

MAINE STATE LEGISLATURE

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

Legislative Document

No. 853

H. P. 1655

House of Representatives, February 14, 1939.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Jordan of South Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Authorizing and Licensing the Racing of Greyhounds, on which the Pari-mutuel System of Betting Shall be Permitted, and Creating the Office of Director of Racing.

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

Sec. 1. Racing of greyhounds authorized. The racing of greyhounds under the so-called pari-mutuel system, subject to the provisions of the within act, be and hereby is, authorized.

Sec. 2. Director of racing appointed; term of office; salary. The control and supervision of greyhound racing under this act shall be exercised by an authority to be known as the director of racing, who shall be appointed by the governor, with the advice and consent of the council, and who shall hold office for a period of 5 years from the date of his appointment, subject to removal, for cause and after a public hearing, by the governor and council. Said director of racing shall be a person in no way identified, financially or otherwise, with any licensee under this act, and no person may be appointed, or hold office, as director of racing who is not a resident of this state. Said director of racing shall receive an annual salary of \$3,000, and his reasonable expenses incurred in the performance of his duty, to be audited and allowed by the governor and council.

Sec. 3. Vacancy; how filled. Any vacancy in the office of director of racing may be filled by appointment for the unexpired term. The director of racing shall serve until his successor is appointed and qualified.

Sec. 4. Office at state capitol; secretary; expenses. The director of racing shall maintain an office at the state capitol and may establish supervisory headquarters at any greyhound racing track that may be licensed under the within act. The director of racing is hereby authorized to employ a secretary, and such other assistants as he may deem necessary, and to expend for such employments, whatever may be reasonably necessary in the administration of this act, provided, however, that the director of racing may not expend for these purposes in any 1 year in excess of \$2,000, except upon the specific approval of the governor and council. The duly authorized expenses of the director of racing and his department as here established shall be a primary charge upon the revenue derived from the licensing of greyhound racing under this act.

Sec. 5. Annual report; bond filed. The director of racing shall make an annual report to the governor and council covering the detailed operation of his department, all expenses incurred, and the net revenue to the state for the issuance of greyhound racing licenses under this act. The director of racing shall annually file with the state treasurer a bond of some duly recognized surety company, which shall have first been approved by the attorney-general, in the sum of \$5,000 for the faithful performance of the duties of his office, the premium on said bond to be paid by the state.

Sec. 6. Issuing of licenses. The director of racing shall have full discretion to license the operation of greyhound racing under the pari-mutuel system anywhere within the state, provided, however, that no more than 1 greyhound racing track may be so licensed at any 1 time, and that no more than 100 days of racing may be permitted in any 1 year. All licenses issued by the director of racing shall be issued, and be in full force and effect, for a period of 5 years, except that any license may be suspended or revoked at any time by the director of racing upon cause shown and after a public hearing, at which the licensee may have an opportunity to be heard. No license issued under authority of this act shall be transferable except upon the express approval of the director of racing, after a public hearing at which all parties in interest may be heard. The director of racing shall have full discretion to refuse to grant, to suspend, or to completely revoke any license issued by him under this act, as herein provided, and his findings of fact shall be final. Decisions of the director of racing shall only be reviewable on questions of law.

Sec. 7. Rules and regulations; penalty for violation. The director of racing shall have full power to prescribe rules, regulations and conditions, not inconsistent with the provisions of this act, under which all greyhound racing meetings shall be conducted in the state. Rules and regulations, so prescribed, shall be printed by the director of racing and furnished in reasonable numbers to anyone who may request them. Any person violating any such rule or regulation shall, upon a complaint brought by the director of racing and after conviction, be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Sec. 8. Definitions. "Racing meeting" shall include every meeting within the state where greyhounds are raced and where the pari-mutuel form of betting or wagering on the speed or ability of greyhounds is permitted by this act, but shall not include any meeting where no such betting or wagering is permitted even though greyhounds or their owners are awarded certificates, ribbons, premiums, purses, prizes or a portion of gate receipts for speed or ability shown.

"Race track" shall include the track, grounds, auditorium, amphitheatre and/or bleachers, if any, and adjacent places used in connection therewith, where a greyhound meeting may be held.

Sec. 9. Hours during which races may be conducted. No person, association or corporation shall hold, conduct or operate any greyhound race or meeting under the pari-mutuel system of betting, anywhere within the state, without a license, as herein otherwise provided, from the director of racing. No such greyhound racing meeting license may be granted by the director of racing to be exercised earlier than May 1st or later than October 31st, in any given year, nor to be exercised except on week-days between the hours of 6 o'clock, post meridian and 12 o'clock, midnight, excepting that on Saturday of each week a special license may issue on payment of an additional \$1,000 which shall permit racing between the hours of 2 o'clock and 6 o'clock, post meridian.

