

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1961 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 2

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1961

The 1961 amendment deleted the former first five paragraphs of this section, substituted "hearing officer" for "commission" in the first sentence of the present first paragraph and deleted the remainder of that paragraph.

**Effective date and applicability of Public Laws 1959, c. 317.**—Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all

actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

### **Sec. 10. Nonresident brokers and salesmen.**

The resident qualifications and the examination requirements shall not apply on application of a nonresident broker or salesman for a license limited to transactions involving industrial plants, sites and parks, provided such applicant has been licensed in some other state as a broker or salesman for a period of 10 years and submits proof that he specializes in industrial real estate, and provided such other state allows similar privileges to residents of this state. (R. S. c. 75, § 10. 1961, c. 138, § 6.)

**Effect of amendment.**—The 1961 amendment added the third paragraph of this section.

As the first two paragraphs were not

affected by the amendment, they are not set out.

**Cited in** *United Interchange, Inc. v. Harding*, 154 Me. 128, 145 A. (2d) 94.

### **Sec. 12. Penalties.**

**Cited in** *United Interchange, Inc. v. Harding*, 154 Me. 128, 145 A. (2d) 94.

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## **Chapter 85.**

### **Art Commission.**

#### **Sec. 2. Powers and duties.**

No painting, portrait, statue or tablet shall be accepted or placed in the state house without the permission of the commission. The commission shall advise the state director of public improvements where to hang paintings, portraits and pictures and where to place statues and other works of art. (R. S. c. 76, § 2. 1957, c. 340, § 7.)

**Effect of amendment.** — The 1957 amendment substituted "state director of public improvements" for "superintendent of public buildings" in the last paragraph of this section. Section 12 of such amen-

datory act provided that it should be retroactive to July 1, 1957.

As the first two paragraphs were not charged by the amendment, they are not set out.

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## **Chapter 86.**

### **Harness Racing Commission.**

**Sec. 1. State harness racing commission.** — The state harness racing commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members who shall be appointed and may be for cause removed by the governor with the advice and consent of the council. No more than 2 members shall be of the same political party. One member shall, in some capacity, be connected with agricultural societies which operate pari mutuel racing. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of 3 years. Any vacancy shall be filled by appoint-

ment for the unexpired term. The members shall serve until their successors are appointed and qualified. So far as practicable they shall be persons interested in the establishment and development of a Maine breed of standard bred horses and no member of the commission shall have any pecuniary interest in any racing or the sale of pari mutuel pools licensed under the provisions of this chapter. (R. S. c. 77, § 1. 1951, c. 266, § 95. 1953, c. 402. 1955, c. 114.)

**Effect of amendment.**—The 1955 amendment inserted the second sentence.

**Sec. 7. Report.**—The commission shall make an annual report to the governor on or before the 1st day of January in each year, including therein an account of its actions, receipts derived under the provisions of this chapter, the practical effects of the application of the provisions of this chapter and any recommendation for legislation which the commission deems advisable. (R. S. c. 77, § 8. 1955, c. 44.)

**Effect of amendment.**—The 1955 amendment substituted "January" for "December" in line two.

**Sec. 8. 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 part of this chapter shall be construed to apply to any racing whatever except harness horse races. (R. S. c. 77, § 9. 1947, c. 358. 1949, c. 388, § 3. 1957, c. 46.)

**Effect of amendment.** — The 1957 amendment omitted two former sentences of this section relative to periods of holding meetings.

**Sec. 11. Issuance of license.**—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; and between the dates of the 1st Monday in August and October 20, it may issue a license to an agricultural fair association for a pari mutuel harness meet in connection with its annual fair, but no other person, association or corporation shall be licensed to operate either a day or night pari mutuel harness meet within the same or any adjoining county when an agricultural fair association is operating a pari mutuel harness meet at the time of its annual fair, without the consent of said fair association. The fee for such license shall be \$10 for each 6 days or less of harness racing whether or not pari mutuel pools are sold. 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. The location stated in such license where the race or race meet is to be held may be transferred to any other licensee on the dates set forth in the license during which such racing can be conducted, but with respect to such a transfer, the transfer shall only be made to another licensee and said licensee shall be liable for compliance with all laws and regulations governing the conduct of harness racing. Any such license issued shall not be transferable or assignable. The hearing officer as designated in chapter 20-A shall have power to revoke any license issued at any time for good cause upon 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.

The commission is directed to assign such dates for holding harness horse races or meets for public exhibition with pari mutuel pools as will best serve the inter-

ests of the agricultural associations of Maine and may accordingly refuse to issue a permit if the issuance of the permit would in the opinion of the racing commission be detrimental to the interests of said agricultural associations or any of them.

The commission may grant to a track or tracks a license to operate day or night harness racing.

