

# SENATE . . . . . No. 2431

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Senate, July 15, 201 – Communication from the Massachusetts Gaming Commission (under the provisions of Section 9B of Chapter 128A of the General Laws) submitting proposed amendments to regulations for 205 CMR 6.00: Pari-Mutuel Rules for Thoroughbred Racing, Harness Racing, and Greyhound Racing.

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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July 14, 2016

The Honorable William F. Welch  
Senate Clerk  
Office of the Clerk of the Senate  
94 Beacon Street  
Room 335 – State House  
Boston, MA 02133

Dear Mr. Welch,

Pursuant to M.G.L. c. 128A, §9B, the Massachusetts Gaming Commission hereby files proposed amendments to regulations **205 CMR 6.00; Pari-Mutuel Rules for Thoroughbred Racing, Harness Racing, and Greyhound Racing. Amendment adding a new section – 205 CMR 6.46: Pentafecta Pools.**

A draft of the proposed language is attached for your review. The amendment to this regulation provides the requirements and the means of distributing winnings for this manner of wagering.

These regulations are largely governed by G.L. c.128A and 128C. A public hearing was held regarding this proposed amendment on July 14, 2016. If you have any questions or need additional information, please feel free to reach me at [Cecelia.porche@state.ma.us](mailto:Cecelia.porche@state.ma.us) or (617) 979-8478. Thank you for your attention to this matter.

Respectfully submitted  
Massachusetts Gaming Commission  
By:  
Cecelia M. Porche  
Paralegal, Legal Division

Enclosures.

## 205 CMR: MASSACHUSETTS GAMING COMMISSION

### 205 CMR 6.00: PARI-MUTUEL RULES FOR THOROUGHBRED RACING, HARNESS RACING, AND GREYHOUND RACING

#### 6.46: Pentafecta Pools

(1) The Pentafecta requires selection of the first five finishers, in their exact order, for a single contest.

#### (2) Distribution of Winnings – Option #1

- a. The net Pentafecta Pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish
  - i. As a single price pool to those whose combination finished in correct sequence as the first five betting interests; but if there are no such wagers, then
  - ii. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
  - iii. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
  - iv. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - v. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - vi. The entire pool shall be refunded on Pentafecta wagers for that contest.

#### (3) Distribution of Winnings – Option #2

- a. The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
  - i. As a single price pool, including any applicable carryover, to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then

- ii. The net pool will be divided into two separate pools. The major pool of the net pool shall be retained and added to a corresponding carryover pool into the next designated Pentafecta race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first four betting interests, but if there are no such wagers, then
- iii. The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first three interests, but if there are no such wagers, then
- iv. The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first two interests, but if there are no such wagers, then
- v. The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first betting interest, but if there are no such wagers, then
- vi. The entire net pool shall become a carryover pool to be retained and added to the next designated Pentafecta race.
- b. On the last Pentafecta race on the final day of the meeting, the net pool, including any applicable carryover shall be distributed using the method described in subsection (2).
- c. Where a net pool is divided into two separate pools in accordance with this subsection any odd cents remaining shall be retained and added to the part of the net pool that will be added to the corresponding carryover pool.

(4) Distribution of Winnings – Option #3

- a. The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - i. As a single price pool, including any applicable carryover, to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
  - ii. The entire net pool shall be retained and added to a corresponding carryover pool into the next designated Pentafecta race.
- b. On the last Pentafecta race on the final day of the meeting, the net pool including any applicable carryover shall be distributed using the method described in subsection (2).

(5) Distribution of Winnings – Option #4

- a. The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
  - i. As a single price pool, including any applicable carryover, to the holder of a unique winning ticket whose combination finished in the correct sequence as the first five betting interests, but if there is no such unique winning ticket, then
  - ii. The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first five interests, but if there are no such wagers, then
  - iii. The entire pool shall become a carryover pool into the next regularly scheduled Pentafecta race.
- b. Unique winning ticket, as used in this paragraph 5(a), shall be defined as having occurred when there is one and only one winning ticket whose combination finished in the correct sequence as the first five betting interests, to be verified by the unique serial number assigned by the totalisator company that issued the winning ticket. In the event that there is more than one winning ticket whose combination finished in correct sequence as the first five betting interests, the unique winning ticket shall be deemed to not have occurred.
- c. The association shall specify the minimum monetary amount of a unique winning ticket wager approved by the commission.
- d. A written request for permission to distribute the Pentafecta carryover on a specific performance may be submitted to the commission. The request must be for a specific date no greater than one year from the date the request is submitted and contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. Should the pentafecta net pool and any applicable carryover be designated for distribution on a specific date and performance in which there is no unique winning ticket, the entire pool shall be distributed using the method described in subsection (2).
- e. A written request for permission to transfer the Pentafecta carryover to another Pentafecta pool operated by the same pool host may be submitted to the commission. The request must contain justification for the transfer, including an explanation of the benefit to be derived, a description of the method by which the pool host will present the information to the public that identifies the racetrack(s) for which the pool will be operated and the intended date(s) and performance(s) of the transfer.

- f. Unless otherwise stated in writing by the commission under paragraph (d), on the last Pentafecta race on the final day of the meeting, the net pool, including any applicable carryover, shall be distributed using the Method described in subsection (2).
- (6) Notwithstanding paragraphs 5(d) and (e), if for any other reason the Pentafecta Carryover must be held over to the corresponding Pentafecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The Pentafecta carryover plus accrued interest shall then be added to the net Pentafecta pool of the following meet on a date and performance so designated by the commission.
- (7) If fewer than five betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection on any ticket beyond the number of betting interests completing the contest shall be ignored. If the pools are being distributed under paragraph (3)(a), (4)(a), or (5)(a) any previous Pentafecta contest's carryover will not be included in the payoff and will be retained for the next contest's carryover, and this contest's net Pentafecta pool will be distributed using the method described in subsection (2).
- (8) If there is a dead heat for first involving:
  - a. contestants representing five or more betting interests, all of the wagering combinations selecting the five betting interests, irrespective of order, shall share in a profit split.
  - b. contestants representing four betting interests, all of the wagering combinations selecting the four dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.
  - c. contestants representing three betting interests, all of the wagering combinations selecting the three dead heated betting interests, irrespective of order, along with the fourth place and fifth place betting interests, in correct order, shall share in a profit split.
  - d. contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests, irrespective of order, along with the third place, fourth place and fifth place betting interests, in correct order, shall share in a profit split.
- (9) If there is a dead heat for second involving:
  - a. contestants representing four or more betting interests, all of the wagering combinations correctly selecting the winner along with the four dead heated betting interests shall share in a profit split.
  - b. contestants representing three betting interests, all of the wagering

combinations correctly selecting the winner, the three dead heated betting interests, irrespective of order, and the fifth place betting interests shall share in a profit split.

- c. contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead heated betting interests, irrespective of order, and the fourth place and fifth place betting interests, in correct order, shall share in a profit split.

10. If there is a dead heat for third involving:

- a. contestants representing three or more betting interests, all of the wagering combinations correctly selecting the first two finishers, in correct order, and the three dead heated betting interests, irrespective of order, shall share in a profit split.
- b. contestants representing two betting interests, both of the wagering combinations selecting the first two finishers, in correct order, and the two dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.

11. If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth, irrespective of order, shall share in a profit split.

12. If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fifth shall share in a profit split.

13. In the event that more than one component of a coupled entry or mutual field finishes within the first five positions, the first member of the coupled entry or mutual field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutual field and each of the other four betting interests.

REGULATORY AUTHORITY  
205 CMR 6.00: M.G.L. c. 128A, 128C.