

**Chapter 15: OFF-TRACK BETTING**

---

**SUMMARY:** This chapter contains the licensing rules and operational criteria for off-track betting.

---

**Section 1.     Definitions**

As used in these rules, unless the context indicates otherwise, the following terms shall have the following meanings:

1.     **Decoder.** "Decoder" means a device and/or means to convert encrypted audiovisual signals and/or data emanating from an organization licensee, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the off-track betting facility.
2.     **Downlink.** "Downlink" means a receiving antenna coupled with an audiovisual signal receiver compatible with and capable of receiving simultaneous audiovisual signals and/or data emanating from an organization licensee, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the off-track betting facility.
3.     **Encryption, encrypted, or encoded.** "Encryption, encrypted, or encoded" means the scrambling or other manipulation of the audiovisual signals to mask the original video content of the signal and so cause those signals to be indecipherable and unrecognizable to any person receiving that signal without a decoder.
4.     **Off-track betting facility.** "Off-track betting facility" means the physical premises, structure, and equipment utilized by an off-track betting location or off-track betting locations licensee for the conduct of off-track betting. The off-track betting facility shall include, but not be limited to, the following: television display units, a display system for racing performance, odds, and payout prices; areas for viewing and seating, a food and beverage facility; and any other conveniences regularly provided at racetracks in this state.
5.     **Satellite transponder or transponder.** "Satellite transponder or transponder" means leased space segment time of an earth-orbit communication satellite.

6. **Uplink.** "Uplink" means an earth station broadcasting facility, whether mobile or fixed, which is used to transmit audiovisual signals and/or data on FCC-controlled frequencies, and includes any electronic transfer of audiovisual signals from within a racing enclosure to the location of the transmitter at the uplink.

## **Section 2. Application for Off-track Betting License**

1. Each application for an off-track betting license filed with the commission must contain such information and be accompanied by such documents or exhibits as specified by the commission.
  - A. Initial Application
  - B. Renewal Application must be received by November 1, of the year preceding the renewal. Any application for license renewal received after December 31, will be considered an initial application.
2. An application for an off-track betting license shall also contain a plan of operation which must include:
  - A. a feasibility report that shows:
    - (1) the anticipated revenue to be generated from the off-track betting facility;
    - (2) the expenditures expected to be incurred by the facility;
    - (3) the level of attendance expected and the area from which that attendance is anticipated to be drawn to the off-track betting facility;
    - (4) the level of anticipated off-track betting;
    - (5) a demographic study or market survey depicting the applicants market area; and
    - (6) the probable impact of the off-track betting facility on revenue to local government
  - B. Additional information deemed relevant, including, but not limited to:
    - (1) the number of simulcast racing programs to be displayed;
    - (2) the amount and source of revenue necessary to acquire and construct the off-track betting facility;

- (3) the type of communication and transmission equipment to be utilized;
- (4) the type and operation of the totalizer equipment;
- (5) a security plan which shall include, but not be limited to, a description of the security measures to protect the off-track betting facility, to control crowds, to safeguard the transmission and reception of simulcast signals, and to control the transmission of wagering data to effect combined common pari-mutuel wagering pools;
- (6) the accommodations available to the public; and
- (7) a good faith affirmative action plan to recruit, train, and upgrade minorities and females in all classifications within the licensee.

### **Section 3. Commission approval of an Application**

The commission shall consider every completed application for a license to conduct off-track betting at an off-track betting facility at a hearing before the commission. The commission shall approve or deny the application.

### **Section 4. Licenses and Conditioned Licenses**

- 1. Each license shall specify the person to whom it is issued, the dates on which wagering is permitted, the tracks or location where the wagering is to be conducted, and a recital that all wagering under the license is subject to the applicable provisions of the Maine Revised Statutes, the rules of the commission and any requirements imposed by the commission as a condition for the exercise of the license. The commission may impose as a condition of licensing any provision which it determines meets the criteria contained in the applicable provisions of the Maine Revised Statutes.
- 2. Any modification of the conditions of licensure licensing may be requested by the commission or licensee and may be approved at a public meeting of the commission.
- 3. No licensee of an off-track betting facility shall discontinue operations at the facility until a reasonable period of time after notice of such intention has been transmitted to the Commission.

**Section 5. Penalties**

The Commission may impose penalties of up to \$1,000 against individuals, organization licensees, off-track betting licensees and off-track betting location licensees for each violation to the Maine Revised Statutes relating to the conduct of off-track betting, any rules adopted by the Commission, any order of the Commission, any action, or failure to act, which the Commission finds and determines a detriment or impediment to off-track betting, or any requirement imposed as a condition of licensing pursuant to subsection 1.

**Section 6. Commission office space at the facility**

Each off-track betting facility shall provide adequate working space at the off-track betting facility for commission employees to carry out their duties of inspection and regulation.

**Section 7. Simulcast requirements**

1. The organization licensee conducting the horse race upon which off-track betting is being conducted is responsible for the content of its simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of its racing program.
2. Every simulcast shall be encrypted using a time displacement decoding algorithm.
3. Every simulcast will contain in its video content a digital display of the actual time of day, the name of the race track from where it emanates, and the number of the race being displayed, a periodic display of wagering information, and continuity programming between horse racing events.
4. In the event that one instate live racing facility is simulcasting its live racing program every licensed off-track betting facility shall have at least one monitor in each bank of monitors carrying that instate signal. In the event that more than one instate live racing facility is simulcasting its live racing program every licensed off-track betting facility shall have at least one monitor in each bank of monitors carrying each instate signal.

**Section 8. Audio transmission**

In the event that the simulcast of the racing program is interrupted temporarily, the transmission of only the audio description of the racing program to the off-track betting facility may be continued until the temporary interruption can be corrected, provided the commission or its designee has given advance approval.