Sec. 10. Application, filing of; form. Any person, association or corporation desiring to hold, conduct or operate a greyhound racing meeting within the state shall make an application to the director of racing for a license so to do. Such application shall state:

1. The name of the applicant.
2. The post office address of the applicant, and if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business, and the names and addresses of its di-

rectors and stockholders, together with such other information relative to the financial responsibility of the applicant, as the director of racing may require, all of which shall be deemed to be a matter of public record and available under reasonable conditions for the inspection of any person who may desire access to same.

3. The location of the race track, where it is proposed to hold, conduct or operate such meetings.

4. The days on which it is intended to hold, conduct or operate such a meeting, which days shall be successive week days, Saturday and Monday being considered successive week days.

5. The hours of each day between which it is intended to hold, conduct or operate racing at such meeting, which hours shall be not before 6 o'clock, post meridian and not later than 12 o'clock, midnight, except on Saturdays.

6. Answers to such other questions as the director of racing may prescribe, and

7. That the applicant will comply in case such license be issued with all applicable laws and with all applicable rules and regulations prescribed by the director of racing.

Such applications shall be filed with the director of racing at least 10 days prior to the 1st day of the racing meeting which the applicant proposes to hold, operate or conduct. Such applications shall be signed and sworn to, if made by an individual, by such individual, if made by 2 or more individuals or partnership, by one of such individuals, or by a member of such partnership, as the case may be, if made by a trust, by a trustee of such trust, and if made by an association or corporation, by the president or vice-president thereof. The director of racing shall prescribe the forms to be used in making such application.

With such application there shall be delivered to the director of racing a certified check or bank draft, payable to the director of racing, in the amount of \$6,000, this amount being in full payment for the first 6 days of track operation if said license is granted; in the event that said license is refused said check or bank draft shall be returned immediately to the applicant.

Sec. 11. If any application for a license filed as provided in the preceding section shall be in accordance with the provisions of this act, the director of racing may issue a license to the applicant to conduct a racing meeting, in accordance with the provisions of this act, at the race track specified in such application.

Sec. 12. Licenses issued by the director of racing shall state:

1. The name of the person, association or corporation to whom the same is issued.
2. The location of the race track where the racing meeting thereby authorized is to be held.
3. The days on which such meeting may be held, operated or conducted.
4. The hours of each day between which racing may take place at such meeting, and
5. That the initial required license fee has been received by the director of racing.

Sec. 13. License not to issue if obligations defaulted. No license shall be issued to any person, association or corporation who is in any way in default, under the provisions of this act, in the performance of any obligation or in the payment of any debt to the director of racing, or who has, within 10 years of the time of filing the application for such license, been convicted of violating any provisions of this act in retaining more than the amount stipulated herein as the percentage commission that may be retained by licensee out of the sums deposited by patrons as wagers at a greyhound racing meeting as defined in said act.

Sec. 14. Bond display of license. No license shall be issued to any person, association or corporation to hold, operate or conduct a greyhound racing meeting under authority of this act, unless the person, association or corporation applying therefor, shall have executed and delivered to the director of racing a bond, payable to the director of racing, in such amount, not exceeding \$25,000, as the director of racing may determine, with a surety or sureties approved by the director of racing and by the attorney-general conditioned upon the payment of all sums which may become payable to the director of racing under this act.

Every license shall forthwith be conspicuously displayed and shall be kept so displayed continuously during said racing meeting in the principal business office at the race track where such meeting is held, and at all reasonable times shall be exhibited to any person requesting to see the same.

Sec. 15. License fee. Every licensee under this act shall pay as a license fee to the director of racing, for the use of the state, the sum of \$1,000 per day for each of the 1st 50 days of track operation each year, and the sum of \$500 per day for each and every day of track operation in excess of 50 days each year.

After the first week of track operation, licensees under this act shall transmit to the director of racing, at the end of each week of such opera-

tion, a certified check for the amount of each week's license fee as hereinbefore established.

Sec. 16. No other license fee or excise, except as provided in this act, shall be assessed or collected from a licensee by the state or any political subdivision thereof.

Sec. 17. Meeting-places. Before holding, conducting or operating a racing meeting, every licensee shall provide a place or places, equipped as hereinafter provided, on the grounds where such meeting is held, conducted or operated or adjacent thereto, but not elsewhere, at which such licensee shall conduct and supervise the pari-mutuel system of wagering on the speed or ability of greyhounds performing in the races held, conducted or operated by such licensee at such meeting, and such pari-mutuel method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, other statutes of the state 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.

