

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

017 HARNESS RACING COMMISSION

Chapter 1: ADMINISTRATION

SUMMARY: Chapter 1 contains definitions, rules of construction, sulky standards, licensing requirements and fees set forth by the Maine Harness Racing Commission.

Section 1. Definitions

As used in these rules, unless the context indicates otherwise, the following terms shall have the following meanings:

1. **Added Money Early Closing Event.** "Added Money Early Closing Event" means an event closing in the same year in which it is to be contested, all entrance fees received are added to the purse.
2. **Age.** "Age" means the age of a horse as reckoned from the first day of January of the year of foaling.
3. **Also Eligibles.** "Also Eligibles" means a horse that is not initially scheduled to race, but is eligible to race and may race in place of a horse that has been scratched.
4. **Amateur Driver.** "Amateur Driver" means a driver who has never accepted any valuable consideration by way of or in lieu of compensation for his services as a driver.
5. **Appeal.** "Appeal" means a request for the Commission to consider and review any decisions or rulings of Judges or Officials of a meeting.
6. **Association.** "Association" means any person or persons, or legalized business entity licensed by the Commission to conduct harness racing and or pari-mutuel wagering or both within the State of Maine.
7. **Authorized Agent** "Authorized Agent" means a person who has been authorized to act on the behalf of another.
8. **Break.** "Break" means the act of a horse going off-gait.
9. **Breeder.** "Breeder" means the owner of the dam at the time of foaling.
10. **Breeding Place.** "Breeding Place" means the place of the horse's conception.

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11. **Commission.** "Commission" means the Maine Harness Racing Commission.
 12. **Commission Chemist.** "Commission Chemist" means a licensed and qualified chemist designated by the Department as the Commission Chemist.
 13. **Commission Veterinarian.** "Commission Veterinarian" means the veterinarian designated by the Department to perform veterinary services as called for in these rules. The Commission Veterinarian must be a veterinary practitioner licensed to practice in the State of Maine.
 14. **Coupled Entry.** "Coupled entry" means two or more horses starting in a race when owned or trained by the same person, or trained in the same stable or by the same management, or grouped as part of the mutuel field.
 15. **Dash.** "Dash" means a race decided in a single trial.
 16. **Declaration.** "Declaration" means the entering of a particular horse to a particular race.
 17. **Department.** "Department" means the Department of Agriculture, Conservation and Forestry.
 18. **Disqualification.** "Disqualification" means that a horse is disqualified from receiving a purse or record for the position in which it finished.
 19. **Distanced.** "Distanced" means a horse is more than 25 lengths behind the winner.
 20. **Double Dash.** "Double Dash" means a race consisting of two separate trials for equal purses contested on the same program.
 21. **Drug.** "Drug" means:
 - A. Articles recognized in the official United States Pharmacopeia, the official Homeopathic Pharmacopeia of the United States or the National Formulary or any supplement to any of them; and Dimethyl Sulfoxide (DMSO) whether applied internally or externally.
 - B. Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and
 - C. Articles (other than foods) intended to affect the structure or any function of the body of man or other animals; and
 - D. Articles intended for use as a component of any articles specified in paragraphs 1, 2, or 3; but does not include devices or their components, parts, or accessories.

The term "drug" does not include water, in liquid or frozen state, or heat.

22. **Drug Paraphernalia.** "Drug Paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in injecting, ingesting, inhaling, applying or otherwise introducing a prohibited substance into or onto the body of a horse.
23. **Draw.** "Draw" means the act of selecting the horses for a race and determining their post positions.
24. **Early Closing Race.** "Early Closing Race" means a race for a definite amount to which entries close at least six weeks preceding the race.
25. **Elimination Heats.** "Elimination Heats" mean the heats of a race to qualify the contestants for a final heat.
26. **Exercise Induced Pulmonary Hemorrhage.** "Exercise Induced Pulmonary Hemorrhage" means a condition in the horse resulting in the presence of blood in the tracheobronchial tree following periods of competitive exercise. A horse diagnosed with Exercised Induced Pulmonary Hemorrhage may or may not show the presence of blood in the tracheobronchial tree.
27. **Expulsion.** "Expulsion" means the loss of all privileges and the disqualification to participate, either directly or indirectly, in of the course and grounds of a licensed Association.
28. **Extended Meet.** "Extended Meet" means a series of pari mutuel harness horse races, except harness horse races conducted by an agricultural society at the time of its annual fair.
29. **Field Horse.** "Field Horse" means any horse that has been coupled as part of the mutuel field.
30. **Foreign substance.** "Foreign substance" means any medication in the controlled medication program, any alkalinizing agent, or any prohibited substance.
31. **Free Legged Pacer.** "Free Legged Pacer" means a horse racing on the pacing gait without hobbles.
32. **Futurity.** "Futurity" means a stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.
33. **Grounds.** "Grounds" means all land and structures of an Association, including, but not limited to: race track, pari-mutuel area, paddock and barn area, grandstand and clubhouse area, and parking lot used for harness racing activities.
34. **Handicapped Race.** "Handicapped Race" means a race in which an artificial advantage is given or a disadvantage is imposed on a contestant to equalize the chances of winning.