Notwithstanding anything in this chapter to the contrary, the commission shall issue a license, where pari mutuel betting is permitted, to Gorham Raceways to hold day or night harness races or meets in Gorham each year for a period of 4 weeks, and no more, beginning in June on the Monday of the last full week therein which has 7 calendar days, except said commission may issue each spring a license to Gorham Raceways for an additional period, ending on the date said 4-week period begins. If no running racing is held at Scarborough Downs after Labor Day each year, Gorham Raceways may be permitted to hold harness races or meets at Gorham, but only if said harness races or meets at Gorham held after Labor Day shall not be detrimental to the best interests of the agricultural associations of Maine, or any of them. The determination as to whether or not such harness races or meets are detrimental shall be made by the commission after a public hearing following due notice to all parties concerned. The number of quinella races, or any similar types or designations, in any day of racing, shall be determined by the commission. (R. S. c. 77, § 12. 1949, c. 388, §§ 4, 5. 1951, c. 105. 1953, c. 419; c. 423, §§ 2, 2-A. 1957, cc. 47, 382, 389. 1959, c. 168; c. 315, §§ 1-3; c. 316. 1961, c. 148; c. 378, § 57; c. 394, § 52.)

**Effect of amendments.**—The first 1957 amendment repealed the former second paragraph which prohibited the issuance of more than three licenses for certain races on one track in one year. The second 1957 amendment added the last sentence of the section. The third 1957 amendment inserted the fourth sentence of the first paragraph.

P. L. 1959, c. 168, which became effective on its approval, April 9, 1959, rewrote the last sentence which formerly permitted quinellas for the last heat only on any particular day. Chapter 315, § 1, repealed the former third paragraph prohibiting licensing harness races with pari mutuel pools between November 30th and May 1st. Chapter 315, § 2, repealed the former fourth paragraph permitting licensing of harness races between June 15th and October 15th. Chapter 315, § 3, which did not

refer to or give effect to chapter 168, rewrote the last paragraph without, however, changing the last sentence. Chapter 315 became effective upon its approval, May 21, 1959. Chapter 316 rewrote the present third paragraph. Chapter 378, effective on its approval, January 29, 1960, re-enacted the last sentence of the section so as to cause it to read as it did in chapter 168.

Chapter 148, P. L. 1961, which became effective on its approval, March 28, 1961, again rewrote the last sentence which, as last amended, had provided for not more than three quinellas each day. Chapter 394, P. L. 1961, substituted "The hearing officer as designated in chapter 20-A" for "Said commission" at the beginning of the next to last sentence of the first paragraph and deleted "reasonable" following "upon" and before "notice" in that sentence.

**Sec. 14. Pari mutuel pools.**—Within the enclosure 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 by the licensee 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 17% of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage," which breakage shall be retained by the licensee. Said maximum shall include the 6% tax prescribed in section 15. A sum equal to 1% of such total contributions shall be paid to the treasurer of state to be credited to the "stipend" fund provided by section 17 of chapter 32. (R. S. c. 77, § 15. 1949, c. 388, § 6. 1953, c. 423, § 3. 1955, c. 353. 1957, c. 391, § 2.)

**Effect of amendments.**—The 1955 approval, May 16, 1955, deleted the words amendment, which became effective on its approval, May 16, 1955, deleted the words "and on the grounds" after the word "en-

closure" in the first sentence and rewrote the second sentence.

The 1957 amendment substituted "17%" for "16%" in the second sentence, "6%" for "5½%" in the third sentence, and

"1%" for "½%" in the fourth sentence, rewrote the provision pertaining to retention of breakage, and made other minor changes.

**Sec. 15. Tax.**—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 to 6% 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. (R. S. c. 77, § 16. 1945, or race meet licensed under the provisions of this chapter.

A sum equal to 1/6 of the tax on all pari mutuel pools conducted or made at any race or race meet licensed under this chapter shall be paid and returned to the licensees for the purpose of supplementing purse money. This sum shall be divided equally among the licensees in the proportion that the number of racing days of a licensee granted by the commission bears to the total number of racing days granted in any one year by the commission. Payments shall be made to said licensees by the end of the calendar year. This law shall apply for the full harness racing season of 1961 and subsequent years. (R. S. c. 77, § 16. 1945, c. 297, § 26. 1949, c. 388, § 7. 1953, c. 423, § 4. 1957, c. 391, § 3. 1961, c. 399.)

**Effect of amendments.** — The 1957 amendment increased the percentage from 5½% to 6%.

The 1961 amendment added the second paragraph to this section.

## Chapter 87.

### Running Horse Racing Commission.

**Sec. 3. Assistants.**—The commission is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes of this chapter at such compensation on a per diem basis as the commission may prescribe, subject to the provisions of the personnel law. (1949, c. 289. 1955, c. 82.)

**Effect of amendment.**—The 1955 amendment deleted the former second sentence, which forbade the commission to employ

any state or local official or employee whose annual compensation from the state or locality exceeded \$1,000.

### Sec. 9. Issuance of license; fee.

Racing shall be permitted at Scarborough Downs until the hour of midnight each day from May 15th to November 30th each year, except that no racing shall be permitted each year for a period of 4 weeks, beginning in June on the Monday of the last full week therein which has 7 calendar days; provided, however, that if Gorham Raceways does not hold harness races or meets during said 4-week period racing under the provisions of this chapter may be permitted at Scarborough Downs until the hour of midnight of each day during said 4-week period. 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 nor assignable. The hearing officer as designated in chapter 20-A shall have power to revoke any license for good cause upon 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 running horse meet for public exhibition without a new license. The fee for such license shall be \$5,000 annually. (1949, c. 289. 1951, c. 404. 1953, c. 423, § 5. 1961, c. 394, § 53.)