



The Commonwealth of Massachusetts  
Massachusetts Gaming Commission

**NOTICE OF PUBLIC HEARING**

July 17, 2012 Meeting

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Tuesday, July 17, 2012

3:00 p.m.

Division of Insurance

1000 Washington Street

1<sup>st</sup> Floor, Meeting Room E

Boston, Massachusetts

**PUBLIC MEETING - #17**

1. Call to order
2. Public comments on Permanent Racing Regulations

I certify that on this date, this Notice was posted as "Gaming Commission Meeting" at [www.mass.gov/gaming/meetings](http://www.mass.gov/gaming/meetings), and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us), [brian.gosselin@state.ma.us](mailto:brian.gosselin@state.ma.us).

July 13, 2012  
(date)

Stephen P. Crosby  
Stephen P. Crosby, Chairman

**Date Posted to Website:** July 13, 2012 at 12:00 p.m.

**Massachusetts Gaming Commission**

**Motion re: Adoption of 205 CMR 13.00 for the Massachusetts Gaming Commission's  
Enforcement of Regulations of the Former State Racing Commission**

Move that the Gaming Commission promulgate the proposed regulation, 205 CMR 13.00 , to provide for the orderly transition of the regulation of horse racing, harness horse racing, dog racing, pari-mutuel wagering, simulcasting, and the humane handling, care, treatment and transportation of racing greyhounds and related subject matters from the Massachusetts State Racing Commission to the Massachusetts Gaming Commission, in substantially the form attached hereto, and to authorize Commissioner Cameron to take all necessary actions including without limitation filing said regulation with and making any corrections as may be necessary to conform to the requirements of the Massachusetts Secretary of the Commonwealth for the proper promulgation of these regulations.



The Commonwealth of Massachusetts  
Massachusetts Gaming Commission

84 State Street, Suite 720  
Boston, Massachusetts 02109

TEL: (617) 979-8400  
FAX: (617) 725-0528  
[www.mass.gov/gaming](http://www.mass.gov/gaming)

CHAIRMAN

STEPHEN P. CROSBY

COMMISSIONERS

GAYLE CAMERON

JAMES F. McHUGH

BRUCE W. STEBBINS

ENRIQUE ZUNIGA

June 21, 2012

**By Hand and Electronic Mail and Return Receipt Requested**

Mr. Steven Kfoury  
Office of the Secretary of the Commonwealth  
State Publications & Regulations Division  
One Ashburton Place, Room 1613  
Boston, MA 02108

Re: Proposed 205 CMR 13:00: Massachusetts Gaming Commission Enforcement

Dear Mr. Kfoury:

Enclosed is a draft of the above-referenced Regulation proposed by the Massachusetts Gaming Commission as well as a copy of the draft regulation showing changes from the Emergency Regulation with the same name filed with your office on May 17, 2012. Also enclosed is the following:

1. A Small Business Impact Statement; and
2. A Notice of Public Hearing regarding the Regulation for publication in the July 6 edition of the Massachusetts Register. The public notice will also be published in accordance with M.G.L. c. 30A.

Notice of this proposed regulation was provided to the Local Government Advisory Committee on June 6. Please contact me or William Lahey at Anderson & Kreiger LLP (617-621-6550) if you have any questions.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gayle Cameron".

Gayle Cameron  
Commissioner  
Massachusetts Gaming Commission



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ENRIQUE ZUMIGA

June 21, 2012

**By Hand**

The Hon. William H. Galvin  
Secretary of the Commonwealth of Massachusetts  
Regulations Division  
One Ashburton Place, Room 1613  
Boston, MA 02108

**Re: 205 CMR 13:00: Massachusetts Gaming Commission Enforcement**

Dear Secretary Galvin:

Effective August 1, 2010, agencies promulgating new regulations must submit a Small Business Impact Statement ("Statement") for inclusion with the record of the regulations pursuant to M.G.L. c. 30A, § 2, as amended by St. 2010, c. 240. The Massachusetts Gaming Commission (the "Commission") submits the following Statement pertaining to a proposed regulation: 205 CMR 13.00: Massachusetts Gaming Commission Enforcement. This Statement is intended for inclusion with the regulation filed by the Commission with the Regulations Division of your office on June 21, 2012, for publication in the Massachusetts register on July 6, 2012.

**1. Estimate the number of small businesses subject to the proposed regulation.**

The Commission has searched the Small Business Administration's database of Massachusetts small businesses and has not identified any small businesses within the NAICS codes applicable to businesses that are subject to the proposed regulation.<sup>1</sup>

In addition, since the regulation is a technical amendment to the CMR intended to provide for the orderly transition of the duties of the State Racing Commission to the

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<sup>1</sup> Three businesses are covered by NAICS code 115210, Support Activities for Animal Production. Based on a review of those companies' websites, none appear to serve the racing industries covered by this regulation. One business, a fence company, is covered by NAICS code 711219, Other Spectator Sports. Again, this business does not appear to serve any of the industries covered by this regulation.

