

# MAINE STATE LEGISLATURE

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Legislative Document

No. 1014

H. P. 1862

House of Representatives, April 10, 1937.

Reported by Mr. Donahue from Committee on Appropriations and Financial Affairs and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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AN ACT Relating to a State Racing Commissioner.

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

**P. L., 1935, c. 130, amended.** Chapter 130 of the public laws of 1935 is hereby repealed and the following enacted in place thereof:

**'Sec. 1. State racing commissioner.** The governor with the advice and consent of the council shall appoint a state racing commissioner to serve for a term of 3 years or until his successor is duly appointed and qualified. He shall be a person interested in the establishment and development of a Maine breed of standard bred horses, and shall not have any pecuniary interest in any races or the sale of pari mutuel pools licensed under the provisions of this act.'

**'Sec. 2. Racing fund.** The treasurer of state shall keep a separate account, to be known as the racing fund, to which shall be credited all money received from the tax on contributions to pari mutuel pools as provided for in this act. Said fund shall be used for the general purposes of the state until otherwise ordered by the legislature.'

**'Sec. 3. Bond.** The said commissioner shall give bond to the state in the sum of \$5000 with sureties to be approved by the governor and council for the faithful performance of the duties of his office.'

'Sec. 4. Office. The commissioner shall have an office in Augusta and during the time in which racing is conducted in the state may maintain branch offices elsewhere.'

'Sec. 5. Assistants. The commissioner, with the approval of the governor and council, is authorized to employ such assistants and employees as he may deem necessary to provide adequate policing and to carry out the purposes of this act as such compensation on a per diem basis as the commissioner may prescribe.'

'Sec. 6. Compensation. The commissioner shall receive the salary of \$2500 per year and his reasonable expenses, including transportation, incurred in the performance of his duties, to be audited and allowed by the governor and council.'

'Sec. 7. Expenses. All expenses incurred in carrying out the provisions of this act, including the salary of the commissioner and necessary office expenses, shall be charged to and paid out of the money received under the provisions of this act, provided, however, that in no one year shall more than \$10,000 be so expended.'

'Sec. 8. Report of the commissioner. The commissioner shall make an annual report to the governor on or before the 1st day of December in each year, including therein an account of his actions, receipts derived under the provisions of this act, the practical effects of the application of this act, and any recommendation for legislation which the commissioner deems advisable.'

'Sec. 9. Rules and regulations. Said commissioner shall make rules and regulations for the holding, conducting and operating of all harness horse races or meets for public exhibition held in this state and for the operation of race tracks on which any such race or meet is held. No such race or meet shall be permitted on Sunday. No meeting to be allowed for more than 6 days in any 30 day period, except that during the month of July, a meeting may be allowed for not exceeding 12 days on mile tracks. In the event such a 12 day meeting is held, no further meetings where pari mutuel betting is permitted, shall be allowed during the same calendar year.'

'Sec. 10. Races. No person, association or corporation shall hold, conduct or operate any harness horse race or meet for public exhibition, if pari mutuel betting is permitted, within the state without a license from the state racing commissioner.'

'Sec. 11. Licenses. Any person, association or corporation desiring

to hold a harness horse race or meet for public exhibition shall apply to said commissioner for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

(a) The full name and address of the person, association or corporation.

(b) If an association, the names and residences of the members of the association.

(c) If a corporation, the name of the state under which it is incorporated, with its principal place of business and the names and addresses of its directors and stockholders.

(d) The exact location where it is desired to conduct or hold races or race meets.

(e) Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof.

(f) A statement of the assets and liabilities of the person, association or corporation making such application.

(g) Such other information as the commissioner may require.'

'Sec. 12. Issuance of license. If the commissioner is satisfied that all the provisions of this act and the rules and regulations prescribed by him have been and will be complied with by the person, association or corporation applying for a license, he may issue a license which shall expire on the 31st day of December. But between the dates of August 1 and October 20 no license shall be issued to anyone but an agricultural fair association. The license shall set forth the name of the licensee, the place where the races or race meets are to be held, and the time and number of days during which racing may be conducted by said licensee. Any such license issued shall not be transferable or assignable. Said commissioner shall have power to revoke any license issued at any time for good cause upon reasonable notice and hearing. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation and the corporation shall not hold a harness horse race or meet for public exhibition, without a new license.

