

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1506

H. P. 1275

House of Representatives, April 11, 1977

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

Presented by Mr. Boudreau of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Establish Dog Racing in the State of Maine.

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

Sec. 1. 8 MRSA c. 8 is enacted to read:

CHAPTER 8

STATE DOG RACING COMMISSION

§ 171. **Commission**

There is created a State Dog Racing Commission, hereinafter in this chapter called the "commission." The commission shall consist of 3 members appointed by the Governor. No more than 2 members shall be of the same political party. 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. One member shall be appointed by the Governor as chairman and one as secretary. No member shall have any pecuniary interest in any racing or the sale of pari-mutuel pools licensed under this chapter.

§ 172. **Compensation**

Each member of the commission, except the chairman, shall receive a salary of \$1,200 a year and reasonable expenses, including transportation. The chairman shall receive \$1,500 a year and his reasonable expenses, including transportation, incurred in the performance of his duties.

§ 173. **Assistants**

The commission 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 at such compensation on a per diem basis as the commission may prescribe, subject to the Personnel Law.

§ 174. Reports

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

§ 175. Rules and regulations

The commission shall make rules and regulations for the holding, conducting and operating of all dog races and for the operation of race tracks on which any such dog race meet is held.

The commission shall have the power to promulgate all necessary rules and regulations governing dog racing including, but not limited to, regulations providing for the licensing, supervising, disciplining, suspending, fining and barring from racing, or any track under the jurisdiction of the commission, of dogs, owners, breeders, authorized agents, subagents, nominators, trainers, clockers and other persons, organizations, kennel associations or corporations, the activities of whom affect the conduct and organization of dog racing at racing tracks under the jurisdiction of the commission. Any person required by the commission to obtain a license pursuant to this section, shall pay to the commission such fees as the commission may determine to be reasonable and proper. Any license granted by the commission may be revoked by the commission at any time for cause.

§ 176. Races

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

§ 177. Licenses

Any person, association, corporation, trust or partnership desiring to hold a dog race or meet for public exhibition, shall apply to the commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

1. Name and address. The full name and address of the person, association, corporation, trust or partnership;
2. Association. If an association, trust or partnership, the names and residences of the members of the organization;
3. 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. Racing plant. 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, corporation, trust or partnership making such application; and

7. Other information. Such other information as the commission may require.

§ 178. Local option

No license shall be issued by the commission for holding a dog race meet in any city or town until the city or town at an annual or special meeting called for the purpose has, by majority vote of those voting on the question, approved of the issuance of that license in that city or town. Only one such vote shall be required and annual renewals of licenses previously issued need not be re-submitted for referendum.

§ 179. Failure to disclose information

1. Disclosure required. No person shall, individually or as an officer of a corporation or association, knowingly conceal, assist in the concealment of or fail to disclose any information required to be provided pursuant to section 177.

2. Penalty. Violation of this section is a class D crime.

§ 180. Issuance of licenses

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 31st day of December. 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 the licensee. Any such license issued shall not be transferable nor assignable. The Administrative Court Judge, 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 equitable, of 50% or more of the voting stock of the corporation and the corporation shall not hold a dog race for public exhibition without a new license. The fee for such license shall be \$5,000 annually.

§ 181. Bonds

Every person, association, corporation, trust or partnership licensed under this chapter shall, before the license is issued, give a bond to the State in such reasonable sum, not exceeding \$50,000, 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 and to keep its books and records and make reports as provided and to conduct its racing in conformity with this chapter and with the rules and regulations prescribed by the commission.

§ 182. Penalties

Any person, association, corporation, trust or partnership holding or conducting, or any person or persons aiding or abetting in the holding or conducting, of any dog race or meet for public exhibition within the State, without a license duly issued by the 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 guilty of a class D crime.

§ 183. Malicious interference with dogs

1. Acts prohibited. No person shall willfully or maliciously:

A. Interfere with, tamper with, injure or destroy by the use of narcotics, drugs, stimulants or appliances of any kind, any dog used for the purpose of racing;

B. Cause, instigate, compel, aid or abet any of the actions set out in paragraph A; or

C. Attempt to do any of the acts set out in paragraph A.

2. Penalty. Violation of this section is a class D crime.

3. Stimulated or doped dogs. The owner of any race dog engaged in racing within this State that is found to have been stimulated or doped, or any entry of which such dog is part, shall be denied any part of the purse offered for such race, and the purse shall be distributed as in the case of a disqualification.

§ 184. Issuance of license

On or after the effective date of this section, no license shall be issued by the commission under the provision hereof, for holding any race meeting on Sunday in any municipality, unless and until the municipality at an annual or special meeting called for that purpose has by majority vote approved of the issuance of a license for racing on Sunday in that municipality.

§ 185. 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 the commission is permitted and authorized. Commissions on such pools shall in no event and at no track exceed 19% 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. The maximum shall include the 6% tax prescribed in section 185. A sum equal to 1% of such total contribu-

tions shall be paid to the Treasurer of State to be credited to the "stipend fund" provided by Title 7, section 62.

§ 186. 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, a sum equal to 6% of the total contributions to all pari-mutuel pools conducted or made at any race or race meets licensed under this chapter. Each person, association, corporation, trust or partnership licensed to conduct a race or race meet under this chapter shall pay to the city or town treasurer in which the racing plant is located the sum of \$25 for each day of racing, provided such person, association, corporation, trust or partnership has a license to conduct races or race meets for more than 8 days during the year for which the license is issued.

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 costs of operation, maintenance and repairs.

§ 187. Payments

Payments under section 185 shall be made not later than 7 days after each racing day and shall be accompanied by a report under oath showing the total of all the contributions to pari-mutuel pools covered by such report and such other information as the commission may require.

§ 188. 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. The 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, 1/2 of such moneys still in the custody of the Treasurer of State shall be credited to the General Fund and 1/2 of such moneys shall be paid to the licensee.

§ 189. Records

Every person, association or corporation 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 Department of Audit.

§ 190. Minors

No minor shall be permitted to participate in any pari-mutuel pool or be admitted to any pari-mutuel enclosure.

§ 191. Employees

At least 80% of all the persons employed by a person, association, corporation, trust or partnership, conducting a racing plant under this chapter, shall

have resided in this State for a period of not less than one year. This section shall not apply to the construction of a racing plant or its equipment.

§ 192. Conflicts of interest prohibited

Neither the Greyhound Racing Commission nor any person, association or corporation conducting a racing establishment under the provisions of this chapter shall employ any person who has any pecuniary interest in dog racing.

§ 193. Supervision

The commission shall have the power and authority to regulate, supervise and check the making of pari-mutuel pools and the distributions therefrom.

§ 194. Enforcement

It shall be the duty of the Attorney General with the aid of the district attorney of the several districts, to enforce this chapter upon notification from the commission of any violations thereof.

Sec. 2. Appropriation. There is appropriated from the General Fund to the State Dog Racing Commission the sum of \$100,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78		1978-79
STATE DOG RACING COMMISSION			
Personal Services	(4) \$14,000	(4)	\$60,000
All Other	5,000		19,000
Capital Expenditures	1,000		1,000
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Total	\$20,000		\$80,000

STATEMENT OF FACT

The purpose of this bill is to permit dog racing in Maine.