

## **125th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2011

**Legislative Document** 

No. 1203

I.B. 2

House of Representatives, March 21, 2011

An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County

Transmitted to the Clerk of the 125th Maine Legislature by the Secretary of State on March 17, 2011 and ordered printed.

Heath & Print

HEATHER J.R. PRIEST Clerk

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

Sec. 1. 8 MRSA §275-A, sub-§1, ¶A, as amended by PL 2003, c. 401, §10, is
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 100 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this 6 7 paragraph ceases operation, a separate racetrack operated by the owner or operator of 8 the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, 9 if the population of the region of that separate racetrack is 300,000 or more, based on 10 the 1990 U.S. Census, and the sum of the number of days on which racing was 11 conducted at the track that ceased operation and the number of days on which racing 12 was conducted at the separate racetrack equals at least 100 days in each of the 2 13 14 preceding calendar years; or

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

17 If the population of the region is less than 300,000, based on the 1990 U.S. B. 18 Census, conducted racing on more than 25 days in each of the previous 2 calendar 19 years, except that if a racetrack that qualifies as a commercial track under this 20 paragraph ceases operation, a separate racetrack operated by the owner or operator of 21 the racetrack that ceased operation qualifies as a commercial track, and for all 22 purposes is considered the same commercial track as the track that ceased operation, 23 if the population of the region of that separate racetrack is less than 300,000, based on 24 the 1990 U.S. Census, and the sum of the number of days on which racing was 25 conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 26 days in each of the 2 26 preceding calendar years -; or 27

28 Sec. 3. 8 MRSA §275-A, sub-§1, ¶C is enacted to read:

29 C. Is owned and operated by one or more federally recognized Indian tribes located 30 in this State, is located more than 90 miles from the nearest existing commercial track that operates slot machines, as defined in section 1001, subsection 39, is within 45 31 miles of the operating tribe's Indian reservation as defined in Title 30, chapter 601 32 and conducts racing on more than 25 days each calendar year after having been 33 34 granted a license to conduct harness horse racing. For the purposes of this paragraph, distance in miles is determined by measuring from the center of the commercial track 35 along the most commonly used roadway as determined by the Department of 36 Transportation. 37

## 38 Sec. 4. 8 MRSA §1011, sub-§2, as enacted by PL 2003, c. 687, Pt. A, §5 and 39 affected by Pt. B, §11, is amended to read:

1 2 3	<b>2. Eligible persons.</b> The board may accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track that satisfies the following criteria:
4 5 6 7	A. The commercial track is located at or within a <u>5-mile</u> <u>25-mile</u> radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 <u>or the track qualifies as a commercial track under section 275-A, subsection 1, paragraph C</u> ; and
8 9 10 11	B. The operation of slot machines at the commercial track is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum election held at any time after December 31, 2002 and before December 31, $\frac{2003}{2013}$ .
12	Sec. 5. 8 MRSA §1011, sub-§6 is enacted to read:
13 14 15 16 17 18 19	6. License may not be denied on basis of proximity of track to other gambling facility. Notwithstanding any other provision of this chapter, a license to operate slot machines at a commercial track may not be denied on the basis of the proximity of the commercial track to any other gambling facility if the commercial track was licensed and operating before the other gambling facility was licensed, unless the commercial track proposes to relocate or has relocated closer to the other gambling facility after the other gambling facility was licensed and operating.
20 21	Sec. 6. 8 MRSA §1020, sub-§3, as amended by PL 2005, c. 663, §9, is further amended to read:
22 23 24 25	<b>3.</b> Limits on total slot machines. The board shall determine the number of slot machines to be registered in the State. The board shall make this determination based upon the minimum net slot machine income, when distributed pursuant to section 1036, necessary to maintain the harness horse racing industry in this State, except that:
26 27	A. The total number of slot machines registered in the State may not exceed 1,500; and
28 29	B. A slot machine operator may not operate more than 1,500 slot machines at any one commercial track.
30 31 32 33	Notwithstanding any other provision of this subsection, the board may allow an additional 1,500 slot machines to be registered for each commercial track at which slot machines were not operated prior to January 1, 2010 and at which the operation of slot machines is thereafter licensed.
34	SUMMARY
35 36 37 38 39 40	This initiated bill allows the Gambling Control Board within the Department of Public Safety to accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track located at or within a 25-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 or from any person who is licensed to operate a commercial track that is owned and operated by one or more

federally recognized Indian tribes located in this State if the operation of these slot machines is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum held before December 31, 2013. Current law requires the commercial track to be located at or within a 5-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 and requires the referendum to have been held before December 31, 2003.

8 The initiated bill changes the definition of "commercial track" to include a harness 9 horse racing track licensed to conduct harness horse racing with pari-mutuel wagering 10 that is owned and operated by one or more federally recognized Indian tribes located in 11 this State, is located more than 90 miles from the nearest existing commercial track that 12 operates slot machines, is within 45 miles of the operating tribe's Indian reservation and 13 conducts racing on more than 25 days each calendar year after having been granted a 14 license to conduct harness horse racing.

The initiated bill provides that a license to operate slot machines at a commercial track may not be denied on the basis of the proximity of the commercial track to any other gambling facility if the commercial track was licensed and operating before the other gambling facility was licensed, unless the commercial track proposes to relocate or has relocated closer to the other gambling facility after the other facility was licensed and operating.

The initiated bill permits the Gambling Control Board to allow an additional 1,500 slot machines to be registered for each commercial track at which slot machines were not operated prior to January 1, 2010 and at which the operation of slot machines is licensed after January 1, 2010. Current law limits the total number of slot machines registered in the State to 1,500.