

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1022

H.P. 705

House of Representatives, March 19, 2015

An Act To Protect the Future of Harness Racing

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MAREAN of Hollis.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: BLACK of Wilton, EVANGELOS of Friendship, KINNEY of Limington,
NADEAU of Winslow, NUTTING of Oakland, TIMMONS of Cumberland, WHITE of
Washburn, Senator: DILL of Penobscot.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period to provide funding as soon as possible to ensure the continuation of racing if a
5 commercial track closes; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 8 MRSA §267-A, sub-§2, ¶¶B and C,** as enacted by PL 2007, c. 539,
12 Pt. G, §6 and affected by §15, are amended to read:

13 B. All fees collected by the commission pursuant to ~~section~~ sections 271, 275-D and
14 279-A; ~~and~~

15 C. Any funds allocated or appropriated to the operating account; and

16 **Sec. 2. 8 MRSA §267-A, sub-§2, ¶D** is enacted to read:

17 D. Any funds deposited in the operating account pursuant to section 299, subsection
18 3.

19 **Sec. 3. 8 MRSA §299, sub-§3** is enacted to read:

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

36 For the purposes of this subsection, "region" is determined by measuring a distance of 50
37 miles from the center of the racing track along the most commonly used roadway, as
38 determined by the Department of Transportation, drawing a circle around the center of

1 the racing track using that 50-mile measurement and excluding those municipalities or
2 unorganized territories that do not have boundaries contained entirely by that circle.

3 **Sec. 4. 8 MRSA §1036, sub-§2, ¶H**, as amended by PL 2011, c. 358, §4, is
4 further amended to read:

5 H. Four percent of the net slot machine income must be forwarded by the board to
6 the Treasurer of State, who shall credit the money to the Fund to Encourage Racing at
7 Maine's Commercial Tracks, established in section 299; ~~however, the payment~~
8 ~~required by this paragraph is terminated when all commercial tracks have obtained a~~
9 ~~license to operate slot machines in accordance with this chapter, in which case, that~~
10 ~~4% of the net slot machine income must be credited to the General Fund as~~
11 ~~undicated revenue;~~

12 **Emergency clause.** In view of the emergency cited in the preamble, this
13 legislation takes effect when approved.

14 SUMMARY

15 This bill removes the provision of law that terminates certain payments of net slot
16 machine income to the Fund to Encourage Racing at Maine's Commercial Tracks when
17 all commercial tracks have obtained a license to operate slot machines. It also provides
18 that if a commercial track ceases operation and is not immediately replaced by a
19 commercial track in the same region that is owned by the same owner as the commercial
20 track that ceased operation, all amounts in the fund must be disbursed to the remaining
21 commercial tracks and to agricultural fairs based on days raced during extended meets up
22 to a maximum of 100 days raced during extended meets per year and until such time as a
23 new commercial track begins operation.

24 A commercial track or agricultural fair receives a payment per race day equal to the
25 quotient of the amount in the fund divided by 150. Any amount remaining in the fund
26 after payments are made to commercial tracks and agricultural fairs must be transferred to
27 the operating account of the Harness Racing Commission.