MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1024

H.P. 707

House of Representatives, March 19, 2015

An Act To Preserve Agricultural Fairs

(EMERGENCY)

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

ROBERT B. HUNT

R(+ 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.

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

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

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

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

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- **Sec. 1. 8 MRSA §267-A, sub-§2, ¶¶B and C,** as enacted by PL 2007, c. 539, Pt. G, §6 and affected by §15, are amended to read:
- B. All fees collected by the commission pursuant to section sections 271, 275-D and 279-A; and
 - 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:
- D. Any funds deposited in the operating account pursuant to section 275-P, subsection 5.
 - **Sec. 3. 8 MRSA §275-D, sub-§3,** as amended by PL 2003, c. 401, §12, is further amended to read:
 - 3. Notice to commercial racetracks; objections. An applicant shall send written notice of its application for an off-track betting license to any commercial racetrack in whose market area the facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in subsection 2, paragraph Q. A commercial racetrack shall notify the commission within 30 days of receiving notice if the racetrack objects to the location of the facility based on adverse impact to the commercial track. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from a racetrack in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this subsection, the market area is determined by measuring a distance of 50 35 miles from the center of the racetrack along the most commonly used roadway adjacent to the racetrack, as determined by the Department of Transportation, drawing a circle around the center of the racetrack using that 50-mile 35-mile measurement.
 - **Sec. 4. 8 MRSA §275-O,** as amended by PL 1999, c. 421, §2, is repealed.
 - Sec. 5. 8 MRSA §275-P is enacted to read:

| 1 | §275-P. Reduced payments for facilities first licensed after January 1, 2015 |
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| 2 3 | 1. Eligible licensees. This section applies to licensees of off-track betting facilities that are first licensed after January 1, 2015. |
| 4 5 6 7 | 2. Off-track betting facility intrastate simulcasting. For an off-track betting facility first licensed after January 1, 2015, the distribution of the commission on simulcasting of races originating at a racetrack in the State by an off-track betting facility 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 19 20 21 | 3. Off-track betting facility interstate simulcasting with commingled pools. The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by an off-track betting facility is calculated as 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 2 3 4 | 4. Off-track betting facility interstate simulcasting with noncommingled pools. The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by an off-track betting facility is calculated as percentages of the handle and distributed as follows. |
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| 5 | A. On exotic wagers: |
| 6 | (1) The purse supplement share is 1.5%; |
| 7 | (2) The Stipend Fund share is 2%; |
| 8 | (3) The off-track betting facility simulcast fund share is 1.5%; and |
| 9 | (4) The off-track betting facility share is 21%. |
| 10 | B. On regular wagers: |
| 11 | (1) The Stipend Fund share is 1.5%; |
| 12 | (2) The purse supplement share is 1.5%; |
| 13 | (3) The off-track betting facility simulcast fund share is 1%; and |
| 14 | (4) The off-track betting facility share is 14%. |
| 15 16 17 18 19 20 21 22 23 24 25 26 27 28 | 5. Payments from the Stipend Fund. Notwithstanding any other provision of law, the amounts payable to the Stipend Fund under this section must be divided at the rate of \$3,500 per day for a maximum of 5 days among the fair licensees that conducted parimutuel racing in conjunction with their annual agricultural fairs in 2014 with an average daily live handle of less than \$19,000. Any excess funds must be credited to the operating account for the commission as provided for in section 267-A, subsection 2, paragraph D. 6. Condition for licensee of existing off-track betting facility. The owner of an off-track betting facility licensed on January 1, 2015 may open and license other off-track betting facilities subject to this section as long as the owner continues to remain licensed and operate the off-track betting facility licensed on January 1, 2015. In no case may an off-track betting facility be licensed within 20 miles of an existing off-track betting facility as measured along the most commonly used roadway adjacent to the off-track betting facility as determined by the Department of Transportation. |
| 29 30 | Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved. |
| 31 | SUMMARY |
| 32 33 34 35 36 37 | This bill directs off-track betting facilities first licensed after January 1, 2015 to distribute funds at rates different from those distributed by off-track betting facilities first licensed before January 1, 2015. The bill allows owners of facilities licensed before January 1, 2015 to open new facilities. The bill also changes the market area regarding the location of an off-track betting facility from within 50 miles of the center of a racetrack betting facility to within 35 miles and repeals the law allowing licensees of off- |
| 38 | track betting facilities that were licensed and open for business before April 1, 2000 and |

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