

MAINE STATE HARNESS RACING COMMISSION

IN RE: HC BANGOR LLC &) ORDER AND DECISION
WINDSOR FAIR) ON REOPENING RACE
) DATES
)

INTRODUCTION

On April 16, 2024, the Maine Harness Racing Commission (“Commission”) considered Windsor Fair and HC Bangor’s (“Bangor Raceway”) requests to reopen the November 21, 2023 race date assignment proceedings pursuant to 8 M.R.S. § 271(1)-(2), 5 M.R.S. §§ 9051 - 9064, and Chapter 19, Section 4.10 of the Maine State Harness Racing Commission Rules. Windsor Fair requested to remove a day of racing on Wednesday, August 28, 2024 and add a day of racing on Saturday, August 24, 2024. Bangor Raceway requested to add two days of racing on Wednesday, August 21, 2024 and Friday, August 23, 2024.

A quorum of the Commission was present during all stages of the proceedings. Chair Harry Center II, Barry Norris, Patricia Varnum,¹ Don Marean, and Chandler Woodcock participated in the hearing. The Amended Notice of Hearing was posted on the Commission’s website in mid-March and was provided to interested parties via email on March 18, 2024. The Amended Notice of Hearing was admitted into evidence without objection as Exhibit 1.

FACTUAL FINDINGS

Michael Hopkins, Manager of Racing at Bangor Raceway testified regarding his request to reopen the race date proceedings. Mr. Hopkins explained that Bangor Raceway was requesting that it be granted two additional days of racing in August because at the November 21, 2023 race date hearing, the Commission awarded Bangor Raceway only 37 of its 39 requested race days.

¹ Commissioner Varnum participated remotely pursuant to the Commission’s Remote Participation

Mr. Hopkins testified that it was preferable that Bangor Raceway have two race days in a single week due to the amount of work that it takes to prepare the track. He also testified that if the Commission were not inclined to grant Friday, August 23 as a race date, it would rather have Thursday, August 22 as a race date than a date in September.

Bill McFarland, Windsor Fair's Race Director, testified that there is greater attendance at the races if it occurs on a day the Fair is open. Mr. McFarland testified regarding his concern that if Bangor Raceway were granted a race day on Friday, August 23, the day before the Fair's requested day of Saturday, August 24, that the horse supply might not be sufficient for Windsor Fair to have full-horse fields. Additionally, Windsor Fair is working with First Tracks to simulcast its races and believes that offering full horse fields is a better product for the public to bet on.

Michael Cianchette, representing First Tracks,² testified that First Tracks is working with the Windsor Fair to try to benefit the Fair and requested that the Commission give weight to Mr. McFarland's testimony that Windsor Fair would like to have a fuller race card in order to offer a better simulcast product.

Miles Greenleaf, Program Supervisor, testified that at this time Maine's horse supply appears adequate for the months of August and September. He does not anticipate low horse supply being an issue for those months. Shane Bacon, Executive Director of the Commission, also testified. He supported Windsor Fair's and Bangor Raceway's requests to reopen the race date proceedings, indicating that approving both parties' requests for additional days of racing would be in the best interest of harness racing. Mr. Bacon testified that Bangor Raceway is

Policy.

² As an applicant to the 2023 race date assignment hearing, First Tracks has automatic intervention status

planning to offer night racing on its requested days and Friday, August 23 would likely draw a bigger crowd than Thursday, August 22. Mr. Bacon also testified that the horse supply is sufficient for this racing season.

The Commission deliberated and discussed that during the upcoming racing season, there are consecutive days and weeks of racing scheduled, and the horse supply is expected to be adequate. Additionally, Race Secretaries can adjust classes to ensure an appropriate horse supply for races that occur on consecutive days. Having night racing on a Friday night, opposed to a Thursday night, would likely draw a bigger crowd and promote interest in harness racing.

CONCLUSIONS AND ORDER

Based on the testimonial and documentary evidence in the record, the Commission concluded it was appropriate to reopen the race date proceedings.³ Based upon the evidence and testimony presented and upon deliberation, the Commission concludes that Windsor Fair has demonstrated that removing Wednesday, August 28 from its 2024 calendar and adding Saturday, August 24 to the racing calendar is in the best interest of the harness racing industry. Based upon the evidence and testimony presented and upon deliberation, the Commission concludes that Bangor Raceway has demonstrated that adding two additional race days on Wednesday August 21 and Friday, August 23 is in the best interest of the harness racing industry.

APPEAL RIGHTS

Any party to this proceeding may seek review of this Decision, to the extent this review is permitted by law, by filing a petition for review in Superior Court pursuant to 5 M.R.S.

in the hearing. 01-017 C.M.R. Ch. 19, § 4(6). No other party intervened in the hearing.

³ Although Commissioner Norris voted to reopen the race date proceedings, he abstained from voting on Windsor Fair's and Bangor Raceway's specific date request due to the conflicting requests and his position of Executive Director of the Maine Association of Agricultural Fairs.

§§ 11001, *et seq.*, within thirty (30) days after receiving this notice of this Decision. 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.

Dated: 5-21-2024



Harry B. Center II, Chair
Maine State Harness Racing Commission

cc: Members of the Maine State Harness Racing Commission
Bill McFarland, Windsor Fair
Michael Hopkins, Bangor Raceway
Shane Bacon, Executive Director
Miles Greenleaf, Program Coordinator
Nicole Sawyer, Assistant Attorney General