Not more than 3 licenses shall be issued authorizing the holding of harness horse races or meets for public exhibition, with pari mutuel pools, on any 1 track in 1 year.

No license shall be granted to any person, firm, association, or corporation to hold harness horse races or meets for public exhibition, with pari mutuel pools, between the dates of November 30th and May 1st.

The commissioner is, hereby, directed to assign such dates for holding

harness horse races or meets for public exhibition, with pari mutuel pools, as well best serve the interests of the agricultural associations of Maine and may accordingly refuse to issue a permit if the issuance of the permit would in his opinion be detrimental to the interests of the agricultural associations of Maine or any of them.'

'Sec. 13. Bond. Every person, association or corporation licensed under the provisions of this act shall before said license is issued give bond to the state in such reasonable sum not exceeding \$50,000 as may be fixed by the commissioner with a surety or sureties to be approved by the commissioner conditioned to faithfully make the payments prescribed by this act and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with the provisions of this act and the rules and regulations prescribed by the commissioner.'

'Sec. 14. Penalty. Any person, association or corporation holding or conducting or any person or persons aiding or abetting in the holding or conducting of any harness horse race or meet for public exhibition within the state without a license duly issued by said commissioner, or any person, association or corporation who violates any of the provisions of this act or who violates any of the rules and regulations prescribed by the commissioner shall be punished by a fine of not more than \$5000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.'

'Sec. 15. Pari mutuel pools. Within the enclosure and on the grounds of any race track where is held a race or race meet licensed and conducted under the provisions of this act but not elsewhere, the sale of pari mutuel pools under such regulations as may be prescribed by said commissioner is hereby permitted and authorized. Commissions on such pools shall in no event and at no track exceed 10% and the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of 5. Said maximum shall include the 3½% tax herein-after prescribed.

'Sec. 16. Tax on pari mutuel pools. Each person, association or corporation licensed to conduct a race or race meet under the provisions of this act shall pay to the treasurer of state for the use of the state a sum equal to 3½% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under the provisions of this act.'

'Sec. 17. Payment. Said payment under the provisions of the preceding section shall be made not later than 7 days after each race and shall

be accompanied by a report under oath showing the total of all said contributions to pari mutuel pools covered by such report and such other information as the commissioner may require.'

'Sec. 18. Limitation. No part of this act shall be construed to apply to any racing whatever except harness horse races.'

'Sec. 19. Records. Every person, association or corporation conducting a race or race meet under the provisions of this act shall so keep its books and records as to clearly show the total number of admissions and the total amount of money contributed to every pari mutuel pool on each race separately and within 60 days after the conclusion of every race meeting shall submit to the commissioner, a complete audit of its accounts.'

'Sec. 20. Minors. No minor whether attending a race or employed in any manner on or about a race track shall be permitted to participate in any pari mutuel pool or be admitted to any pari mutuel enclosure.'

'Sec. 21. Supervision. Said commissioner shall have the power and authority to regulate, supervise and check the making of pari mutuel pools and the distribution therefrom. Said commissioner shall have the further power and authority to investigate as to the direct and indirect ownership and control of any licensee and any expense incurred by the commissioner in so doing shall be at the expense of such licensee or of the applicant for a license.'

'Sec. 22. Standard bred horses. Said commissioner shall also encourage and promote the breeding of a strain of Maine standard bred horses and make provision to encourage donations of the same by licensees or others to persons or institutions within the state for breeding purposes.'

'Sec. 23. Effect on other laws. All acts and parts of acts inconsistent with the provisions of this act are hereby suspended while this law is in force.'

'Sec. 24. Enforcement. It shall be the duty of the attorney-general with the aid of the county attorneys of the several counties to enforce the provisions of this act upon notification from said commissioner of any violations thereof.'