Commission pursuant to St. 2011, c. 194, the Commission does not anticipate any impact on small businesses as a result of this regulation.

**2. What are the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation?**

The Commission does not project that any additional reporting, recordkeeping, or administrative costs will result from the promulgation of the proposed regulation.

**3. Detail the appropriateness of performance standards versus design standards.**

Neither performance standards nor design standards are applicable to the proposed 205 CMR 13.00.

**4. Identify the regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation.**

The Commission is not aware of duplicate or conflicting regulations.

**5. Analyze whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth.**

The proposed 205 CMR 13.00 is not expected to deter the formation of new businesses in the Commonwealth because it does not make any substantive changes to the regulation of horse racing, dog racing, and related topics. It serves to maintain the State Racing Commission's regulations, 205 CMR 3.00-12.00 in full force and effect and thereby assists businesses by providing a seamless transition of authority from the State Racing Commission to the Commission over the enforcement of those regulations.

I submit this Small Business Impact Statement on behalf of the Massachusetts Gaming Commission pursuant to M.G.L. c. 30A, § 2. Please contact me or the Commission's Outside Counsel, William Lahey at Anderson & Kreiger LLP (617-621-6550), if you have any questions.

Sincerely,



Gayle Cameron  
Commissioner  
Massachusetts Gaming Commission



CHAIRMAN

STEPHEN P. CROSBY

COMMISSIONERS

GAYLE CAMERON

JAMES F. MCHUGH

BRUCE W. STEBBINS

ENRIQUE ZUNIGA

# The Commonwealth of Massachusetts Massachusetts Gaming Commission

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Boston, Massachusetts 02109

TEL: (617) 979-8400

FAX: (617) 725-0528

[www.mass.gov/gaming](http://www.mass.gov/gaming)

## The Commonwealth of Massachusetts Massachusetts Gaming Commission Proposed 205 CMR 13.00: Massachusetts Gaming Commission Enforcement

### Notice of Public Hearing

On May 17, 2012, the Massachusetts Gaming Commission adopted emergency regulation 205 CMR 13.00 under the authority of M.G.L. 23K, § 4(28) and (37), and § 5, to provide for the orderly transition of the regulation of horse racing, harness horse racing, dog racing, pari-mutuel wagering, simulcasting, the humane handling, care, treatment and transportation of racing greyhounds, and related subject matters, from the Massachusetts State Racing Commission (the "Racing Commission") to the Massachusetts Gaming Commission (the "Commission"), as provided for under St. 2011, c. 194.

The Commission now proposes to adopt 205 CMR 13.00 as a permanent regulation to continue this transition. The proposed regulation provides that the regulations at 205 CMR 3.00-12.00, promulgated by or on behalf of the Racing Commission and respecting the categories listed in the preceding paragraph and any licenses and permits issued by the Racing Commission in effect on May 19, 2012, shall remain in effect on and after May 20, 2012. It further provides that any investigation or enforcement action commenced, any cause for suspension or revocation of any such license or permit existing, and any offense as to any matter within the jurisdiction of the Racing Commission committed, on or before May 19, 2012 will continue on and after May 20, 2012, subject to investigation and enforcement by the Commission, the department of state police, the attorney general's office, or other governmental authority. Finally, the proposed regulation states that all references in 205 CMR 3.00-12.00 to the Massachusetts State Racing Commission shall, on or after May 20, 2012, be deemed to refer to the Massachusetts Gaming Commission established pursuant to M.G.L. c.23K, § 3.

The Commission will hold a public hearing on the proposed regulation pursuant to G.L. c. 23K, § 3(h) and G.L. c. 30A, § 2 on **Tuesday July 17, 2012 from 3:00 p.m. to 4:00 p.m. at 1000 Washington Street, 1<sup>st</sup> Floor, Meeting Room E.** Copies of the proposed regulation are

available at [www.mass.gov/gaming](http://www.mass.gov/gaming) or **84 State Street, Suite 720, Boston, MA 02109**. Members of the public wishing to attend this hearing who seek special accommodations in accordance with the Americans with Disabilities Act should contact the Commission at (617) 979-8400 or at [janice.reilly@state.ma.us](mailto:janice.reilly@state.ma.us).

