

MAINE STATE HARNESS RACING COMMISSION

IN RE: FIRST TRACKS CUMBERLAND        )  
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ORDER AND DECISION ON  
REOPENING RACE DATES

**INTRODUCTION**

On August 25, 2022, the Maine Harness Racing Commission (“Commission”) considered First Tracks Cumberland’s (“First Tracks”) request to reopen the November 19, 2021 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 and to seek approval of specific race dates. A quorum of the Commission was present during all stages of the proceedings. Chair Harry Center II, Barry Norris, Don Marean, Patricia Varnum, and Diane Dunn participated and voted as Commission members. The August 10, 2022, Notice of Hearing was provided to interested parties via email, posted on the Commission’s website, and mailed to all parties who participated in the November 19, 2021 proceeding. The Notice of Hearing was admitted without objection as Exhibit 1. Upon her request, Diann Perkins of the Maine Standardbred Breeders & Owner’s Association was granted intervenor status before the hearing began.

**FACTUAL FINDINGS**

Gunner LaCour of First Tracks testified regarding its request to reopen the proceedings. Mr. LaCour explained that First Tracks’ request was to reopen the proceedings to adjust some of the race dates in the November and December calendar that were listed as “to be determined”

dates for racing. Mr. LaCour submitted First Tracks' proposed dates for racing in November and December, which were admitted into evidence without objection as Exhibit 3. Mr. LaCour testified that its proposed race dates solidified specific dates and amounted to one additional race day than was previously granted at the November 19, 2021 hearing.

Shane Bacon, Executive Director of the Commission, also testified. He supported First Tracks' request to reopen the race date proceedings, indicating that approving First Tracks' proposed race dates in November and December would be in the best interest of harness racing. Mr. Bacon explained that First Tracks' proposed dates did not conflict with any other track's racing schedule. The current racing schedules for all tracks for November and December were admitted into evidence without objection as Exhibit 2. Ms. Perkins testified in support of granting First Tracks' request to modify its race dates. The Commission accepted Mr. LaCour's, Mr. Bacon's, and Ms. Perkins' testimony 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 testimony. Based upon the evidence and testimony presented and upon deliberation, the Commission concludes that First Tracks has demonstrated that modifying its November and December schedule to solidify race dates and adding one additional race day is in the best interests of the harness racing industry. Therefore, the Commission grants First Tracks' request to modify its race date schedule as requested and add one race date as reflected in the November and December calendars, Exhibit 3, which is hereby incorporated into this Decision.

**RECORD VOTE**

After motion made and seconded, the Commissioners voted unanimously, 5-0, to reopen the race date proceedings.

After motion made and seconded, the Commissioners voted unanimously, 5-0, to grant First Tracks' request to modify its race date calendar for November and December as requested.

**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:

9/2/2022

  
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Harry Center II, Chair  
Maine State Harness Racing Commission

cc: Members of the Maine State Harness Racing Commission  
Gunner LaCour, First Tracks Cumberland  
Shane Bacon, Executive Director  
Miles Greenleaf, Program Coordinator  
Nicole Sawyer, Assistant Attorney General  
Ralph Canney, State Steward  
Dana Delisle, State Steward