**Section 9. Off-track wagering pool**

The wagering pools offered by the licensee of the off-track betting facility shall be combined with those wagers placed at the organization licensee so as to produce a combined common pari-mutuel wagering pool for the purpose of calculating price. Each off-track betting licensee or off-track betting location licensee shall be solely responsible for conducting its own wagering pool and making all payoffs.

**Section 10. Pari-mutuel Wagering**

All pari-mutuel wagering at an off-track betting facility shall be conducted in accordance with the Maine Harness Racing Commission Rules. Pari-mutuel tickets utilized at off-track betting locations licensee facilities shall be distinct from pari-mutuel tickets utilized by off-track betting licensee facilities or by organization licensees. The form of the ticket utilized shall be approved by the commission or its designee prior to the operation of the off-track betting facility if it meets this standard.

**Section 11. Licensing of Employees**

1. All persons employed as security guards, pari-mutuel directors or pari-mutuel employees or simulcast coordinator at an off-track betting facility shall be licensed by the Commission. Security Guards need not be licensed if they are full-time law enforcement officers.
2. The commission shall require all persons licensed pursuant to this Section who routinely come into contact with the public to display an identification badge on their outer garment during the course of their employment.

**Section 12. Concessionaire License**

No concessionaire shall operate at any off-track betting facility in Maine without an occupational license issued by the commission.

**Section 13. Prohibited Practices by Employees**

1. No pari-mutuel clerk parking attendant or security guard shall commit any act prohibited under Title 8, Chapter 11, Maine Revised Statutes during the period of their employment at an off-track betting facility.

2. The licensee of an off-track betting facility shall provide the commission with immediate written notice of any prohibited activity by pari-mutuel clerks, security guards or parking lot attendants at an off-track betting facility.

#### **Section 14. Customer Relations**

Each licensee of an off-track betting facility shall have a customer relations employee on duty during all times the facility is open to the public.

#### **Section 15. Duties of Organization Licensee**

An organization licensee shall provide:

1. An uplink system which shall not interfere with the closed circuit television system utilized by the racing association for officiating and on-track patron information;
2. An uplink consisting of a Ku/C-band earth station with steerable reflector feed, Ku/C- band transmit/receive antenna compliant with the FCC two degree beam width regulation, Ku/C-band transmitters, microwave or fiber optic link or other means of video communications, switching unit, TV color monitors, video tape recorders, encryption system and controlling computer terminals, an to be of network broadcast quality and meet applicable FCC and commission regulations and orders,
3. A transponder,
4. pari-mutuel terminals, pari-mutuel odds display, modems and/or switching units at the organization licensee providing direct voice contact between the stewards and pari-mutuel departments;
5. A voice communication system between each off-track betting facility and the organization licensee providing direct voice contact between the stewards and pari-mutuel departments;
6. A video record of all simulcasts, in decoded form, and shall provide a copy of that record on either 1/2" or 3/4" video cassette when requested by the commission;
7. Not less than 30 minutes prior to the commencement of transmission of the racing program for each day or night, a test program of its transmitter, encryption, and decoding, and data communication to assure proper operation of the system;
8. At the request of any representative of the commission, a listing of all locations able to receive the simulcast in decoded form;

9. Such security controls over its uplink and communications system as directed by the commission;
10. A report of its pari-mutuel operations at the off-track betting facility not more than 90 days following the conclusion of each race meeting conducted by a contracting organization licensee and shall offer its business records for examination by the commission at its request; and
11. An annual report of its simulcast operations and an audited financial statement.

#### **Section 16. Duties of the off-track betting facility**

An off-track betting facility shall provide:

1. A downlink system which shall not interfere with the closed circuit television system utilized by the off-track betting facility.
2. An downlink consisting of a Ku/C-band earth station with steerable reflector feed, Ku/C-band receive antenna compliant with the FCC two degree beam width regulation, Ku/C-band receivers, microwave or fiber optic link or other means of video communications, switching unit, TV color monitors, video tape recorders, description system and controlling computer terminals; all to be of network broadcast quality and meet applicable FCC and commission regulations and orders;
3. Pari-mutuel terminals, pari-mutuel odds display, modems and/or switching unit at the off-track betting facility enabling pari-mutuel data transmissions, and data communication to and from the totalizer utilized by the organization licensee;
4. A voice communication system between each off-track betting facility and the organization licensee providing direct voice contact between the stewards and pari-mutuel departments;
5. A video record of all simulcasts, in decoded form and shall provide a copy of that record on either 1/2" or 3/4" video cassette when requested by the commission;
6. Not less than 30 minutes prior to the commencement of transmission of the racing program for each day or night, a test program of its receiver, description, and decoding, and data communication to assure proper operation of the system;
7. A separate outstanding ticket liability account must be maintained if the totalizer system utilized by the off-track betting facility is independent from that of the organization licensee;

8. Such security controls over its downlink and communications system as directed by the commission;
  9. It shall be the responsibility of the off-track betting facility to comply with the commission emergency stop betting procedures;
  10. A report of its pari-mutuel operations not more than 90 days following the conclusion of each race meeting conducted by contracting organization licensee; and shall offer its business records for examination by the commission at its request; and
  11. An annual report of its simulcast operations and an audited financial statement.
- 

STATUTORY AUTHORITY: 8 MRSA §§ 263-A, 268, 275-C, 279-A, 279-B, 281

REPEALED AND REPLACED:

February 22, 1993

AMENDED:

April 11, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 17, 1997

NON-SUBSTANTIVE CORRECTIONS:

March 2, 2000 - converted to MS Word

REPEALED AND REPLACED:

May 29, 2001

NON-SUBSTANTIVE CORRECTION:

August 4, 2010 - heading for Section 5