

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Transmitted by Director of Legislative Research pursuant to joint order.

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

Legislative Document

No. 1337

H. P. 1188

House of Representatives, March 11, 1953

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Childs of Portland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Creating a Racing Commission.

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

Sec. 1. R. S., c. 77, § 1, repealed and replaced. Section 1 of chapter 77 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof :

‘**Sec. 1. State racing commission.** There is hereby created a state 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. R. S., c. 77, § 5, amended. Section 5 of chapter 77 of the revised statutes is hereby amended to read as follows:

'Sec. 5. Assistants. 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 purposes of this chapter and fix their compensation on a per diem basis, 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. 3. R. S., c. 77, § 6, amended. Section 6 of chapter 77 of the revised statutes, as repealed and replaced by section 1 of chapter 399 of the public laws of 1951, is hereby amended to read as follows:

'Sec. 6. Compensation. The salary of the chairman of the commission shall be ~~\$1,500~~ \$3,000 per year and the salary of each of the other members shall be ~~\$1,200~~ \$2,400 per year, and in addition each member shall be allowed his reasonable expenses, including transportation, incurred in the performance of his duties.'

Sec. 4. R. S., c. 77, § 9, amended. Section 9 of chapter 77 of the revised statutes, as amended, 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 **running races**, night harness racing as hereinafter defined and except day harness racing as provided in the last paragraph of section 12 ~~and except that between the 1st day of July and the 1st Monday of August, a day meeting may be allowed for not exceeding 18 days on mile tracks. In the event such an 18 day meeting is held, no further day meetings where pari mutual 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~~

Said commission shall make rules and regulations for the holding, conducting and operating of all running horse races and for the operation of race tracks on which any such running horse race meet is held. No such race meet shall be permitted on Sunday.'

Sec. 5. R. S., c. 77, § 10, amended. Section 10 of chapter 77 of the revised statutes is hereby amended to read as follows:

‘Sec. 10. Races. No person, association or corporation shall hold, conduct or operate any ~~harness~~ horse race or meet for public exhibition, if pari mutuel betting is permitted, within the state without a license from the commission.’

Sec. 6. R. S., c. 77, § 11, amended. The 1st sentence of section 11 of chapter 77 of the revised statutes is hereby amended to read as follows:

‘Any person, association or corporation desiring to hold a ~~harness~~ horse race or meet for public exhibition shall apply to said commission for a license to do so.’

Sec. 7. R. S., c. 77, § 12, amended. The 1st sentence of section 12 of chapter 77 of the revised statutes, as amended, is hereby further 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 **for harness horse racing** 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. 8. R. S., c. 77, § 12, amended. Section 12 of chapter 77 of the revised statutes, as amended, is hereby further amended by adding at the end thereof a new paragraph, to read as follows:

‘If the commission is satisfied that all provisions hereof and the rules and regulations prescribed by the commission have been and will be complied with by the applicant, it may issue an annual license for running horse racing which shall expire on the 30th day of November. Racing shall be permitted in the daytime only from May 15th to November 30th each year. 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 nor assignable. Said commission shall have power to revoke any license 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 running horse meet for

public exhibition without a new license. The fee for such license shall be \$5,000 annually.'

Sec. 9. R. S., c. 77, § 13, amended. Section 13 of chapter 77 of the revised statutes is hereby amended to read as follows:

'**Sec. 13. 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 **for harness horse racing and not exceeding \$100,000 for running horse racing**, 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. R. S., c. 77, § 14, amended. Section 14 of chapter 77 of the revised statutes is hereby amended to read as follows:

'**Sec. 14. 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~~ horse 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. 11. R. S., c. 77, § 16, amended. Section 16 of chapter 77 of the revised statutes, as amended, is hereby further amended to read as follows:

'**Sec. 16. Tax.** 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 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.'

Each person, association, corporation, trust or partnership licensed to conduct a running horse race or race meet under the provisions of this chapter shall also pay to the city or town treasurer in which the racing plant is located the sum of \$25 for each day of racing, provided such person, association, corporation, trust or partnership has a license to conduct races or race meets for more than 8 days during the year for which the license is issued.'

Sec. 12. R. S., c. 77, § 17-A, additional. Chapter 77 of the revised statutes is hereby amended by adding thereto a new section to be numbered 17-A, to read as follows:

'Sec. 17-A. Unclaimed ticket money. On or before the 1st Monday in December of each year, every person, association, corporation, trust or partnership, conducting a race or race meet hereunder, shall pay to the treasurer of state all moneys collected during the year for pari mutuel pool tickets which have not been redeemed. Said moneys shall be retained by the treasurer of state and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of 3 months, $\frac{1}{2}$ of such moneys still in the custody of the treasurer of state shall be credited to the general fund and $\frac{1}{2}$ of such moneys shall be paid to the licensee.'

Sec. 13. R. S., c. 77, § 19-A, additional. Chapter 77 of the revised statutes is hereby amended by adding thereto a new section to be numbered 19-A, to read as follows:

'Sec. 19-A. Employees. At least 80% of all the persons employed by a person, association, corporation, trust or partnership, conducting a racing plant under the provisions hereof, shall have resided in this state for a period of not less than 1 year. The provisions of this section shall not apply to the construction of a racing plant or its equipment.'

Sec. 14. R. S., c. 77-A, repealed. Chapter 77-A of the revised statutes, as enacted by chapter 289 of the public laws of 1949, and as amended, is hereby repealed.