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35. **Head Pole.** "Head Pole" means a device used to hold a horse's head straight.
 36. **Heat.** "Heat" means a single trial in a race two in three, or three heat plan.
 37. **Hippodroming.** "Hippodroming" means a race in which special financial arrangements have been offered for a horse to enter.
 38. **Hopples.** "Hopples" means the straps used to keep a horse on a gait.
 39. **Hypodermic injection.** "Hypodermic injection" means an injection given to a horse, including but not limited to injections given into or under the skin or mucosa and into blood vessels, joints and bursar, trachea, muscles, or the eye or related structures.
 40. **Interference.** "Interference" means any act, in violation of these rules which, by design or otherwise, impedes, hampers or obstructs the forward progress of any competing horse or horses.
 41. **Invitational or Invitation Race.** "Invitational or Invitation Race" means a race to which only those horses named by the Race Secretary and listed by the Race Secretary with the Presiding Judge, shall be eligible.
 42. **Judges.** "Judges" means the Judges of the meeting, one of whom shall be the Presiding Judge.
 43. **Judge's Book.** "Judge's Book" means a summary report recording all occurrences and events in a race, for example times, breaks, and track conditions.
 44. **Late Closing Race.** "Late Closing Race" means a race for a fixed amount of money to which entries close less than six weeks and more than three days before the race is to be contested.
 45. **Licensee.** "Licensee" means any Association or person receiving a license from the Commission.
 46. **Licensed Agricultural Fair.** "Licensed Agricultural Fair" means an agricultural fair that has been awarded a license under 8 M.R.S. § 271 for the holding of harness horse races with pari-mutuel pools or meets for public exhibitions.
 47. **Maiden.** "Maiden" means a stallion, mare or gelding that has never won a heat or race at the gait at which it is entered to start and for which a purse is offered.
 48. **Match Race.** "Match Race" means a race which has been arranged and the conditions thereof agreed upon between the contestants.
 49. **Matinee Race.** "Matinee Race" means a race with no entrance fee and where the premiums, if any, are other than money.

50. **Month.** "Month" means a calendar month.
51. **Morning Line.** "Morning Line" means the pre-race prediction of what each horse could pay upon winning.
52. **Multiple-wagering pool.** "Multiple-wagering Pool" means a wagering pool combining two or more horses in a single wager.
53. **Mutuel Field.** "Mutuel Field" means, when the individual horses competing in a race exceed the numbering capacity of the Tote Board, the highest numbered horse within the capacity of the Tote Board and all horses of a higher number shall be grouped together and called the "Mutuel Field".
54. **Nomination.** "Nomination" means the naming of a horse to a special advertised event.
55. **Nominator.** "Nominator" means the person making a nomination.
56. **Offended Horse.** "Offended Horse" means a horse that has been interfered with.
57. **Offending Horse.** "Offending Horse" means a horse that has interfered with another horse.
58. **Off-Time.** "Off-Time" means the moment at which, on signal of the Starting Judge, the horses officially start.
59. **Open Class.** "Open Class" means a group of horses so designated by the Race Secretary.
60. **Open Stretch.** "Open Stretch" means that portion of a track in the homestretch where the inner edge of the racing surface has been moved in towards the middle of the track, creating an additional lane known as the inner lane.
61. **Out of Competition Testing for Blood and/or Gene Doping Agents.** "Out of Competition Testing" means testing of samples that are obtained from a horse at times other than when it is at a racetrack for competitive racing.
62. **Out-ticket.** "Out-ticket" means a ticket that is not cashed at the close of the day's racing.
63. **Overnight Event.** "Overnight Event" means a race for which declarations close not more than three days (omitting Sundays) before such race is to be contested.
64. **Owner.** "Owner" means the sole owner, part owner or lessee of a horse.
65. **Pace.** "Pace" means the lateral gait of a horse.

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66. **Paddock.** "Paddock" means an enclosure to which horses scheduled to compete in a race program are confined prior to racing.
67. **Parked Out.** "Parked Out" means a horse has raced in an outside lane for over a quarter of a mile.
68. **Person.** "Person" is any individual, partnership, corporation, or other association or entity.
69. **Poor Performance.** "Poor Performance" means when a horse performs in a manner inconsistent with its previously demonstrated ability or fails to meet eligibility standards.
70. **Preferred Race.** "Preferred Race" means a race which includes the best horses at the meet.
71. **Prohibited substance.** "Prohibited substance" means
- A. any substance, including, but not limited to, a narcotic, stimulant, depressant, tranquilizer, local anesthetic, analgesic, drug or drug metabolite, medication of any type or biological substance, at a level greater than the level found in the normal, untreated horse or
 - B. any substance, regardless of how harmless or innocuous, that might interfere with the detection or quantitation of a narcotic, stimulant, depressant tranquilizer, local anesthetic, analgesic, drug or drug metabolite, medication of any type or biological substance at a level greater than the level found in the normal untreated horse.
72. **Protest.** "Protest" is a sworn written complaint filed with the judges prior to the running of the race alleging a breach of the rules or conditions that a horse is ineligible to race.
73. **Purse.** The monetary amount that is distributed to the finishers of a race.
74. **Race Lines.** "Race Lines" means a record of a horse's past racing performance, including but not limited to finish times and position and times at the quarters and half.
75. **Race Winner.** "Race Winner" means the horse deemed the winner of a race by the Judges after determining the official placings and the "Official" sign has been posted.
76. **Racing Officials.** "Racing Officials" means the following officials:
Associate Judge; Charter; Clerk of Course, Horse Identifier; Paddock Judge; Presiding Judge; Program Director; Race Secretary and Starter/Patrol Judge.

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77. **Racing Year.** "Racing Year" means the period from January 1 through December 31 which is commonly known as a calendar year.
78. **Recall.** "Recall" means a call to re-form the horses in a race behind the starting gate.
79. **Recovery Slip.** Means a form supplied by the commission that is signed by a licensed veterinarian indicating that a horse is certified fit to race.
80. **Scoring.** "Scoring" means a horse warming up on the track after the post parade prior to being called to the starting gate by the starter.
81. **Scratch.** "Scratch" means the act of removing an entered horse from a race after the draw.
82. **Scratch Time.** "Scratch Time" means the time that the Presiding Judge clears the program for printing.
83. **Simulcast or Simulcasting.** "Simulcast or simulcasting" means live audiovisual electronic signals emanating from a licensed horse race meeting and transmitted simultaneously with the running of the races at that meeting. These terms shall also include the transmission of pari-mutuel wagering odds, amounts wagered and payoffs on such events.
84. **Split Sample.** "Split Sample" means a portion of the test sample obtained from a horse or human.
85. **Stake.** "Stake" means a race which will be contested in a year subsequent to its closing.
86. **Starters.** The horses shall be deemed to have started when the Starter gives the word "go" and all the horses must go the course except in case of an accident, broken equipment, or any other reason in which it is the opinion of the judges that it is impossible or unsafe to go the course.
87. **State testing area.** "State testing area" means the location at a track where all horses designated for testing shall be taken so that necessary test samples may be obtained from the horse.
88. **Sustained.** "Sustained" means the payment necessary to keep a horse eligible to a certain class.
89. **Sulky.** "Sulky" means a dual shaft, dual wheel racing vehicle.
90. **Supplemental Purse.** "Supplemental Purse" means the purse made available pursuant to Title 8, *Maine Revised Statutes*, §290.
91. **Suspension.** "Suspension" means all privileges granted to a licensee of the Commission by the officials of a race meeting or by the Commission have been withdrawn.

