

MAINE STATE LEGISLATURE

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March 8, 1968

E. B. Stevens, Clerk

Harness Racing Commission

Garth K. Chandler, Assistant

Attorney General

Commission Rule 96

FACTS:

Rule 96 of the Harness Racing Commission states that:

"The Mutuel Director shall keep a record of all overages and shortages of ticket sellers and cashiers, and shall furnish a copy of same to the Commission daily. At the end of each race meet the Director shall compare the totals. Any net overage shall be turned over to the licensee and any net shortage shall be taken care of by the Mutuel Director."

QUESTION 1:

May a Mutuel Director hold the seller or cashier responsible for the shortages?

ANSWER 1:

Yes.

OPINION 1

The Mutuel Director is obligated by the Rule to look into and resolve the problem of shortages. Any other interpretation of the Rule would result in the Director being personally liable for the shortage. The logical party to look to as the party responsible for the shortage would be the party charged with the obligation of handling and dealing with the monies, i.e., cashiers or sellers.

QUESTION 2:

May a Mutuel Director turn overages over to track management?

ANSWER 2:

Yes, providing that the track management is the licensee.

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OPINION 2:

Rule 96 expressly states that overages are to be turned over to the licensee. If the licensee is track management then the overages may be turned over to track management.

GKC/mf

Garth K. Chandler
Assistant Attorney General