

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL  
AFFAIRS**

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... *carried over to a subsequent session of the Legislature*  
*CON RES XXX*..... *chapter # of constitutional resolution passed by both houses*  
*CONF CMTE UNABLE TO AGREE*..... *Committee of Conference unable to agree; legislation died*  
*DIED BETWEEN HOUSES*..... *House & Senate disagreed; legislation died*  
*DIED IN CONCURRENCE*..... *defeated in each house, but on different motions; legislation died*  
*DIED ON ADJOURNMENT*..... *action incomplete when session ended; legislation died*  
*EMERGENCY*..... *enacted law takes effect sooner than 90 days after session adjournment*  
*FAILED, EMERGENCY ENACTMENT or PASSAGE*..... *emergency failed to receive required 2/3 vote*  
*FAILED, ENACTMENT or FINAL PASSAGE*..... *failed to receive final majority vote*  
*FAILED, MANDATE ENACTMENT*..... *legislation proposing local mandate failed required 2/3 vote*  
*HELD BY GOVERNOR*..... *Governor has not signed; final disposition to be determined at subsequent session*  
*LEAVE TO WITHDRAW*..... *sponsor's request to withdraw legislation granted*  
*NOT PROPERLY BEFORE THE BODY*..... *ruled out of order by the presiding officer; legislation died*  
*INDEF PP*..... *indefinitely postponed; legislation died*  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... *ought-not-to-pass report accepted; legislation died*  
*P&S XXX*..... *chapter # of enacted private & special law*  
*PUBLIC XXX*..... *chapter # of enacted public law*  
*RESOLVE XXX*..... *chapter # of finally passed resolve*  
*VETO SUSTAINED*..... *Legislature failed to override Governor's veto*

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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withdrawals to place bets on behalf of the account holder and into which the licensee deposits income from winning bets.

Under the amendment, a person is eligible to submit a bid to become the single advance deposit wagering licensee in the State if the person is a commercial track or off-track betting facility licensed in the State or if the person is an entity already licensed to conduct advance deposit wagering in another state. The person is required to execute a contract with the board. The contract will govern the amount of the net commission of advance deposit wagers that will be distributed by the board to recipients such as commercial tracks, the Sire Stakes Fund, the Agricultural Fair Support Fund, off-track betting facilities, harness racing purses and the General Fund. The amendment provides the percentages of the net commission that must be distributed by the board to these recipients.

**Enacted Law Summary**

Public Law 2015, chapter 499 establishes a competitive bid process, to be administered by the Department of Public Safety, Gambling Control Board, to authorize one entity to be licensed to conduct advance deposit wagering in the State on horse racing. The board is charged with adopting rules to govern the conduct of advance deposit wagering in addition to administering the licensing process and enforcement of the laws and rules governing the gambling activity. Advance deposit wagering is a method of wagering on horse racing in which bets are made electronically, by telephone or in person. A bettor establishes an account with the licensee from which the licensee makes withdrawals to place bets on behalf of the account holder and into which the licensee deposits income from winning bets.

Under chapter 499, a person is eligible to submit a bid to become the single advance deposit wagering licensee in the State if the person is a commercial track or off-track betting facility licensed in the State or if the person is an entity already licensed to conduct advance deposit wagering in another state. The person is required to execute a contract with the board. The contract will govern the amount of the net commission of advance deposit wagers that will be distributed by the board to recipients such as commercial tracks, the Sire Stakes Fund, the Agricultural Fair Support Fund, off-track betting facilities, harness racing purses and the General Fund. Finally, this law provides the percentages of the net commission that must be distributed by the board to these recipients.