92. **Test level.** "Test level" means the concentration of a foreign substance found in the test sample.
93. **Test sample.** "Test sample" means any body substance, including but not limited to saliva, feces, blood or urine, taken from a human or taken from a horse under the supervision of the Commission or the Commission Veterinarian and in the manner prescribed by the Commission. Test sample includes, but is not limited to, pre-race samples, post-race samples and out of competition samples.
94. **Tote Board.** "Tote Board" means a board that shows the odds on the horses in the race.
95. **Trainer.** "Trainer" means the person responsible for the care and condition of a horse.
96. **Trot.** "Trot" means the diagonal gait of a horse.
97. **Two in Three.** "Two in Three" means in a two in three race a horse must win two heats to be entitled to first money.
98. **Walk Over.** "Walk Over" means a race in which the only starters are under the same ownership.
99. **Winner.** "Winner" means the horse so designated by the Presiding Judge.
100. **Win, Place and Show Wager.** "Win, Place, and Show Wager" means a wager on a single horse.
101. **Wire.** "Wire" means a real or imaginary finish line at right angles to the track.
102. **Year.** "Year" means a calendar year, unless otherwise expressed. "Year," used for a date, means year of our Lord.

Section 2. Rules of Construction

The following rules of construction shall be observed in the interpretation of these rules, unless such interpretation is inconsistent with the plain meaning of the rule.

1. **Acts by agents.** When an act that may be lawfully done by an agent is done by one authorized to do it, the agent's principal may be regarded as having done it.
2. **And; or.** The words "and" and "or" are convertible as the sense of a rule may require.
3. **Conflict with laws.** A rule in conflict with the *Maine Revised Statutes* is invalid to the extent of that conflict.

4. **Dates.** Wherever in the rules a reference is made to several dates and the dates given in the reference are connected by the word "to", the reference includes both the dates which are given and all intervening dates.
5. **Rules of a Similar Nature.** In the interpretation or construction of any rule, other harness racing rules of a similar nature may be used to assist in that interpretation or construction.
6. **Situations not addressed by a Rule.** In any instance where a situation is not covered by the MHRC rules, the Commission will refer to the most recent edition of the United States Trotting Association Rules for guidance on the matter.
7. **Gender.** In the interpretation of these rules, gender-neutral construction shall be applied when it is clear that the rule is not exclusively applicable to members of one sex.
8. **Severability.** The provisions of the rules are severable. If any provision of the rules is invalid or if the application of the rules to any person or circumstance is invalid, that invalidity does not affect other provisions or applications which can be given effect without the invalid provision or application.
9. **Singular and plural.** Words of the singular number may include the plural; and words of the plural number may include the singular.
10. **Shall; must, may.** "Shall" and "must" are terms of equal weight that indicate a mandatory duty, action or requirement. "May" indicates authorization or permission to act.
11. **Statutory references.** Wherever in the rules the word "chapter" or "subchapter" appears without definite reference, it refers to the chapter or subchapter in which the word "chapter" or "subchapter" appears. Wherever in the rules a numbered section appears without reference to a numbered chapter, it refers to the section of the chapter in which the numbered section appears.

Wherever in the rules a reference is made to several sections, subsections, paragraphs, subparagraphs, divisions, subdivisions or sentences, the section, subsection, paragraph, subparagraph, division, subdivision or sentence numbers given in the reference are connected by the word "to," the reference includes both the sections, subsections, paragraphs, subparagraphs, divisions, subdivisions or sentences whose numbers are given and all intervening sections, subsections, paragraphs, subparagraphs, divisions, subdivisions and sentences.

12. **Words and phrases.** Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases and such as have a peculiar meaning convey such technical or peculiar meaning.

Section 3. Jurisdiction

The Laws of Maine and the Rules of the Maine State Harness Racing Commission shall supersede the conditions of a race, regulations governing meets and rules or regulations of any other jurisdiction.

Section 4. State Steward

There shall be a State Steward at all licensed race meets. The State Steward shall be the representative at large of the Commission at the race meets. The State Steward shall be the senior official at all meets under the control of the Commission and shall have direct supervision over all matters pertaining to such meets. The State Steward and any other representative of the Commission shall have unrestricted access to the grounds where a licensed meet is being conducted. When a State Steward is licensed as an Associate Judge or a Presiding Judge, a State Steward is the Commission's licensed designee pursuant to 5 M.R.S. § 10004(6).

A State Steward may act as the Presiding Judge at a licensed race meet under the following conditions:

1. a person, association, or corporation applying for a license to conduct racing under 8 M.R.S. § 271 submits a request to the Commission that a State Steward act as a Presiding Judge at all race meets for the upcoming race season that it is applying to be licensed for;
2. the request for a State Steward to act as the Presiding Judge is for the entire upcoming race season and is made concurrent with its application to conduct live racing and for race date assignments;
3. the Commission approves the request at its annual race date assignment hearing held pursuant to Chapter 19, Section 4; and
4. the State Steward is licensed by the Commission as a Presiding Judge.

Section 5. Racing, Farm, Corporate or Stable Name

Racing, farm, corporate, or stable name may be used by owners or lessees if registered with and published licensed by the United States Trotting Association.

Section 6. Stable Name Licensing

All racing, farm, corporate, or stable names must be licensed by the Commission.

