MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
November 18, 2015

Room 208
Burton Cross Building
Capitol Street, Augusta, Maine

Commission Members Present:  Barbara Dresser, Chair, Gary Reed and William McFarland
Commission Member Absent:  Dirk Duncan

Staff Members Present:  Ron Guay, AAG, Henry Jennings, Carol Gauthier, and Miles Greenleaf.

1. **Call the Meeting to Order and Introductions:**  Barbara Dresser, Chair

2. **Adjudicatory Hearings:**
   AAG, Guay as the hearing officer stated that before they start the adjudicatory hearings he would like to reopen the 2015 race date hearing for the sole purpose to possibly grant Bangor Historic Track a makeup date that was not granted at the race date hearings.  A notice was not noticed on the agenda nor had there been a notice sent out to the parties regarding this issue.  He asked for a motion to reopen the race date hearings.  Commissioner Reed made a motion to reopen the 2015 race date hearings.  Commissioner McFarland seconded.  Vote 3-0.  AAG, Guay asked each fair including Bangor Historic Track, Scarborough Downs, Downeast Harness Horsemen’s Association, Maine Standardbred Breeders and Owners Association, Maine Harness Horsemen’s Association, Maine Association of Agricultural Fair and Department of Agriculture, Conservation and Forestry if they waive the notice of hearing. Each entity stated yes that was present.  Mr. Jennings testified that October 27, 2015 was the race date in question.  AAG, Guay passed out Exhibit 1, Decision and Order to the Commission members.  Mr. Hopkins, representing Bangor Historic Track stated that it was a scheduling error.  AAG, Guay closed the hearing.  Commissioner Dresser asked for a motion.  Commissioner Reed made a motion to award October 27, 2015 as a makeup date for Bangor Historic Track.  Commissioner McFarland seconded.  Vote 3-0.

a. AAG, Guay as hearing officer called the hearing to order pursuant to 8 M.R.S. § 275-D and 275-N and Commission Rule, Chapter 19, Section 4. The Commission heard testimony on the License Renewal Applications from the following Off-Track Betting Facilities for Calendar Year 2016:
   - Pioneer Gaming, LLC, Sanford OTB, Waterville
   - Pioneer Gaming, LLC, Favorites OTB, Sanford
   - Midcoast OTB, Inc., Winners OTB, Brunswick
   - LRI, Inc., Winners Circle, Lewiston

Commission Dresser asked for some guidance.  AAG, Guay stated that in the decision and order the following findings of fact would be satisfactory and that the applicants have satisfied the criteria under 8 MRS Section 275-N.  All of the applicants have complied or will comply with 8 MRS Section 272. The applicants have substantially complied with 8 MRS Section 271 and Chapter 11 rules. The applicants also have satisfied the criteria under 8 MRS Section 275-D 6.8 1 through 9 and 8 MRS Section 275-D 6.CCommissioner Reed made a motion to adopt the findings that AAG, Guay recommended. Commissioner McFarland seconded. Vote 3-0.  AAG, Guay stated that now you will need to vote on granting the licenses. Commissioner Dresser asked for a motion. Commissioner Reed made a motion to grant the licenses based on the findings of fact. Commissioner McFarland seconded. Vote 3-0.
b. RE: Pursuant to 8 M.R.S. § 271, § 275-N and Commission Rule Chapter 19, Section 4, the Commission heard testimony on the following applications for live racing license renewals for calendar year 2016:

a. Northern Maine Fair Association, Presque Isle; Fair Meet  
b. Sagadahoc Agricultural & Horticultural Society, Topsham; Fair Meet  
c. Skowhegan State Fair, Skowhegan; Fair Meet  
d. Union Fair Society, Union; Fair Meet  
e. Windsor Fair, Windsor; Fair Meet  
f. Oxford County Agricultural Society; Oxford Fair, Oxford; Fair Meet  
g. Franklin County Agricultural Society; Farmington Fair, Farmington; Fair Meet  
h. Cumberland Farmers Club, Cumberland Fair, Cumberland; Fair Meet and Extended Meet  
i. West Oxford Agricultural Society; Fryeburg Fair, Fryeburg; Fair Meet  
j. Davric Maine Corp.; Scarborough Downs, Scarborough; Commercial Meet  
k. HC Bangor, LLC; Bangor Raceway; Commercial Meet  


c. RE: Pursuant to 8 M.R.S. § 271 and MHRC Rule Chapter 19, Section 4, the Commission heard testimony on the request for Assignment of Race Dates for calendar year 2016 for the following applicants:

