

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. 1033

H. P. 1724

House of Representatives, February 25, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Castonguay of Waterville by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Permitting Dog Racing.

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

R. S., c. 77-B, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 77-B, to read as follows:

CHAPTER 77-B.

DOG RACING.

Sec. 1. Dog racing. Any person, association or corporation may hold dog racing or dog meets for public exhibition, provided that the provisions of this chapter and the rules and regulations prescribed by the state racing commission are complied with.

Sec. 2. Licenses. Any person, association or corporation desiring to hold a dog race or meet for public exhibition shall apply to the state racing 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:

I. The full name and address of the person, association or corporation;

II. If an association, the names and residences of the members of the association;

III. 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;

IV. The exact location where it is desired to conduct or hold races or race meets;

V. 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;

VI. A statement of the assets and liabilities of the person, association or corporation making such application;

VII. Such other information as the commission may require.

Sec. 3. Issuance of license. 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. 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 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, 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.

Not more than 3 licenses shall be issued authorizing the holding of dog races or meets for public exhibition, with pari mutuel pools, or any 1 track in 1 year.

No license shall be granted to any person, firm, association or corporation to hold dog races or meets for public exhibition, with pari mutuel pools, between the dates of November 30th and May 1st.

The commission is directed to assign such dates for holding harness dog races or meets for public exhibition, with pari mutuel pools, as will best serve the interest 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 racing commission be detrimental to the interests of said agricultural associations of any of them.

Sec. 4. Bond. Every person, association or corporation licensed under the provisions of this chapter shall, before said license is issued, give 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 by this chapter and to keep its books and records and make reports as herein provided, and to conduct its racing in conformity with the provisions of this chapter and the rules and regulations prescribed by the commission.

Sec. 5. Penalty. Any person, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of any harness 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 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 1 year, or by both such fine and imprisonment.

Sec. 6. 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 the state racing commission is permitted and authorized. Commission on such pools shall in no event and at no track exceed 10% 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. 7. 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 for the use of the state a sum equal to 3½% 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. The payment under the provisions of this section 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.

Sec. 8. Records. Every person, association or corporation conducting a race or race meet under the provisions of this chapter shall so keep its book 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 this state and approved by the commission.

Sec. 9. 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. 10. 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 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. 11. Enforcement. It shall be the duty of the attorney general with the aid of the county attorneys of the several counties to enforce the provisions of this chapter upon notification from said commission of any violations thereof.'