

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1375

H. P. 1047

House of Representatives, March 12, 1969

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Harriman of Hollis.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Establish the State Racing Commission.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 8, c. 12, additional. Title 8 of the Revised Statutes is amended by adding a new chapter 12, to read as follows:

CHAPTER 12

STATE RACING COMMISSION

§ 291. State Racing Commission

A State Racing Commission, referred to in this chapter as the "commission" is established. 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.

Each member shall be appointed for a term of 3 years or until his successor has been appointed and qualified. Any vacancy shall be filled for the unexpired term by the Governor with the advice and consent of the Council. No member shall have any pecuniary interest in any racing or the sale of pari-mutuel pools licensed hereunder.

§ 292. Organization

The commissioners shall select one from their number to be chairman and another to be secretary of the commission. Two of the members of the commission shall constitute a quorum to do business. It shall be the duty of the

secretary to keep records of all proceedings of the commission and to preserve all books, maps, documents, papers and records entrusted to its care.

§ 293. Offices

The commission shall have an office in Augusta and, during the time in which racing is conducted in the State, may maintain branch offices elsewhere.

§ 294. Assistants

The commission, with the approval of the Governor and Council, 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 and fix their compensation on a per diem basis, subject to the Personnel Law.

§ 295. Compensation

The salary of the chairman of the commission shall be \$1,500 per year and the salary of each of the other members shall be \$1,200 per year, and in addition each member shall be allowed his reasonable expenses, including transportation, incurred in the performance of his duties.

§ 296. Disbursements

Compensation of the commissioners, their assistants and all other necessary expenses of the commission shall be paid out of such amounts as the Legislature may appropriate.

§ 297. Report

The commission shall make an annual report to the Governor on or before the first day of January in each year, including therein an account of its actions, receipts derived under this chapter, the practical effects of the application of this chapter and any recommendation for legislation which the commission deems advisable.

§ 298. Rules and regulations

The commission shall make rules and regulations for the holding, conducting and operating of all 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 to be held. No such race or meet shall be held on Sunday.

§ 299. Races

No person, association, corporation, trust or partnership shall hold, conduct or operate any horse race or meet for public exhibition, if pari-mutuel betting is permitted, within the State without a license from the commission.

§ 300. Licenses

Any person, association, corporation, trust or partnership desiring to hold a horse race or meet for public exhibition shall apply to said commission for a license to do so. The application shall be signed and sworn to by the per-

son or executive officer of the association, corporation, trust or partnership and shall contain the following information:

1. Name and address. The full name and address of the person, association, corporation, trust or partnership;
2. If an association. If an association, the names and residences of the members of the association;
3. If a corporation. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders;
4. Location to conduct races. The exact location where it is desired to conduct or hold races or race meets;
5. If racing plant owned or leased. Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof;
6. Assets and liabilities. A statement of the assets and liabilities of the person, association or corporation making such application;
7. Other information. Such other information as the commission may require.

§ 301. Issuance of licenses for harness racing

If the commission is satisfied that all of this chapter and the rules and regulations prescribed by the commission have been and will be complied with by the person, association, corporation, trust or partnership applying for a license, it may issue a license which shall expire on the 31st day of December. Between the dates of the first Monday in August and October 20th, 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 or 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 Administrative Hearing Commissioner as designated in Title 5, chapters 301 to 307 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 interests 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 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.

§ 302. Issuance of licenses for running races

If the commission is satisfied that all of this chapter and the rules and regulations prescribed by the commission have been and will be complied with by the applicant, it may issue an annual license which shall expire on the 30th day of November.

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. If Gorham Raceways does not hold harness races or meets during said 4-week period, racing under 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 Administrative Hearing Commissioner as designated in Title 5, chapters 301 to 307 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 equi-

table, 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.

§ 303. Bonds

Every person, association, corporation, trust or partnership licensed under this chapter shall, before said license is issued, give bond to the State in such reasonable sum, not exceeding \$100,000, as may be fixed by the commission, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed by this chapter and to keep its books and records and make reports as provided, and to conduct its racing in conformity with this chapter and the rules and regulations prescribed by the commission.

