

# HOUSE . . . . No. 1787

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By Mr. Ramsdell of Winchester, petition of William Eben Ramsdell that various changes be made in the law authorizing the licensing of harness horse racing meetings at which the pari-mutuel system of betting is permitted. Legal Affairs.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-One.

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AN ACT MAKING VARIOUS CHANGES IN THE LAW AUTHORIZING THE LICENSING OF HARNESS HORSE RACING MEETINGS AT WHICH THE PARI-MUTUEL SYSTEM OF BETTING IS PERMITTED.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section two of chapter one hundred  
2 and twenty-eight A of the General Laws, as most  
3 recently amended, is hereby further amended by  
4 striking out paragraph (5) and inserting in place  
5 thereof the following:—

6 (5) The hours of each day between which it is  
7 intended to hold or conduct racing at such meeting,  
8 which hours shall be not before twelve o'clock noon  
9 nor later than seven o'clock post meridian for run-  
10 ning horse racing, and not before seven o'clock post  
11 meridian nor later than twelve o'clock midnight for

12 dog racing and not before twelve o'clock noon nor  
13 later than twelve o'clock midnight for harness horse  
14 racing.

1 SECTION 2. Section three of said chapter one hun-  
2 dred and twenty-eight A is hereby amended by strik-  
3 ing out sub-paragraph (b) of paragraph (5) and in-  
4 serting in place thereof the following: —

5 (b) Running horse racing at such meeting may be  
6 between the hours of twelve o'clock noon and seven  
7 o'clock post meridian only.

8 ( $b\frac{1}{2}$ ) Harness horse racing at such meeting may  
9 be between the hours of twelve o'clock noon post  
10 meridian and twelve o'clock midnight only.

1 SECTION 3. Said section three is hereby further  
2 amended by striking out in sub-paragraph (j) of  
3 said paragraph (5) where appears the word “forty-  
4 two” and inserting in place thereof the word:—  
5 sixty,— so that said sub-paragraph will read as  
6 follows:— (j) No licenses shall be issued for more  
7 than an aggregate of sixty racing days in any one  
8 year at the harness horse racing meetings combined,  
9 not including harness horse racing meetings at state  
10 or county fairs.

1 SECTION 4. Said chapter one hundred and twenty-  
2 eight A is hereby further amended by striking out  
3 section five, as amended, and inserting in place  
4 thereof the following:—

5 Section 5. Before holding or conducting a racing  
6 meeting, every licensee shall provide a place or  
7 places, equipped as hereinafter provided, on the  
8 grounds where such meeting is held or conducted

9 or adjacent thereto, but not elsewhere, at which  
10 such licensee shall conduct and supervise the pari-  
11 mutuel or certificate system of wagering on the speed  
12 or ability of horses or dogs performing in the races  
13 held or conducted by such licensee at such meeting,  
14 and such pari-mutuel or certificate method of wager-  
15 ing upon such races so conducted shall not under  
16 any circumstances be held or construed to be un-  
17 lawful, other statutes of the commonwealth to the  
18 contrary notwithstanding. Such place or places shall  
19 be equipped with automatic betting machines capable  
20 of accurate and speedy determination of award or  
21 dividend to winning patrons, and all such awards or  
22 dividends shall be calculated by a totalisator ma-  
23 chine or like machine, except at state or county  
24 fairs and harness horse race meetings.

25 No other place or method of betting, pool making,  
26 wagering or gambling shall be used or permitted by  
27 the licensee, nor shall this chapter be deemed to  
28 authorize or legalize the pari-mutuel or certificate  
29 system of wagering on any races except horse and  
30 dog races at the race track where such pari-mutuel  
31 or certificate system of wagering is conducted.  
32 Each licensee conducting a racing meeting shall be-  
33 come the custodian or depository for such sums as  
34 may be deposited with such licensee by patrons as  
35 wagers on the speed or ability of any one or more  
36 horses or dogs in a race or races and such licensee  
37 shall be responsible for such sum so deposited and  
38 shall return to the winning patrons so wagering on  
39 the speed or ability of any one or more horses or  
40 dogs in a race or races all sums so deposited as an  
41 award or dividend, according to the acknowledged  
42 and recognized rules and method under which such

43 pari-mutuel or certificate system has been operated,  
44 less the breaks, as defined in this section, and less  
45 an amount not to exceed ten per cent of the total  
46 amount so deposited by the patrons wagering on  
47 the speed or ability of running horses in a race or  
48 races not conducted in connection with a state or  
49 county fair, and fifteen per cent of the total amount  
50 so deposited by the patrons wagering on the speed  
51 or ability of horses in a race or races conducted in  
52 connection with a state or county fair and on the  
53 speed or ability of dogs and harness horses in a race  
54 or races, whether or not conducted in connection  
55 with a state or county fair.

56 Each person licensed to conduct a horse racing  
57 meeting, other than a licensee holding a racing meet-  
58 ing in connection with a state or county fair, shall  
59 pay to the commission on the day following each  
60 day of such horse racing meeting, a sum equal to  
61 three and one half per cent of the total amount  
62 deposited on the preceding day by the patrons so  
63 wagering at such meeting, said three and one half  
64 per cent to be paid from the ten per cent withheld,  
65 as provided in this section, from the total amount  
66 wagered. Each person licensed to conduct a dog or  
67 harness horse racing meeting, other than a licensee  
68 holding a racing meeting in connection with a state  
69 or county fair, shall pay to the commission on the  
70 day following each day of such dog or harness horse  
71 racing meeting, a sum equal to three and one half  
72 per cent of so much of the total amount deposited  
73 on the preceding day by patrons so wagering at  
74 such meeting as does not exceed seventy-five thou-  
75 sand dollars, five per cent of so much thereof as  
76 exceeds seventy-five thousand dollars but does not

77 exceed one hundred and ten thousand dollars, six  
78 per cent of so much thereof as exceeds one hundred  
79 and ten thousand dollars but does not exceed one  
80 hundred and forty thousand dollars, and seven per  
81 cent of so much thereof as exceeds one hundred and  
82 forty thousand dollars, said percentages to be paid  
83 from the fifteen per cent withheld, as provided in  
84 this section, from the total amount wagered. Each  
85 licensee may retain as his commission on the total  
86 of all sums so deposited, in addition to his share of  
87 the breaks as hereinafter provided, a sum not ex-  
88 ceeding the balance of the ten and fifteen per cent  
89 withheld, as provided in this section, from the total  
90 amount wagered after deducting therefrom the  
91 amount hereinbefore required to be paid to the  
92 commission. A licensee holding a racing meeting  
93 in connection with a state or county fair may re-  
94 tain the fifteen per cent withheld, as provided in  
95 this section, from the total amount wagered.

96 One half of the odd cents over any multiple of  
97 ten cents of winnings per dollar wagered shall be  
98 retained by the licensee, and one half shall be paid  
99 to the commission, on the day following each day  
100 of a horse or dog racing meeting. Such odd cents  
101 shall in this chapter be called the "breaks".





