SUMMARY: This chapter pertains to the establishment of a Breeders Stakes program to encourage and develop a Maine breed of Standardbred horses pursuant to 8 MRSA §281. If no exception is provided in this chapter, the general body of harness racing rules and regulations shall apply to the Sire Stakes program and Sire Stakes races.

Section 1. General

1. A committee of advisors will be appointed annually by the Commission to assist the Commission in promoting this program. The advisors will be selected from interested persons engaged in breeding or racing Standardbred horses. At least one member will be from an Association programming at least one stake race. The advisory committee will serve without compensation.

2. Any Association that desires to host events in the Maine Standardbred Breeders Stakes must so inform the Commission at the annual race date assignment hearing proceeding the year of the event.

3. The Commission shall establish a schedule of races and select the sites of the events annually.

4. The name of the events shall be Maine Standardbred Breeders Stake No. 1 for eligible 3 year olds in 1974 and Maine Standardbred Breeders Stake No. 2 for eligible 2 year olds in 1974, then numbered chronologically each succeeding year. Eligibility, estimated values, fees, and conditions shall be announced by publication no later than March 1 of the year of the race. Purses will be announced by the Department no later than June 1 of the year of the race. Application forms will be available at the office of the Department.

Section 2. Eligibility Criteria

1. In order for its get to be eligible to the Maine Standardbred Breeders Stakes a stallion must be registered with the Commission for the current breeding season prior to January 1 of the year of the breeding season and must stand at stud the full breeding season in Maine except as provided for in Section 2, sub-section 1, second paragraph. The breeding season is defined as the period beginning February 15, through July 15 of each calendar year except as provided in the second paragraph. The registration fee shall be $100.00 per stallion per breeding season. Registration fees shall be made payable to the Treasurer, State of Maine and forwarded to the Commission’s Office within the Department and such fees will be added to purses.
Any person standing a stallion who fails to register a stallion as required aforesaid may register said stallion upon payment of the registration fee and an additional payment of $500.00 on or before February 15th of the ensuing breeding season. The stallion shall not have been registered nor stood in any other racing jurisdiction during the current breeding season as defined in Section 2 subsection 1.

A stallion may be brought into the program at any time after February 15th to replace a registered stallion which is unable to breed, as evidenced by a veterinarian or laboratory test indicating it is infertile, or dies during the breeding season. In this case a $100.00 registration fee is required but no late fee is required.

A new stallion may be brought into the program after February 15th with the payment of the registration fee and a late fee of $750.00.

The stallion is to reside in the State of Maine at a designated standing farm throughout the entire breeding season as described in this section, except as provided for a late registration. The stallion may not be moved from the designated standing farm (except in the case of a medical emergency) with the following exceptions:

A. A stallion duly registered may, upon advance written notification to the Executive Director, move from the designated standing farm provided that the farm to which the stallion is moved is located in the State of Maine.

B. A stallion duly registered may, upon advance written approval from the Executive Director, be moved to another state for non-emergency medical reasons.

C. A stallion duly registered may, upon advance written approval from the Executive Director, be allowed to race during the breeding season.

2. **Breeding Report.** A copy of the form reporting the breeding of mares to the United States Trotting Association will be completed and forwarded to the Commission Office not later than September 1 of the year of breeding. Mares bred by transported semen shall be so identified on the Mares Bred Report.

3. Colts and fillies sired by an eligible Maine stallion shall be eligible to the Maine Standardbred Breeders Stake races providing that they are named and that name is registered with the United States Trotting Association and all required documents are filed and fees paid. This is effective with the foals resulting from the 2003 breeding season and thereafter.

