

MAINE STATE HARNESS RACING COMMISSION

IN RE: HC BANGOR LLC &) ORDER AND DECISION
FIRST TRACKS INVESTMENT) ON REOPENING RACE
LLC) DATES
)

INTRODUCTION

On June 21, 2023, the Maine Harness Racing Commission (“Commission”) considered First Tracks Investments, LLC’s (“First Tracks”) and HC Bangor’s (“Bangor Raceway”) requests to reopen the November 15, 2022 race date assignment proceedings pursuant to 8 M.R.S. § 271(1)-(2), 5 M.R.S. §§ 9051 - 9064, and Chapter 19, Section 4.10 of the Maine State Harness Racing Commission Rules. Their requests to reopen the race date proceedings were a result of Union Fair informing Commission Staff that it will not be racing the days it was previously awarded: July 23, 24, 25, 26, and 27, 2023. First Tracks requested to race an additional day on July 28, and Bangor Raceway requested to race an additional day on July 26.

A quorum of the Commission was present during all stages of the proceedings. Chair Harry Center II, Barry Norris,¹ Patricia Varnum, and Diane Dunn participated and voted as Commission members. The Notice of Hearing was posted on the Commission’s website in late May and was provided to interested parties via email on June 8, 2023. The Notice of Hearing was admitted into evidence without objection as Exhibit 1.

FACTUAL FINDINGS

Michael Hopkins, Manager of Racing at Bangor Raceway testified regarding his request to reopen the race date proceedings. Mr. Hopkins explained that Bangor Raceway was requesting that it be granted an additional day of racing on Wednesday, July 26, to host both overnight races

¹ Commissioner Norris participated remotely pursuant to the Commission’s Remote Participation Policy.

and Sire Stakes races. No one appeared to testify on behalf of First Tracks. First Tracks' May 24, 2023 email request to reopen the race date proceedings was admitted into evidence without objection as Exhibit 2. First Tracks' requested an additional day of racing on Friday, July 28, to make up for Union Fair's cancellation of its harness races.

Shane Bacon, Executive Director of the Commission, also testified. He supported First Tracks' and Bangor Raceway's requests to reopen the race date proceedings, indicating that approving both requests for additional days of racing in July would be in the best interest of harness racing and that all parties had worked together towards this result. Mr. Bacon requested that the Commission remove Union Fair's race dates from the 2023 racing calendar. The Commission accepted Mr. Hopkins' and Mr. Bacon's testimony, and First Tracks' request as indicated in Exhibit 2, and there was no opposing testimony.

CONCLUSIONS AND ORDER

Based on the testimonial and documentary evidence in the record, the Commission concluded it was appropriate to reopen the race date proceedings. Based upon the evidence and testimony presented and upon deliberation, the Commission concludes that First Tracks has demonstrated that adding one additional race day on July 26, 2023 is in the best interests of the harness racing industry. Based upon the evidence and testimony presented and upon deliberation, the Commission concludes that Bangor Raceway has demonstrated that adding one additional race day on July 28, 2023 is in the best interests of the harness racing industry. Additionally, the Commission grants Executive Director Bacon's request to remove Union Fair's race dates from the 2023 racing calendar. With Union Fair's dates removed from the calendar, there is no overlap of racing dates. The Commission commends the parties for working together to fill gaps in the

racing calendar and encourages other parties to request additional dates of racing on days when there is no racing occurring in Maine.

APPEAL RIGHTS

Any party to this proceeding may seek review of this Decision, to the extent this 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 this notice of this Decision. 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.

Dated: 6-24-2023



Harry Center II, Chair
Maine State Harness Racing Commission

cc: Members of the Maine State Harness Racing Commission
Gunner laCour, First Tracks
Michael Hopkins, Bangor Raceway
Shane Bacon, Executive Director
Miles Greenleaf, Program Coordinator
Nicole Sawyer, Assistant Attorney General
Ralph Canney, State Steward