

# HOUSE . . . . No. 123

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## The Commonwealth of Massachusetts

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STATE RACING COMMISSION,  
294 WASHINGTON STREET, BOSTON 8, November 1, 1948.

*To the Honorable Senate and the House of Representatives.*

Gentlemen: — In accordance with the provisions of the General Laws, chapter 30, section 33, as amended, a copy of the recommendations for legislation to be contained in the annual report of this Commission (Public Document No. 155) is submitted, together with drafts of bills embodying the legislation recommended.

The drafts of legislation have been submitted to the Counsel of the Senate, as required by law.

Respectfully yours,

HAROLD R. ALLEN,  
ALLAN M. MACLEOD,  
OWEN A. GALLAGHER,  
*Massachusetts State Racing Commission.*

## RECOMMENDATIONS.

## 1. THE ELIMINATION OF CERTAIN RESTRICTIONS NOW PLACED ON THE COMMISSION IN GRANTING OF LICENSES FOR HORSE AND DOG RACING MEETINGS.

In order to safeguard the best interests of racing within Massachusetts the State Racing Commission recommends certain important amendments to chapter 128A of the General Laws in order that it may be enabled to cope with any untoward circumstances which could well arise out of the current competitive rivalry existing between the horse-racing tracks in Massachusetts, Rhode Island and New Hampshire. In the administration of the Massachusetts racing law this Commission cannot be unmindful of the substantial tax revenue derived annually by the Commonwealth from licensed horse racing.

The seasonal racing period in southern New England extends from March to November, embracing at least 200 available racing days. Both Rhode Island and New Hampshire laws sanction horse racing for an unlimited number of days, whereas our Massachusetts law limits horse racing to the period between April 18 and August 14, plus the month of October, — a total of approximately 130 days.

However, section 3 (f) of chapter 128A of the General Laws delimits the aggregate number of racing days in any one year to a maximum of 90 out of the 130 days available.

Section 3 (h) further limits the minimum distance between which race tracks may be located within the Commonwealth to 50 miles, whereas the three competitive horse tracks in adjacent States are all located within 50 miles of the existing major track located within Massachusetts. The State Racing Commission respectfully submits the following recommendations: —

(a) To provide that the horse-racing season shall ex-

tend from April 1 to October 31 of each year, and further provide that the Commission shall have discretion in the suspension of a horse-racing meeting during any week in the period from August 15 to September 30 if such meeting is objected to by an incorporated agricultural or horticultural society whose fair is to be conducted between August 15 and September 30 within 25 miles of such horse-racing meeting; and to provide that the society will be recompensed by the association conducting the horse-racing meeting during the week of said fair for any loss resulting therefrom.

(b) To provide that the dog-racing season shall extend from April 1 to October 31 of each year, and further provide that the Commission shall have discretion in the suspension of a dog-racing meeting during any week in the period from August 15 to September 30, if such meeting is objected to by an incorporated agricultural or horticultural society whose fair is to be conducted between August 15 and September 30 within 25 miles of such dog-racing meeting; and to provide that the society will be recompensed by the association conducting the dog-racing meeting during the week of said fair for any loss resulting therefrom.

(c) To provide that the number of days allowed for running horse-racing meeting shall be at the discretion of the Commission.

(d) To provide for the elimination of the provision of the law which forbids the licensing of a horse track within 50 miles of another licensed horse track, 1 mile or more in circumference. Retain the provision allowing only one horse track to operate within the Commonwealth at the same time, provided that two tracks may operate at the same time if they are 75 miles apart.

(e) Eliminate the necessity of holding public hearings on applications for horse and dog racing meetings from applicants who were licensed during the previous calendar year, with ample protection to the voters of the town in which the track of an applicant is located to obtain a public hearing if they so desire.



(f) To provide that the Commission may award extra days to harness horse-racing meetings beyond the maximum allowed by law to make up for days lost through no fault of the licensee. This provision is now contained in the law with respect to running horse and dog racing meetings.

2. ADDITIONAL LEGISLATION TO PROVIDE FOR THE STRENGTHENING OF THE COMMISSION POWERS IN THE SUPERVISION OF HORSE AND DOG RACING MEETINGS.

In line with the first recommendation of the Commission in recommending certain changes in the law in the matter of granting licenses, it is further recommended that certain new legislation be passed to strengthen the power of the Commission in the matter of supervising such horse and dog racing meetings. The Commission is endeavoring to eliminate from the tracks of Massachusetts persons who are undesirable and practices that are inimical to the public interest.

(a) The Commission requests the power to extend the licensing power now granted under chapter 128A of the General Laws to include all persons who are charged with the care of horses and dogs, and to all persons employed by licensees of the Commission.

(b) In connection with hearings held on persons charged with violation of the Commission's rules, it is requested that the Commission be empowered to summon and swear witnesses.

(c) To provide that persons who within five years have been convicted of making a handbook, setting up and promoting a lottery or aiding and abetting in any of the foregoing forms of wagering, shall be barred from admission to the tracks; and provided, further, that if, after being barred, he attempts to obtain admission to a track, he be penalized by fine or imprisonment.

(d) To provide for the definition of touting and prescribe penalties for persons found guilty of this practice.

(e) To prohibit the dissemination of news, other than to accredited newspapers, of the results of races run that might be an aid to book-making establishments. To further provide that no wagers or instructions to wager shall be delivered to persons in attendance at the tracks that would tend to circumvent the law prohibiting come-back money being received at any track.

(f) To provide for the licensing of persons who sell to the public their selections of winning horses. This practice now followed by some unscrupulous operators of selection sheets has mulcted the public of considerable sums of money through misrepresentation. The recommendation of the Commission would also provide that selections made by persons so licensed shall be filed with the Commission previous to the first race each day, in order that the public would be protected against the near fraudulent method now being employed by some of these so-called tipsters.

### 3. FURTHER RECOMMENDATIONS AND CLARIFICATION OF THE PRESENT LAW.

(a) To provide for a clarification of the present law with respect to the type of mechanical equipment required to be installed by licensees of the Commission.

(b) To include all licensees of horse and dog racing meetings in the present provisions of section 40 of chapter 271 of the General Laws.