4. The foal produced from any mare which is inseminated after January 1, 2003 by semen transported outside of the State of Maine and from a stallion duly registered with the Commission will be eligible for nomination to any Maine Standardbred Breeders Stakes programs.
**Section 3. Payments and Fees**

1. Yearling nomination payment of $20.00 shall be due on all Maine sired colts and fillies by May 15 of the year following the colt or filly’s year of birth and payment must be accompanied by a copy of the colt or filly USTA Registration Certificate. In the event a yearling payment is not made on May 15 of the year following foaling, the foal may be made eligible providing that all other eligibility requirements are met by payment of a $500.00 late fee together with the previously missed payment.

2. A continuation fee of $20.00 for eligible 2 year olds shall be due February 15 of the year of the race.

3. A continuation fee of $50.00 for eligible 3 year olds shall be due February 15 of the year of the race.

4. A sustaining fee of $50.00 for eligible 2 year olds and $70.00 for eligible 3 year olds shall be due by May 15 of the year of the race. Sustaining fees need not be paid on 2 year olds unless the 2 year old will race during its two year old year.

5. The gait on which 2 and 3 year olds will race must be specified at the time the sustaining fee is paid, May 15 of the year of the race. Switching gait or racing at both will be allowed only if the horse has been sustained, and fees paid, to both trot and pace by May 15 of the year of the race.

6. A starting fee of $75.00 for eligible 2 year olds to seasonal events shall be due at the time of declaration and payable to the Association sponsoring the event. A starting fee of $100.00 for eligible 3 year olds to seasonal events shall also be due at the time of declaration and payable to the Association sponsoring the event.

7. Nomination, continuation, sustaining and supplemental payments will be made to the Maine Harness Racing Commission at the Department’s office.

8. Otherwise eligible Maine bred colts and fillies that were not kept eligible by payment of subsequent fees, as a yearling, or as a 2 year old, may be made eligible as a two year old, providing all other eligibility requirements are met, by payment of a $750.00 late fee and all previously missed payments and late fees are made prior to declaring in for the first two year old stake race for that sex and gait for that year.

9. Otherwise eligible Maine bred colts and fillies that were not kept eligible by payment of nominating fees or continuation fees as a yearling or a 2 year old may be made eligible as three year olds, providing all other eligibility requirements are met, by payment of a $1,000.00 supplemental payment and all previously missed yearling, two year old continuation and three year old payments and late fees prior to declaring in for the first three year old stake race for that sex and gait of that year.
Section 4. Performance Eligibility

1. Two year old colt and filly trotters will not be eligible to start in any stake race of their two year old season unless they show a satisfactory charted performance line of 2:15 or better on gait with no track allowances at the time of draw.

2. Three year old colt and filly trotters will not be eligible to start in any stake race of their three year old season unless they show a satisfactory charted performance line of 2:12 or better on gait with no track allowance at the time of draw.

3. Two year old colt and filly pacers will not be eligible to start in any stake race of their two year old season unless they show a satisfactory charted performance line of 2:10 or better on gait with no track allowances at the time of draw.

4. Three year old colt and filly pacers will not be eligible to start in any stake race of their three year old season unless they show a satisfactory charted performance line of 2:07 or better on gait with no track allowance at the time of draw.

5. Eligibility Based On Performance

<table>
<thead>
<tr>
<th>Age and Gait</th>
<th>Qualifying Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-year-old pacers</td>
<td>2:10</td>
</tr>
<tr>
<td>Two-year-old trotters</td>
<td>2:15</td>
</tr>
<tr>
<td>Three-year-old pacers</td>
<td>2:07</td>
</tr>
<tr>
<td>Three-year-old trotters</td>
<td>2:12</td>
</tr>
</tbody>
</table>

6. Two and three year old trotters and pacers that made breaks in the past three consecutive starts on a good or fast track and failed to finish first, second or third must go a qualifying race. Breaks caused by equipment failure or interference will be excused.

7. Two and three year old trotters and pacers failing to meet qualifying time in two consecutive races on a good or fast track must re-qualify, unless there is interference or equipment failure in one of the two races.