**LD 1280**

**An Act To Provide Income Tax Relief by Expanding Gaming Opportunities**

**Accepted Report B (ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W COLLINS R	OTP-AM ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Independent Facility Location Commission to solicit bids for the operation of a casino to be located in Cumberland County or York County. The commission must select the best-value bidder to be issued a casino operator license by the Department of Public Safety, Gambling Control Board for an initial license fee of \$5,000,000. The winning bidder must construct a destination resort gaming facility with harness racing, slot machines and table games and a resort that includes a hotel, spa, pool, multiple dining options, entertainment venue, retail space and harness racing track. The casino must be approved by the voters of the county in which it is to be located and by the municipal officers or municipality in which the casino is to be located. The casino operator must enter into an agreement with the municipality where the slot machines are located that provides for revenue sharing or other compensation of at least three percent of the net slot machine income. The limit on the number of slot machines that may be registered in the State is raised from 3,000 to 7,500.

The bill establishes the Income Tax Relief Fund. Allocations from the fund must be made to provide income tax

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relief to the citizens of this State.

The casino operator must distribute 46% of net slot machine income and 16% of net table game income to the Gambling Control Board for distribution by the board as follows:

1. 2.5% to the General Fund for the administrative expenses of the Gambling Control Board and for the Gambling Addiction Prevention and Treatment Fund;
2. 20% to supplement harness racing purses;
3. 5% to the Sire Stakes Fund;
4. 8.5% to the Agricultural Fair Support Fund;
5. 3% to the municipality in which the slot machines and table games are located;
6. 5% to the county in which the slot machines and table games are located;
7. 2% percent to the municipalities that abut the municipality in which the slot machines and table games are located;
8. 2.5% to the Fund to Stabilize Off-track Betting Facilities;
9. 1.5% to the Coordinated Veterans Assistance Fund; and
10. 50% to the Income Tax Relief Fund.

### **Committee Amendment "E" (H-580)**

This amendment replaces the bill and is the majority report of the committee. The amendment establishes a competitive bid process for the operation of a resort-style casino in either York County or Cumberland County. The amendment establishes the Casino Development Commission, which is an independent board of five members appointed by the Governor and confirmed by the Senate. The commission's purpose is to develop a request for proposals for the privilege to submit an application to the Department of Public Safety, Gambling Control Board for a casino operator license. Prior to submitting a request for proposals, either York County or Cumberland County, or both, would have to hold a referendum vote asking voters to allow the operation of a casino in their county. The referendum must be held on the same date as a statewide election no sooner than June 1, 2017 and no later than July 1, 2018. The fee to submit a bid is \$250,000. The amendment provides for specific supporting information to be submitted by the bidder and considered by the commission including the bidder's ability to make a minimum \$250,000,000 capital investment in the resort-style casino and information regarding job creation, economic development, plans to mitigate negative infrastructure impacts and the bidder's support of the harness racing industry. Under the amendment, the commission is directed to develop a point system for the factors to be considered in evaluating proposals and give priority to proposals that create jobs, promote economic development, increase tourism and support a casino that fits the character of the State. The winning bidder must enter into a contract with the commission that obligates the casino operator to abide by the proposals made in the winning bid. Failure to abide by the terms of the contract could result in financial penalties to the casino operator.

The license fee for a casino under the amendment is \$55,000,000, of which \$5,000,000 is deposited into the General Fund to be used for administrative expenses of the Gambling Control Board. The remaining \$50,000,000 is deposited into an account to be used to mitigate the impact of lost revenue on the municipalities and a county in which casinos are currently located. The Gambling Control Board will distribute money from the account to the municipalities and county based on distributions the municipalities and county had been receiving from the casino.

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If a person initially licensed to operate the casino surrenders the license or the license is revoked, a subsequent licensee may operate the casino only for the remainder of the license term and is subject to a \$500,000 transfer fee. A subsequent licensee is subject to the contract executed when the casino in either York County or Cumberland County was initially licensed.

The amendment sets the distribution of net slot machine revenue at 40% and the distribution of net table game revenue at 16% for the resort-style casino. It directs the Gambling Control Board to withhold distributions of slot and table game revenues from the existing casinos upon the commencement of operation of the casino authorized by this amendment until the required distributions are established at those rates for all casinos by the Legislature. The amendment provides for various recipients of slot machine revenue and requires table game revenue to be deposited to the Fund to Reform Veterans Services. Allocations from the fund are made through grants to support the needs of veterans as governed by the policies and objectives of the Maine Veterans Assistance Council, which is established by this amendment.

