

**§300-A. Illegal wagering**

**1. Illegal wagering on horse races.** A person is liable for the damages specified in this section if that person accepts a wager from a person located within this State and:

A. A license is required under this chapter to accept the wager; and [PL 2005, c. 683, Pt. C, §3 (NEW).]

B. The person who accepts the wager is not licensed to do so under this chapter. [PL 2005, c. 683, Pt. C, §3 (NEW).]

[PL 2005, c. 683, Pt. C, §3 (AMD).]

**2. Right of action.** A commercial licensee under section 271 may bring an action in Superior Court against a person who has accepted an illegal wager described in subsection 1. The court shall award damages to the prevailing plaintiff and the commission, as provided in subsection 4, in an amount equal to 25% of the monetary amount of illegal wagers accepted, including illegal wagers accepted as described in subsection 1, plus reasonable attorney's fees and costs.

[PL 2005, c. 304, §1 (NEW).]

**3. Punitive damages.** If a person accepting an illegal wager described in subsection 1 has been advised in writing of the provisions of this section either by the Attorney General or by a commercial track licensed under this chapter before accepting any such wager, then the person accepting the illegal wager, in addition to all other damages authorized under this section, is liable in an amount of up to 4 times the damages awarded under subsection 2 that the court determines are appropriate given the willfulness of the violation, any mitigating circumstances, any efforts by the person who accepted the wager to comply with Maine law, the need to deter acceptance of illegal wagers and all other relevant circumstances.

[PL 2005, c. 304, §1 (NEW).]

**4. Distribution of damages.** Damages awarded under this section must be distributed as follows.

A. Reasonable costs of bringing the action, including reasonable attorney's fees and costs, must be paid to the plaintiff. [PL 2005, c. 304, §1 (NEW).]

B. All other damages awarded must be paid to the commission. The commission shall distribute the damages it receives as follows:

(1) One fourth must be deposited to the extended meet account established under section 289, subsection 2;

(2) One fourth must be deposited to the fund to supplement harness racing purses established under section 298;

(3) One fourth must be deposited to the Fund to Encourage Racing at Maine's Commercial Tracks, established under section 299; and

(4) One fourth must be deposited to the Fund to Stabilize Off-track Betting Facilities, established under section 300. [PL 2005, c. 304, §1 (NEW).]

[PL 2005, c. 304, §1 (NEW).]

**SECTION HISTORY**

PL 2005, c. 304, §1 (NEW). PL 2005, c. 683, §C3 (AMD).

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