8. All stake horses are subject to the 45-day Rule, Chapter 7, Section 6, sub-section 1.

9. All entries in Maine Standardbred Breeders Stake races must show individual times.

10. Ineligibility by reason of participation in medication program. Any horse that has participated in a Furosemide program at any race meet whether that race was in the state of Maine or another jurisdiction is not eligible in any Maine Standardbred Breeders Stake race.

11. Two and Three year old trotters and pacers that make a break off a qualifier are excused from the requirement in Chapter 7, Section 7, subsection 2.G.
Section 5. Purse Structure

1. Nomination fees, continuation fees, supplementary eligibility fees, starting fees, and registration fees will be allocated to purses as follows:

   A. Stallion registration fees will be allocated equally among all trotting and pacing 2 and 3 year olds events.

   B. Yearling nomination fees will be equally divided among all trotting and pacing 2 year olds events in the year nominations are made.

   C. Two-year-old continuation fees will be shared by all classes of two year olds sustained.

   D. Three-year-old continuation fees will be shared by all classes of three year olds sustained.

   E. Sustaining fees will be allocated to the particular event to which payment is made by age, gait and sex.

   F. Any supplemental eligibility fee payments made will be allocated to the event to which payment is made.

   G. Starting fees will be due at the time of declaration and must be paid to Associations prior to the start of the race and allocated to specific events.

2. Moneys accruing to benefit the fund under provisions of Title 8, Chapter 11 Section 286, Chapter 31 Section 1036, subsection 2.C and subsection 2-A.I, shall be disbursed as follows:

   A. The greater of $10,000 or 5% of the Sire Stake Fund generated annually may be allocated by the Department for promotion of this program.

   B. Two-year-olds will race for a base purse which shall be determined by the Commission based on estimated available funds plus $100.00 per starter. The Commission shall determine the base purse not less than 30 days prior to the first scheduled stake race.

   C. Three-year-olds will race for a base purse which shall be determined by the Commission based on estimated available funds plus $125.00 per starter. The Commission shall determine the base purse not less than 30 days prior to the first scheduled stake race.
D. The purse will be distributed as follows:

- 50-25-12-8-5 percent if 5 or more horses are placed in premium positions
- 50-25-15-10 percent if 4 or more horses are placed in premium positions
- 60-30-10 percent if 3 or more horses are placed in premium positions
- 65-35 percent if 2 or more horses are placed in premium positions
- 100 percent in case of walkover

Starters must finish the race in order to qualify for purse money, except in the case of an accident in accordance with Chapter 7 Section 76.

E. Should circumstances prevent the racing of any or all of these events, moneys will be prorated among the owners of eligibles of the uncontested event or events at the time of declaring off.

Section 6. Conditions

1. All races will be one mile, and will be conducted under the rules of the Maine Harness Racing Commission.

2. Unless otherwise specified in the conditions, declaration time shall be 9:00 a.m. and the box shall close at that time.

3. There shall be no more than one division unless there are more than nine declarations at a track that can score eight abreast; eight declarations at a track that can score seven abreast; or, seven declarations at a track that can score six abreast. No division shall be made where one division has more than one starter more than the remaining divisions. In all Maine Sire Stakes events, all starters have to be on the gate.

4. Race secretaries must divide 2 and 3-year-old pacing entries by sex. Beginning with foals resulting from the year 2000 breeding season and thereafter Race Secretaries must divide all entries by sex.

5. If an Association utilizes a detention barn for stake races, all applicable paddock rules shall apply to the detention barn.

6. Two and three year old trotters and pacers that have been scratched as sick or lame from a Maine Standardbred Breeders stakes event any time after being declared in, must have a well slip from a licensed veterinarian stating the colt or filly is fit to race before a declaration to start can be valid.