Section 7. Corporate Requirements

Corporations racing horses in Maine shall furnish the following information:

1. The corporation shall designate to the Judges and the Commission the name of one individual, preferably an officer who shall act as agent for the corporation.
2. All persons listed in the corporation shall be liable for entry fees and penalties against horses raced by the corporation.
3. In the event that one of the persons listed in the corporation is suspended all horses owned by the corporation shall be suspended.
4. Each of the persons holding a beneficial interest in the corporation shall be in good standing in racing.
5. Each of the persons holding a beneficial interest in the corporation shall be licensed as an owner. If more than five persons have a beneficial interest in the corporation then the corporation shall designate by vote one member holding a beneficial interest to receive a license in the name of the corporation and to assume all responsibilities thereof.
6. The provisions of the Corporation Rules shall not apply to stockholders of publicly held corporations consisting of twenty-five or more stockholders. However, officers and directors of such publicly held corporations shall be liable to all of the provisions of the Corporation Rules as set forth above.

Section 8. Equipment Inspection

The Commission has the right to inspect and prohibit the use of any and all racing equipment at any time.

Section 9. Sulky Approval

The use of any sulky in competition at an Association shall be subject to the approval of the Judges. A judge shall not approve use of a sulky in competition when the general condition, overall construction or a particular structural feature of the sulky is dangerous or unsafe.

The Commission adopts "Sulky Performance Standards/Approval" established by the United States Trotting Association effective May 1, 2022 as official guidelines for approval of sulkies used in competition at an Association in Maine.

**THE UNITED STATES TROTTING ASSOCIATION
SULKY PERFORMANCE STANDARDS/APPROVAL**

1. Approval of Racing Sulkies

All styles, types and models of racing sulkies must pass all performance and testing standards as established under these guidelines in order to be approved for use in any race. Such testing shall include static load testing, dynamic load testing and track testing.

2. General Provisions

- A. The sulky shall not create either by design or manufacture any interference or hazard to any driver or horse in a race.
- B. All components of the sulky shall be attached to one another in such a way that they remain attached during normal use and testing.
- C. No bent shaft style sulky shall be approved for use.

3. Shafts

- A. Each sulky shall be equipped with two shafts that are attached independent of one another to the horse. Each shaft may have one vertical bend. No vertical bend beyond 12' from the hitching point is permitted.
- B. Inside to inside measurement shall be within a range of 42' to 50' at the front of the arch. (Also See – Subsection (5)(A)).
- C. All shafts will be equipped with quick-hitch fixtures or attachable by conventional tie-downs. All quick-hitches shall have safety straps.

4. Arch

- A. The style of arch must be no narrower than 47" or wider than 56" in distance measuring from the inside of each side of the arch at the axle nuts.
- B. The front of the arch to the center line of the harness where a horse is hitched shall be no greater than 76" as measured along the shaft.
- C. The distance from the front of the arch to the back of the seat shall be no greater than 19".
- D. The distance from the ground to the bottom of the arch shall be between 28" and 35" measured with the wheels attached.

- E. The arch shall be parallel to the ground and located a minimum of 1" higher than the tire at all points.

5. **Fork**

- A. Inside measurement between the inside fork assemblies shall be no less than 4" but no more than 8" greater than the inside measurement between the shafts as measured at the front of the arch. (Fork measurements taken from the inside of each side of the arch at the axle nuts).
- B. There shall be a fork assembly on both sides of each wheel. (Also See Subsection (3)(B)).

6. **Stirrups**

- A. Each sulky shall be equipped with two stirrups or foot supports.
- B. Each stirrup or foot support shall not be more than 8" wide.
- C. The stirrups or foot supports shall be attached to the inside of each shaft no closer than 30" from stirrup or foot support to stirrup or foot support. (Also See Subsection (3)(B)).

7. **Seat / Seat Plate**

- A. The measurement from the ground to the heel of the stirrup or foot support and ground to seat plate shall have a spread of no more than 6" as measured with the sulky hitched at 54".
- B. The seat plate shall be no lower than 1" below the arch.
- C. The seat shall be securely attached to the seat bracket in a fixed position.
- D. The back of the seat shall be no higher than 6". No high back seats shall be permitted.
- E. All seats shall have adequate padding to provide comfort for the driver.

8. **Wheels / Tires**

- A. Each sulky shall contain two wheels.
- B. The wheels shall be 26" to 28" with tire attached.
- C. All wheels shall be covered by wheel disc covers constructed in such a manner so that they are light weight and durable.

D. Wheel discs shall be either solid one-color or colorless.

9. **Mud Fenders**

A. Mud fenders shall provide coverage from the top of the fork brace that attaches to the shaft of the sulky to a point 18" beyond the back of the arch as measured along the fender. The mud fenders shall be easily attached to the sulky in such a manner as to make them totally secure to the sulky. For sulky models approved on or after January 1, 2007, if the design of the sulky precludes a customary/universal mud fender from being used it shall be the responsibility of the sulky manufacturer to provide such mud fenders for any or all sulky models produced by the manufacturer.

10. **Attachment to the Horse**

- A. The sulky must be attached to either side of the horse by an approved method with each shaft hooked separately on each side as described in Subsection (3)(C).
- B. The forward ends of the sulky shaft shall not project beyond the shoulder of the horse.
- C. The shafts shall not be higher than the withers of the horse.

Section 10. Licensing Participants

1. No one shall participate in any harness horse racing activity without first making application to and receiving from the Commission a license to so act. Licenses must be current and are issued on a calendar year basis. Fees for licenses shall be paid prior to issuance as set forth in the license fee schedule.

1-A. **Grounds for Suspension, Revocation, Refusal or Denial of a License**

The Commission may suspend, revoke, refuse to issue or deny any or all of a person's licenses upon a finding that any of the following grounds exist:

1. Pursuant to 5 MRS Chapter 341, when a person has been convicted or otherwise judged guilty of a crime in Maine or in another jurisdiction;
2. When a person has displayed conduct demonstrating dishonest behavior, fraud or theft;
3. A person has displayed conduct found by the Commission to undermine the integrity of harness racing in Maine by negatively impacting:

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- A. the confidence of the wagering public;
 - B. the validity of pari-mutuel pools;
 - C. the health and welfare of spectators and/or participating owners, trainers, drivers, grooms and others involved in harness racing;
 - D. the health and welfare of race horses.
4. There is evidence of financial irresponsibility on the part of a licensee or applicant, in the form of a court ruling detailing unpaid or default obligations; the licensee or applicant has unpaid fines, fees or purse returns overdue to the Commission or a licensed association; or the Commission has evidence that the applicant has issued drafts or checks that are dishonored or refused payment;
 5. A person's license is currently refused, denied, suspended or revoked in another jurisdiction, provided the basis for such action is consistent with Maine law. The Commission may also consider good cause shown by the licensee or applicant;
 6. A person is unqualified to perform the duties required;
 7. A person has been suspended within the last year from Maine or another jurisdiction, provided the basis for such action is consistent with Maine law, or is currently excluded, or has been excluded, from any association grounds;
 8. A person whose conduct, reputation, experience or character may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;
 9. A person has violated any Commission rule or statute;
 10. A person fails or refuses to provide a statement to a state official or the Commission when asked to provide one in an ongoing investigation.
 11. A person has engaged in bookmaking, touting, or other forms of illegal gambling, or has been a partner of or agent for bookmakers, illegal gamblers, racketeers, or known criminals;
 12. A person fails to disclose relevant information or makes a false or misleading statement in or in connection with any application, investigation, or any proceeding before the Commission;
 13. A person fails to timely furnish information requested to supplement such application or during the course of a complaint investigation.

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14. A person who has either admitted to race fixing in a sworn statement or been found guilty of race fixing in final adjudication or by consent agreement;
 15. A person who has information concerning the solicitations or acceptance of a bribe and fails to report the same to the Presiding Judge at the race meeting;
or
 16. A person has been found in violation of animal welfare laws contained in 17 M.R.S. Chapter 42 or 7 M.R.S. § 4011, or witnesses animal cruelty as defined by those laws or death of a horse, on association grounds, and does not report it to state officials.
 17. A person continues to act in a capacity requiring a license under the Commission after expiration, suspension, or revocation of that license, or;
 18. A person fails to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint proceeding, or any matter under investigation.
2. **Owner Licensing Requirements.** An applicant for a license as an owner must meet the following requirements.
- A. submit a completed application with the appropriate fee;
 - B. be at least 18 years of age or be at least 14 years of age and the applicant submits a notarized affidavit from his/her parent or legal guardian stating that the parent or legal guardian expressly assumes responsibility for the applicant's financial, contractual and other obligations relating to the applicant's participation in racing;
 - C. own or lease a horse; and
 - D. beginning January 1, 2004, an applicant must provide proof of liability insurance on horses owned or leased by him/her in an amount not less than \$300,000. Copies of that liability insurance coverage must accompany the application for an owner's license.
3. **General Trainer Licensing Requirements.** An applicant for a general trainer's license must meet the following requirements:
- A. submit a completed application with the appropriate fee;
 - B. be at least 18 years of age;
 - C. pass a written test administered by the Department with a score of 70% or better;

- D. demonstrate an ability to harness a horse;
- E. go a training mile within 4 seconds of a requested time;
- F. provide three recommendations from general trainers licensed by the Maine Harness Racing Commission;

Presenting a current United States Trotting Association (USTA) general trainer's license is considered equivalent to fulfilling subparagraph C. through F. of this subsection.

4. **Limited Trainer licensing Requirements.** An applicant for a limited trainer's license shall meet the following requirements:

- A. submit a completed application with the appropriate fee;
- B. be at least 18 years of age;
- C. pass a written test administered by the Department with a score of 70% or better;
- D. demonstrate an ability to harness a horse;
- E. be the registered owner or lessee of the horse that is to be trained under the requested license;

Presenting a current USTA limited trainer's license is considered equivalent to fulfilling subparagraph C. through E. of this subsection.

5. **Qualifying/Fairs Driver license requirements.** An applicant for a Qualifying/Fairs driver's license shall meet the following requirements:

- A. submit a completed application with the appropriate fee;
- B. be at least 16 years of age;
- C. pass a written test administered by the Department with a score of 70% or better;
- D. submit recommendations from three drivers holding a valid Maine "A" driver's license;
- E. go three satisfactory qualifying races before driving in a pari-mutuel race at a fair;

Presenting a current USTA qualifying/fair license is considered equivalent to fulfilling subparagraph C. through E. of this subsection.

6. **Provisional driver license requirements.** An applicant for a Provisional Driver's license shall meet the following requirements:

- A. Submit a completed application with the appropriate fee;
- B. be at least 18 years of age;
- C. have 12 satisfactory drives on a qualifying/fair license in the last 12 consecutive months or 15 satisfactory drives within the past 2 years;
- D. be recommended by a currently licensed Maine Presiding Judge;

Presenting a current USTA provisional license is considered equivalent to fulfilling subparagraph C. through D. of this subsection.

7. **Full Driver's license requirements.** An applicant must meet the following requirements for a full driver's license:

- A. submit a completed application with the appropriate fee;
- B. be 18 years of age;
- C. have at least one year's driving experience while holding a Provisional license plus 25 satisfactory drives in that period or 50 satisfactory drives in less than a year;
- D. have 10 wins at pari-mutuel meetings in Maine while holding a Provisional license;
- E. be recommended by a currently licensed Maine Presiding Judge and two currently licensed Associate Judges.

Presenting a valid current USTA full driver's license is considered equivalent to fulfilling subparagraph C. through E. of this subsection.

8. **Grooms Licensing requirements.** The applicant must meet the following requirements for a groom's license:

- A. submit a completed application with the appropriate fee;
- B. be 14 years of age;
- C. be recommended by a currently licensed trainer.

9. **Judge Licensing Requirements.** No person may perform the duties of a Presiding Judge or an Associate Judge at any race meet licensed by the Commission without first applying for and receiving a license from the Commission. All judges must be at least 18 years old and submit a completed application accompanied by the fee set by the Commission.

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- A. Associate Judge Licensing Requirements. Applicants for associate judge licensure must meet the following requirements:
 - (1) Provide a current United States Trotting Association (USTA) associate judge credential; or
 - (2) Show a passing score of a Commission approved exam; and
 - a. Show a minimum of 1 year experience covering at least 25 race days as a licensed race official in another capacity; or
 - b. Show proof of completion of an accreditation course approved by the Commission.

