

MAINE STATE HARNESS RACING COMMISSION

IN RE: PARI-MUTUEL HARNESS)
RACING LICENSES FOR 2026)
AND 2027 AND DATE)
ASSIGNMENTS FOR)
CALENDAR YEAR 2026 &) DECISION AND ORDER
AUTHORIZATION)
REQUESTS FOR)
INTERSTATE SIMULCAST)

I. INTRODUCTION

On November 19, 2025, the Maine State Harness Racing Commission (“Commission”) held an adjudicatory hearing in Room 101, Deering Building, 90 Blossom Lane, Augusta Maine pursuant to Title 8 M.R.S. §§ 271, 275-N, 5 M.R.S. §§ 9061 – 9064, and Chapter 19, Section 4 of the Maine State Harness Racing Commission Rules (“Commission Rules”). The purpose of the hearing was to consider applications for licenses to hold live harness horse meets for public exhibition with pari-mutuel pools at agricultural fairs and racetracks in the State of Maine for calendar years 2026 and 2027, to allocate race dates for live harness racing for 2026, and to authorize interstate simulcasting at commercial tracks. The applicants were:

1. Sagadahoc Agricultural & Horticultural Society, Topsham: Fair Meet (“Topsham Fair”);
2. Skowhegan State Fair, Skowhegan: Fair Meet (“Skowhegan Fair”);
3. Windsor Fair, Windsor: Fair Meet (“Windsor Fair”);
4. Franklin County Agricultural Society; Farmington Fair, Farmington: Fair Meet.
 (“Farmington Fair”);
5. Cumberland Farmers Club / Cumberland Fair, Cumberland: Fair Meet and Extended Meet
 (“Cumberland Fair”);
6. West Oxford Agricultural Society / Fryeburg Fair, Fryeburg: Fair Meet (“Fryeburg Fair”);
7. Bangor State Fair, Fair Meet (“Bangor State Fair”);

8. HC Bangor, LLC; Bangor Raceway; Commercial Meet (“Bangor Raceway”); and
9. First Tracks Investments, LLC; First Tracks Cumberland; Commercial Meet (“First Tracks”)

The applications for licenses and race dates were heard on a consolidated basis pursuant to Commission Rule, Chapter 19, § 4(5). A quorum of the Commission was present during all stages of the proceedings. Harry B. Center II, Barry Norris, Patricia Varnum, Chandler Woodcock, and Don Marean participated and voted as Commission members. Except for Commissioner Norris, the Commission determined that Commission members did not have a conflict of interest that would prevent any of them from participating in the hearing. Commissioner Norris is the Executive Director of the Maine Association of Agricultural Fairs and abstained from all votes regarding the fairs.

The Department of Agriculture, Conservation, and Forestry, the Maine Association of Agricultural Fairs, the Maine Standardbred Breeders and Owners Association (“MSBOA”), and the Maine Harness Horsemen’s Association (“MHHA”) have automatic intervenor status under Chapter 19, § 4(6). Executive Director Shane Bacon represented the Department of Agriculture. MaryAnn Tompkins was present for the MHHA. William Childs was present for the MSBOA. No other intervenors were present.

Non-confidential Staff exhibits 1 through 13 and confidential Staff exhibits 14 through 24 were admitted into evidence, as reflected in the attached Exhibit A to this Decision and Order.

Also admitted into evidence were the following exhibits:

First Tracks (FT) Ex. 1 – Penn National Gaming 2026 Racing Dates Plainridge Park Casino

First Tracks (FT) Ex. 2 – Consolidated 2026 Race Date Request New England Circuit

First Tracks (FT) Ex. 3 – Selected Data – FTI v. Plainridge

Bangor Raceway Ex. 1 – Correspondence re: 2025 statistics

Bangor Raceway Ex. 2 – Cumberland Statistics May – July 2025 v. May – July 2024¹

Bangor Raceway Ex. 3 – May/June 2024 v. 2025 Friday Harness Signal data

Bangor Raceway November 17, 2025 letter to the Commission²

Testifying at the hearing were Shane Bacon, Executive Director of the Maine Harness Racing Commission, Thomas Smith, Racing Operations Manager of Bangor Raceway, Christopher McErlean, Vice President of Racing, Penn National Entertainment, Inc., parent company of Bangor Raceway, Michel Cianchette, Manager of First Tracks Investments, and Gunner LaCour on behalf of First Tracks, and William Childs, President of the MSBOA.

