

MAINE STATE LEGISLATURE

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

Legislative Document

No. 529

H. P. 929

House of Representatives, February 8, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Castonguay of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Permitting Greyhound 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.

GREYHOUND RACING.

Sec. 1. Greyhound racing commission. There is hereby created a greyhound racing commission consisting of 3 members appointed by the governor with the advice and consent of the council. No more than 2 members shall be of the same political party. The members of the first commission shall be appointed as follows: 1 for 1 year, 1 for 2 years and 1 for 3 years. Thereafter each new appointee, excepting a commissioner appointed to fill an unexpired term, shall hold office 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 with the advice and consent of the council. 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 hereunder.

Sec. 2. Compensation. Each member of the commission, except the chairman, shall receive a salary of \$1,000 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.

Sec. 3. Office. The commission shall have an office in Augusta and during the time in which racing is conducted in the state may maintain branch offices elsewhere.

Sec. 4. Assistants; limitation. 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 hereof at such compensation on a per diem basis as the commission may prescribe, subject to the provisions of the personnel law. It shall be unlawful, however, for the commission to appoint to any position under its jurisdiction any state, county, city or town official or employee whose total annual salary or compensation from said state, county, city or town exceeds \$1,000.

Sec. 5. Races. No person, association, corporation, trust or partnership shall conduct, hold or operate any greyhound racing for public exhibition, if pari mutuel betting is permitted, without a license from the commission.

Sec. 6. Licenses. Any person, association or corporation desiring to hold a greyhound race 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. 7. 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 greyhound race for public exhibition, without a new license.

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

No license shall be granted to any person, firm, association or corporation to hold greyhound races 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 greyhound races 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 association or any of them.

No license for greyhound racing shall be granted within 35 miles of another greyhound racing track, except that the provisions of this sentence shall not apply to the territory between Portland and Old Orchard. No license for greyhound racing shall be granted for greyhound racing within 35 miles of greyhound racing conducted by agricultural associations. Such license shall be granted only to those applicants who shall maintain an electric tote board.

The fee for such license to be paid to the state shall be \$1,000 annually.

In addition to the state license, an additional license fee shall be paid to the town which, under the provisions of section 8, permits greyhound racing. Neither a state license fee nor a town license fee shall be required from agricultural associations.

Sec. 8. Local option. No license shall be issued for greyhound racing, other than to an agricultural association, until the provisions of this section have been fulfilled. In any city or town that shall vote as hereinafter provided, greyhound racing shall be lawful. This section shall not be effective in any city until a majority of the legal voters, present and voting, at any regular election so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal officers thereof and shall by them be so submitted when thereto requested in writing by 100 legal voters therein at least 21 days before such regular election; nor shall it be effective in any town until an article in such town warrant so providing shall have been adopted at an annual town meeting. When a city or town has voted in favor of adopting the provisions hereof, said provisions shall remain in effect therein until repealed in the same manner as above provided for their adoption.

Sec. 9. 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. 10. Penalty. Any person, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of any greyhound racing 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. 11. 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 an 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 5% tax hereinafter prescribed. From said maximum, 1% shall be paid as a stipend under the provisions of section 16 of chapter 27 to the agricultural associations.

Sec. 12. 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 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. 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 13. 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. 14. 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. 15. 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. 16. 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.