15 distribution of funds from the Fund to Encourage Racing at Maine's Commercial Tracks
 16 in the event of a track closure applies.

17 **FISCAL NOTE REQUIRED**

18 (See attached)



Approved: 06/08/15 *MAC*

127th MAINE LEGISLATURE

LD 1022

LR 1321(02)

An Act To Protect the Future of Harness Racing

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-377)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue decrease - General Fund
Contingent current biennium revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

Under current law, 4% of the net slot machine income from Hollywood Casino is directed to the Fund to Encourage Racing at Maine's Commercial Tracks (Racing Fund), but this 4% of net slot income is directed to the General Fund if all commercial tracks obtain a license to operate slot machines. As this contingency has not been met, the 4% has never gone to the General Fund. This bill requires that 4% of net slot machine income continue to go to the Racing Fund regardless of whether or not all commercial tracks obtain licenses to operate slot machines. In fiscal year 2013-14, the Racing Fund received \$1,663,283 from Hollywood Casino's 4% of net slot machine income.

The bill requires all funds within the Racing Fund be disbursed to certain commercial tracks and agricultural fairs if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track ceasing operations. There is currently \$150,652 within the Racing Fund. Any amount remaining in the Racing Fund on January 30th of each year after payments are made to commercial tracks and agricultural fairs must be transferred to the Harness Racing Commission's operating account.