



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

Bruce White

1 Silvermount Street
Waterville, ME 04901
Phone: (207) 660-8722

Bruce.White@legislature.maine.gov

Testimony of Rep. Bruce White presenting
LD 860, An Act to Clarify the Laws Concerning Off-Track Betting Licenses
Before the Joint Standing Committee on Veterans and Legal Affairs

Good morning Senator Luchini, Representative Caiazzio and distinguished member of the Veterans and Legal Affairs Committee, I am Representative Bruce White, representing District 109, Waterville. **I am the sponsor of LD 860, An Act to Clarify the Laws Concerning Off-Track Betting Licenses.**

This bill clarifies language from the 1990s, when Maine off-track betting was first established, and from a second law passed last year that allowed Scarborough Downs to continue as an off-track betting facility when it agreed to close its track operation as part of a plan to allow a new modern track in southern Maine.

Although most of Maine's off-track betting facilities have been transferred, a question arose recently concerning which of the licensing provisions applied in approving or allowing the transfer. The first section of the bill makes clear such transfers are allowed as long as the transferee meets specified requirements to operate OTB related to financial responsibility and the like. This resolution is consistent with the practice that was followed for the transfers that have already taken place.

The second section clarifies that although the Downs was licensed under a different law than the other OTBs, it is subject to the same taxes, rules and regulations – and enjoys the same rights and opportunities as the other OTBs.

I have included in my written testimony an amendment to the original bill.

If you have any questions I will do my best to answer them but I expect there will others after me with testimony who can better explain.

Thank you for your time.

Changes from the bill are highlighted

An Act To Clarify the Laws Concerning Off-track Betting Facility Licenses

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

Sec. 1. 8 MRSA §275-D, sub-§10, as enacted by PL 1997, c. 528, §24, is amended to read repealed and the following enacted in its place:

~~**10. License nontransferable absent approval.** An off-track betting facility license issued is not transferable or assignable unless the transferee or assignee applies to the commission for approval of the transfer or assignment. The commission may deny approval for the reasons set forth in subsection 5, paragraph D, subparagraphs (2) to (6).~~

10. Transfer or assignment of license. An off-track betting facility license may be transferred or assigned upon submission of an application for transfer or assignment and approval by the commission. The commission shall deny an application for transfer or assignment of an off-track betting facility license unless the off-track betting facility to be operated by the transferee or assignee will be located in the same municipality as the existing off-track betting facility and may deny the application for the reasons set forth in subsection 5, paragraph D, subparagraphs (2) to (6).

Sec. 2. 8 MRSA §275-D, sub-§14 is enacted to read:

14. All off-track betting facilities subject to same laws. A person licensed to operate an off-track betting facility under Public Law 2019, chapter 626, section 16 is deemed for all purposes to have been licensed under this section as of the date the commission awarded the license under Public Law 2019, chapter 626, section 16 and has the same rights and privileges and is subject to the statutes and rules applicable to the holder of a license issued under this section as of that date.

SUMMARY

This amendment clarifies that the State Harness Racing Commission may not authorize the transfer or assignment of an off-track betting facility license unless the off-track betting facility will continue to be located in the same municipality as the existing off-track betting facility.