§ 304. Penalties

Any person, association, corporation, trust or partnership, holding or conducting, or any persons or person aiding or abetting in the holding or conducting, of any horse race or meet for public exhibition within the State, without a license duly issued by said commission, or any person, association, corporation, trust or partnership who violates any provisions of this chapter or who violates any of the rules and regulations prescribed by the commission shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both.

§ 305. Pari-mutuel pools

Within the enclosure of any race track where is held a race or race meet licensed and conducted under 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 18% 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 306. 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 Title 7, section 62.

§ 306. Taxes

Each person, association, corporation, trust or partnership licensed to conduct a race or race meet under 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 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.

§ 307. Payments

The payment under section 306 shall be made not later than 7 days after each race and shall be accompanied by a report under oath showing the total of all said contributions to pari-mutuel pools covered by such report and such other information as the commission may require.

§ 308. Unclaimed ticket money

On or before the first Monday in December of each year, every person, association, corporation, trust or partnership, conducting a race or race meet, shall pay to the Treasurer of State all moneys collected during the year for pari-mutuel pool tickets which have not been redeemed. Said moneys shall be retained by the Treasurer of State and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of 3 months, $\frac{1}{2}$ of such moneys still in the custody of the Treasurer of State shall be credited to the General Fund and $\frac{1}{2}$ of such moneys shall be paid to the licensee.

§ 309. Records

Every person, association, corporation, trust or partnership conducting a race or race meet under this chapter shall so keep its books and records as to clearly show all financial transactions relating to racing, which books and records shall be subject to audit at any time by the State Department of Audit.

§ 310. Minors

No minor whether attending a race or employed in any manner on or about a race track shall be permitted to participate in any pari-mutuel pool or be admitted to any pari-mutuel enclosure.

§ 311. Supervision

The commission shall have the power and authority to regulate, supervise and check the making of pari-mutuel pools and the distribution therefrom. Said commission shall have the power and authority to investigate as to the direct and indirect ownership and control of any licensee and any expense incurred by the commission in so doing shall be at the expense of such licensee or of the applicant for a license.

§ 312. Commission to exercise and maintain a proper control

For the purpose of enabling the racing commission to exercise and maintain a proper control over racing conducted under this chapter, the rules, regulations and conditions prescribed by the commission shall provide for the licensing and registering, with or without fee in the discretion of the commission, of owners, trainers, drivers, jockeys, jockey agents, grooms, stable employees, authorized agents, partnerships and all other persons participating in horse racing including pari-mutuel employees, race officials and assumed names.

The fee for any such license or registration, if imposed, shall not in any case exceed \$10 per annual license to be credited to the General Fund. Such rules and regulations may provide for the suspension and revocation of licenses so granted for the violation of any rules or regulations prescribed by the commission.

§ 313. Use of drugs or appliance

Any person who attempts to or does interfere with, tamper, injure, destroy, stimulate or depress by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether such horse be the property of such person or another, or who causes or instigates, counsels or in any way aids or abets such interference, tampering, injury or destruction or any person who shall influence or have any understanding, arrangement or connivance with any person associated with or interested in any stable, horse, track or race in which any horse participates to prearrange the results of any such race shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 3 years, or by both. The owner of any horse which is found to have been stimulated or doped shall be denied any part of the purse offered for such a race, and the purse shall be distributed as in case of a disqualification and all horses of such owner shall be barred from racing in this State for the balance of the racing season.

§ 314. Standard bred horses

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.

§ 315. Enforcement

It shall be the duty of the Attorney General with the aid of the county attorneys of the several counties to enforce this chapter upon notification from said commission of any violations thereof.

Sec. 2. R. S., T. 8, cc. 11 & 13, repealed. Chapters 11 and 13 of Title 8 of the Revised Statutes, as amended, are repealed.