No other place or method of betting, pool making, wagering or gambling shall be used or permitted by the licensee, nor shall this act be deemed to authorize or legalize the pari-mutuel system of wagering on any races except greyhound races at the track where such pari-mutuel system of wagering is conducted. Each licensee conducting a racing meeting shall become the custodian or depository for such sums as may be deposited with such licensee by patrons as wagers on the speed or ability of any 1 or more greyhounds in a race or races and such licensee shall be responsible for such sum so deposited and shall return to the winning patrons so wagering on the speed or ability of any 1 or more greyhounds in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and method under which such pari-mutuel system has been operated, less the breaks, as defined in this act, and less an amount not to exceed 15% of the total amount so deposited by the patrons wagering on the speed or ability of greyhounds in a race or races.

Each licensee may retain as his commission on the total of all sums so deposited in addition to the breaks as hereinafter provided, a sum equal to the 15% withheld as hereinbefore provided from the total amount wagered.

All of the odd cents over any multiple of 5c otherwise payable to a patron wagering, shall be retained by the licensee. Such odd cents, shall in this act be called the "breaks".

Sec. 18. Records. Accurate records and books shall at all times be kept and maintained by each licensee, showing the number, nature and amount of all wagers made in connection with such meeting. The director of racing, or his duly authorized representatives, shall at all reasonable times have access to the records and books of any licensee for the purpose of examining and checking the same.

The director of racing may also from time to time require sworn statements of such wagers and may prescribe blanks upon which such reports shall be made.

Sec. 19. Representatives to attend each meeting. The director of racing may appoint 1 or more representatives to attend each racing meeting held, conducted or operated under a license issued under this act, and the appointment of said representatives shall not be subject to any civil service requirement. The compensation of each such representative shall be fixed by the director of racing as herein elsewhere provided.

Each such representative appointed by the director of racing to attend a racing meeting shall have full and free access to the space or enclosure where the pari-mutuel system of wagering is conducted or supervised for the purpose only of ascertaining whether or not the provisions of this act are being properly observed. He shall also, for the same purpose only, have full and free access to the books, records and papers pertaining to such pari-mutuel system of wagering. He shall investigate, ascertain and report to the director of racing in writing under oath as to whether or not he has discovered any violation at such meeting of any of the provisions of this act, and if so, the nature and character of such violations. Such report shall be made forthwith to the director of racing.

If any such report shows any violation of this act, the director of racing shall transmit a copy of such report to the attorney-general for such action as he shall deem proper.

Sec. 20. Police protection. The licensee shall at all times during the operation of said track provide and maintain to the satisfaction of the director of racing proper police protection on said premises.

Sec. 21. Participation by minors, prohibited. Any licensee permitting any minor to participate in the pari-mutuel system of wagering at a racing meeting held, operated or conducted by such licensee, shall be punished by a fine of not more than \$100.

Sec. 22. Citizenship. At least 70% of the persons employed by a licensee at a racing meeting held, operated or conducted by him, shall be citizens of this state and shall have been such citizens for 2 years immediately prior to such employment.

Sec. 23. Restrictions. No persons shall hold, operate or conduct or assist, aid or abet in holding, operating or conducting any greyhound racing meeting within the state unless such person shall comply with the provisions of this act.

Any person holding, operating or conducting or any person aiding or abetting in holding, operating or conducting any greyhound racing meeting within the state in violation of any of the provisions of this act shall, unless some other penalty for such violation is provided in this act, be punished for each such offense by a fine of not more than \$10,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment. For the purposes of this section, each day on which any greyhound racing meeting shall be held, operated or conducted in violation of any provisions of this act, shall be considered a separate and distinct offense.

Sec. 24. Penalty for certain offenses. Any person making a handbook, at any race track within the state, or holding, operating or conducting a gambling pool or managing any other type of wagering or betting on the results of any greyhound race, or aiding or abetting any of the foregoing types of wagering or betting, except as permitted by this act, shall for a first offense be punished by a fine of not more than \$2,000 and imprisonment of not more than 1 year, and for a subsequent offense by a fine of not more than \$10,000 dollars and imprisonment of not more than 2 years. Any trainer or owner of greyhounds participating in greyhound racing, if found guilty by the director of racing of crooked tactics, may be barred or suspended from further participation in racing throughout this state.

Sec. 25. Repealing clause. All acts or parts of acts inconsistent herewith be and hereby are repealed.