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# **ANNUAL REPORT ON USE OF FUNDS**

**PURSUANT TO 8 MRS SECTION 1037**

**2012**

**PRESENTED TO THE JOINT STANDING COMMITTEES ON:**

**VETERANS AND LEGAL AFFAIRS;  
AGRICULTURE, CONSERVATION AND FORESTRY; AND,  
APPROPRIATIONS AND FINANCIAL AFFAIRS**

**FEBRUARY 15, 2013**

**SUBMITTED BY:**

**HENRY W. JACKSON, EXECUTIVE DIRECTOR  
MAINE STATE HARNESS RACING COMMISSION  
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

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STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
MAINE STATE HARNESS RACING COMMISSION  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0028

PAUL R. LEPAGE  
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HENRY W. JACKSON  
EXECUTIVE DIRECTOR

February 15, 2013

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Representative Louis J. Luchini, House Chair  
Joint Standing Committee on Veterans and Legal Affairs

Senator Troy Jackson, Senate Chair  
Representative James F. Dill, House Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry

Senator Dawn Hill, Senate Chair  
Representative Margaret R. Rotundo, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

Dear Committee Chairs:

This report is being submitted on behalf of the Maine Department of Agriculture, Conservation and Forestry and the Maine State Harness Racing Commission's executive director pursuant to 8 MRS Section 1037, Annual Report on Use of Funds. The information contained in the Report conforms to the requirements outlined in Section 1037 as it pertains to commercial tracks; agricultural fairs that conduct harness racing; agricultural fairs that do not conduct harness racing; breeders and owners within the Maine Standardbred program; and, off-track betting facilities.

The Report has been compiled from data that was submitted by licensees that received a share of the funds generated in 8 MRS Section 1036. The figures that are contained in this report are for calendar year 2012.

Respectfully submitted by,

Henry W. Jackson  
Executive Director  
Maine State Harness Racing Commission

CC: Walter E. Whitcomb, Commissioner, Dept. of Agriculture, Conservation and Forestry  
George McHale, Chair, Maine State Harness Racing Commission

## **Commercial Race Tracks**

There were two (2) licensed pari mutuel facilities that met the definition of a Commercial Race Track pursuant to 8 MRS Section 275-A. One is located in Scarborough and the other one is located in Bangor.

Scarborough Downs conducted 111 days of live racing and was licensed to accept pari mutuel wagers on simulcast races for 363 days. Bangor Raceway conducted 54 days of live racing and was licensed to accept pari mutuel wagers on simulcast races for 363 days.

Beginning November 1, 2011, Bangor Raceway opened its new pari mutuel operations in a renovated portion of Hollywood Slots and Hotel located at 500 Main Street. This facility will be open year round accepting pari mutuel wagers on simulcast races and the pari mutuel facility located at Bass Park will be open to accept pari mutuel wagers on live and simulcast races when live racing is conducted at Bangor Raceway.

The information required to be reported in 8 MRS Section 1037 subsection 1 is contained on the following pages.

Scarborough Downs

Racino Fund to Encourage Racing At Maine Commercial Racetracks	1,323,860.56
Commercial Meet Fund Capital Improvements	1,470.20
Purse Supplement Handle	322,401.83
Extended Meet	0.00
Commercial Meet	1,470.20
Live On Track	33,915.84
Interstate On Track	1,015,529.66
Intertrack to Orig. Track	3,160.68
OTB Purse to Orig. Track	27,360.71
Racino Funds	2,438,041.10
Ag. Fair Support Fund Racino	248,265.76
Casino Funds	147,217.61
Ag. Fair Support Fund Casino	50,053.98
OTB to Orig. Track Track Share	30,081.24
Payment MHHA	63,650.53
Purse Paid	3,673,488.00
Days Raced	111.00
Dashes Raced	1,128.00
Dashes Available To OTB Intra State	1,128
To OTB Inter State	1,128
Total Live Wagers	1,412,679
Total Intra State Wagers	49,035
Total Inter State Wagers	12,742,060
Track Share	1,955,595.12
Ag. Fair Stipend Fund	153,674.89
Sire Stakes Fund	139,606.70
Promotional Board Fund	32,726.64
Purse Supplement Fund	129,420.94
Commission Operating Budget	219,022.49
Horsemen's Purse On Track	1,049,445.50

Capital Improvements

2012	5,950
Number of Employees Full Time	34
Part Time	56
Operating Costs	1,800,960
Profit And Loss	187,465
Depreciation Figures	-123,000
Administrative Costs of Reporting Requirements	500

Bangor Raceway			
Racino Fund to Encourage Racing At Maine Commercial Racetracks	655,966.95	Capital Improvements 2012	6,039.50
Commercial Meet Fund Capital Improvements	505.75		
OTB Simulcast Fund	78,394.34		
Purse Supplement Handle	159,748.66		
Extended Meet	0.00	Number of Employees Full Time	7
Commercial Meet	505.75	Part Time	29
Live On Track	10,905.89		
Interstate On Track	102,858.42	Operating Costs	1,822,064.00
Intertrack to Orig. Track	3,979.93		
OTB Purse to Orig. Track	8,033.12	Profit And Loss or Depreciation Figures	-277,558.00 313,510.00
Racino Funds	1,257,925.46		
Ag. Fair Support Fund Racino	128,308.40	Administrative Costs of Reporting Requirements	0.00
Casino Funds	75,958.02		
Ag. Fair Support Funds Casino	25,825.73		
OTB to Orig. Track Track Share	9,008.46		
Payment MHHA	30,523.24		
Purse Paid	1,761,600.00		
Days Raced	55		
Dashes Raced	582		
Dashes Available To OTB Intra State	582		
To OTB Inter State	582		
Total Live Wagers	450,181		
Total Intra State Wagers	84,875		
Total Inter State Wagers	3,175,501		
Track Share	519,173.45		
Ag. Fair Stipend Fund	40,351.23		
Sire Stakes Fund	39,975.61		
Promotional Board Fund	8,601.51		
Purse Supplement Fund	34,023.98		
Commission Operating Budget	61,461.17		
Horsemen's Purse On Track	113,764.31		



### **Agricultural Fairs that Conduct Harness Racing**

There were nine (9) licensed agricultural fairs that conducted harness racing during their annual exhibition. The total number of days awarded to these nine agricultural fairs to conduct harness racing is 56 days.

