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An Act To Allow Indian Tribes To Operate Slot Machines

PRESENTED BY: *Loring*
(Representative LORING)
TOWN: Penobscot Nation

LR2225(1)

PROPOSED SHORT TITLE:
AN ACT TO ALLOW INDIAN TRIBES
TO OPERATE SLOT MACHINES
(Subject to change)

OFFICE OF THE REVISOR OF STATUTES

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BILL DRAFT SUMMARY

LR #: 2225 ITEM #: 1 TYPE: O

TITLE:
An Act To Allow Indian Tribes To Operate Slot Machines

SPONSOR: Rep. LORING of Penobscot Nation
COSPONSORS:

LEGEND:

AUTHORITY FOR INTRODUCTION: LBC

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SHORT TITLE: AN ACT TO ALLOW INDIAN TRIBES TO OPERATE SLOT
MACHINES

MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
7 STATE HOUSE STATION
AUGUSTA, MAINE 04333
Phone (207) 287-1650
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February ²⁸/₂₅, 2005

Rep. Donna M. Loring
174 River Road
Richmond, ME 04357

RE: LR #2225, An Act To Allow the Penobscot Nation To Operate Slot Machines

Dear Rep. Loring:

Please find enclosed a final copy of the above-referenced bill, an original jacket and a signature sheet.

Please take one of the following actions concerning this bill **WITHIN 3 (THREE) WORKING DAYS** (Monday through Friday).

1. Make changes. Contact the Revisor's Office to indicate that changes to the bill are necessary. You have 3 (**THREE**) days in which to give us those changes from the day you notify us that you have changes; or
2. Sign and obtain cosponsor signatures. Sign the original bill jacket and obtain the signatures of the Legislators you wish to cosponsor this measure on the enclosed signature sheet. Please return both the signed jacket and cosponsor signature sheet to the Revisor's Office. Please note that the Joint Rules authorize you to name a lead sponsor from the other chamber and 8 additional cosponsors.

If we have not heard from you within the 3-day period, this bill request will be considered void.

If you have questions, please do not hesitate to call this office. Thank you for your attention and assistance.

Very truly yours,

Margaret E. Matheson

R.S.

An Act To Allow the Penobscot Nation To Operate Slot Machines

PRESENTED BY: _____
(Representative LORING)
TOWN: Penobscot Nation

LR2225(1)

PROPOSED SHORT TITLE:
AN ACT TO ALLOW PENOBSCOT
NATION TO OPERATE SLOT MACHINE
(Subject to change)

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

2
4 Sec. 1. 8 MRSA §1001, sub-§§29-A and 29-B are enacted to read:

6 ~~29-A. Municipality. "Municipality" means tribal land when the licensee is a federally recognized Indian tribe.~~ *Delete*

8 ~~29-B. Municipal officers. "Municipal officers" means the tribal governor and governing tribal council when the licensee is a federally recognized Indian tribe.~~

10
12 Sec. 2. 8 MRSA §1011, sub-§§2, 3 and 4, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, are amended to read:

14
16 2. Eligible persons. The board may accept applications for a license to operate slot machines from a federally recognized Indian tribe or any person who is licensed to operate a commercial track that satisfies the following criteria:

18
20 A. The commercial track is 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 *Delete*

22
24 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, 2003.

26
28 3. Requirements for license; continued commercial track licensure. The board may not issue a license to operate slot machines to any person unless that person demonstrates compliance with the qualifications set forth in sections 1016 and 1019. A person who is granted a license to operate slot machines must maintain a license to operate a commercial track, without lapse, suspension or revocation for the duration of the slot machine operator's license, except for a federally recognized Indian tribe. ?

30
32 4. Requirement for license; agreement with municipality where slot machines are located. ~~A. Except for a federally recognized Indian tribe, a slot machine operator shall enter into an agreement with the municipality where the slot machine operator's slot machines are located that provides for revenue sharing or other compensation, including, but not limited to, a provision requiring the preparation, in conjunction with the municipality, of a security plan for the premises on which the~~ *After labor 10.20*
34
36
38
40
42
44
46
48 *may*

2 slot machines are located. The revenue-sharing agreement must
3 provide for a minimum payment to the municipality of 3% of the
4 total gross slot machine income derived from the machines located
5 in the municipality. - *At least because tribe may enter agreement with*

6 **Sec. 3. 8 MRSA §1016, sub-§3,** as enacted by PL 2003, c. 687,
7 Pt. A, §5 and affected by Pt. B, §11, is amended to read:

