

100-mile law raises questions about Maine casino - Bloomberg

Written by Administrator

Thursday, 17 February 2011 13:51 -

PORTLAND, Maine (AP) — A Maine law requiring casinos to be at least 100 miles apart is raising questions about plans for a new one that would be 94 miles from the state's only existing casino, Hollywood Slots in Bangor.

Black Bear Entertainment is planning to build Maine's first

full-blown casino with both table games and slot machines along Route 26 in Oxford. In a statewide referendum last fall, voters approved the company's proposal to build a \$165-million casino and resort.

But an attorney for Scarborough Downs horse track said the site chosen by Black Bear doesn't qualify under a 2003 state law that prohibits casinos from being within 100 miles of each other. Ed MacColl said he isn't trying to block the Oxford casino, but wants Black Bear's support in changing state law to do away with the 100-mile rule while also allowing Scarborough Downs to build a new track with slot machines in Biddeford.

"Courts around the country virtually always interpret it to mean straight-line distance," MacColl said. "Whether something is within X miles of something else by straight line isn't ambiguous. But whether it's within X distance on the route of ordinary travel does get ambiguous because you can have a debate as to what's the route of ordinary travel."

Black Bear is asking the Gambling Control Board, which oversees casinos, for its opinion. The board heard Wednesday from MacColl, Black Bear representatives and Department of Public Safety Commissioner John Morris, who told the board the governor's office believes the distance should be measured by road, not through the air.

The board is expected to vote on the matter Friday. If it decides that distances should be measured in a straight line, it could delay construction of the casino. Black Bear spokesman Peter Martin said the company would ask the Legislature to change the law allowing the project to move forward.

Black Bear contends that laws on other gambling matters, such as how far off-track betting parlors have to be from each other, measure distances using the "commonly used roadway."

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"That's how people travel," Martin said. "They don't get in their planes in Westbrook and fly to Oxford. They get in their cars and drive."

Complicating the issue is Scarborough Downs' hope to build a new track with slot machines in Biddeford, two towns south of its current location in Scarborough. Supporters have submitted petitions to the Secretary of State's office seeking to change state law to allow for a racetrack casino.

Scarborough Downs has maintained it needs slot machines to remain competitive and preserve the state's harness racing industry. It now wants Black Bear's support.

"What I've proposed to Black Bear is we go to the Legislature and explain that in both our views both projects conceptually won the support of Maine voters in statewide referendums, but both projects need some fine tuning to be allowed to go forward," MacColl said. "Black Bear said they would get back to us, but they didn't and now they want that their project can go forward and our project can't."

Martin said Scarborough Downs should take its proposal to a statewide vote.

"We have a very simple position: Treat others as we have been treated," Martin said. "We went out to referendum. Hollywood Slots went out to referendum. Any future casino expansion should go out to referendum as well."

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