

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**

March 7, 1974

Maynard C. Dolloff, Commissioner

Agriculture

John Kendrick, Assistant

Attorney General

Breeders Stake horserace

1. The program of the Maine Harness Racing Commission that you asked us to review is totally outside any existing statutes. The Commission has no authority to conduct a race itself, or to co-sponsor a race with a racing association or group of such association.

The five member committee of advisors that I understand has already been appointed could not act in any official capacity to put on a race event itself or with others. Basically what the enabling statutes regarding harness racing (8 M.R.S.A. § 261 et seq) authorize is a licensing program for individuals and organizations that want to sponsor a race with pari-mutual betting. If betting is not to be a part of the event there is no need for a license.

By law all money coming to the Commission must go into the State General Fund, and expenditures by the Commission, regardless of source, must be authorized by a legislative appropriation.

For a Maine standardbred "breeders stake" race of a sort envisioned by the Commission's proposed program to be held, one of two alternatives could be followed:

(1) A racing association or agricultural fair association or a group composed of either or both type associations should apply for a license from the Commission, and handle all phases of such a race or races as all other races are handled.

(2) Departmental (or other) legislation authorizing the Commission itself to conduct or participate in a special event for the Maine breed of standard bred horses should be sought, together with an appropriation of funds for the purpose (2) desired.

2. The regular laws of the Department of Agriculture, 7 M.R.S.A. §§ 1-3705, do not supply any authority for the matter in issue. I examined the provision for State stipends to county and local agricultural societies very closely. It is not applicable.

JK/bls

AN INFORMAL OPINION

*The sort of Legislation required was made the subject of Legislative Document 683 before the 106th Legislature; which Bill was not enacted. A copy of the L.D. is attached.