The public is also encouraged to submit written comments on this regulation. Comments should be limited to this regulation only. Please direct comments to Commissioner Gayle Cameron, Massachusetts Gaming Commission, 84 State Street, Suite 720, Boston, MA 02109. Comments may also be submitted electronically to [janice.reilly@state.ma.us](mailto:janice.reilly@state.ma.us). **Comments must be submitted by July 16, 2012 at 5:00 p.m.**

1 205 CMR: MASSACHUSETTS GAMING COMMISSION

2 205 CMR 13.00: MASSACHUSETTS GAMING COMMISSION ENFORCEMENT

3 13.01 Regulations and Licenses Continued

4  
5 (1) *Definitions*

6 For the purposes of this section 205 CMR 13.01, the following words shall have the following  
7 meanings:

8 “Commission” means the Massachusetts Gaming Commission established under M.G.L. c. 23K,  
9 except where that word is used in the phrase “Massachusetts State Racing Commission.”

10 “Massachusetts State Racing Commission” means the state racing commission established under  
11 M.G.L. c. 6, § 48.

12 (2) *Regulations and Licenses Continued*

13 The regulations at 205 CMR 3.00-12.00 promulgated by or on behalf of the Massachusetts State  
14 Racing Commission and lawfully in effect on May 19, 2012 respecting the conduct of horse  
15 racing, harness horse racing, dog racing, pari-mutuel wagering, and simulcasting, and the  
16 disposition and injury reporting rules and regulations for greyhound racing, the award of  
17 economic assistance, the distribution of funds to purse accounts of licensees, and the humane  
18 handling, care, treatment, and transportation of racing greyhounds shall remain in effect on and  
19 after May 20, 2012, to the extent consistent with St. 2011, c. 194.

20 All references in said 205 CMR 3.00-12.00 to the Massachusetts State Racing Commission shall,  
21 on and after May 20, 2012, be deemed to refer to the Massachusetts Gaming Commission  
22 established pursuant to M.G.L. c.23K, § 3.

23 All licenses and permits, lawfully in effect on May 19, 2012 issued by the Massachusetts State  
24 Racing Commission shall remain in effect. Any such license or permit shall be a revocable  
25 privilege and may be conditioned, suspended or revoked by the Commission.

26 Any investigation or enforcement action commenced, any cause for suspension or revocation of  
27 any such license or permit existing, and any offense as to any matter within the jurisdiction of the  
28 Massachusetts State Racing Commission committed, on or before May 19, 2012 shall not abate  
29 but shall continue on and after May 20, 2012 and shall be subject to investigation and  
30 enforcement by the Commission, the department of state police, the attorney general’s office, or  
31 other governmental authority.

32 Regulatory Authority: M.G.L. c. 23K, §§ 4(28), (37), 5; St. 2011, c. 194.



1 | 205 CMR: ~~STATE RACING~~MASSACHUSETTS GAMING COMMISSION

2 | 205 CMR ~~13:00~~13.00: MASSACHUSETTS GAMING COMMISSION  
3 | ENFORCEMENT

4 | ~~13:01~~13.01 Regulations and Licenses Continued

5 |  
6 | (1) *Definitions*

7 | For the purposes of this section 205 CMR ~~13:01~~13.01, the following words shall have the  
8 | following meanings:

9 | “Commission” means the Massachusetts Gaming Commission established under M.G.L. c. 23K,  
10 | except where that word is used in the phrase “Massachusetts State Racing Commission.”

11 | “Massachusetts State Racing Commission” means the state racing commission established under  
12 | M.G.L. c. 6, § 48.

13 | (2) *Regulations and Licenses Continued*

14 | The regulations at 205 CMR ~~3:00-12:00~~3.00-12.00 promulgated by or on behalf of the  
15 | Massachusetts State Racing Commission and lawfully in effect on May 19, 2012 respecting the  
16 | conduct of horse racing, harness horse racing, dog racing, pari-mutuel wagering, and  
17 | simulcasting, and ~~to the~~ disposition and injury reporting rules and regulations for greyhound  
18 | racing, the award of economic assistance, the distribution of funds to purse accounts of licensees,  
19 | and the humane handling, care, treatment, and transportation of racing greyhounds shall remain  
20 | in ~~full force and~~ effect on and after May 20, 2012, to the extent consistent with ~~Chapter 194 of~~  
21 | ~~the Acts of 2011. St. 2011, c. 194.~~

22 | All references in said 205 CMR ~~3:00-12:00~~3.00-12.00 to the Massachusetts State Racing  
23 | Commission shall, on and after May 20, 2012, be deemed to refer to the Massachusetts Gaming  
24 | Commission established pursuant to ~~section 3 of chapter 23K of the General Laws. M.G.L.~~  
25 | ~~c.23K, § 3.~~

26 | All licenses and permits, lawfully in effect on May 19, ~~2012, 2012~~ issued by the Massachusetts  
27 | State Racing Commission ~~pursuant to chapter 128A or 128C of the General Laws, 205 CMR~~  
28 | ~~3:00-12:00, or other applicable law, rule or regulation~~ shall remain in effect. Any such license or  
29 | permit shall be a revocable privilege and may be conditioned, suspended or revoked by the  
30 | Commission ~~in accordance with Chapter 194 of the Acts of 2011, Chapters 128A and 128C of~~  
31 | ~~the General Laws, 205 CMR 3:00-12:00, or other applicable law, rule or regulation.~~

32 | Any investigation or enforcement action commenced, any cause for suspension or revocation of  
33 | any such license or permit existing, and any offense as to any matter within the jurisdiction of the  
34 | Massachusetts State Racing Commission committed, on or before May 19, 2012 shall not abate

35 but shall continue on and after May 20, 2012 and shall be subject to investigation and  
36 enforcement by the Commission, the department of state police, the attorney general's office, or  
37 other governmental authority.

