

# MAINE STATE LEGISLATURE

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# E I G H T Y - E I G H T H L E G I S L A T U R E

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**Legislative Document**

**No. 749**

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H. P. 1622

House of Representatives, February 18, 1937.

Received pursuant to joint order. Referred to Committee on Legal Affairs. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Donahue of Biddeford.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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### **AN ACT Relating to Dog Racing and Old Age Pensions.**

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

**Sec. 1. Racing commission, additional duties.** The state racing commission, established under section 1 of chapter 130 of the public laws of 1935, shall have the rights, powers, duties and obligations with respect to dog races that are set forth in this act, in addition to those it now has with respect to harness horse races; and, for the purposes of this act, said commission hereinafter referred to as the commission, shall continue with its present organization but subject to the provisions of said chapter 130 relative to the appointment of its members, to the selection of its chairman and a secretary and to quorum; provided, that no member of the commission appointed after the passage of this act shall have any pecuniary interest in any dog racing or the sale of pari-mutuel pools licensed under the provisions of this act; and, provided, further, that after the passage of this act each member of the commission shall receive, in addition to his salary and expenses under said chapter, a salary of \_\_\_\_\_ a year and his reasonable expenses, including transportation incurred in the performance of his duties under this act to be audited and allowed by the governor and council.

**Sec. 2. Dog-racing fund.** The treasurer of state shall keep a separate account, to be known as the dog racing fund, to which shall be credited all money received from the tax on contributions to pari-mutuel pools as provided for in this act. Said fund shall be used for the purposes of paying old age pensions.

**Sec. 3. Bond.** In addition to any bond required by said chapter 130, each member of the commission shall give bonds to the state in the sum of \$10,000, with sureties, to be approved by the governor and council, for the faithful performance of his duties under the provisions of this act.

**Sec. 4. Officers.** The commission may maintain for the purposes of this act its main office in Augusta and during the time in which dog racing is conducted in this state may maintain branch offices elsewhere.

**Sec. 5. Employees.** 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 provisions of this act at such compensation on a per diem basis as the commission may prescribe.

**Sec. 6. Expenses.** The compensation of the commissioners, expenses of the commission, compensation of assistants and other necessary expenses of the commission, including suitable furniture, equipment, supplies and office expenses, under this act and said chapter 130 shall be charged to and paid out of the funds established under this act and said chapter 130, in proportions determined by the commission and approved by the governor and council.

**Sec. 7. Reports.** The commission shall make an annual report to the governor on or before the 1st day of December in each year, including therein an account of its actions, receipts derived under the provisions of this act, the practical effects of the application of this act, and any recommendation for legislation which the commission deems advisable.

**Sec. 8. Rules and regulations.** Said commission shall make rules and regulations for the holding, conducting and operating of all dog 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 held. No such race or meet shall be permitted on Sunday.

**Sec. 9. License required.** No person, association or corporation shall hold, conduct or operate any dog race or meet for public exhibition, if pari-mutuel betting is permitted, within the state without a license from the state racing commission.

**Sec. 10. Application for license.** Any person, association or corporation desiring to hold a dog 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 person or executive officer of the association or corporation and shall contain the following information:

(a) The full name and address of the person, association or corporation.

(b) If an association, the names and residences of the members of the association.

(c) 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.

(d) The exact location where it is desired to conduct or hold races or race meets.

(e) 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.

(f) A statement of the assets and liabilities of the person, association or corporation making such application.

(g) No license shall be issued to permit dog racing meetings to be held or conducted except at a track having a racing strip of not less than 1/10 of a mile.

(h) Such other information as the commission may require.

**Sec. 11. Issuance of license.** If the commission is satisfied that all the provisions of this act and the rules and regulations prescribed by the commission have been and will be complied with by the person, association or corporation applying for a license, it may issue such a license; provided, that no licenses issued hereunder shall permit the holding, conducting or operating of any dog races or meets for public exhibition at which pari-mutuel betting is permitted except between June 1st and September 15th, both dates inclusive, and that no licenses shall be issued hereunder to permit the holding, conducting or operating at the same time of such dog races or meets for public exhibition at race tracks less than 75 miles apart or of more than 2 such races or meets in any case. 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 or assignable. Said commission shall have power to revoke any license issued at any time for good cause upon reasonable notice and hearing. The license of any corporation shall automatically cease upon

the change in ownership, legal or equitable, or 50% or more of the voting stock of the corporation and the corporation shall not hold a dog race or meet for public exhibition, without a new license.

**Sec. 12. Bond.** Every person, association or corporation licensed under this act shall before said license is issued give bond to the state in such reasonable sum not exceeding \$20,000 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 act and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with this act and the rules and regulations prescribed by the commission.

**Sec. 13. Penalty.** Any person, association or corporation 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 said commission, or any person, association or corporation who violates any of the provisions of this act or who violates any of the rules and regulations prescribed by the commission shall be punished by a fine of not more than \$5000 or by imprisonment for not more than 10 years.

**Sec. 14. Pari-mutuel pools, authorized.** Within the enclosure and on the grounds of any race track where is held a race or race meet licensed and conducted under this act but not elsewhere, the sale of pari-mutuel pools under such regulations as may be prescribed by said commission is hereby permitted and authorized. Commissions on such pools shall in no event and at no track exceed 15% and the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of 5. Said maximum shall include the 3½% tax hereinafter prescribed.

**Sec. 15. Regulation of pari-mutuel pools.** Before holding or conducting a racing meeting, every licensee shall provide a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and supervise the pari-mutuel or certificate system of wagering on the speed or ability of dogs performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel or certificate method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, other statutes of the commonwealth to the contrary notwithstanding. Such place or places shall be equipped with automatic betting machines capable of accurate

and speedy determination of award or dividend to winning patrons, and all such awards or dividends shall be calculated by a totalisator machine or like machine.

**Sec. 16. Payments to state.** Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the treasurer of state for the use of the state a sum equal to  $8\frac{1}{2}\%$  of the total contributions to all pari-mutuel pools conducted or made at any race or race meet licensed under this act.

**Sec. 17. Time of payments.** Said payment under the preceding section shall be made not later than 2 days after each race meeting day 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.

**Sec. 18. Reports of receipts, etc.** Every person, association or corporation conducting a race or race meet under this act shall so keep its books and records as to clearly show the total number of admissions and the total amount of money contributed to every pari-mutuel pool on each race separately and the amount of money received daily from admission fees, and within 60 days after the conclusion of every race meeting shall submit to the commission a complete audit of its accounts certified by a public accountant qualified to practice in the state of Maine and approved by the commission.

**Sec. 19. Limitation on participation of 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.

**Sec. 20. Powers of commission.** Said 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 further 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.

**Sec. 21. Suspending clause.** All acts and parts of acts inconsistent with the provisions of this act are hereby suspended while this law is in force.

**Sec. 22. Enforcement clause.** It shall be the duty of the attorney-general with the aid of the solicitors of the several counties to enforce the provisions of this act upon notification from said commission of any violation thereof.