The information required to be reported in 8 MRS Section 1037 subsection 2 is contained on the following page.

It should be noted that absent a requirement in the statute to keep the funds received from the racino operating in Bangor, most fairs comingled these funds in either their general operating account or in the horsemen's purse account. Therefore, there is not an independent accounting for the funds received pursuant to 8 MRS Section 286 and 7 MRS Section 86. However, after reviewing the annual reports required for submission to this office, it has been determined that these funds have been used in accordance with the provisions found in 8 MRS Section 286 and 7 MRS Section 86.

2012 Agricultural Fairs that Conduct Harness Racing

Fair	Handle Purse Supplement	Racino Purse Supplement	Casino Purse Supplement	Ag. Fair Racino Purse Supplement	Ag Fair Casino Purse Supplement	On Track Purse Supplement	OTB Purse Supplement	Payment MHHA Funding	Purses Paid	Days Raced	Dashes Raced	Dashes Available to OTB	Total Amount Wagered
Cumberland	27,427.13	131,844.42	7,961.23	13,448.13	2,706.82	3,011.30	1,815.16	3,009.84	173,708.00	6	61	61	125,334
Cumberland Ext.	2,904.52	21,613.84	1,305.12	2,204.61	443.74	205.34	0.00	453.97	26,200.00	1	10	0	8,264
Farmington	20,331.65	151,296.88	9,135.84	15,432.28	3,106.19	3,893.15	2,569.41	3,678.52	212,300.00	7	70	70	155,613
Fryeburg	17,427.12	136,167.19	8,222.26	13,889.05	2,795.57	13,011.66	0.00	3,498.32	201,900.00	6	63	0	558,479
Northern Maine	17,427.13	116,714.73	7,047.65	11,904.90	2,396.20	1,966.73	0.00	2,716.87	156,800.00	6	54	0	91,112
Oxford	11,618.08	105,907.81	6,395.09	10,802.60	2,174.33	2,106.79	1,217.11	2,708.21	156,300.00	4	49	49	86,668
Skowhegan	20,331.65	162,103.79	9,788.41	16,534.59	3,328.06	4,991.87	2,023.04	3,598.82	207,700.00	7	75	75	201,673
Topsham	14,522.60	108,069.19	6,525.61	11,023.06	2,218.70	1,678.35	1,056.17	2,625.04	151,500.00	5	50	50	67,878
Union	14,522.60	103,746.43	6,264.58	10,582.14	2,129.96	2,310.28	0.00	2,391.99	138,050.00	5	48	0	94,144
Windsor	26,140.69	216,138.40	13,051.21	22,046.12	4,437.41	12,892.11	3,506.60	5,237.95	302,300.00	9	100	100	517,071

Fair	OTB Simulcast Fund	Premiums Approved	Facilities Approved	Bangor Racino Stipend	Oxford Casino Stipend	Premium Stipend	Facility Stipend	Attendance Paid	Attendance Free & Vendor	Attendance Total	Labor Costs	Operating Expenses
Cumberland	13,121.13	112,305	56,574	63,593.30	14,712.60	13,763	16,156	28,430	14,368	42,798	93,445.79	420,830.79
Farmington	18,160.04	67,110	25,842	38,001.39	8,791.80	8,224	16,156	19,115	885	20,000	53,400.12	99,727.11
Fryeburg	0.00	327,430	517,171	185,408.96	42,895.22	40,126	16,156	143,741	143,759	287,500	713,443.00	1,675,975.00
Northern Maine	0.00	74,944	21,030	42,437.43	9,818.10	9,184	16,156	20,064	4,986	25,050	62,101.09	132,650.00
Oxford	8,736.44	54,929	19,831	30,103.84	7,196.02	6,732	16,156	20,150	5,163	25,313	7,083.00	448,969.00
Skowhegan	13,822.84	112,197	36,835	63,532.14	14,698.46	13,750	16,156	52,000	2,000	54,000	55,219.00	586,696.00
Topsham	7,978.51	52,112	58,920	29,508.69	6,826.97	6,386	16,156	17,081	3,000	20,081	19,500.00	183,508.37
Union	0.00	71,084	35,029	40,251.69	9,312.42	8,711	16,156	24,406	6,101	30,507	17,505.00	280,487.00
Windsor	25,746.02	131,838	114,915	74,653.96	17,271.54	16,157	16,156	46,685	48,315	95,000	85,084.00	633,735.00

### **Agricultural Fairs that do not Conduct Harness Racing**

There were fifteen (15) licensed agricultural fairs that did not conduct harness racing during their annual exhibition.

The information required to be reported in 8 MRS Section 1037 subsection 3 is contained on the following page.

It should be noted that absent a requirement in the statute to keep the funds received from the racino operating in Bangor, most fairs comingled these funds in their general operating account. Therefore, there is not an independent accounting for the funds received pursuant to 8 MRS Section 286 and 7 MRS Section 86. However, after reviewing the annual reports required for submission to this office, it has been determined that these funds have been used in accordance with the provisions found in 8 MRS Section 286 and 7 MRS Section 86.