 - B. Presiding Judge Licensing Requirements. Applicants for presiding judge licensure must meet the following requirements:
 - (1) Provide a current United States Trotting Association (USTA) presiding judge's credential; or
 - (2) Show a minimum of 1 year experience covering at least 25 race days as a licensed associate judge and have a written recommendation from a currently licensed presiding judge that the applicant is recommended for advancement to a presiding judge.

 - C. **Continuing Education.** All Presiding and Associate Judges to be considered for approval must attend a Commission approved educational seminar consisting of at least four hours every two years. The educational seminars must be specific to administration of Maine's racing laws and the Commission's Rules.
10. Licenses expire December 31 in any year in which they are issued.

Section 11. Licenses

- 1. The following licenses shall be issued by the Commission. License fees shall be reviewed annually and set by the Commission on or before December 31 for the subsequent calendar year.
 - A. Announcer
 - B. Assistant Charter
 - C. Assistant Race Secretary
 - D. Associate Judge

- E. Charter
- F. Clerk of Course
- G. Commission Veterinarian
- H. Corporate Stable
- I. Driver
- J. Driver/Trainer
- K. Equipment Inspector
- L. Farrier
- M. Gate Security
- N. Groom
- O. Horse Identifier
- P. Marshal
- Q. Multiple Ownership
- R. Owner
- S. Owner/Driver
- T. Owner/Driver/Trainer
- U. Owner/Trainer
- V. Owner/Trainer - Limited
- W. Paddock Judge
- X. Paddock Security Officer
- Y. Pari-Mutuel Director
- Z. Pari-Mutuel Employee
- AA. Photo Finish Operator
- BB. Presiding Judge

- CC. Program Director
- DD. Race Secretary
- EE. Security Guard
- FF. Stable
- GG. Starting Gate Driver
- HH. Starter/Patrol Judge
- II. Timer
- JJ. Trainer
- KK. TV/Video Operator
- LL. Urine Sampler
- MM. Vendor

2. The fee for a duplicate license shall be \$5.00.
3. **Combination licenses.** In addition to the license combinations specified above, in subsection 1. combination licenses for Program Director, Clerk of Course and Charter and for Equipment Inspector and Horse Identifier may be purchased.

Section 12. Vision Requirements

An applicant for a license as a Presiding Judge, Associate Judge, Driver, Charter, Patrol Judge, Starting Gate Driver or Starting Judge must submit evidence of an eye examination, conducted within the last 4 years, indicating a minimum of 20/40 corrected vision in both eyes, or if one eye is blind, at least 20/30 corrected vision in the other eye. Evidence of the eye examination may be submitted by certification by a licensed optometrist or ophthalmologist or may be evidenced by eye examination information presented as part of a current, active United States Trotting Association membership or current, valid motor vehicle driver's license, provided that the eye examination for the United States Trotting Association membership or motor vehicle driver's license was conducted within the last 4 years.

Section 13. Registration**1. General Provisions**

All matters relating to the registration of standardbred horses, unless otherwise provided for herein, shall be governed by the rules of the United States Trotting Association.

2. Registration of Standard and Non-Standardbred Horses

All standard or non-standardbred horses subject to these rules shall have an electronic eligibility issued by the United States Trotting Association

Section 14. Eligibility To Race In Maine

1. No horse may start in a race unless a valid electronic eligibility at the proper gait is obtained. In order to maintain a valid eligibility record on a horse that is racing, if that horse is sold or leased, the seller/lessor may deliver the registration certificate or application to transfer the horse to the clerk of the course for updating and processing. If everything is in order, the eligibility record will be updated and the registration certificate, application for transfer or lease forwarded to the USTA.
2. It is the trainer's responsibility to ensure the accuracy of eligibility records.
3. Any horse on lease must race in the name of the lessee.
4. Canadian horses or horses that have raced at Canadian tracks are not excused from these rules.
5. It is a Level 1 violation of these rules to fraudulently tamper with or alter an electronic eligibility record.
6. Only the Clerk of Course or Presiding Judge may make changes on an eligibility record.
7. No Horse that is 15 years of age is eligible to perform in any race except matinees, licensed agricultural fair races, races exclusively for amateur or club drivers as sanctioned by the USTA, or non-betting racing under saddle events and no electronic eligibility shall be issued for such a horse except for a performance in such races. No Horse that is older than 15 years of age is eligible to perform in any race. The following limitations also apply:
 - A. Any horse that was placed on the steward's list for any type of lameness during its 14-year-old season is not eligible to race as a 15-year-old.

- B. A 15-year-old horse that is placed on the steward's list for any type of lameness during its 15-year old season is no longer eligible to race.
 - C. 15 year-old horses are limited to a maximum of three starts in a calendar month.
8. Only the firstborn foal of a mare in any one year shall be eligible to race in the State of Maine, with the exception of twins carried by the natural mother to term.

Section 15. Coggins Test

- 1. It is a Level 1 Violation of these rules for a licensed association to permit a horse on the grounds which does not have a valid Coggins recorded on their electronic eligibility.
 - A. A copy of the state statute concerning the "Coggins Test" requirement shall be posted in the Racing Secretary's office.
- 2. No horse shall be drawn in to race unless a valid negative Coggins test. Is recorded on their electronic eligibility.
- 3. No electronic eligibility is valid for a horse from which a positive Coggins test has been reported.

Section 16. Spayed Mares

The fact that a mare has been spayed must be noted on the registration certificate, the electronic eligibility and any program when such mare races. It shall be the owner's responsibility to report the fact that the mare has been spayed to the United States Trotting Association and return its papers for correction. If the information is on the eligibility papers, it must be in the racing program.

Section 17. Veterinarian's Responsibility

- 1. **Professional and State Licensure Requirements.** The Commission Veterinarian and each veterinarian employed at a racetrack by the association or an individual owner must be a graduate Veterinary Surgeon in good standing and licensed to practice under the Laws of the State of Maine. The Commission Veterinarian must be licensed by the Commission to be on duty at any pari-mutuel track.
- 2. **Compensation Prohibited.** No owner or trainer shall employ or pay compensation to any veterinarian employed by the Department either directly or indirectly, during the period of employment.
- 3. **Medical Treatment of Horses**
 - A. **Treatment authorized.** No Commission veterinarian employed by the Department may, during the period of his or her employment, treat or

prescribe medication for any horse on the grounds or entered to race at any racetrack, for compensation or otherwise except as provided in this paragraph. A Commission veterinarian employed by the Department is authorized to provide first aid and to provide other emergency medical treatment to any sick or injured horse for the purpose of saving the life of the horse or stabilizing the horse until it can be transported to another equine medical facility or seen by the horse's regular veterinarian. A full and complete report of the treatment provided shall be made to the judges.

