

MAINE STATE HARNESS RACING COMMISSION

**IN RE: DATES OF OPERATION FOR)
OFF-TRACK BETTING) DECISION AND ORDER
FACILITIES FOR 2025)**

I. INTRODUCTION

On November 19, 2024, 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-D, and 5 M.R.S. §§ 9061 – 9064 to award specific dates of operation to off-track betting facilities to conduct pari-mutuel wagering for calendar year 2025. At the 2023 annual hearing, all applicants were awarded two-year licenses to conduct pari-mutuel wagering at off-track betting facilities (“OTBs), covering calendar years 2024 and 2025. Each application included a request to simulcast. Applications for specific dates of operation were filed by Pioneer Gaming, LLC, d/b/a Sanford OTB (Sanford OTB), Pioneer Gaming, LLC d/b/a Favorites OTB (Favorites OTB), and LRI Inc., d/b/a Winners’ Circle OTB (Winners’ Circle OTB).

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. During the hearing, Donald Barberino was present on behalf of and representing Sanford OTB and Favorites OTB. James P. Day was present on behalf of and representing Winners’ Circle OTB.

Following the determination that none of the Commission members had a conflict of interest that would prevent any of them from participating in the hearing, the Presiding Offer admitted the following exhibits into the record without objection:

1. Notice of Hearing dated October 2, 2024;
2. Winners’ Circle’s application for specific dates to conduct pari-mutuel wagering at an OTB;
3. Sanford OTB’s application for specific dates to conduct pari-mutuel wagering at an OTB;

4. Favorites OTB's application for specific dates to conduct pari-mutuel wagering at an OTB; and
11. 2025 Proposed Race Dates Calendar.

The Commission heard testimony from the following witnesses: Shane Bacon, Executive Director of the Maine State Harness Racing Commission, and Mr. Barberino on behalf of Sanford and Favorites OTB. Executive Director Bacon testified that the applications were timely submitted and outlined the dates of operation the OTBs were requesting, as required by 8 M.R.S. § 275-D(2)(O). He informed the Commission that all OTBs were currently in compliance with the bond requirement of 8 M.R.S. § 272-B but recommended that the dates and times of operation be granted conditionally upon a bond being in place for the 2025 season. Mr. Bacon additionally testified that the Commission has historically authorized interstate simulcasting to the OTBs under 8 M.R.S. § 275-N and he recommended that Commission authorize it for 2025. He also testified that 8 M.R.S. § 275-D requires the Commission to identify the dates on which pari-mutuel wagering is permitted at OTBs.

Mr. Barberino testified that he is looking to relocate Favorites OTB and plans to come before the Commission regarding that matter in the coming months. Mr. Barberino also testified that he may expand hours of operation if he is approved for sports wagering.

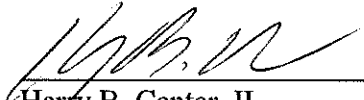
II. FINDINGS OF FACT

1. The applicants timely filed applications requesting specific dates and times to conduct pari-mutuel wagering at OTBs;
2. The applicants either already have or will comply with the requirements of 8 M.R.S. § 272, by providing a bond or irrevocable letter of credit for calendar year 2025 prior to conducting pari-mutuel wagering at the OTB.

III. DECISION AND ORDER

After considering the evidence presented by the parties and staff, the reasons stated on the record at hearing, and the additional evidence in the record not specifically referred to herein, the Commission voted unanimously to award all the applicants the specific dates and times requested to conduct pari-mutuel wagering at the OTBs. The 2025 dates of operation are awarded contingent upon receipt of payment of the bond required by § 272 for the 2025 year. The specific times and dates parimutuel wagering may be conducted at each OTB are those listed in their respective applications which are attached to this Decision and Order and hereby incorporated. The Commission also voted unanimously to allow interstate simulcasting by all OTBs for calendar year 2025.

Dated: December 17, 2024



Harry B. Center, II
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: Members of the Maine State Harness Racing Commission
Pioneer Gaming, LLC, d/b/a Sanford OTB
Pioneer Gaming, LLC d/b/a Favorites OTB
LRI Inc., d/b/a Winners' Circle OTB