2012 Agricultural Fairs that do not Conduct Harness Racing

Fair	Premiums Approved	Facilities Approved	Bangor Racino Stipend	Oxford Casino Stipend	Handle Premium Stipend	Handle Facility Stipend	Attendance Paid	Attendance Free & Vendor	Attendance Total	Labor Costs	Operating Expenses
Acton Fair	28,940	4,568	16,875.70	3,791.31	3,547	1,525	9,637	373	10,000	5,575.80	78,923.05
Bangor Fair	53,324	0	16,387.43	6,985.75	6,535	2,810	57,325	2,775	60,100	72,075.00	382,000.00
Blue Hill Fair	61,816	5,802	30,195.00	8,098.26	7,576	3,257	25,682	0	25,682	53,885.87	219,255.50
Clinton Fair	45,535	24,895	25,784.43	5,965.35	5,580	2,399	11,633	3,486	15,119	3,472.75	71,018.95
Common Ground Fair	11,634	20,870	6,587.81	1,524.12	1,426	613	41,060	18,007	59,067	49,577.96	404,195.66
Harmony Free Fair	12,649	10,440	7,162.56	1,657.09	1,550	666	0	0	10,000	0.00	44,766.39
Houlton Fair	76,279	5,446	43,193.38	9,992.99	9,348	4,019	8,000	500	8,500	16,965.00	67,913.00
Litchfield Fair	36,497	20,746	20,666.62	4,781.32	4,473	1,923	9,347	2,249	11,596	11,035.50	49,251.32
Monmouth Fair	17,934	0	10,155.22	2,349.46	2,198	945	3,274	1,226	4,500	15.00	26,317.82
North New Portland Fair	9,817	3,506	5,558.93	1,286.08	1,203	517	4,485	165	4,650	1,826.00	2,088.26
Ossipee Valley Fair	35,473	13,585	20,086.77	4,647.17	4,347	1,869	5,094	2,500	7,594	2,829.50	45,932.96
Piscataquis Valley Fair	32,754	1,428	18,547.12	4,290.96	4,014	1,726	8,000	0	8,000	1,866.00	66,941.84
Pittston Fair	29,110	39,611	16,483.69	3,813.58	3,567	1,534	3,566	325	3,991	1,000.00	23,092.89
Springfield Fair	39,392	22,224	22,305.93	5,160.58	4,828	2,075	8,110	898 990	9,100	7,732.57	59,133.00
Waterford World's Fair	10,601	5,868	6,002.87	1,388.79	1,299	558	1,542	308	1,850	0.00	39,668.46
TOTALS	501,755	178,989	265,993.46	65,732.81	61,491	26,436	196,755	32,812	239,749	227,856.95	1,580,499.10

## Standardbred Sire Stakes Program

The industry has experienced an increase in the number of Sire Stakes eligibles participating in overnight events at the various licensed racetracks. However, it is not sufficient enough to replace the number of horses that are no longer able to participate in our overnight racing program. Therefore, we continue to import horses from other racing jurisdictions that are unable to compete favorably in their racing program.

2012

Yearlings Nominated	114
Mares Bred	156
Stallions Registered	34
Total Number of Dashes	172
2 year olds	63
Average Purse per Dash	\$11,254
Average Final Purse	\$52,303
Average Consolation Final	\$17,000
3 year olds	109
Average Purse per Dash	\$11,414
Average Final Purse	\$77,561
Average Consolation Final	\$24,700

The amount received from the operation of the slot facility in Bangor for 2012 was \$1,516,299.30.

Page 13 contains the individuals who received purse money from the Sire Stakes Program and how much each individual earned. It also contains the number of horses that earned purse winnings throughout the racing program.

I have included an accounting of all the funds received for the Sire Stakes Program and the expenditures from that account. There was \$151,946.79 carried over from the 2011 racing year to 2012. At the end of the 2012 racing year there was a deficit due to the decline in revenue from the slots operation in Bangor and the wagering handle.

Further, I have included a breakdown of the number of participants for calendar year 2012.

2012 STALLIONS REGISTERED AND NUMBER OF MARES COVERED

Allamerican Reagan	0
B Dramattic	1
Baron Biltmore	2
Berley	1
Boy Band	13
Cheyenne Hollywood	8
CR Power Glide	6
Credit Marker	2
Current Cast	13
Dancer's Legacy	0
Destry Hanover	2
Eicarls Ramrod	0
Fox Ridge Connor	3
Freedom Hanover	0
Imperial Victory	6
Kerogen	5
Keystone Rodeo	12
Lord Valentine	1
Luke's Frank	2
Matt Cody	0
Musclini	8
Neutralize	11
Noble Venture	12
Pictonian One	2
R S Banker	2
Rare Bunny	0
Roadshow Hall	0
Shipps Super Cruise	2
Solo Speed	0
Southwind Mountain	2
Victor Blue Chip	0
Western Cyclone	12
Western Maverick	26

## 2012 PARTICIPATION STATISTICS

Stallions Registered	34
Mares Bred	156
Yearlings Nominated	114
Two Year Old Continued	117
Two Year Old Sustained	
Pacing	
Colts:	36
Pacing	
Fillies:	32
Trotting	
Colts:	15
Trotting	
Fillies:	23
Three Year Old Continued	133
Three Year Old Sustained	
Pacing	
Colts:	48
Pacing	
Fillies:	33
Trotting	
Colts:	19
Trotting	
Fillies:	19

2012 STANDARD BRED BREEDERS SIRE STAKES FINANCIAL REPORT

TOTAL HANDLE: 35,336,408

REVENUES:

Revenue from the handle	\$355,516.86
2011 Commercial Meet Fund	6,460.00
Fees	39,775.00
Revenue from the Racino, 2012	1,516,299.30
Revenue from Oxford Casino, 2012	298,872.62
<b>TOTAL</b>	<b>\$2,216,923.78</b>

EXPENSES:

Total legs	\$1,669,372.00
Finals	509,859.00
Consolation Finals	78,600.00
MHHA Contract 1.7327%	38,590.67
MSBOA Promotion Contract, Handle, 2012	19,729.09
MSBOA Promotion Contract, Racino, 2012	75,814.97
Printing	0.00
Security For Finals, Scarborough	0.00
Security For Finals MSBOA	0.00
Transfer to Commission Operating Budget	31,428.54
Dicap Charges	0.00
<b>TOTAL</b>	<b>\$2,423,394.27</b>

BALANCE 2012: (\$206,470.49)

BALANCE FROM 2011 151,946.79

BALANCE CARRIED FORWARD TO 2013: (\$54,523.70)

Owes MSBOA 45,544.06



Owner	Number of Horses Earning Purse Money	Amount Earned	Owner	Number of Horses Earning Purse Money	Amount Earned
William Varney	12	239,156.35	Kris Ryder	1	9,260.61
Thomas Dillon	7	215,140.54	Goodwin Gilman	1	8,909.05
KDK Standardbreds	9	179,178.32	Philip Sowers	1	8,770.35
Michael Andrew	4	128,290.73	Marilyn Crochere	1	8,414.75
Michael Graffam	5	108,414.00	Franklin Hiscock	1	7,517.35
Betsy Kelley	2	87,193.05	Douglas Beckwith	1	7,421.67
East Pond Stable	1	86,055.15	James Smallwood	2	7,379.18
Ben Bill and Will Stable	3	74,405.75	Kenneth Orr	2	6,959.80
Glenn Harris	2	67,072.86	Carlton Chamberlin	1	6,625.74
Thomas Smith	2	63,552.32	Arthur Davignon	1	6,426.92
Alfred Ross	1	57,985.34	John Geaghan	1	6,254.89
William Blumhagen	1	57,147.59	Philip McKenzie	1	6,197.05
Lisa Watson	1	35,688.23	Stephen Lacasse	1	5,758.95
Stephen Hall	3	33,531.34	Robert Cushing	2	5,659.93
Winbak Farm	1	32,976.52	PD Cloutier Stable	1	4,975.83
Donna Davies	1	31,346.83	Michael Cushing	2	4,772.71
George Bullukian	1	31,059.50	Robert Tourangeau	2	4,665.70
Harold Dresser	2	28,203.91	Frederick Ward, Jr.	1	4,646.64
We Try Try Try Stable	1	27,379.29	Edward Harrington	1	4,380.87
Ronald Alexander	1	25,962.29	Kathleen Colwell	1	4,340.77
Noella leBalnc	1	25,722.66	Owen Davies	1	4,217.48
Joe Trice	2	23,903.67	Fox Ridge Stable	2	4,055.85
Bruce Hadlock	1	21,503.55	Michael Marston	1	3,891.13
Roland Cole	2	20,778.92	Shirley Lewis	1	3,683.57
Dennis Foss	1	20,232.01	Robert Berry	1	3,521.65
Paul Battis	2	19,646.93	R. Nelson DiPompo, Jr.	2	3,497.12
Florence O'Keefe	1	18,796.57	Joseph Nelson	1	3,288.36
John Regina Stables, Inc.	1	18,013.64	Robert Zakian	1	3,046.77
Gary Hall	2	16,671.34	Kathleen Blash	1	2,818.83
Diane Frazier	1	15,591.86	Ronald Ralph	1	2,724.76
William Roloson	1	15,404.49	Timothy Ferrante	1	2,695.74
David Miller	4	14,134.73	Shannon Watson	1	2,475.05
Laurie Gasbarro	1	12,774.63	Clarence Wildes	1	1,864.95
William Childs	3	12,025.15	Lowell Pease	1	1,565.35
Francis Hanley	1	11,919.45	Warren Hallett	1	1,256.26
Elmer Ballard	1	11,688.24	Larry Dancer	1	1,243.82
Gary Bryant	1	11,232.06	Fred Childs, Jr.	1	1,236.07
Dual-Pats Farm, Inc.	2	10,580.69	Robert Hume	1	1,184.16
Louis Talarico, II	1	10,231.02	Nelson Adams	1	1,112.88
Linwood Perkins	2	9,871.60	J & E Stable, Inc.	1	785.60
Philip Lyons	2	9,716.25	Jack Clements	1	741.92
John Korhonen	2	9,444.98	Danson Farm	1	492.60
			Marcella Dowling	1	472.40

## **Off-track Betting Facilities**

There were four (4) licensed off-track betting facilities that operated in 2012. In December 2011, Sportech LTD sold its interest in John Martin's Manor OTB to Pioneer Gaming LLC, Donald Barberino.

The information required to be reported in 8 MRS Section 1037 subsection 5 is contained on the following pages.

It should be noted that the requirement for Section 1037 subsection 5 paragraph A is not included in this report. None of the off-track betting facilities were able to extract this information from the totalizator records that were in their custody.

The information requiring the amount of capital investments made by each licensee varies by the reporting entity.

