

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date October 26, 1977

Thomas H. Webster, Exec. Secretary Dept. Harness Racing Commission

Donald G. Alexander, Deputy Dept. Attorney General

subject Colt Racing Laws, Rules

In your memorandum under date of September 15, 1977, addressed to this office, you inquire as to whether or not the statutory language of 8 M.R.S.A. § 281 prohibits the Harness Racing Commission from changing its rules and regulations governing the establishment and conduct of Maine Standardbred Stakes Races.

Neither the language of 8 M.R.S.A. § 281 nor the language of any other section of the law governing the administration of harness racing in the State of Maine, prohibits the Harness Racing Commission from amending its rules and regulations governing the conduct of Standardbred Breeders Stakes Races.

The provisions of 8 M.R.S.A. § 281 reads in pertinent part, as follows:

"The commission shall encourage and promote the breeding of a strain of Maine standard bred horses and make provision to encourage donations of the same by licensees or others to persons or institutions within the State for breeding purposes.

The commission, by regulation, may define a strain of Maine standard bred horses, bred or owned in the State of Maine, and registered with the commission in its registry book. The commission is also authorized to establish necessary fees for horses and races, in the establishment of a Maine standard bred horses program, the funds from which shall be administered by the commission by deposit in a trust account entitled Sire Stakes Fund. . . . "

Any changes in regulations which are adopted must still remain within the general direction of the statute. At such time as amendments are adopted, we would, of course, review them as to form and legality as required by the Administrative Code, 5 M.R.S.A. § 2352.

We would suggest that if there is concern about the factual basis and impact of any changes in the regulations which you may have under consideration, it would be best for the Commission to

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give adequate notice and hold a public hearing to develop the facts upon which to base the change in the regulation. While such a hearing may not be mandatory, it may aid in developing the regulation and in any subsequent test of the regulations in court should proposed amendments be challenged.

Donald G. Alexander
DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

cc: *Jos. Brennan*
John Paterson
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