

MAINE STATE LEGISLATURE

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NINETY - THIRD LEGISLATURE

Legislative Document

No. 1192

H. P. 1563

House of Representatives, February 28, 1947.

Transmitted by revisor of statutes pursuant to joint order

Referred to the Committee on Taxation. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Sleeper of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Increasing the Share of the State in Pari Mutuel Pools.

Emergency preamble. Whereas, the need for additional revenue by the state for the next fiscal biennium is of utmost importance to the state, and

Whereas, by the amendment of chapter 77 of the revised statutes, as hereinafter set forth, an opportunity will be created to add substantial additional revenue to the use of the state, and

Whereas, if the legislation herein contemplated is enacted, the opportunity for this additional revenue for the year 1947 will be lost to the state, since the night harness racing for which it makes provision cannot reasonably be put into effect in 1947, unless said amendment takes effect when approved, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore

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

Sec. 1. R. S., c. 77, § 6, repealed and replaced. Section 6 of chapter 77 of the revised statutes, is hereby repealed and the following enacted in place thereof:

Sec. 6. Compensation. The chairman of the commission shall receive a salary of \$1,500 a year, and each of the other members shall receive salaries of \$1,200 a year, and additionally, each shall receive his reasonable expenses, including transportation, incurred in the performance of his duties.'

Sec. 2. R. S., c. 77, § 9, amended. Section 9 of chapter 77 of the revised statutes is hereby amended to read as follows:

Sec. 9. Rules and Regulations. The commission 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 held on Sunday. No meeting shall be allowed for more than 6 days in any 30-day period, **except night harness racing as hereinafter defined**, except that between the 1st day of July and the 1st Monday of August, a meeting may be allowed for not exceeding 18 days on mile tracks. In the event such an 18-day meeting is held, no further meetings where pari mutuel betting is permitted, shall be allowed during the same calendar year. No part of this chapter shall be construed to apply to any racing whatever except harness horse races.'

Sec. 3. R. S., c. 77, § 12, amended. The 1st sentence of section 12 of chapter 77 of the revised statutes is hereby amended to read as follows: 'If the commission is satisfied that all the provisions of this chapter and the rules and regulations prescribed by the commission have been and will be complied with by the person, association or corporation applying for a license, it may issue a license which shall expire on the 31st day of December; but between the dates of the 1st Monday in August and October 20, no license shall be issued to any one but an agricultural fair association, **except night harness racing as hereinafter defined**.'

Sec. 4. R. S., c. 77, § 12, amended. Section 12 of chapter 77 of the revised statutes is hereby amended by adding at the end thereof a new paragraph, to read as follows:

"Notwithstanding anything in this chapter to the contrary, the commission may issue a license, where pari mutuel betting is permitted, to hold night harness races or meets, for a period of 8 consecutive weeks, daily, between the 1st day of July and the 1st Monday in September, both inclusive, in each year, between the hours of 6 P. M. and midnight. Before any license shall be granted, however, the applicant shall deposit with the commission the sum of \$25,000 as a license fee, said license fee to be

segregated and disposed of as provided in section 16 of chapter 27, but only to those agricultural fair associations whose dates for holding agricultural fairs shall occur within the period for which licenses to hold night harness races have been granted by the commission; and shall be in addition to the stipends provided for in section 16 of chapter 27; provided further, that the commission shall grant such licenses for night harness racing to such applicants only, who shall have, and maintain, a grandstand or grandstands of adequate capacity and safety; shall have, and maintain, adequate lighting facilities; and shall have, and maintain, a race track which on the home stretch shall be not less than 70 feet in width, and provided further, that any part of said license fee of \$25,000 not disposed of for the purpose herein set forth and under the provisions of section 16 of chapter 27, shall, at the end of such meets and as soon thereafter as is practical, be turned over to the treasurer of the state and shall become a part of the general fund of the state. All other provisions of Chap. 77, not inconsistent with the foregoing, shall apply to a licensee for night harness racing."

Sec. 5. R. S., c. 77, § 15, amended. Section 15 of chapter 77 of the revised statutes is hereby amended to read as follows:

'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 chapter, but not elsewhere, the sale of pari mutuel pools under such regulations as may be prescribed by said commission is permitted and authorized. Commissions on such pools shall in no event and at no track exceed ~~10%~~ 15% 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%~~ 5½% tax hereinafter prescribed.'

Sec. 6. R. S., c. 77, § 16, amended. Section 16 of chapter 77 of the revised statutes, as amended by section 26 of chapter 297 of the public laws of 1945, is hereby further amended to read as follows:

'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 chapter shall pay to the treasurer of state, to be credited to the general fund of the state, a sum equal of ~~3½%~~ 5½% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under the provisions of this chapter.

Provided that a licensee licensed to conduct night harness racing shall pay the state tax of 5½% heretofore mentioned to the treasurer of the

state for the use of the state, and in addition thereto, there shall be assessed to the said licensee, who conducts night harness racing as aforesaid, a tax of 1% on the total contributions to all pari mutuel pools licensed as aforesaid; and provided that said license fee of \$25,000 set forth in Sec. 12, as amended, to conduct said night harness racing, shall be credited to such licensee by the treasurer of the state against said additional tax of 1% up to the amount of said license fee of \$25,000, and any taxes assessed in excess of the said license fee of \$25,000 shall be paid by said licensee to the treasurer of state for the use of the state.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.