Off-track Betting Facility Information

Pioneer Gaming LLC  
Favorites OTB

Number of Wagers	
Amount Wagered	
Intrastate	191,569
Interstate	2,737,619
Number of Employees	
Full Time	2
Part Time	4
Operating Costs	682,620.00
Primary Location	Waterville
Number of Races	
In State	2,290
Capital Improvements	55,000.00
Distribution of Wagering Handle	
OTB Share	318,083.21
Ag. Fair Stipend	31,686.90
Sire Stakes	32,572.38
Purse Supplement	91,744.22
Promotional Board Fund	6,758.03
Commission Operations	57,835.05
OTB Simulcast Fund	84,456.58
Originating Track Share	15,165.45
Horsemen's Purse Acct.	13,778.48
Racino Fund to Stabilize OTB	123,739.23

Off-track Betting Facility Information

LRI, Inc. D/B/A  
Winners Circle OTB

Number of Wagers	
Amount Wagered	
Intrastate	237,563
Interstate	4,844,225
Number of Employees	
Full Time	6
Part Time	8
Operating Costs	867,817.90
Primary Location	Lewiston
Number of Races	
In State	2,290
Capital Improvements	20,800.00
Distribution of Wagering Handle	
OTB Share	527,864.96
Ag. Fair Stipend	52,438.67
Sire Stakes	50,440.53
Purse Supplement	148,057.00
Promotional Board Fund	11,175.00
Commission Operations	91,552.02
OTB Simulcast Fund	142,289.52
Originating Track Share	18,807.08
Horsemen's Purse Acct.	17,152.85
Racino Fund to Stabilize OTB	123,739.23

Off-track Betting Facility Information

Midcoast OTB D/B/A  
Winners.... OTB

Number of Wagers	
Amount Wagered	
Intrastate	112,856
Interstate	3,946,184
Number of Employees	
Full Time	4
Part Time	2
Operating Costs	1,073,243.53
Primary Location	Brunswick
Number of Races	
In State	2,290
Capital Improvements	0.00
Distribution of Wagering Handle	
OTB Share	442,486.91
Ag. Fair Stipend	43,642.57
Sire Stakes	39,516.84
Purse Supplement	121,531.98
Promotional Board Fund	9,294.25
Commission Operations	73,229.89
OTB Simulcast Fund	121,091.75
Originating Track Share	9,117.83
Horsemen's Purse Acct.	8,339.83
Racino Fund to Stabilize OTB	123,739.23

Off-track Betting Facility Information

OTB Facilitators, LLC

Number of Wagers	
Amount Wagered	
Intrastate	64,149
Interstate	3,258,278
Number of Employees	
Full Time	6
Part Time	5
Operating Costs	618,981.00
Primary Location	Sanford
Number of Races	
In State	2,290
Capital Improvements	0.00
Distribution of	
Wagering Handle	
OTB Share	360,169.08
Ag. Fair Stipend	35,136.19
Sire Stakes	32,919.98
Purse Supplement	101,178.35
Promotional Board Fund	7,485.65
Commission Operations	60,268.19
OTB Simulcast Fund	98,500.60
Originating Track Share	5,077.10
Horsemen's Purse Acct.	4,464.61
Racino Fund to Stabilize OTB	123,739.23

## APPENDIX



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
MAINE STATE HARNESS RACING COMMISSION  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0028

PAUL R. LEPAGE  
GOVERNOR

WALTER E. WHITCOMB  
COMMISSIONER

GEORGE W. MCHALE  
CHAIRMAN

HENRY W. JACKSON  
EXECUTIVE DIRECTOR

January 2, 2013

**TO:** Licensed Off-track Betting Facilities; Licensed Race Tracks; and Licensed Agricultural Fairs that Received Funds from the Operation of Slot Facilities in Maine in 2012.

**FROM:** Henry W. Jackson, Executive Director

**RE:** The Reporting Requirements are Found in 2011 Public Laws Chapter 358.

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The First Regular Session of the 125<sup>th</sup> Legislative enacted Legislative Document 393 requiring certain reporting requirements regarding the funds received from the operation of the Slot Facility in Bangor. The distribution of the funds generated at the Slot Facility in Bangor are found in 8 MRS Section 1036, sub-section 2.

**Please provide me with the required information on or before January 25, 2013.**

I am enclosing a copy of 2011 Public Laws Chapter 358 as a guideline of the reporting requirements of each licensee and recipients of the funds identified in the legislation. Also, I am enclosing a copy of 8 MRS Section 1036, sub-section 2.

I will try to answer any questions you may have regarding this reporting requirement.



**Title 8: AMUSEMENTS AND SPORTS**  
**Chapter 31: GAMBLING CONTROL BOARD**  
**Subchapter 3: SLOT MACHINE OPERATION; ALLOCATION OF FUNDS**

**§1036. Allocation of funds**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

**1. Distribution for administrative expenses of board.** A slot machine operator licensed under section 1011, subsection 2 or a casino operator that is a commercial track that was licensed to operate slot machines under section 1011, subsection 2 on January 1, 2011 shall collect and distribute 1% of gross slot machine income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the board.

[ 2011, c. 417, §7 (AMD) .]

**2. Distribution of net slot machine income from casino with commercial track.** A slot machine operator licensed under section 1011, subsection 2 or a casino operator that is a commercial track that was licensed to operate slot machines under section 1011, subsection 2 on January 1, 2011 shall collect and distribute 39% of the net slot machine income from slot machines operated by the slot machine operator to the board for distribution by the board as follows:

A. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board in accordance with rules adopted by the board, except that of the amount calculated pursuant to this paragraph, the following amounts must be transferred annually to the Gambling Addiction Prevention and Treatment Fund established by Title 5, section 20006-B:

(1) For the fiscal year beginning July 1, 2011, \$50,000;

(2) For the fiscal year beginning July 1, 2012, \$50,000; and

(3) For the fiscal year beginning July 1, 2013 and for each fiscal year thereafter, \$100,000; [2009, c. 622, §2 (AMD) .]

B. Ten percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the fund established in section 298 to supplement harness racing purses; [2005, c. 663, §12 (AMD) .]

C. Three percent of the net slot machine income must be credited by the board to the Sire Stakes Fund created in section 281; [2005, c. 663, §12 (AMD) .]

D. Three percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Agricultural Fair Support Fund established in Title 7, section 91; [2007, c. 466, Pt. A, §29 (RPR) .]

