

**§299. Fund to Encourage Racing at Maine's Commercial Tracks**

**1. Fund created.** The Fund to Encourage Racing at Maine's Commercial Tracks is established to provide revenues to Maine's commercial tracks. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

[PL 2007, c. 539, Pt. G, §11 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

**2. Distribution.** On July 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track licensed under section 271 within 30 days, with each track receiving that amount of the money available for distribution determined by multiplying that amount times a fraction, the numerator of which is the total number of race day credits awarded to the commercial track during the preceding time period and the denominator of which is the total number of race day credits awarded for all commercial tracks licensed under section 271 during that time period. The payment in January must be adjusted so that for the prior 2 time periods each commercial track receives that fraction of the total money distributed over the full year from the fund established by this section, the amount determined by multiplying the total amount of money times a fraction, the numerator of which is the number of live race day credits actually earned by the commercial track during the calendar year and the denominator of which is the total number of race day credits actually earned by all commercial tracks licensed under section 271 during that calendar year.

[PL 2017, c. 231, §23 (AMD).]

**3. Track closure distribution.** Notwithstanding subsection 2, if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts credited to the fund established by this section must be disbursed to the remaining commercial tracks and to agricultural fair licensees that conduct live racing based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. If a commercial track ceases operation, the commission may vary from the distribution schedule set forth in subsection 2 to facilitate racing at other licensed tracks in the State. The payment to a commercial track or agricultural fair is determined pursuant to subsections 2 and 5, with agricultural fair licenses conducting live racing during extended meets receiving race day credits as determined in subsection 5 in a similar manner as commercial race tracks receive race day credits. An agricultural fair must receive its payment no later than May 30th before extended meets are held based on assigned dates for extended meets for that agricultural fair. An adjustment must be made no later than the January 30th following the extended meets that results in payment to an agricultural fair based on days actually raced during extended meets by that agricultural fair. Any amount remaining in the fund on January 30th after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the commission under section 267-A.

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.

[PL 2017, c. 231, §24 (AMD).]

**4. Natural disaster exception.** If the commission determines that a commercial track is unable to conduct harness racing due to a natural disaster and that the commercial track licensee cannot immediately relocate to another venue, the commercial track licensee may be allowed up to 6 months to repair, rebuild or relocate at the discretion of the commission and, if the commercial track licensee repairs, rebuilds or relocates within the time frame allowed, the commission may authorize the

commercial track licensee to again receive distributions in accordance with subsection 2. If the commercial track licensee is unable to repair, rebuild or relocate during this 6-month time frame due to circumstances that are determined by the commission to be outside of the control of the commercial track licensee, the commission may grant a reasonable extension beyond 6 months. During any time that is granted by the commission under this subsection to the commercial track licensee in order to repair, rebuild or relocate, the distribution formula established under subsection 3 must be in effect. [PL 2015, c. 493, §3 (NEW).]

**5. Race day credits.** For the purposes of this section, race day credits are awarded as follows:

A. One race day credit is earned for each day actually raced; [PL 2017, c. 231, §25 (NEW).]

B. One additional race day credit is earned for each day raced when no other association licensed under section 271 is scheduled to race; and [PL 2017, c. 231, §25 (NEW).]

C. One additional race day credit is earned for each day raced during the months of March and December. A maximum of 16 race day credits may be awarded per commercial track for the month of March and a maximum of 16 race day credits may be awarded per commercial track for the month of December. [PL 2019, c. 626, §14 (AMD).]

[PL 2019, c. 626, §14 (AMD).]

#### SECTION HISTORY

PL 2003, c. 687, §A4 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2007, c. 539, Pt. G, §11 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2015, c. 493, §3 (AMD). PL 2017, c. 231, §§23-25 (AMD). PL 2019, c. 626, §14 (AMD).

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