



126th MAINE LEGISLATURE

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Legislative Document

No. 471

H.P. 321

House of Representatives, February 14, 2013

An Act To Preserve and Ensure Equitable Funding of Maine's Commercial Racetracks

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PARRY of Arundel.

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

2 **Sec. 1. 8 MRSA §275-A, sub-§1, ¶A**, as amended by PL 2003, c. 401, §10, is
3 further amended to read:

4 A. If the population of the region is 300,000 or more, based on the 1990 U.S.
5 Census, conducted racing on more than ~~400~~ 50 days in each of the previous 2
6 calendar years, except that if a racetrack that qualifies as a commercial track under
7 this paragraph ceases operation, a separate racetrack operated by the owner or
8 operator of the racetrack that ceased operation qualifies as a commercial track, and
9 for all purposes is considered the same commercial track as the track that ceased
10 operation, if the population of the region of that separate racetrack is 300,000 or
11 more, based on the 1990 U.S. Census, and the sum of the number of days on which
12 racing was conducted at the track that ceased operation and the number of days on
13 which racing was conducted at the separate racetrack equals at least 100 days in each
14 of the 2 preceding calendar years and except that a track that is authorized in such a
15 region to operate slot machines or a casino must provide at least 100 days of live
16 racing each year to qualify as a commercial track; or

17 **Sec. 2. 8 MRSA §275-B, sub-§1**, as amended by PL 2011, c. 142, §1, is further
18 amended to read:

19 **1. Racetracks.** A person licensed pursuant to section 271 to conduct harness horse
20 racing with pari-mutuel betting may sell pari-mutuel pools and common pari-mutuel
21 pools for simulcast races. The seller must be within the enclosure of the racetrack where
22 the licensed race or race meet is conducted or within the licensee's slot machine facilities
23 licensed pursuant to section 1011. The commission shall adopt rules regulating the sale
24 by commercial tracks of pari-mutuel pools by telephone, Internet or other means of
25 communication to a person not located on the premises, which must require advance
26 payment by the person.

27 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
28 chapter 375, subchapter 2-A.

29 **Sec. 3. 8 MRSA §299, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §4 and
30 affected by Pt. B, §11, is amended to read:

31 **2. Distribution.** On May 30th, September 30th and January 30th, all amounts
32 credited to the fund established by this section as of the last day of the preceding month
33 and not distributed before that day must be distributed to each commercial track licensed
34 under section 271, with each track receiving that amount of the money available for
35 distribution determined by multiplying that amount times a fraction, the numerator of
36 which is the total number of live race days conducted by the commercial track during ~~the~~
37 ~~preceding time period~~ 2012 and the denominator of which is the total number of race
38 days conducted by all commercial tracks licensed under section 271 during ~~that time~~
39 ~~period~~ 2012. ~~The payment in January must be adjusted so that for the prior 3 time~~
40 ~~periods each commercial track receives that fraction of the total money distributed over~~
41 ~~the full year from the fund established by this section, the amount determined by~~
42 ~~multiplying the total amount of money times a fraction, the numerator of which is the~~

1 ~~number of live race days conducted by the commercial track during the calendar year and~~
2 ~~the denominator of which is the total number of race days conducted by all commercial~~
3 ~~tracks licensed under section 271 during that calendar year.~~

4 **SUMMARY**

5 This bill amends the definition of "commercial track" by changing the number of
6 racing days from 100 to 50 and by adding that a race track that is operated in place of a
7 race track that ceased operation and that is authorized to operate slot machines or a casino
8 must provide at least 100 days of live racing each year to qualify as a commercial track.

9 The bill also changes the way the distribution of funds is calculated by basing the
10 calculation on the number of race days conducted during the year 2012. It also removes
11 the provision governing the January payment adjustment

12 The bill also requires the State Harness Racing Commission to establish rules
13 regulating the sale by commercial tracks of pari-mutuel pools by the telephone, Internet
14 or other means of communication to persons not located on the premises.