E. Ten percent of the net slot machine income must be forwarded by the board to the State Controller and except as otherwise provided in this paragraph credited to the Fund for a Healthy Maine established by Title 22, section 1511 and segregated into a separate account under Title 22, section 1511, subsection 11, with the use of funds in the account restricted to the purposes described in Title 22, section 1511, subsection 6, paragraph E. For the fiscal years ending June 30, 2010, June 30, 2011 and June 30, 2012, the amount credited annually by the

State Controller to the Fund for a Healthy Maine under this paragraph may not exceed \$4,500,000 annually and any funds in excess of \$4,500,000 annually during these fiscal years must be credited as General Fund undedicated revenue, and, for the fiscal year ending June 30, 2013, the amount credited by the State Controller to the Fund for a Healthy Maine under this paragraph is \$0; [2011, c. 657, Pt. E, §1 (AMD).]

F. Two percent of the net slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909; [2005, c. 663, §12 (AMD).]

G. One percent of the net slot machine income must be forwarded by the board to the board of trustees of the Maine Community College System to be applied by the board of trustees to fund its scholarships program under Title 20-A, section 12716, subsection 1; [2005, c. 663, §12 (AMD).]

H. Four percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Encourage Racing at Maine's Commercial Tracks, established in section 299; however, the payment required by this paragraph is terminated when all commercial tracks have obtained a license to operate slot machines in accordance with this chapter, in which case, that 4% of the net slot machine income must be credited to the General Fund as undedicated revenue; [2011, c. 358, §4 (AMD).]

I. Two percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Stabilize Off-track Betting Facilities established by section 300, as long as a facility has conducted off-track wagering operations for a minimum of 250 days during the preceding 12-month period in which the first payment to the fund is required. After 48 months of receiving an allocation of the net slot machine income from a licensed operator, the percent of net slot machine income forwarded to the Fund to Stabilize Off-track Betting Facilities is reduced to 1% with the remaining 1% to be forwarded to the State in accordance with subsection 1; and [2005, c. 663, §12 (AMD).]

J. One percent of the net slot machine income must be forwarded directly to the municipality in which the slot machines are located. [2005, c. 663, §12 (AMD).]

[ 2011, c. 657, Pt. E, §1 (AMD) .]

**2-A. Distribution from casino of slot machine income.** A casino operator shall collect and distribute 46% of the net slot machine income from slot machines operated by the casino operator to the board for distribution by the board as follows:

A. Twenty-five percent of the net slot machine income must be forwarded directly by the board to the Treasurer of State, who shall credit the money to the Department of Education, to be used to supplement and not to supplant funding for essential programs and services for kindergarten to grade 12 under Title 20-A, chapter 606-B; [IB 2009, c. 2, §45 (NEW).]

B. Four percent of the net slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909; [IB 2009, c. 2, §45 (NEW).]

C. Three percent of the net slot machine income must be forwarded by the board to the Board of Trustees of the Maine Community College System to be applied by the board of trustees to fund its scholarships program under Title 20-A, section 12716, subsection 1; [IB 2009, c. 2, §45 (NEW).]

D. Four percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall distribute the funds to the tribal governments of the Penobscot Nation and the Passamaquoddy Tribe; [IB 2009, c. 2, §45 (NEW) .]

E. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board; [IB 2009, c. 2, §45 (NEW) .]

F. Two percent of the net slot machine income must be forwarded directly to the municipality in which the casino is located; [IB 2009, c. 2, §45 (NEW) .]

G. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Agricultural Fair Support Fund established in Title 7, section 91; [IB 2009, c. 2, §45 (NEW) .]

H. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the fund established in section 298 to supplement harness racing purses; [IB 2009, c. 2, §45 (NEW) .]

I. One percent of the net slot machine income must be credited by the board to the Sire Stakes Fund created in section 281; [IB 2009, c. 2, §45 (NEW) .]

J. One percent of the net slot machine income must be forwarded directly to the county in which the casino is located to pay for mitigation of costs resulting from gaming operations; [2011, c. 625, §3 (AMD) .]

K. (TEXT EFFECTIVE UNTIL 7/1/13) (TEXT REPEALED 7/1/13) One percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Conservation and Forestry to help fund dairy farm stabilization pursuant to Title 7, sections 3153-B and 3153-D. This paragraph is repealed July 1, 2013; [2011, c. 625, §3 (AMD); 2011, c. 657, Pt. W, §5 (REV) .]

L. Beginning July 1, 2013, 1/2 of 1% of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Conservation and Forestry to help fund dairy farm stabilization pursuant to Title 7, sections 3153-B and 3153-D; and [2011, c. 625, §4 (NEW); 2011, c. 657, Pt. W, §5 (REV) .]

M. Beginning July 1, 2013, 1/2 of 1% of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Dairy Improvement Fund established under Title 10, section 1023-P. [2011, c. 625, §4 (NEW) .]

If a recipient of net slot machine income in paragraph D, H or I owns or receives funds from a slot machine facility or casino, other than the casino in Oxford County or the slot machine facility in Bangor, then the recipient may not receive funds under this subsection, and those funds must be retained by the Oxford County casino operator.

[ 2011, c. 625, §§3, 4 (AMD); 2011, c. 657, Pt. W, §5 (REV) .]

**2-B. Distribution from casino of table game income.** A casino operator licensed in accordance with section 1011, subsection 2-A, paragraph A shall collect and distribute 16% of the net table game income from table games operated by the

casino operator to the board for distribution by the board as follows:

A. Ten percent of the net table game income must be forwarded directly by the board to the Treasurer of State, who shall credit the money to the Department of Education, to be used to supplement and not to supplant funding for essential programs and services for kindergarten to grade 12 under Title 20-A, chapter 606-B; [IB 2009, c. 2, §46 (NEW).]

B. Three percent of the net table game income must be deposited to the Gambling Control Board administrative expenses Other Special Revenue Funds account, which is a nonlapsing dedicated account; [2011, c. 417, §9 (AMD).]