- B. **Reimbursement for medical treatment.** The Department may require reimbursement from the horse's owner for any medical treatment, equipment or supplies provided pursuant to this paragraph.
- C. No licensed veterinarian, except a Commission veterinarian or agent of the Department, shall examine, treat, or dispense medications in the paddock of a licensed racetrack, during its race meet, to horses scheduled to race on that day. A licensed veterinarian may examine, treat, or dispense medications to horses that have been scratched to needing emergency medical treatment only in an area designated by the Commission.

Section 18. Veterinarians Duties

The Commission Veterinarian shall be present in the paddock at a time to be designated by the Commission. The Commission Veterinarian shall inspect any horse so designated by the Judges and report on the race worthiness of the horse for the event listed. The Judges shall determine whether or not the horse shall be permitted to start. If not permitted to start, the horse automatically goes on the Steward's List, and thereafter shall not be permitted to enter until a licensed veterinarian notifies the Racing Secretary and the Judges that the horse is again fit to compete.

Section 19. Euthanized Horses

Whenever it becomes necessary to euthanize a horse while on the grounds of a licensed racetrack, euthanasia shall be accomplished in the manner prescribed by the Commission Veterinarian. If the Commission Veterinarian is on duty at that track, the Commission Veterinarian shall perform the euthanasia. The act of euthanasia whenever possible shall not take place in view of the public. The permission of the owner or his agent must be obtained before the horse is euthanized. If the owner or his agent are unavailable, the horse may be euthanized if necessary in cases of inhumane suffering.

Section 20. Postmortem Examination

- 1. A horse that expires or suffers a breakdown on a licensed racetrack and is destroyed, shall undergo a postmortem examination if the Commission Veterinarian and State

Steward determine that it is necessary. The Commission Veterinarian and the State Steward shall determine the laboratory that will conduct the postmortem examination.

2. If possible, biologic samples shall be obtained from the carcass upon which the postmortem examination is to be conducted and shall be sent to a laboratory approved by the Department for testing of prohibited substances. When practical, samples may be procured prior to euthanasia.
3. The services of the veterinarian and the laboratory shall be made available by the Department without charge to the owner. If, however, the postmortem examination indicates that the cause of death was due to the administration of a prohibited substance or by the implementation of a prohibited practice, the charges for such services shall be assessed against the owner.
4. The results of the postmortem examination shall be presented to the Commission if the results indicate that the cause of death was due to the administration of a prohibited substance or by the implementation of a prohibited practice.
5. Each owner and trainer agrees to the postmortem examination provided herein as a prerequisite for maintaining the occupational license issued by the Commission.

Section 21. Test for alcoholic consumption

1. **Breath Analyzer Test Required.** All drivers, judges, starters, starting gate drivers and marshals shall be required to submit to a breath analyzer test at each racing program in which they participate. All other licensees may be required to submit to a breath analyzer test at each racing program in which they participate. The Commission shall provide the tracks with a breath analyzer device capable of measuring the presence of alcohol by weight within the blood.
 - (a) Each track shall utilize the breath analyzer device provided by the Commission in the paddock. The use of such device shall be under the supervision of a Commission designee.
 - (b) Tests shall be administered to the licensees and officials at such times as directed by the Presiding judge or other Commission designee and shall be administered by only a licensed official of the Commission. The Presiding judge can require any licensee to retake a test at any time during a racing program.
2. **Violations.** The following shall constitute violations:
 - (a) Failure or refusal to take such test when requested.
 - (b) Breath analyzer results of .05 grams or higher of alcohol per 210 liters of breath shall constitute alcoholic impairment and constitute a violation of this chapter. A licensee may retake the breath analyzer test within a reasonable period of time to

confirm or establish test results lower than .05 grams of alcohol per 210 liters of breath. If the second result is below .05 grams of alcohol per 210 liters of breath, the licensee will be allowed to participate.

3. **Penalties for violations of subsection 2.** A driver who is alcoholically impaired or who refuses or fails to be tested shall not compete and may be fined or suspended or both. Any official who is alcoholically impaired or refuses or fails to be tested shall not be assigned duties and a report thereof shall be made immediately to the Commission. Any other licensee who is alcoholically impaired or refuses or fails to be tested when requested shall not be permitted to continue to perform in a licensed capacity that day.

Section 22. Drug Testing of Licensees

1. **Definition.** For purposes of this section, a "designated licensee" means an official as described in Chapter 3. Sections 1 and 2: a licensed driver, a trainer, a groom, a starting gate driver, or any licensee who enters the paddock.
2. **Drug use prohibited.** For purposes of this section, the term "drug" shall include any scheduled drug, as defined in 17-A, *Maine Revised Statutes Annotated*, Section 1101, sub-section 11 (1983) and any prescription drug. Except for drugs used in accordance with a valid prescription from a licensed physician, a licensee shall not use drugs or have any trace of drugs in his/her system while participating in any capacity at a race meet. It shall be the responsibility of the designated licensee to give notice to the State Steward on an official form that he or she is using a Scheduled Drug or prescription drug pursuant to a valid prescription or order from a licensed physician.
3. **Drug Testing.** Every designated licensee, whether selected at random or otherwise for testing, shall have the affirmative obligation to cooperate fully and promptly in furnishing any required sample or to witness the securing of a sample when requested to do so by the State Steward. Drug testing shall be subject to the following conditions.
 - A. On each and every race date designated licensee's to be tested may be selected at each track conducting a race meet that day by a random selection method. The method of random selection may be changed from time to time provided the method utilized conforms to fairness. It shall not be an indication of lack of fairness if any designated licensee is selected more frequently than others, provided there is no manipulating of the selection process other than changes in the method. If the selection method is changed that fact shall be posted in the Race Secretary's office 24 hours in advance of implementing the change.
 - B. Every designated licensee for any race at any licensed racetrack who appears to be under the influence of a drug or drugs may be subjected to a urine test or

other non-invasive fluid test at any time, pre-race or post-race, at the direction of the State Steward or the Presiding Judge.