II. STATUTORY CRITERIA

A. Licensing and Allocating Race Dates for Live Racing

Title 8 M.R.S. § 271 sets forth the criteria for licensing and allocating race dates for live racing. In accordance with 8 M.R.S. § 271(1), the Commission may issue a license to conduct racing when it is satisfied that (1) all of the laws and rules governing harness racing have been substantially complied with during the past year and will be fully complied with during the coming year; (2) the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; (3) the applicant is financially responsible; and (4) the award of racing dates to the applicant is appropriate under the criteria set forth in Section 271(2). Section 271(2) contains the following criteria for the Commission to consider when exercising its judgment and discretion in the assignment of race dates:

- 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

¹ Bangor Raceway noted some information was incorrect in this exhibit and deferred to FT Ex. 3 where any information conflicted.

² First Tracks objected to the admission of this Exhibit on the grounds that it was unsworn testimony and argument. Presiding Officer Center determined that its author, Christopher McErlean, was present to testify regarding the same pursuant to 5 M.R.S. § 9055 and admitted the letter into evidence.

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;

- 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;
- 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;
- D. The desirability of reasonable consistency in the pattern of race date assignments from year to year;
- 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;
- F. The preservation of a diversity of harness racing tracks in the State;
- 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;
- H. The extent to which the licensee fully utilized race dates granted to it for the past year;
- I. The personnel and resources available to the commission for the enforcement of this chapter and the rules adopted pursuant to this chapter;
- J. The likely availability of race-worthy horses throughout the year with a goal of promoting full cards and avoiding 5-horse fields; and
- 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.

Among the other criteria to be considered and established by Commission Rule are the amenities offered to the customer by the applicant, the feasibility of the applicant conducting a race meet on dates other than those applied for, the winter training and stabling facilities provided by the applicant, and the competitive situations affecting certain applicants. *See* Commission Rule Chapter 19, § 4(11)(A)-(N).

The Commission has discretion to award a term of licenses for a two-year period. 8 M.R.S. 271(8).

Regarding commercial tracks only, the Commission may award fewer than the minimum race dates set forth in § 275-A(1) if both the track and the Maine Harness Horseman's Association give express written approval and credible evidence is presented that shows fewer race days is in the best interest of Maine's harness racing industry.

In summary, the Commission must determine, based on the witnesses' testimony and exhibits, whether each applicant should be granted a license to hold a live harness horse race or meet for public exhibition at which pari-mutuel betting is permitted, and if so, the particular date and time of day on which a licensee may conduct racing. The Commission is authorized to impose conditions on a license if one or more of the criteria are not met at the time the license is issued but may be brought into compliance within a time period during the licensing year. 8 M.R.S. § 271(6).

B. Simulcasting

Pursuant to 8 M.R.S. § 275-N, "[i]nterstate simulcasting always must be allowed at any commercial track."

III. DISCUSSION

A. Licensing

Mr. Bacon testified that all licensing applications were complete, all applicants had complied with the harness racing statutes and rules for the prior year and were expected to for the coming year, and the applicants met all statutory and regulatory requirements for renewed licensure. Mr. Bacon testified to his opinion that all applicants should be awarded two-year licenses for 2026 - 2027.