C. Two percent of the net table game income must be forwarded directly to the municipality in which the table games are located; and [IB 2009, c. 2, §46 (NEW).]

D. One percent of the net table game income must be forwarded directly to the county in which the table games are located to pay for mitigation of costs resulting from gaming operations. [IB 2009, c. 2, §46 (NEW).]

[ 2011, c. 417, §9 (AMD) .]

**2-C. Distribution of table game income from casino with a commercial track.** A casino operator that is a commercial track and was licensed to operate slot machines on January 1, 2011 shall collect and distribute 16% of the net table game income from table games operated by the casino operator to the board for distribution by the board as follows:

A. Nine percent of the net table game income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board; [2011, c. 417, §10 (NEW).]

B. Three percent of the net table game income must be deposited to the Gambling Control Board administrative expenses Other Special Revenue Funds account, which is a nonlapsing dedicated account; [2011, c. 417, §10 (NEW).]

C. Two percent of the net table game income must be forwarded directly to the municipality in which the table games are located; and [2011, c. 417, §10 (NEW).]

D. Two percent of net table game income must be deposited into an account held by the board for distribution to charitable nonprofit organizations that were eligible to conduct beano games and games of chance in accordance with Title 17, chapters 13-A and 62. The account is nonlapsing and no distributions may be made from the account before July 1, 2013. [2011, c. 417, §10 (NEW).]

[ 2011, c. 417, §10 (NEW) .]

**3. Failure to deposit funds.** A slot machine operator or casino operator who knowingly or intentionally fails to comply with this section commits a Class C crime. In addition to any other sanction available by law, the license of the operator may be revoked by the board and the slot machines or table games operated by that slot machine operator or casino operator may be disabled, and the slot machines or table games, slot machines' or table games' proceeds and associated equipment may be confiscated by the board and are subject to forfeiture under Title 17-A, section 959 or 960.

[ IB 2009, c. 2, §47 (AMD) .]

**4. Late payments.** The board may adopt rules establishing the dates on which payments required by this section are due. All payments not remitted when due must be paid together with interest on the unpaid balance at a rate of 1.5% per month.

[ 2003, c. 687, Pt. A, §5 (NEW); 2003, c. 687, Pt. B, §11 (AFF) .]

**5. Annual report on use of funds.**

[ 2011, c. 358, §5 (RP) .]

SECTION HISTORY

2003, c. 687, §A5 (NEW). 2003, c. 687, §B11 (AFF). 2005, c. 109, §1 (AMD). 2005, c. 563, §10 (AMD). 2005, c. 663, §§11,12 (AMD). 2007, c. 466, Pt. A, §29 (AMD). IB 2009, c. 2, §§45-47 (AMD). 2009, c. 462, Pt. H, §1 (AMD). 2009, c. 571, Pt. FFF, §1 (AMD). 2009, c. 622, §2 (AMD). 2011, c. 358, §§4, 5 (AMD). 2011, c. 380, Pt. II, §1 (AMD). 2011, c. 417, §§7-10 (AMD). 2011, c. 477, Pt. DD, §1 (AMD). 2011, c. 625, §§3, 4 (AMD). 2011, c. 657, Pt. E, §1 (AMD). 2011, c. 657, Pt. W, §5 (REV).

**Title 8: AMUSEMENTS AND SPORTS**  
**Chapter 31: GAMBLING CONTROL BOARD**  
**Subchapter 3: SLOT MACHINE OPERATION;**  
**ALLOCATION OF FUNDS**

**§1037. Annual report on use of funds**

Beginning February 15, 2012, the executive director of the State Harness Racing Commission, in consultation with the Commissioner of Agriculture, Conservation and Forestry, annually shall submit a report to the joint standing committees of the Legislature having jurisdiction over slot machines, harness racing, agricultural fairs and appropriations and financial affairs regarding the use of slot machine revenue deposited in funds under section 1036, subsection 2, paragraphs B, C, D, H and I. The executive director and the commissioner shall obtain the information as described in this section. The report required by this section must be completed using budgeted resources. The executive director may not distribute funds listed under section 1036, subsection 2, as applicable, to harness racing tracks, off-track betting facilities, agricultural fairs or the Sire Stakes Fund under section 281 until the information required to submit the report required by this section is provided. [2011, c. 358, §6 (NEW); 2011, c. 657, Pt. W, §6 (REV).]

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

- A. The total amount wagered on live harness races; [2011, c. 358, §6 (NEW).]
- B. The total amount wagered on intrastate simulcast races; [2011, c. 358, §6 (NEW).]
- C. The total amount wagered on interstate simulcast races; [2011, c. 358, §6 (NEW).]
- D. The number of harness races originated in the State and made available for simulcast outside of the State; [2011, c. 358, §6 (NEW).]
- E. The amount of the harness racing handle from wagers at the commercial track kept by that commercial track and the distribution of the handle to the State and industry recipients under section 286; [2011, c. 358, §6 (NEW).]
- F. The amount received from the handle distribution from wagers at other tracks and off-track betting facilities under section 286; [2011, c. 358, §6 (NEW).]
- G. The amount of revenue received in accordance with section 1036, subsection 2, paragraphs B, D and H; [2011, c. 358,

§6 (NEW) .]

H. The number of full-time and part-time employees at the commercial track; [2011, c. 358, §6 (NEW) .]

I. The amount, if any, spent on capital improvements to the commercial track and related facilities and a description of those improvements. The first report must include the amount spent since November 2005, shown by year. Subsequent annual reports must include the amount spent on capital improvements the immediately preceding calendar year; [2011, c. 358, §6 (NEW) .]

J. Operating costs for the commercial track; [2011, c. 358, §6 (NEW) .]

K. Profit and loss or depreciation figures for the commercial track; and [2011, c. 358, §6 (NEW) .]

L. Administrative costs to comply with reporting requirements and contributions to the State Harness Racing Commission's operating account described in section 267-A. [2011, c. 358, §6 (NEW) .]

