

**LD 2124 "An Act to clarify the Eligibility of an Off-track Betting Facility to Receive Funding If the Facility to Receive Funding If the Facility is Sold or Relocated"**

Good Morning, Senator Hickman, Representative Supica and distinguished members of the Veterans and Legal Affairs Committee,

My name is Don Barberino, operator of the Waterville and Sanford OTBs, and I'm here in support of LD 2124 "An Act to Clarify the Eligibility of an Off-track Betting Facility to Receive Funding if the Facility is Sold or Relocates."

Since 2005, or approximately 18 years, the Attorney General's Office has interpreted the statutes to permit an OTB to change hands or be sold. This past summer the AG's office reinterpreted the statutes saying the license follows the facility and not the licensee. There are a number of examples of conflicting language in the statutes. The language is gray and the proposed text change should make the statute black and white.

Business decisions have been based on the AG's 18- year original interpretation and these businesses have been sold and relocated over the years.

For example, Scientific Games purchased John Martin's Manor in 2005. It was sold in 2011 to my newly formed company, and relocated the following spring. It later moved again out of necessity, because the landlord ran into financial difficulties. Under the new interpretation we would have been put out of business, through no fault of our own. Sanford was also sold and relocated.

In any business, it is critical to be able to evolve and change with the marketplace so that you can stay competitive. Currently, am looking to move the Waterville operation in order to create a new destination entertainment experience.

The proposed language in LD 2124 will clarify the statute as it was interpreted for the past 18 years. Along with my written testimony, is a copy of Rudman and Winchell attorney Michael Hockenbury's letter that details the conflicts in the law.

Thank you. I am happy to answer any questions and will be available for the work session.