



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 838

H.P. 572

House of Representatives, March 10, 2015

An Act To Enhance Equity and Efficiency for Off-track Betting Facilities

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative PICCHIOTTI of Fairfield.
Cosponsored by Representative: LONGSTAFF of Waterville, Senator: GERZOFSKY of
Cumberland.

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

2 **Sec. 1. 8 MRSA §275-A, sub-§7-A** is enacted to read:

3 **7-A. Net commission.** "Net commission" means the total commission less 6.5% of
4 the amount wagered.

5 **Sec. 2. 8 MRSA §275-D, sub-§1**, as amended by PL 2011, c. 99, §1, is further
6 amended to read:

7 **1. Off-track betting on simulcast racing.** A person may conduct pari-mutuel
8 wagering at an off-track betting facility that is licensed under this section; if the person is
9 licensed to operate a hotel, as defined in Title 28-A, section 2, subsection 15, paragraph
10 H, with public dining facilities, a Class A lounge, as defined in Title 28-A, section 2,
11 subsection 15, paragraph L, a Class A restaurant, as defined in Title 28-A, section 2,
12 subsection 15, paragraph R, or a Class A restaurant/lounge, as defined in Title 28-A,
13 section 2, subsection 15, paragraph R-1, or if the off-track betting facility is operated by
14 an outside vendor and is located in premises the proprietor of which holds one of the
15 listed licenses.

16 **Sec. 3. 8 MRSA §275-N**, as amended by PL 2003, c. 401, §14, is further amended
17 to read:

18 **§275-N. Limitations on off-track betting facilities**

19 The commission may ~~not~~ allow interstate simulcasting ~~or~~ and license any off-track
20 betting facility regardless of the number of race dates that were conducted in the State for
21 any calendar year ~~unless during the preceding 2 calendar years there were at least 150~~
22 ~~race dates on which live racing actually was conducted at the commercial tracks.~~
23 Interstate simulcasting always must be allowed at any commercial track that conducted at
24 least 136 race dates during the immediately preceding 2 calendar years or at an existing
25 commercial track as defined in section 275-A, subsection 1, paragraph B at which at least
26 35 race dates were conducted during the preceding 2 years if the interstate simulcasting at
27 the commercial track is conducted during the regular meeting. For the purposes of this
28 section, any race date that the commission determines was canceled due to a natural or
29 other disaster must be counted as a race date. For the purposes of this section and for the
30 purpose of meeting the requirements of section 275-A, subsection 1, any race date that is
31 canceled at a commercial race track due to the inability to meet the requirements of
32 section 275-A, subsection 9-A because of a horse shortage, as verified by the state
33 steward, is counted as a race date.

34 **Sec. 4. 8 MRSA §286, sub-§4**, as enacted by PL 1997, c. 528, §46, is amended to
35 read:

36 **4. Off-track betting facility interstate simulcasting with commingled pools.** The
37 distribution of the commission on simulcasting of races with commingled pools
38 originating at a racetrack in another state by an off-track betting facility is calculated as a
39 percentage of the commission with respect to the State's share and as percentages of the
40 net commission with respect to all other participants' shares and is distributed as follows.

- 1 A. On exotic wagers:
- 2 (1) The state share is 8.647% for an off-track betting facility located in the same
- 3 municipality as a commercial track and 9.801% for all other facilities;
- 4 (2) The Sire Stakes Fund share is 5.965%;
- 5 (3) The Stipend Fund share is 4.494%;
- 6 (4) The purse supplement share is 16.558%;
- 7 (5) The Harness Racing Promotional Fund share is 0.962%;
- 8 (6) The off-track betting facility share is ~~49.269%~~ all amounts not otherwise
- 9 assigned; and
- 10 (7) The off-track betting facility simulcast fund share is 12.951%.

- 11 B. On regular wagers:
- 12 (1) The state share is 2.739% for an off-track betting facility located in the same
- 13 municipality as a commercial track and 4.405% for all other facilities;
- 14 (2) The Sire Stakes Fund share is 0.400%;
- 15 (3) The Stipend Fund share is 6.590%;
- 16 (4) The purse supplement share is 8.399%;
- 17 (5) The Harness Racing Promotional Fund share is 1.389%;
- 18 (6) The off-track betting facility share is ~~60.190%~~ all amounts not otherwise
- 19 assigned; and
- 20 (7) The off-track betting facility simulcast fund share is 18.627%.

21 **Sec. 5. 8 MRSA §295, sub-§2**, as amended by PL 2005, c. 563, §8, is further

22 amended to read:

23 **2. Distribution.** On May 30th, September 30th and within 30 days after the close of

24 all off-track betting facilities for the year, amounts payable under subsection 1 for

25 distribution in accordance with this subsection must be distributed to all commercial

26 tracks, except a commercial track whose parent company is owned or operated or owned

27 and operated by a casino in this State, that have provided simulcast transmission of live

28 racing in the State on any date and to those agricultural fair associations that have

29 provided simulcast transmission of live racing in the State on the dates assigned by the

30 commissioner pursuant to Title 7, section 84. Distribution must be in the proportion that

31 the amount of exotic wagers placed at off-track betting facilities on simulcast races from

32 each licensee up to the last day of the preceding month bears to the total amount of exotic

33 wagers at off-track betting facilities on races simulcast from all commercial racetracks

34 and agricultural fair associations up to that date. Amounts payable under subsection 1 for

35 distribution in accordance with this subsection that would have been allocated to a

36 commercial track whose parent company is owned or operated or owned and operated by

37 a casino in this State must be distributed to the off-track betting facility at which the

38 amounts originated. The last payment of the calendar year must be adjusted to reflect

1 each licensee's exotic wagers in proportion to the total of the exotic wagers at off-track
2 betting facilities in that calendar year.

3

SUMMARY

4 This bill adjusts the distribution of commissions on simulcasting of races with
5 commingled pools originating at a racetrack in another state by an off-track betting
6 facility without reducing the portion of those revenues that benefit the State. In addition,
7 the bill eliminates the off-track betting facility simulcast fund share received by a
8 commercial track whose parent company is owned or operated or owned and operated by
9 a casino in this State. The bill also modifies the requirement that an off-track betting
10 facility operator be a liquor license holder, but maintains the requirement that an off-track
11 betting facility be situated in a facility that is licensed to serve liquor and food. The bill
12 also eliminates the requirement for at least 150 race dates in the preceding 2 calendar
13 years before interstate simulcasting or the licensing of an off-track betting facility is
14 allowed.