

# **Maine State Harness Racing Commission Policy # 2024-01: Licensing Applications and Actions Against Current Licensees**

## **I. Background**

This policy is intended to address two situations. First, the Executive Director has requested that the Commission adopt a formal policy outlining circumstances in which licensing applications must be reviewed by the Commission before a license is issued or renewed. Second, the Commission has requested that the Executive Director inform the Commission when certain grounds exist which would permit it to suspend or revoke a license that has already been issued.

## **II. Relevant Law**

Pursuant to 8 M.R.S. § 263-A(1)(C) and 01-017 C.M.R. Ch. 1, § 10(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.

Pursuant to 8 M.R.S. § 263-C(4)(B), the Executive Director manages the work of the Department regarding harness racing, including managing participant licensing.

Pursuant to 8 M.R.S. § 263-A(1)(C) and 01-017 C.M.R. Ch. 1, § 10(1-A), the Commission may suspend, revoke, refuse to issue or deny any or all of a person's licenses upon a finding that certain grounds exist as enumerated in the Rule.

## **III. Circumstances Warranting Commission Review of Licensing Applications or Current Licensees**

The following circumstances related to an applicant or current licensee warrant Commission review:

1. A TCO2 or Class 1, 2, or 3 positive test result within the last year from any jurisdiction.
2. Any rule violation from Maine or another jurisdiction that resulted in a full suspension or exclusion from an association.
3. Any rule violation from Maine or another jurisdiction that resulted in a suspension of 60 days or longer.
4. Conviction for a crime which may be considered by the Commission under 5 M.R.S. §§ 5301 – 5303.
5. A racing history that shows a pattern of rule violations, including but not limited to driving violations (kicking, foot out of stirrup, whipping and all minor rule violations as categorized by the USTA).

6. Conduct which, in the opinion of the Executive Director, may amount to a serious violation of the Commission's rules or statutes or be fraudulent or detrimental to harness racing.

#### **IV. Process for Reviewing Circumstances Related to Licensing Applications**

If the Executive Director identifies an application for licensure that implicates a circumstance from Section III above which warrants Commission review, Staff will inform the applicant of the same and inquire with the applicant whether they would like to withdraw their application or pursue Commission review.

Should the applicant pursue Commission review, they must provide Staff with all requested documentation and information surrounding the circumstances identified for Commission review. Staff shall inquire with the applicant to determine whether they desire to submit a written statement to the Commission for consideration with the other materials submitted. Staff may also obtain other relevant documentation from other racing jurisdictions, law enforcement agencies, etc. Staff shall notify applicants of when their application will be reviewed by the Commission and that the applicant will have the opportunity to address the Commission at the meeting.

The Commission will review the application, any materials submitted by the applicant and/or obtained by Staff, and any statement, whether written or oral, from the applicant. The Commission will vote on whether to grant or preliminarily deny the license. If the Commission preliminarily denies the license, the Commission will issue a written decision in accordance with the relevant provisions of the Maine Administrative Procedures Act.

#### **V. Process for Reviewing Circumstances Related to Current Licensees**

If the Executive Director becomes aware of a current licensee who is subject to a circumstance listed in Section III above, the Executive Director shall bring it to the attention of the of the Commission to determine whether further action is necessary. Nothing in this section precludes the Executive Director from investigating suspected violations of the Commission's rules or laws pursuant to 8 M.R.S. § 279. Should the Commission determine that further action may be necessary, Staff will continue its investigation, including issuance of a Notice of Complaint to the licensee and request a response to the same within a set timeframe.

#### **VI. Adoption**

Nothing in this policy is intended to be a rule subject to the provisions of 5 M.R.S. §§ 8051 – 8074, and this policy may be subsequently amended by simple majority vote of those present and voting once quorum is achieved. This policy remains effective until amended or repealed.

Adopted by the Commission on May 21, 2024, by a unanimous vote of 5 in favor and 0 opposed.