
Accompanying the first recommendation of the State Racing Commission
(House, No. 55). Legal Affairs.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE HOLDING OF PUBLIC HEARINGS
ON APPLICATIONS FOR PARI-MUTUEL RACING IN CONJUNCTION
WITH STATE AND COUNTY FAIRS AND THE FURTHER REGULATION
THEREOF.

*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 2 of chapter 128A of the General Laws
2 is hereby amended by striking out the second paragraph, as
3 appearing in chapter 716 of the acts of 1950, and inserting in
4 place thereof the following paragraph: —

5 Such application, except an application for a license to conduct
6 a horse or dog racing meeting in connection with a state or county
7 fair, shall be filed with the commission on or before the fifth day
8 of January of the calendar year for which such application re-
9 quests a license to be issued under this chapter; and the com-
10 mission shall grant or dismiss such application not later than the
11 thirtieth day of January thereafter; provided, however, that an
12 application for a license to conduct a horse or dog racing meeting
13 in connection with a state or county fair shall be filed with the
14 commission on or before the first day of April of the calendar
15 year for which such application requests a license to be issued
16 under this chapter; and the commission shall grant or dismiss
17 such application not later than the thirtieth day of April there-
18 after; and provided, further, that a supplementary application
19 by a licensee for a subsequent license in that calendar year
20 relating to the same premises and the original application, and
21 supplementary applications by a licensee for additional licenses

22 under section four of this chapter, may be filed with the com-
23 mission at any time prior to the expiration of said year, and the
24 commission shall grant or dismiss such applications within
25 thirty days of the date of filing. Such applications shall be
26 signed and sworn to, if made by an individual, by such individual,
27 if made by two or more individuals or a partnership, by one of
28 such individuals or by a member of such partnership, as the
29 case may be, if made by a trust, by a trustee of such trust, and,
30 if made by an association or corporation, by the president or
31 vice president thereof. The commission may prescribe forms to
32 be used in making such applications.

1 SECTION 2. Section 3 of said chapter 128A is hereby amended
2 by striking out the first paragraph, as most recently amended by
3 section 1 of chapter 208 of the acts of 1958, and inserting in
4 place thereof the following paragraph: —

5 If any application for a license, filed as provided by section
6 two, shall be in accordance with the provisions of this chapter,
7 the commission, after reasonable notice and a public hearing in
8 the city or town wherein the license is to be exercised, may issue
9 a license to the applicant to conduct a racing meeting, in accord-
10 ance with the provisions of this chapter, at the race track speci-
11 fied in such application; provided, that if the commission has
12 already taken action on an application for any calendar year,
13 after such notice and public hearing, no other public hearing
14 need be granted on any other application from the same appli-
15 cant relating to the same premises filed prior to the expiration of
16 said year; and provided, further, that on an application for a
17 license to conduct a horse or dog racing meeting in connection
18 with a state or county fair by an applicant which has not operated
19 a horse or dog racing meeting under the provisions of this chapter
20 prior to July first, nineteen hundred and fifty-eight, the applicant
21 shall show (1) that the state or county fair at which such racing
22 meeting is to be held has operated for a period of at least five
23 consecutive years; (2) that said fair has received financial
24 assistance from the agricultural purpose fund for the same
25 period of time; and (3) a certificate from the commissioner of
26 agriculture that said fair is properly qualified and approved by
27 him; and provided, further, that on an application for a license

28 to conduct a horse or dog racing meeting in connection with a
29 state or county fair by an applicant to whom a prior license to
30 conduct such a racing meeting at the race track specified in said
31 application has been granted by the commission, no hearing need
32 be held, unless a request, signed by at least one per cent of the
33 registered voters of the city or town in which the track is located,
34 is filed with the commission not later than thirty days following
35 the granting of said license. In determining whether a fair is
36 properly qualified under this paragraph, the commissioner of
37 agriculture shall consider the number of days such fair has
38 operated each previous year, the area of the land used for fair
39 purposes, the number of entries in agricultural show events in
40 previous years, the number and value of prizes offered in such
41 events, and whether or not the granting of a racing license would
42 tend to promote the agricultural purposes of the fair.

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