[ 2011, c. 358, §6 (NEW) .]

**2. Agricultural fair that conducts harness racing.** The report required by this section must include the following with regard to the use of slot machine revenue distributed to an agricultural fair that is licensed under chapter 11 to conduct harness racing:

A. An estimate of the number of people that attended the agricultural fair, including separate estimates of paid attendance, free-pass attendance, vendor attendance and attendance under a local campground pass; [2011, c. 358, §6 (NEW) .]

B. The total amount wagered on harness races at the agricultural fair; [2011, c. 358, §6 (NEW) .]

C. The number of harness races originated at the agricultural fair and made available for simulcast outside of the State; [2011, c. 358, §6 (NEW) .]

D. The amount of the harness racing handle received by the agricultural fair under section 286; [2011, c. 358, §6 (NEW) .]

E. The amounts, reported separately, of revenue received in accordance with section 1036, subsection 2, paragraphs B and D, the Stipend Fund under Title 7, section 86 and from any other source in accordance with rules adopted under section 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5 by the Commissioner of Agriculture, Conservation and Forestry or the State Harness Racing Commission; and [2011, c. 358, §6 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

F. The amount of revenue received to supplement harness racing purses, pay fair premiums, make capital improvements to

fairground facilities, racing venues or grandstand operations and labor costs and operating expenses. [2011, c. 358, §6 (NEW).]

[ 2011, c. 358, §6 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

**3. Agricultural fair that does not conduct harness racing.**

The report required by this section must include the following with regard to an agricultural fair:

A. The amount spent to pay fair premiums make capital improvements to fairground facilities and labor costs and operating expenses; [2011, c. 358, §6 (NEW).]

B. The amounts, reported separately, received from slot machine revenue in accordance with section 1036, subsection 2, paragraph D, the Stipend Fund under Title 7, section 86 and from any other source in accordance with rules adopted under section 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5 by the Commissioner of Agriculture, Conservation and Forestry or the State Harness Racing Commission; and [2011, c. 358, §6 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

C. An estimate of the number of people that attended the agricultural fair, including separate estimates of paid attendance, free-pass attendance, vendor attendance and attendance under a local campground pass. [2011, c. 358, §6 (NEW) .]

[ 2011, c. 358, §6 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

**4. Breeders and owners within the Maine Standardbred**

**program.** A report required by this section must include the following information from horse breeders and owners within the Maine Standardbred program established pursuant to section 281 who receive a distribution under section 1036, subsection 2, paragraph C:

A. The number of mares bred by each Maine Standardbred stallion as reported to the State Harness Racing Commission; [2011, c. 358, §6 (NEW) .]

B. An assessment of whether the number of Maine Standardbred horses in the State is sufficient to grow and sustain harness racing in the State; [2011, c. 358, §6 (NEW) .]

C. The number of yearling horses eligible and nominated to participate in sire stakes racing; [2011, c. 358, §6 (NEW) .]

D. The amount received from slot machine revenue in accordance with section 1036, subsection 2, paragraph C; [2011, c. 358, §6 (NEW) .]

E. The total number of qualifying dashes for sire stakes races and the average purse for each dash sorted by the age of the horse and the average purse for each sire stakes final dash sorted by the age of the horse; and [2011, c. 358, §6 (NEW) .]



F. An accounting of the Sire Stakes Fund, including the total amount of the fund at the beginning and end of the racing season and, reported separately, expenditures used to supplement purses, pay breeder promotional contracts, pay advertising costs, make payments to a statewide horsemen association, pay administrative costs and make contributions to the operating account described in section 267-A. [2011, c. 358, §6 (NEW).]

[ 2011, c. 358, §6 (NEW) .]

**5. Off-track betting facility.** The report required by this section must include, with regard to a facility licensed to conduct off-track betting on harness racing:

A. The number of individual wagers placed on intrastate and interstate simulcast races and the total amount for each; [2011, c. 358, §6 (NEW).]

B. The number of full-time and part-time employees of the off-track betting facility; [2011, c. 358, §6 (NEW).]

C. The operating costs for the off-track betting facility; [2011, c. 358, §6 (NEW).]

D. The name and primary location of the company licensed to operate the off-track betting facility; [2011, c. 358, §6 (NEW).]

E. The total number of races originating in the State received for simulcast as reported by the off-track betting facility; [2011, c. 358, §6 (NEW).]

F. The amount, if any, spent on capital improvements to the off-track betting facility and a description of those improvements. The first report must include the amount spent since November 2005, shown by year. Subsequent annual reports must include the amount spent on capital improvements the immediately preceding calendar year; [2011, c. 358, §6 (NEW).]

G. The amount of the harness racing handle kept by the off-track betting facility and the distribution of the handle to the State and industry recipients under section 286; [2011, c. 358, §6 (NEW).]

H. The amount received from the handle distribution from wagers at tracks and other off-track betting facilities under section 286; and [2011, c. 358, §6 (NEW).]

I. The amount of revenue received in accordance with section 1036, subsection 2, paragraph I. [2011, c. 358, §6 (NEW).]

[ 2011, c. 358, §6 (NEW) .]

**6. Other recipients.** The Fund for a Healthy Maine's program providing prescription drugs for adults who are elderly or disabled, the University of Maine System and the Maine Community College System shall submit reports that include the amount of slot machine

revenue received under section 1036, subsection 2 and how that revenue was used to meet the statutory requirements cited in section 1036, subsection 2, paragraphs E, F and G, respectively.

[ 2011, c. 358, §6 (NEW) .]

SECTION HISTORY

2011, c. 358, §6 (NEW). 2011, c. 657, Pt. W, §6 (REV).