

MAINE STATE LEGISLATURE

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

Legislative Document

No. 637

H. P. 1323

House of Representatives, February 11, 1949.

Referred to Committee on Taxation. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Silsby of Aurora.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Increasing the Share of the State in Pari Mutuel Pools.

Emergency preamble. Whereas, the need for additional revenue by the state for the next fiscal biennium is of utmost importance to the state, and

Whereas, by the amendment of chapter 77 of the revised statutes, as hereinafter set forth, an opportunity will be created to add substantial additional revenue to the use of the state, and

Whereas, if the legislation herein contemplated is enacted, the opportunity for this additional revenue for the year 1949 will be lost to the state, since the night harness racing for which it makes provision cannot reasonably be put into effect in 1949, unless said amendment takes effect when approved, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 27, § 16, amended. The 1st sentence of section 16 of

chapter 27 of the revised statutes, as amended by section 1 of chapter 361 of the public laws of 1945, is hereby further amended to read as follows:

'There shall be appropriated annually from the state treasury a sum of money not to exceed 2c per inhabitant of the state and an additional sum of money equal to 5% of the amount contributed under the provisions of section 16 of chapter 77, **and an additional sum of money as provided and limited by the provisions of section 15 of chapter 77**, which shall be known as the state stipend for aid and encouragement to agricultural societies and hereafter designated as the "stipend.'

Sec. 2. R. S., c. 27, § 16, amended. The 7th sentence of section 16 of chapter 27 of the revised statutes, as amended by section 2 of chapter 366 of the public laws of 1947, is hereby further amended to read as follows: 'No society shall receive any portion of the stipend in excess of \$5,000, **except that such limitation shall not apply to any additional stipend provided for by the provisions of section 15 of chapter 77.**'

Sec. 3. R. S., c. 77, § 9, amended. Section 9 of chapter 77 of the revised statutes, as amended by chapter 358 of the public laws of 1947, is hereby further amended to read as follows:

'**Sec. 9. Rules and regulations.** The commission shall make rules and regulations for the holding, conducting and operating of all harness 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 held. No such race or meet shall be held on Sunday. No meeting shall be allowed for more than 6 days in any 28-day period, **except night harness racing as hereinafter defined**, except that between the 1st day of July and the 1st Monday of August, a meeting may be allowed for not exceeding 18 days on mile tracks. In the event such an 18-day meeting is held, no further meetings where pari mutuel betting is permitted, shall be allowed during the same calendar year. No part of this chapter shall be construed to apply to any racing whatever except harness horse races.'

Sec. 4. R. S., c. 77, § 12, amended. The 1st sentence of section 12 of chapter 77 of the revised statutes is hereby amended to read as follows:

'If the commission is satisfied that all the provisions of this chapter 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 a license which shall expire on the 31st day of December; but between the dates of the 1st Monday in August and October

20, no license shall be issued to anyone but an agricultural fair association, except night harness racing as hereinafter defined.'

Sec. 5. R. S., c. 77, § 12, amended. Section 12 of chapter 77 of the revised statutes is hereby amended by adding at the end thereof the following paragraphs, to read as follows:

'Notwithstanding anything in this chapter to the contrary, the commission shall issue a license, where pari mutuel betting is permitted, to hold night harness races or meets for a period of 8 weeks and no more between June 15th and October 15th of each year, daily except Sundays, between the hours of 6 P. M. and midnight. The commission shall grant such licenses for night harness racing to such applicants only, who shall have and maintain adequate pari mutuel facilities and a grandstand or grandstands of adequate safety and capacity to accommodate a maximum number of persons to assure the state a maximum of revenue; shall have and maintain adequate lighting facilities; shall have and maintain a totalizator or its equivalent where odds will change at least once every 2 minutes; shall have and maintain stable facilities for 400 horses, and any excess horses not necessary for such meets may be stabled for agricultural fairs conducting racing at the same time; shall pay minimum purses at least equal to the minimum purses paid by comparable tracks in other New England states; shall have and maintain modern facilities such as flushes and washrooms; shall have and maintain hot and cold running water for the stables and paddock and lounge and rest room for the drivers; shall have and maintain a track adequate in width to start 8 horses abreast.

During the remaining time of the period, if any, between June 15th and October 15th, the commission may grant to a track or tracks a license to operate night harness racing for no more than 2 weeks in any 4-week period without necessarily meeting the specifications set forth in the preceding paragraph.

All other provisions of chapter 77, not inconsistent with the foregoing, shall apply to a licensee for night harness racing.'

Sec. 6. R. S., c. 77, § 15, amended. Section 15 of chapter 77 of the revised statutes is hereby amended to read as follows:

'**Sec. 15. Pari mutuel pools.** Within the enclosure and on the grounds of any race track where is held a race or race meet licensed and conducted under the provisions of this chapter, but not elsewhere, the sale of pari mutuel pools 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 ~~10%~~ 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%~~ 5% tax hereinafter prescribed. **From said maximum, ½% shall be paid as a stipend under the provisions of section 16 of chapter 27 to the agricultural associations who have pari mutuel racing meets during their agricultural fairs on the same dates as the 8-week night racing meets, so called, and the 2-week meets, if any.'**

Sec. 7. R. S., c. 77, § 16, amended. Section 16 of chapter 77 of the revised statutes, as amended by section 26 of chapter 297 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 16. Tax on pari mutuel pools. Each person, association or corporation licensed to conduct a race or race meet under the provisions of this chapter shall pay to the treasurer of state, to be credited to the general fund of the state, a sum equal to ~~3½%~~ 5% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under the provisions of this chapter.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.