

**§271. Issuance of licenses for the conduct of racing**

**1. Licensing.** If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of race dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The fee for a license is \$100 or \$10 per week, whichever is higher. The commission shall make available harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this chapter. A license issued pursuant to this subsection is not transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license is automatically revoked, subject to Title 5, chapter 375, upon a change in ownership, legal or equitable, of 50% or more of the voting stock of the licensee; the licensee may not hold a harness horse race or meet for public exhibition without a new license. [PL 2017, c. 475, Pt. A, §9 (AMD).]

**2. Minimum number of race days; criteria for date awards.** The commission shall determine the number of race days that should be awarded to licensed applicants pursuant to this section based on the criteria set forth herein. The commission may award fewer than the minimum race days set forth in section 275-A, subsection 1 to commercial tracks with the express written approval of the track, and with the express written approval of an association of horsemen as defined in section 272-B, if credible evidence is presented that demonstrates that fewer race days is in the best interest of Maine's harness racing industry. The award of fewer race days than set forth in section 275-A, subsection 1 may not affect the status of those tracks as commercial tracks pursuant to section 299. In assigning race dates to licensees, the commission shall consider the following factors:

A. The revenues to be generated, consistent with the profitability and financial health of the licensee and the development of revenues from interstate simulcasting of the licensee's race programming, for the operating account pursuant to section 287; the purse supplements pursuant to section 286; the Sire Stakes Fund pursuant to section 281; and the Stipend Fund pursuant to Title 7, section 86; [PL 2019, c. 626, §4 (AMD).]

B. The quality of race programming and facilities offered and to be offered by the licensee, the suitability of the applicant's racing facilities for operation at the season for which the race dates are requested and the ability of the applicant to offer racing at night; [PL 2019, c. 626, §5 (AMD).]

C. The necessity of having and maintaining proper physical facilities for racing meetings, including the ability to maintain ownership of or a leasehold on the facilities; and consequently, to ensure the continuance of the facilities, the quality of the licensee's maintenance of its track and plant, the adequacy of its provisions for rehabilitation and capital improvements and the necessity of fair treatment of the economic interests and investments of those who, in good faith, have provided and maintained racing facilities; [PL 2019, c. 626, §6 (AMD).]

D. The desirability of reasonable consistency in the pattern of race date assignments from year to year; [PL 1995, c. 408, §2 (AMD).]

E. With respect to agricultural societies seeking licenses to conduct harness racing meets at the time of their annual fairs, the scheduling of agricultural fairs determined by the Commissioner of Agriculture, Conservation and Forestry pursuant to Title 7, sections 83 and 84; [PL 2005, c. 563, §5 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

F. The preservation of a diversity of harness racing tracks in the State; [PL 1985, c. 444, §2 (NEW).]

G. The quality of the licensee's observance and enforcement of this chapter and the rules adopted pursuant to this chapter during the past year; [PL 2017, c. 231, §9 (AMD).]

H. The extent to which the licensee fully utilized race dates granted to it for the past year; [PL 1995, c. 408, §2 (AMD).]

I. The personnel and resources available to the commission for the enforcement of this chapter and the rules adopted pursuant to this chapter; [PL 2017, c. 231, §9 (AMD).]

J. The likely availability of race-worthy horses throughout the year with a goal of promoting full cards and avoiding 5-horse fields; and [PL 2017, c. 231, §9 (AMD).]

K. Such other criteria consistent with the betterment of harness racing and the public health, safety and welfare as the commission may establish by rule. [PL 1985, c. 444, §2 (NEW).]

If the executive director or the commission determines that any of the criteria listed in this subsection have not been met by the licensee, the executive director shall submit a notice of the deficiency in meeting any criteria to the licensee, regardless of whether the deficiency resulted in the denial of the application for or the refusal to award race dates. The director shall also submit a copy of the notice in the same manner and at the same time to the joint standing committee of the Legislature having jurisdiction over agriculture matters.

[PL 2019, c. 626, §§4-6 (AMD).]

**3. Overlapping race dates.** The commission may not award overlapping race dates for extended meets to licensees within 50 miles of each other without the approval of 60% or more of the entire commission.

[PL 1991, c. 579, §10 (AMD).]

**4. Evaluation.**

[PL 1991, c. 579, §10 (RP).]

**5. Minimum number of race dates.** The commission may assign a commercial licensee a minimum number of race dates for a period of up to 3 years. The specific calendar dates for the minimum number of race dates and any additional race dates are determined each year in accordance with subsection 1. For the purposes of this subsection, "commercial licensee" means a licensee with an annual total of at least 25 race dates with pari-mutuel wagering in the previous calendar year.

[PL 2017, c. 231, §10 (AMD).]

**6. Conditions.** The commission may impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued, but may be brought into compliance within a time period during the licensing year.

[PL 1997, c. 406, §1 (NEW).]

**7. Hearing on horse supply.** Prior to August 31st of each year, the commission shall conduct a hearing to determine whether the horse supply in the State has been adequate for the number of dashes conducted on assigned race dates. If the commission concludes that the horse supply has been inadequate, the commission shall limit to the extent necessary the number of dashes that a licensee may race on any date after August 1st of that year that has been assigned to more than one track. The commission may not restrict the number of dashes to fewer than 8.

[PL 2017, c. 231, §11 (AMD).]

**8. Term of license and race date assignment.** Notwithstanding any provision of this chapter to the contrary, each license to conduct live racing or to engage in simulcast wagering, including by operating an off-track betting facility as defined in section 275-A and all awards of race dates issued or made by the commission, beginning with licenses issued and race dates awarded for 1998, may be for a 2-year period.

[PL 2001, c. 320, §1 (AMD).]

**9. Previous year's dates.**

[PL 2017, c. 231, §12 (RP).]

#### SECTION HISTORY

PL 1969, c. 218, §1 (AMD). PL 1971, c. 91, §2 (AMD). PL 1971, c. 593, §22 (AMD). PL 1973, c. 303, §3 (AMD). PL 1977, c. 694, §§151,152 (AMD). PL 1981, c. 705, §Q1 (AMD). PL 1983, c. 196, §§1,2 (AMD). PL 1985, c. 444, §2 (RPR). PL 1989, c. 203, §2 (AMD). PL 1991, c. 579, §10 (AMD). PL 1993, c. 388, §4 (AMD). PL 1995, c. 408, §§1-3 (AMD). RR 1997, c. 1, §§5-7 (COR). PL 1997, c. 406, §1 (AMD). PL 1997, c. 416, §1 (AMD). PL 1997, c. 474, §1 (AMD). PL 1997, c. 474, §6 (AFF). PL 1997, c. 528, §11 (AMD). PL 1997, c. 528, §12 (AMD). PL 1999, c. 547, §B25 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 320, §1 (AMD). PL 2001, c. 567, §3 (AMD). IB 2003, c. 1, §3 (AMD). PL 2003, c. 687, §B3 (AMD). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 563, §§4,5 (AMD). PL 2007, c. 466, Pt. A, §26 (AMD). PL 2007, c. 539, Pt. G, §7 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2011, c. 657, Pt. W, §6 (REV). PL 2017, c. 231, §§8-12 (AMD). PL 2017, c. 475, Pt. A, §9 (AMD). PL 2019, c. 626, §§4-6 (AMD).

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