

MAINE STATE HARNESS RACING COMMISSION

IN RE: PIONEER GAMING, LLC.)
APPLICATION FOR OFF-TRACK)
BETTING FOR 2026-2027) DECISION AND ORDER

I. INTRODUCTION

On April 21, 2026, the Maine State Harness Racing Commission (“Commission”) held an adjudicatory hearing at the Deering Building, 90 Blossom Lane, Augusta Maine pursuant to Title 8 M.R.S. §§ 275-D, 275-N and 5 M.R.S. §§ 9061 – 9064. The purpose of the hearing was to consider Pioneer Gaming LLC’s (“PG”) application for a new license to conduct pari mutuel wagering at a new an off-track betting facility (“OTB”), still called Favorites, located at 24 Silver Street in Waterville (“Silver Street”), for calendar years 2026 and 2027.

A quorum of the Commission was present during all stages of the proceedings. Harry B. Center II, Barry Norris, and Chandler Woodcock, participated and voted as Commission members. Chairman Center acted as the Presiding Officer of the hearing. Following the determination that none of the Commission members had a conflict of interest that would prevent them from participating in the hearing, the Presiding Officer admitted the following exhibits into evidence:

- Exhibit 1: The Notice of Hearing dated March 25, 2026;
- Exhibit 2: PG’s OTB application, including supplemental information; and
- Exhibit 3: Financial Report from Christian A. Smith dated November 14, 2025.

The Commission heard testimony from the following witnesses: Donald Barberino, the sole member of PG, and Shane Bacon, the Executive Director of the Maine State Harness Racing Commission. Mr. Barberino testified that he has been involved in operating OTBs since 2005. PG currently owns an OTB, also called Favorites, at 38 College Avenue in Waterville. He explained that there are no commercial racetracks or OTBs in the market area of Silver Street. *See* 8 M.R.S. § 275-D(3) and (4). He is planning to open the Silver Street OTB in June and expects business to be better

there than at the current location due to neighboring entities at the College Avenue location. Mr. Barberino is conducting a significant remodel of the space at Silver Street. Once the new location is ready, Mr. Barberino will close operations of the OTB at College Avenue. He is expecting that the Silver Street location will be approved for sports wagering in the fall. Exhibit 2, PG's OTB application for Silver Street, affirmatively addresses all the requirements in 8 M.R.S. § 275-D(2)(A)-(R) and the Commission's Off-Track Betting rule, Chapter 15, Section 2(2), except as specifically noted below.

Although PG has received municipal approval for the Silver Street location and authorization of a victualer's license for the same, the State of Maine liquor license and restaurant license are still issued to the College Avenue location. Mr. Barberino testified that he cannot apply for those licenses at the Silver Street location until it is closer to operational, but that he will apply for those licenses before it opens. Mr. Barberino was agreeable to providing Commission Staff with the liquor license and restaurant license for Silver Street before its opening. Additionally, Mr. Barberino just completed a security plan for Silver Street, as required by Chapter 15 § 2(2)(B)(5). Although not included in his application materials, Mr. Barberino was agreeable to providing Commission Staff with the plan before Silver Street's opening.

Mr. Barberino testified regarding the anticipated expenses at Silver Street. Despite remodeling the new location, expenses are not expected to rise significantly and revenues are anticipated to be significantly higher. Except for that information, PG is in the same financial condition as it was when Christian Smith, CPA, CFE reviewed the OTB's financial information and opined that it was financially responsible for 2026 through 2027 at the College Avenue location, so long as there were no significant changes. *See* Exhibit 3, testimony at November 2025 race date proceedings.

Mr. Bacon testified that he toured Silver Street with Mr. Barberino and that it is an improved location and space compared to College Avenue. He also testified that PG, at its current location, has been in compliance with the Commission's laws and rules in the past and is expected to continue to remain in compliance for the future.

II. FINDINGS OF FACT

1. PG filed a new OTB application for Favorites at Silver Street for calendar years 2026 and 2027. PG intends to operate at 24 Silver Street only after the 28 College Avenue location has closed;
2. PG has substantially complied with the harness racing laws in Title 8, Chapter 11 and the rules prescribed by the Commission during the past year at the College Avenue location and is expected to fully comply with same at Silver Street during the coming years;
3. Favorites at Silver Street will be operated in a Class A restaurant or lounge once it opens, in accordance with 8 M.R.S. §275-D(1);
4. PG submitted an application for Favorites at Silver Street addressing the requirements in 8 M.R.S. § 275-D(2);
5. There are no commercial racetracks or OTBs in the market area of Silver Street, *see* 8 M.R.S. § 275-D(3) and (4);
6. PG has satisfied the criteria under 8 M.R.S. § 275-D(6)(A)(1)-(9). Regarding subsection 7. In making this finding, the Commission relies upon Mr. Barberino's testimony that PG's expenses are not expected to significantly rise at the new location and Mr. Smith's testimony at the November 2025 race date proceeding hearing that PG has sufficient financial stability and he concludes that they are all financially responsible and, barring any unforeseen circumstances, can be for a two-year licensing period.

7. PG has satisfied the criterion in 8 M.R.S. § 275-D(6)(B);
8. PG satisfied the criteria under 8 M.R.S. § 275-D(6)(C).

III. CONCLUSIONS OF LAW

The Commission subsequently applied the following statutory and rule provisions to the above-stated findings of fact, and concluded that:

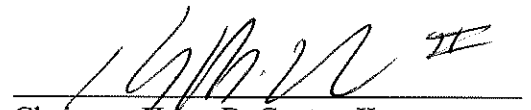
1. PG has substantially complied with 8 M.R.S. § 275-D and Chapter 15 of the Commission Rules which set out the relevant criteria that govern the re-licensing of Off-Track Betting facilities.
2. Pursuant to § 275-D(13), the Commission has the authority to impose conditions on a license if criteria in § 275-D are not met at the time the license is issued, but the licensee is able to comply with the conditions during a specified period during the licensing year.
3. PG will comply with 8 M.R.S. § 272 for calendar year 2026 pursuant to which the Commission may issue an Off-Track Betting license to any applicant after it provides a bond or irrevocable letter of credit in an amount fixed by the Commission.
4. Pursuant to 8 M.R.S. § 275-D(1), PG's license to operate at Silver Street is conditioned upon providing Commission Staff with the liquor license and restaurant license for Silver Street before its opening.
5. Pursuant to 8 M.R.S. § 275-D(6)(A)(1)-(9), the Commission may license the PG OTB because it has satisfied the criteria contained therein.
6. Pursuant to 8 M.R.S. § 275-D(6)(C), the Commission may license the PG OTB because it has satisfied the criteria contained therein.
7. Pursuant to 8 M.R.S. § 275-D(12), the Commission may license the PG OTB because it has satisfied the criteria contained therein.

8. Pursuant to 8 M.R.S. § 275-N, the Commission may allow interstate simulcasting at an OTB regardless of the number of race dates conducted in the State for any calendar year.

IV. DECISION AND ORDER

After considering the evidence and the criteria set forth in the above statutes, the Commission is satisfied that all the necessary requirements have been met to grant a conditional license to PG for Silver Street. PG's license is conditioned upon receipt of payment of the bond required by § 272 for the applicable year and providing Commission Staff with the liquor license and restaurant license for Silver Street before its opening.. Based on the application, 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 grant PG an OTB license at Silver Street for the purpose of conducting pari-mutuel wagering and to allow interstate simulcasting on the dates listed in its application for calendar year 2026 and 2027.

DATED: 5-26-2026



Chairman Harry B. Center, II
Maine State Harness Racing Commission

APPEAL RIGHTS

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.