a. Northern Maine Fair Association; Fair Meet  
b. Sagadahoc Agricultural & Horticultural Society; Topsham Fair, Fair Meet  
c. Skowhegan State Fair, Fair Meet  
d. Union Fair Society; Union Fair; Fair Meet  
e. Windsor Fair; Fair Meet  
f. Oxford County Agricultural Society; Oxford Fair; Fair Meet  
g. Franklin County Agricultural Society; Farmington Fair; Fair Meet  
h. Cumberland Farmers Club; Cumberland Fair; Fair Meet  
i. Cumberland Farmers Club; Extend Meet  
j. West Oxford Agricultural Society; Fryeburg Fair; Fair Meet  
k. Davric Maine Corp.; Scarborough Downs; Commercial Meet  
l. HC Bangor, LLC; Bangor Raceway; Commercial Meet  


d. RE: Full Card Simulcast Authorization:

a. Davric Maine Corporation d/b/a Scarborough Downs, Scarborough  
b. HC Bangor, LLC d/b/a Bangor Raceway, Bangor  

AAG, Guay acting as hearing officer combined items b, c and d. The Commissioners were qualified by AAG, Guay. Commissioner McFarland stated that he is the director of racing at Windsor Fair and would not be voting on Windsor Fair’s license. AAG, Guay stated that the hearing would continue because they did have a quorum. There was no objection to the admission of exhibits 1-25 except Exhibit 15 and 16 were admitted under seal. Mr. Jennings presented Exhibit 26 as correspondence pertaining to the track ownership at Oxford Fair. AAG, Guay admitted this exhibit without objection. Mr. Jennings testified regarding the applications. Christian Smith, Director of MacPage LLC, gave testimony regarding the financials for the fairs and commercial tracks. After a brief recess, AAG, Guay admitted into evidence the revised proposed race date calendar, Exhibit 27. All representatives for the fairs and commercial tracks testified. Diann Perkins asked each association if they would host the Sire Stakes races and all replied “yes” except Oxford Fair. AAG, Guay asked Mr. Jennings if the makeup dates were on the calendar. Mr. Jennings presented Exhibit 28 as the final proposed race date calendar. Ms. Gauthier testified regarding the post times and dashes presented on the calendar. Mr. Cobbett testified regarding a correction to their starting time presented on the calendar. Commissioner Dresser
asked Mr. Jennings to confirm the makeup dates. After some discussion to confirm that the makeup dates was right, AAG, Guay admitted into evidence the final revised race date calendar as Exhibit 28. He closed the hearing for license renewals, race date assignments and authorization for full card simulcasting to go into deliberations. Commissioner Dresser asked for any discussion or for a motion. Commissioner Reed made a motion to adopt the proposed findings of fact that have been presented to them in writing. Commissioner McFarland seconded. Vote 3-0. Commissioner Dresser read into the record the following “they award the license for the purpose of conducting pari-mutuel horse racing for the calendar year 2016 and the license application is approved upon the condition that the license will be issued by the Department after it has received all necessary information showing that the bonding requirements are current and will be met for the 2016 license year”. Commissioner Reed made a motion to approve the application as Commissioner Dresser stated above for Windsor Fair. Commissioner Dresser seconded. Vote 2-1 (Commissioner McFarland recused).

Commissioner Reed made a motion to approve the race dates and makeup dates as reflected on the final revised race date calendar exhibit 28; and in addition to the dashes listed in this exhibit that on each day that the sire stakes races are held at Windsor Fair be awarded one extra dash. Commissioner Dresser seconded. Vote 2-1 (Commissioner McFarland recused).

Commissioner Reed made a motion to approve all other applicants except for Windsor Fair as stated above by Commissioner Dresser. Commissioner McFarland seconded. Vote 3-0.

Commissioner Reed made a motion to approve the race dates and makeup dates as reflected on the final revised race date calendar exhibit 28; and in addition to the dashes listed in this exhibit that on each day that the sire stakes races are held that each applicant be awarded one extra dash except for Windsor Fair. Commissioner McFarland seconded. Vote 3-0.

Commissioner McFarland made a motion to authorize full card simulcasting to the two commercial tracks, Scarborough Downs and Bangor Raceway. Commissioner Reed seconded. Vote 3-0.

A transcript of the hearing is available at the Maine State Harness Racing Commission office.

3. **Unfinished Business:**

4. **Reports:**

5. **New Business:**

6. **Other Business:**

7. **Date of Next Meeting:**
   December 16, 2015

8. **Adjourn:**
   1:50 p.m.