The amendment requires the executive director of the State Harness Racing Commission to submit a report to the joint standing committees of the Legislature having jurisdiction over casino matters and agricultural matters. The executive director is required to consult with the commission and members of the harness racing industry to make recommendations that will increase the number of breeders in the Sire Stakes Fund program and structure distributions so that the money is not concentrated among a small percentage of breeders.

The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

### **Committee Amendment "F" (H-581)**

This amendment replaces the bill and is a minority report of the committee. The amendment establishes a competitive bid process for the operation of a resort-style casino in either York County or Cumberland County. The amendment establishes the Casino Development Commission, which is an independent board of five members appointed by the Governor and confirmed by the Senate. The commission's purpose is to develop a request for proposals for the privilege to submit an application to the Department of Public Safety, Gambling Control Board for a casino operator license. The fee to submit a bid is \$250,000. The amendment provides for specific supporting information to be submitted by the bidder and considered by the commission including the bidder's ability to make a minimum \$250,000,000 capital investment in the resort-style casino and information regarding job creation, economic development and plans to mitigate negative infrastructure impacts. Under the amendment, the commission is directed to develop a point system for the factors to be considered and give priority to factors that create jobs, promote economic development, increase tourism and support a casino that fits the character of the State, with job creation and economic development being the highest priorities. The winning bidder must enter into a contract with the commission that obligates the casino operator to abide by the proposals made in the winning bid. The contract includes a commitment of the casino operator to make annual reinvestments in the facility of an amount no less than three percent but no greater than 4 percent of net gambling revenue. Failure to abide by the terms of the contract could result in financial penalties to the operator.

The license fee for a casino under the amendment is \$10,000,000, which is deposited into the General Fund. The amendment sets the distribution of net slot machine revenue at 35% and the distribution of net table game revenue at 16% for the resort-style casino. Upon operation of slot machines at the resort-style casino, the board will hold distributions required of existing casinos until the Legislature establishes a single distribution structure that would apply to all casinos in the State that establishes a distribution of 35% of net slot machine revenue and 16% of net table game revenue.

Finally, the amendment makes enactment of this bill contingent upon the approval of the voters of the State at a statewide referendum election.

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This amendment was not adopted.

**LD 1331    An Act To Provide Enhanced Enforcement of the Laws Governing  
Alcoholic Beverages**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L CYRWAY S	OTP-AM	H-373

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill provides a definition of "liquor inspector" and provides that the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services may require liquor inspectors to receive law enforcement training as a condition of employment. The bill also requires the director to ensure that no less than 1/3 of the liquor inspector positions under the bureau include a requirement that the liquor inspector must complete law enforcement training.

**LD 1343    An Act To Increase Access to Postsecondary Education for Maine  
National Guard Members**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K WHITTEMORE R	OTP-AM	H-364

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill provides for a tuition waiver for 100% of tuition costs at any state postsecondary education institution for qualified members of the Maine National Guard.

This bill, as amended, was incorporated into LD 1612, which was enacted as Public Law 2015, chapter 465.

**LD 1461    An Act To Allow All Manufacturers Licensed by the Bureau of Alcoholic  
Beverages and Lottery Operations To Provide Samples of Products to  
Retail Licensees**

**PUBLIC 386**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-353

This bill allows any person licensed as a manufacturer by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to give a retail licensee samples of malt liquor and wine. Current law restricts this practice to small breweries, small wineries and wholesalers.

**Committee Amendment "A" (S-353)**

The bill authorizes any person licensed as a manufacturer of malt liquor or wine by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to give a retail licensee samples of malt liquor and wine. This amendment clarifies that the authorized manufacturer is licensed to