38 Regulatory Authority: M.G.L. c. 23K, §§ 4(28), (37), 5; St. 2011, c. 194.

39

Document comparison by Workshare Compare on Monday, June 18, 2012  
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Description	A0157975
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<b>Legend:</b>	
<u>Insertion</u>	
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Padding cell	

<b>Statistics:</b>	
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Insertions	11
Deletions	12
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	23

**Massachusetts Gaming Commission**

**Motion for Issuance of an Amended Small Business Impact Statement  
regarding 205 CMR 13.00**

Move that the Gaming Commission issue an Amended Small Business Impact Statement pursuant to M.G.L. c. 30A, § 5, regarding the proposed 205 CMR 13.00 in substantially the form attached hereto and to authorize Commissioner Cameron to take any actions she may deem appropriate to finalize and submit said Statement to the Secretary of the Commonwealth and to post or publish the statement on the Commission's website, in the Massachusetts Register of the Secretary of the Commonwealth, or otherwise.

July 17, 2012

**By Hand and By E-Mail (regs@sec.state.ma.us)**

The Hon. William H. Galvin  
Secretary of the Commonwealth of Massachusetts  
Regulations Division  
One Ashburton Place, Room 1613  
Boston, MA 02108

**Re: 205 CMR 13:00: Massachusetts Gaming Commission Enforcement  
Amended Small Business Impact Statement**

Dear Secretary Galvin:

Effective August 1, 2010, agencies promulgating new regulations must submit an Amended Small Business Impact Statement (“Statement”) prior to the adoption of said regulations pursuant to M.G.L. c. 30A, § 5. The Massachusetts Gaming Commission (the “Commission”) submits the following Amended Statement pertaining to a proposed regulation: 205 CMR 13.00: Massachusetts Gaming Commission Enforcement.

Pursuant to M.G.L. c. 30A, § 5, the Commission has considered whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

**1. Establishing less stringent compliance or reporting requirements for small businesses.**

The regulation, 205 CMR 13.00, does not create any compliance or reporting requirements. Since the regulation is a technical amendment to the CMR intended to provide for the orderly transition of the duties of the State Racing Commission to the Commission pursuant to St. 2011, c. 194, the Commission does not anticipate any impact on small businesses as a result of this regulation. Instead, by maintaining the State Racing Commission’s regulations, 205 CMR 3.00-12.00 in full force and effect, the regulation allows any affected small business to continue current practices.

**2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses.**

As stated in response to #1, 205 CMR 13.00 does not create any deadlines for compliance or reporting requirements.

**3. Consolidating or simplifying compliance or reporting requirements for small businesses.**

As stated in response to #1, 205 CMR 13.00 does not create any deadlines for compliance or reporting requirements. By maintaining the State Racing Commission’s regulations,

205 CMR 3.00-12.00 in full force and effect, the regulation allows small businesses to continue current practices.

**4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation.**

Neither performance standards nor design standards are applicable to the proposed 205 CMR 13.00.

**5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth.**

The regulation, 205 CMR 13.00, is not expected to deter the formation of new businesses in the Commonwealth because it does not make any substantive changes to the regulation of horse racing, dog racing, and related topics. It serves to maintain the State Racing Commission's regulations, 205 CMR 3.00-12.00 in full force and effect and thereby assists businesses by providing a seamless transition of authority from the State Racing Commission to the Commission over the enforcement of those regulations.

**6. Minimizing adverse impact on small businesses by using alternative regulatory methods.**

Since the regulation is a technical amendment to the CMR intended to provide for the orderly transition of the duties of the State Racing Commission to the Commission pursuant to St. 2011, c. 194, the Commission does not anticipate any impact on small businesses as a result of this regulation.

I submit this Amended Small Business Impact Statement on behalf of the Massachusetts Gaming Commission pursuant to M.G.L. c. 30A, § 5. Please contact me or the Commission's Outside Counsel, William Lahey at Anderson & Kreiger LLP (617-621-6550), if you have any questions.

Sincerely,

Gayle Cameron  
Commissioner  
Massachusetts Gaming Commission