Christian Smith, CPA, certified fraud examiner, and Partner at WIPFLI reviewed financial information submitted by the applicants. Mr. Smith gave his professional opinion that each of the applicants, except Bangor State Fair had satisfied the requirement that they were financially responsible for the coming year. Mr. Smith additionally testified that, barring any unforeseen

circumstances, all applicants except Bangor State Fair would remain financially responsible for 2027 as well. Bangor Raceway reported losses for each year of operations, and its liabilities exceed its assets. Despite that, it has managed to continue so far as a going concern despite its financial condition. Bangor State Fair applied for only three racing dates for 2026. *See* Staff Ex. 10 and 18. Lastly, Mr. Smith testified that as far as financials go, income from handle is more important to First Tracks than it is for Bangor Raceway when it comes to financial responsibility.

B. Race Dates

During the race date assignment portion of the hearing, Mr. Bacon explained that all the dates that the agricultural fairs were requesting were undisputed and aligned with the dates the fairs were scheduled. Regarding the commercial tracks, fourteen days were in dispute: 13 Sundays between April 26 and July 19 and Saturday, November 7. Mr. Bacon testified that most of the statutory criteria in Section 271(2)(A)-(K) and the criteria in Chapter 19 § 4(10) did not weigh in favor one commercial track or the other. However, a few criteria weighed in favor of Bangor Raceway being granted the disputed dates. Mr. Bacon testified that the facilities and amenities offered by Bangor Raceway are superior to First Tracks'. Bangor Raceway recently upgraded equipment to better maintain its track, upgraded their cameras, and has better paddock space for use on race days. Additionally, Bangor Raceway has a year-round simulcasting facility within the enclosure of the race track with a full bar and public restrooms.

Gunner LaCour, Track Manager for First Tracks, testified that when racing occurs at Plainridge track³ on the same day that racing is scheduled at First Tracks, it negatively affects First Tracks. Plainridge attracts the better horseman and horses, which results in a lower quality racing

³ Plainridge is a racing track in Massachusetts that is owned by Penn Entertainment, which is the same parent company that owns HC Bangor, LLC (d/b/a Hollywood Casino Bangor), identified in this Decision and Order as Bangor Raceway.

card for First Tracks, and in turn, lower wagers. First Tracks' handle on those days was noticeably reduced. In 2025, for the first time in a couple of years, Plainridge added Fridays to their racing calendar which had the aforementioned impact on First Tracks. Mr. LaCour testified that First Tracks was requesting to race on the disputed Sundays to not compete against Plainridge and because having a regular racing schedule allows the wagering public to know when First Tracks is operating and bets can be placed. Mr. LaCour acknowledged that First Tracks' request to race on Sundays was inconsistent with the racing schedule last year but stated that it was more important for First Tracks to be consistent with its dates in the current year. First Tracks had considered requesting different race dates in November and December, but it needed additional days in December for purposes of race day credits pursuant to 8 M.R.S. § 299(5) in order to remain financially viable.

Michael Cinachette, Racing Director for First Tracks, testified that at the request of the MHHA, First Tracks is requesting to begin racing in March with a Saturday/Sunday schedule. Once that schedule is set, First Tracks wants to maintain consistency as much as possible for the racing season because the vast majority of its handle in off track betting involving bettors who become familiar with its schedule. He also stated that First Tracks does not own the facilities at Cumberland Fairgrounds where it races, instead it has a year-to-year lease.

Both Thomas Smith, Racing Director, and Christopher McErlean, Vice President of Racing for Penn Entertainment, testified on behalf of Bangor Raceway. Mr. Smith testified that the horseman asked Bangor Raceway for more racing days and that it tried to work with them for a balance that made sense for both. Bangor Raceway had a record handle in 2025 and hired a new racing secretary and worked to get fuller fields. Mr. Smith testified to the efforts of the marketing department to generate interest in racing, and to the improvements Bangor has made, including facilities upgrades, video upgrades, putting 600 tons of stone dust on the tracks and installing a

new fence. He also testified to the quality of the ship in stalls where horses wait before and after races and explained overflow plans when there are many horses scheduled to race. Mr. Smith requested that Bangor Raceway be awarded the disputed Sundays, in part because it was awarded those Sundays last year. On cross-examination, Mr. Smith testified that he has never heard of a racetrack not having enough drivers on a day it is scheduled to race against a competing track.