8
9 **3. Applicant other than individual.** If the person required
10 to meet the minimum qualifications and suitability requirements
11 specified in subsections 1 and 2 is a business organization, the
12 key executives, directors, officers, partners, shareholders,
13 creditors, owners and associates of the person must meet the
14 suitability requirements specified in subsection 2. If the
15 person required to meet the minimum qualifications and
16 suitability requirements specified in subsections 1 and 2 is a
17 federally recognized Indian tribe, then the tribal governor and
18 members of the governing tribal council must meet the suitability
19 requirements specified in subsection 2.
20

21 **Sec. 4. 8 MRSA §1020, sub-§3,** as enacted by PL 2003, c. 687,
22 Pt. A, §5 and affected by Pt. B, §11, is amended to read:

23 **3. Limits on total slot machines.** The board shall
24 determine the number of slot machines to be registered in the
25 State. The board shall make this determination based upon the
26 minimum gross slot machine income, when distributed pursuant to
27 section 1036, necessary to maintain the harness horse racing
28 industry in this State, except that:

29
30 A. The total number of slot machines registered in the
31 State may not exceed 1,500 not including the number of slot
32 machines located on the land of a federally recognized
33 Indian tribe; and

34
35 B. A slot machine operator may not operate more than 1,500
36 slot machines at any one commercial track or on tribal land.
37

38 **Sec. 5. 8 MRSA §1035,** as enacted by PL 2003, c. 687, Pt. A,
39 §5 and affected by Pt. B, §11, is amended to read:

40 **§1035. Location of slot machines**

41
42 Slot machines may be located only on the premises of a
43 commercial track or on the tribal land of a federally recognized
44 Indian tribe.
45

46
47 **Sec. 6. 8 MRSA §1036, sub-§2,** as enacted by PL 2003, c. 687,
48 Pt. A, §5 and affected by Pt. B, §11, is amended to read:
49
50

Such agreement with municipality if it so chooses.

tribal government will determine # of slot machines needed to support tribal gov. services

2 **2. Distribution.** A slot machine operator shall collect and
3 distribute 39% of the total gross slot machine income from slot
4 machines operated by the slot machine operator to the board for
5 distribution by the board as follows:

6 A. Three percent of the total gross slot machine income
7 must be deposited to the General Fund for administrative
8 expenses of the board, including gambling addiction
9 counseling services, in accordance with rules adopted by the
10 board;

12 B. Ten percent of the total gross slot machine income must
13 be forwarded by the board to the Treasurer of State, who
14 shall credit the money to the fund established in section
15 298 to supplement harness racing purses;

16 C. Three percent of the total gross slot machine income
17 must be credited by the board to the Sire Stakes Fund
18 created in section 281;

19 D. Three percent of the total gross slot machine income
20 must be forwarded by the board to the Treasurer of State,
21 who shall credit the money to the Agricultural Fair Support
22 Fund established in Title 7, section 77;

23 E. Ten percent of the total gross slot machine income must
24 be forwarded by the board to the State Controller to be
25 credited to the Fund for a Healthy Maine established by
26 Title 22, section 1511 and segregated into a separate
27 account under Title 22, section 1511, subsection 11, with
28 the use of funds in the account restricted to the purposes
29 described in Title 22, section 1511, subsection 6, paragraph
30 E;

31 F. Two percent of the total gross slot machine income must
32 be forwarded by the board to the University of Maine System
33 Scholarship Fund created in Title 20-A, section 11631;

34 G. One percent of the total gross slot machine income must
35 be forwarded by the board to the board of trustees of the
36 Maine Community College System to be applied by the board of
37 trustees to fund its scholarships program under Title 20-A,
38 section 12716, subsection 1;

39 H. Four percent of the total gross slot machine income must
40 be forwarded by the board to the Treasurer of State, who
41 shall credit the money to the Fund to Encourage Racing at
42 Maine's Commercial Tracks, established in section 299;
43 however, the payment required by this paragraph is
44 terminated when all commercial tracks have obtained a

license to operate slot machines in accordance with this chapter;

I. Two percent of the total gross slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Stabilize Off-track Betting Facilities established by section 300, as long as a facility has conducted off-track wagering operations for a minimum of 250 days during the preceding 12-month period in which the first payment to the fund is required. After 48 months of receiving an allocation of the total gross slot machine income from a licensed operator, the percent of total slot machine income forwarded to the Fund to Stabilize Off-track Betting Facilities is reduced to 1% with the remaining 1% to be forwarded to the State in accordance with subsection 1; and

J. One percent of the total gross slot machine income must be forwarded directly to the municipality in which the slot machines are located.

This subsection does not apply to a federally recognized Indian tribe, which may transfer all gross slot machine income to the tribe's general fund.

SUMMARY

This bill allows a federally recognized Indian tribe to obtain a license to operate up to 1,500 slot machines on tribal land.

TO Supplement and Support Tribal Government Services.