

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

m

June 12, 1953

To Maine State Harness Racing Commission
Re: Concurrent Race Meets - Chapters 419 and 423, P. L. 1953

We have your memo of May 21, 1953, in which you ask, relative to the amendments to Section 12 of Chapter 77 of the Revised Statutes, as amended, the following two questions:

1. "Can the Commission legally issue licenses to two agricultural fair associations at the same time, to operate harness racing meets with their annual fairs, within the same or adjoining counties, between the 1st Monday in August and October 20?"

2. "If Scarborough Downs does not hold running races after Labor Day, can Gorham Raceway legally be granted a license by the Commission to operate harness racing at that time even though it operated against an agricultural fair race meet in the same or adjoining county, which goes back to the first law referred to above?"

Chapter 419 of the Public Laws of 1953 and Chapter 423 of the Public Laws of 1953 both amend that section (12) of Chapter 77 of the Revised Statutes. For convenience in considering this problem we herewith set out the pertinent portions of Section 12:

"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. ..

"Notwithstanding anything in this chapter to the contrary, the commission shall issue a license, where pari mutuel betting is permitted, to hold day or night harness races or meets for a period of 8 weeks and no more between June 15th and October 15th of each year, daily except Sundays. The commission shall grant such licenses for night harness racing to such applicants only, who shall have and maintain adequate pari mutuel facilities, which facilities shall include a totalizator or its equivalent where odds change at least once every 2

minutes, adequate stable facilities for not less than 400 horses, and shall have and maintain a track adequate in width to start 8 horses abreast. Said licensees shall also pay purses at least equal to minimum purses paid at any other New England harness racing track.

"During the remaining time of the period, if any, between June 15th and October 15th, the commission may grant to a track or tracks a license to operate day or night harness racing for no more than 2 weeks in any 4-week period without necessarily meeting the specifications set forth in the preceding paragraph.

"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; provided, however, that 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. Except that for the year 1953, the commission shall issue such a license to Gorham Raceways to hold harness racing or meets in Gorham from June 15th to July 11th, both days inclusive."

In answer to Question No. 1, it is our opinion that, under Chapter 419 of the Public Laws of 1953, passed by the 96th Legislature, this section permits the Commission to issue licenses to more than one agricultural fair association for a pari mutuel harness meet in connection with their agricultural fairs. This amendment prohibits any other person, association or corporation from conflicting with them on their annual fair dates. It does not limit the Commission to issuing only one license on a given date to a fair association, provided that the date or dates are those of their annual fairs. An agricultural fair association would be required to get consent of another agricultural fair association if their dates conflicted, if it proposed to run on dates other than its annual fair dates.

With respect to your second question we are presently inclined to believe that if Scarborough Downs does not hold running races after Labor Day, Gorham Raceways is eligible to hold harness races or meets at Gorham; in such a case Gorham would have to receive the permission of an agricultural fair association running a meet in connection with its annual fair within the same or any adjoining county, if such annual fair meet date conflicts with that of the Gorham running race date.

However, we feel at this time that the question is perhaps prematurely asked, in that the problem may never arise, if Scarborough Downs decides to race after Labor Day. When and if an actual problem arises with respect to conflicting dates for Gorham meets and agricultural fair meets, we shall be pleased to consider the problem at that time.

James Glynn Frost
Deputy Attorney General

jgf/c
cc: The Governor