Mr. McErlean testified that although First Tracks raced against Plainridge for some Fridays last year, it appears that First Tracks had problems filling races and had low handles on dates when there was no overlap in racing schedules. He testified that sometimes that happens in the racing business, and it is difficult to attribute those issues to any one thing. He stated that although Plainridge is in Massachusetts, it is also beneficial to Maine horseman, because Maine horseman win about 1/3 of the Plainridge purses. Additionally, Plainridge has a contract with the Massachusetts' horseman requiring them to race 110 days, which makes scheduling challenging.

On cross examination, Mr. McErlean stated that no one from Plainridge reached out to First Tracks before adding Fridays in 2025. He also testified that First Tracks did not bring up any concerns to Penn Entertainment regarding the same. Regarding whether it is good for two commercial tracks in New England to race on the same day, Mr. McErlean stated that to some extent it was not good, but that sometimes it will occur. He acknowledged that while harness racing brings some profit to Penn Entertainment, other divisions of the company are much more profitable. Additionally, on some occasions, Plainridge does race against another commercial track that is approximately 2 hours and 45 minutes from it.

William Childs, President of the Maine State Breeders and Owners Association testified that both the MSBOA and he, personally, appreciated that First Tracks was trying to keep horse racing alive in southern Maine. He acknowledged that First Tracks did not own the racing facility

and therefore couldn't make as many improvements as a commercial track might otherwise consider.

C. Interstate Simulcasting

Mr. Bacon testified that both First Tracks and Bangor Raceway requested authorization to conduct interstate simulcasting and that the Commission has historically authorized this in the past. Mr. Bacon testified that First Tracks and Bangor Raceway are both commercial tracks and recommended that the Commission grant the requests.

IV. FACTS

Based on the record, the evidence showed the following facts:

1. Bangor Raceway applied for license renewal to conduct harness racing meets with pari-mutuel pools at racetracks in the State of Maine during calendar years 2026 and 2027.
2. First Tracks applied for license renewal to conduct harness racing meets with pari-mutuel pools at racetracks in the State of Maine during calendar years 2026 and 2027.
3. Mr. Bacon testified that First Tracks serves the southern half of Maine and other areas, and which has a population in excess of 300,000 people. Accordingly, First Tracks and the MHHA jointly requested to have fewer than the statutorily required race dates for the region it serves.
4. All of the applicants' renewal applications for calendar years 2026 and 2027 are complete.
5. All of the applicants have substantially complied with the requirements of Title 8, Chapter 11 of the Maine Revised Statutes and the Commission Rules for calendar year 2025.
6. Each of the applicants, their members, directors, officers, shareholders, employees, creditors, and associates are of good moral character.
7. The applicants requesting a renewal license to hold harness horse races for meets for public exhibition with pari-mutuel pools have met the criteria established in 8 M.R.S. § 271(1) and the Commission finds that they are financially responsible, with the exception of Bangor State Fair.

Although Bangor State Fair is not financially responsible, it manages as a going concern and has only requested three days of racing for 2026, when no other applicants have requested to race.

8. All of the applicants have satisfied the relevant criteria established in Title 8, Section 271, Subsection 2 and Chapter 19, Section 4, subsection 11 of the Commission Rules.

9. Pursuant to 8 M.R.S. § 272, all the applicants already have or will satisfy the requirement of providing a bond or irrevocable letter of credit for calendar year 2026, prior to the actual issuance of their respective licenses for calendar year 2026.

10. All applicants have agreed to work with the Maine Standardbred Breeders and Owners Association to host, at their respective racing tracks, Breeder Stakes races in addition to their allocated races, for calendar year 2026.