- C. Any designated licensee who is requested to submit to a urine test shall forthwith in the presence of or under the supervision of a representative of the Department, provide the urine sample in a container supplied by the Department. The sample shall immediately be sealed and tagged on the form provided by the Department and the evidence of that sealing shall be indicated by the signature of the tested licensee. The portion of the form which is provided to the laboratory for analysis shall not identify the individual licensee that was tested by name. The sample is to remain in the control of the Department or its authorized agents in a manner that shall protect the integrity of the sample and test results. A positive drug result or a refusal or failure to testing shall be reported to the Executive Director or his or her designee.

4. **Violation.** It is a violation of this section:

- A. to tamper with a test sample
- B. to refuse or fail to submit to testing, or
- C. to receive a positive test. For purposes of this section, a positive test results when the presence of a Scheduled Drug or prescription drug, is detected in the test sample, even at trace levels, except as authorized by this section.

5. **Effect of violation of subsection 4.** On receiving written notice from the testing laboratory that a specimen has been found "positive" for a drug, the Executive Director shall notify the licensee involved as quickly as possible, in writing by personal delivery or by certified mail return receipt, of the violation and the penalties. That person shall have the opportunity, at his or her own expense, to request that a confirmatory test be made from the same sample which tested positive.

6. **Penalties**

- A. Penalties for a violation of subsection 4 are as follows. For the purpose of this section, suspension of a license shall include all of that person's licenses.

(1) For the first violation:

- (a) suspension of that licensee's license for a period of ten days subject only to that licensee's right to appeal to the Commission.
- (b) mandatory drug testing. Mandatory drug testing shall continue until the retesting achieves one 'negative' result. The testing schedule shall be at the discretion of the State

Steward. The licensee shall not participate at any harness race meet until the mandatory drug testing, achieves the required 'negative' results. Having served the mandatory suspension shall not excuse the requirement for one 'negative' result.

- (2) For a second violation within any ten year period:
- (a) suspension of that licensee's license for a period of no less than six weeks. Subject only to that licensee's right to appeal to the Commission.
 - (b) mandatory drug testing. Mandatory drug testing shall continue until the retesting achieves three 'negative' results. The testing schedule shall be at the discretion of the State Steward. The licensee shall not participate at any harness race meet until the mandatory drug testing achieves the required 'negative' results. Having served the mandatory suspension shall not excuse the requirement for three 'negative' results, and
 - (c) mandatory attendance in a Substance Abuse Treatment Program approved by and upon such reasonable terms and conditions as the Executive Director may require. Enrollment and participation in the Program shall be at the expense of the offending licensee. It shall be the licensee's responsibility to provide the Commission with written notice of his or her enrollment, weekly status reports and written notice that he or she has successfully completed the program and has been discharged, or is still actively participating in a program. Upon retesting which produces the required 'negative' results, upon completion of his or her suspension and upon successful completion of the drug abuse treatment program. The offending licensee may participate in racing.
- (3) For a third violation within any ten year period:
- (a) mandatory suspension of the licensee's license for a minimum of 365 days;
 - (b) mandatory drug testing. Mandatory drug testing shall continue until the retesting achieves three "negative" results. The testing schedule shall be at the discretion of the State Stewards. The licensee shall not participate at any harness race meet until the mandatory drug testing achieves the required "negative" results. Having served the mandatory suspension shall not excuse the requirement for three "negative" results; and

- (c) mandatory attendance in a Substance Abuse Treatment Program approved by and upon such reasonable terms and conditions as the Executive Director may require. Enrollment and participation in the Program shall be at the expense of the offending licensee. It shall be the licensee's responsibility to provide the Commission with written notice of his or her enrollment, weekly status reports and written notice that he or she has successfully completed the program and has been discharged, or is still actively participating in a program. Upon retesting which produces the required "negative" results upon completion of his or her suspension and upon successful completion of the drug abuse treatment program, the offending licensee may participate in racing.
- (4) For a fourth violation within any ten year period: lifetime suspension of the licensee's licenses.

STATUTORY AUTHORITY:

8 M.R.S. §§ 263-A, 268, 275-C, 279-A, 279-B, 281

REVISED:

February 22, 1993

AMENDED:

April 11, 1995
 January 27, 1996
 July 6, 1996 (EMERGENCY)

EFFECTIVE DATE (ELECTRONIC CONVERSION):

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MINOR CORRECTIONS:

October 21, 1999; also converted to MS Word.

REPEALED AND REPLACED:

May 29, 2001

AMENDED:

December 17, 2001 - Section 1 Sub-Section 66-A, "Protest," added
 June 30, 2002 - Section 21(2), filing 2002-216
 June 30, 2002 - Section 22(2), filing 2002-217
 June 6, 2004 - Sections 10(2)(D), 14(8), 17(3)(C), 22(6)(A), filing 2004-185
 September 13, 2004 - Section 20(1 and 4), filing 2004-388

NON-SUBSTANTIVE CHANGE:

September 27, 2004 - misspelling in Section 20(1)
 October 13, 2004 - removed stray "the" in Section 20(4)

AMENDED:

July 19, 2006 – Section 1(64), filing 2006-318
November 8, 2006 – Section 1(78), filing 2006-459
June 7, 2008 – Section 1(66-A), filing 2008-238
October 21, 2008 – Section 10(1-A), filing 2008-481
October 20, 2010 – Sections 1(20-B and 57-A) and 9(9), filing 2010-500

NON-SUBSTANTIVE CORRECTION:

July 24, 2013 – agency name corrected

AMENDED:

February 21, 2018 – Section 10, filing 2018-024
May 1, 2020 – Section 10 (1-AA), filing 2020-112 (EMERGENCY)
February 7, 2022 – Section 10(1-AA) removed (emergency expired)
September 25, 2023 – filing 2023-175