

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1024

H.P. 707

House of Representatives, March 19, 2015

### An Act To Preserve Agricultural Fairs

(EMERGENCY)

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative MAREAN of Hollis.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: BLACK of Wilton, EVANGELOS of Friendship, FARRIN of Norridgewock,  
KINNEY of Limington, SAUCIER of Presque Isle, TIMBERLAKE of Turner, TIMMONS of  
Cumberland, WHITE of Washburn.

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,** the agricultural fair season starts before the expiration of the 90-day  
4 period and this legislation seeks to preserve agricultural fairs; and

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

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

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

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

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

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

16           D. Any funds deposited in the operating account pursuant to section 275-P,  
17 subsection 5.

18           **Sec. 3. 8 MRSA §275-D, sub-§3,** as amended by PL 2003, c. 401, §12, is further  
19 amended to read:

20           **3. Notice to commercial racetracks; objections.** An applicant shall send written  
21 notice of its application for an off-track betting license to any commercial racetrack in  
22 whose market area the facility will be located and shall present proof to the commission  
23 that it has provided the notice. The notice must include all information contained in the  
24 application except information described in subsection 2, paragraph Q. A commercial  
25 racetrack shall notify the commission within 30 days of receiving notice if the racetrack  
26 objects to the location of the facility based on adverse impact to the commercial track.  
27 The commission shall suspend consideration of the application for the 30-day objection  
28 period. If the commission receives an objection from a racetrack in whose market area  
29 the facility would be located within the 30-day period, the commission shall reject the  
30 application. If the commission does not receive an objection within that period, the  
31 commission may proceed to consider the application. For purposes of this subsection, the  
32 market area is determined by measuring a distance of ~~50~~ 35 miles from the center of the  
33 racetrack along the most commonly used roadway adjacent to the racetrack, as  
34 determined by the Department of Transportation, drawing a circle around the center of  
35 the racetrack using that ~~50-mile~~ 35-mile measurement.

36           **Sec. 4. 8 MRSA §275-O,** as amended by PL 1999, c. 421, §2, is repealed.

37           **Sec. 5. 8 MRSA §275-P** is enacted to read:

1           **§275-P. Reduced payments for facilities first licensed after January 1, 2015**

2           **1. Eligible licensees.** This section applies to licensees of off-track betting facilities  
3 that are first licensed after January 1, 2015.

4           **2. Off-track betting facility intrastate simulcasting.** For an off-track betting  
5 facility first licensed after January 1, 2015, the distribution of the commission on  
6 simulcasting of races originating at a racetrack in the State by an off-track betting facility  
7 is calculated as percentages of the handle and distributed as follows.

8           A. On exotic wagers:

- 9                   (1) The Stipend Fund share is 2%;  
10                   (2) The horsemen's purse share is 2%;  
11                   (3) The track share is 2%; and  
12                   (4) The off-track betting facility share is 20%.

13           B. On regular wagers:

- 14                   (1) The Stipend Fund share is 2%;  
15                   (2) The horsemen's purse share is 2%;  
16                   (3) The track share is 2%; and  
17                   (4) The off-track betting facility share is 12%.

18           **3. Off-track betting facility interstate simulcasting with commingled pools.** The  
19 distribution of the commission on simulcasting of races with commingled pools  
20 originating at a racetrack in another state by an off-track betting facility is calculated as  
21 percentages of the commission and distributed as follows.

22           A. On exotic wagers:

- 23                   (1) The Stipend Fund share is 5%;  
24                   (2) The purse supplement share is 2%;  
25                   (3) The Harness Racing Promotional Fund share is 1%;  
26                   (4) The off-track betting facility share is 2%; and  
27                   (5) The off-track betting facility simulcast fund share is 90%.

28           B. On regular wagers:

- 29                   (1) The Stipend Fund share is 5%;  
30                   (2) The purse supplement share is 2%;  
31                   (3) The Harness Racing Promotional Fund share is 1%;  
32                   (4) The off-track betting facility share is 2%; and  
33                   (5) The off-track betting facility simulcast fund share is 90%.



1 that have a market area with a population of less than 50,000 persons to distribute funds  
2 at a reduced rate.