11. First Tracks and Bangor Raceway have requested Commission authorization to transmit interstate simulcasting for the licensed race meets conducted by them. The Commission may authorize this under 8 M.R.S. § 275-N.

12. First Tracks and Bangor Raceway dispute 14 racing days in 2026: 13 Sundays between April 26 and July 19 and Saturday, November 7.

13. Except for the fair season, Bangor Raceway raced on Sundays during 2025.

14. Bangor Raceway offers superior track facilities, maintenance, and customer amenities.

15. First Tracks leases the racetrack and facilities where it operates on a year-to-year basis.

16. First Tracks is less financially secure than Bangor Raceway.

V. DELIBERATIONS AND DECISIONS

The Commissioners considered the licensing criteria set forth in 8 M.R.S. § 271 and Chapter 19, Section 4 of the Commission Rules; evidence presented by the parties and Commission staff; and additional evidence in the record not specifically referred to herein. The Commission deliberated and made the following decisions.

A. Licensing

The Commissioners expressed their collective opinion that all the applications have satisfied the relevant criteria for license renewal for the calendar year 2026 and 2027.

Accordingly, the Commissioners voted unanimously to award licenses to all the applicants for the purpose of conducting pari-mutuel harness horse races for calendar years 2026 and 2027 as permitted by 8 M.R.S. § 271(8).⁴ The license applications were approved upon the condition that the licenses will be issued by the Department after its receipt of all necessary information from the applicants to show that Section 272's bonding requirements will be current and met during the 2026 and 2027 license year. No license shall issue without a bond.

B. Race Dates

Regarding race dates, the Commissioners discussed which commercial track should be allocated the thirteen (13) disputed Sundays and Saturday, November 7. All other race dates were agreed to by the licensees.

The Commission expressed disappointment that the tracks could not work out a proposed 2026 race date calendar without overlapping racing in advance. Although Bangor Raceway has superior racing and customer facilities, the Commission acknowledged that First Tracks is limited in making improvements as it does not own the racetrack and facilities. Despite that, the Commission discussed that it is better for racing in Maine to have a track in southern Maine. Weighing the factors identified in the rule, and with an eye towards as much consistency as possible in the 2026 calendar, the Commission granted 4 of the disputed Sundays to First Tracks from June 7 - 28 and 9 to Bangor Raceway from April 26 through May 31 and July 5 - 19. Bangor Raceway was awarded November 7. To keep each commercial track at its number of requested

⁴ As noted previously, Commissioner Norris abstained from the vote regarding the agricultural fairs.

dates, other dates were awarded to the commercial tracks as shown in the 2026 Race Date Calendar. Attached as Exhibit B.

A motion to approve all undisputed race dates as requested was unanimously approved.

A motion to approve the disputed race dates as described above was unanimously approved.

The 2026 race dates as awarded for the two commercial tracks and for the agricultural fairs are reflected in Exhibit B to this Decision and Order.

C. Simulcast Authorization

The Commissioners unanimously voted to authorize full-card simulcasting for First Tracks and Bangor Raceway.

Dated: December 16, 2025



Harry Center, Chair
Maine State Harness Racing Commission

RIGHT OF APPEAL

Any party to these proceedings may seek review of this Decision, to the extent that review is permitted by law, by filing a petition for review in Superior Court pursuant to 5 M.R.S. § 11001, et seq., within thirty (30) days after receiving notice of this Decision.

The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested on the Maine State Harness Racing Commission, all parties to the agency proceedings and the Attorney General. Any other person aggrieved by this Decision may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision.

cc: Sagadahoc Agricultural & Horticultural Society
Skowhegan State Fair
Bangor State Fair
Windsor Fair

Franklin County Agricultural Society
Cumberland Farmers Club / Cumberland Fair
West Oxford Agricultural Society / Fryeburg Fair
HC Bangor, LLC; Bangor Raceway
First Tracks Investments, LLC
Maine Association of Agricultural Fairs
Maine Harness Horsemen's Association
Maine Standardbred Breeders and Owners Association