7. The final event shall be the last stakes event contested in the racing season for each division and shall be limited to the eight highest point winners declared in to race and eligible to start.
If two or more horses are tied in points for eighth (8th) position for the final race, the eighth starter shall be drawn by lot. Two also eligibles may be drawn and programmed, based on points earned during the year and the highest point winner shall be moved in first in the event of a scratch. If the also eligibles are tied in points earned the same procedure shall be used as outlined above for the eighth starter.

Final events that do not fill with point winners may be filled with 2 and 3 year olds that have participated in at least one leg of their stake division and drawn by lot.

8. **Consolation Final**

1. Beginning in 2012, a Consolation Final may be offered for each Sire Stakes Division. No horse eligible for the final event, except for also eligible entries programmed but did not participate in the final event, shall be eligible for the Consolation Final. Horses eligible for the Consolation Final shall be the next highest point earners in each division after those eligible for and participating in the final event. All Consolation Final horses must have participated in at least one leg of their stake division. In the event two or more horses tie in points for the eighth position for the Consolation Final, the eighth starter shall be drawn by lot. Two also eligibles may be drawn and programmed, based on points earned during the year and the highest point winner shall be drawn in first in the event of a scratch. If the also eligibles are tied in points earned the same procedure shall be used as outlined above for the eighth starter. No Consolation Final may be programmed with less than six eligible horses.

2. Monies for each Consolation Final shall be set aside from the Sire Stakes Purse Fund.

3. Declarations for the Final and Consolation Final Races must be made at the time declarations are due for the Final Events. The top eight point winning horses and up to two also eligibles will be drawn in to the Final Events. The remaining horses that have declared in will be drawn in to the Consolation Final pursuant to Chapter 9 Section 6 subsection 8.1.

4. No Consolation Final may be programmed unless there are eight entries in the Final Event.

**Section 7. Current Season Standings**

1. Two and three year olds will be awarded points based upon their finishing position in each Maine Standardbred Breeders Stake race during the season.

2. Dash winners will be awarded 50 points. Second place finishers will be awarded 25 points; Third place finishers will be awarded 12 points; Fourth place finishers will be awarded 8 points; Fifth place finishers will be awarded 5 points; and, Sixth place finishers will be awarded 1 point. All points earned during the year will count toward eligibility to the final.
3. In the event of a dead heat for any position the points for those positions will be added and divided equally among the horses involved.

4. The order of finish declared "Official" by the Judges will be used in determining points earned. In the event of an appeal of a Judges decision, the Commission will make every effort to hear and decide the appeal prior to declaration time for the final. In the event of an unresolved appeal, the original Judges decision will stand for purposes of calculating points earned and eligibility to the final.


REPEALED AND REPLACED:
February 22, 1993 - this revision was previously section 32 of chapter 1

AMENDED:
April 11, 1995
January 27, 1996
April 2, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):
May 17, 1997

NON-SUBSTANTIVE CORRECTIONS:
March 2, 2000 - converted to MS Word

REPEALED AND REPLACED:
May 29, 2001

AMENDED:
June 30, 2002 - Section 4(8), filing 2002-223
November 24, 2002 - Section 2(3), filing 2002-441
November 24, 2002 - Section 2(4), filing 2002-453
June 6, 2004 - Sections 2 and 3, filing 2004-188
September 13, 2004 - Section 2(2), filing 2004-389
November 8, 2006 - Section 2(1), filing 2006-462
November 8, 2006 - Section 5(2), filing 2006-463
June 7, 2008 Section 2(1), 3(6), 4, and 6(3), filing 2008-240
August 18, 2009 - Section 6(7), filing 2009-436
November 9, 2010 - Section 2(1), filing 2010-550
May 15, 2012 - Section 2, 6(8), filing 2012-154
July 22, 2013 - Section 4(7 and 11), filing 2013-166
July 22, 2013 - Section 6(8), filing 2013-167
July 24, 2013 - Agency name corrected in title header
August 19, 2014 - Section 4, filing 2014-191
December 26, 2015 - Section 5(2), filing 2015-259

CORRECTION:
February 2, 2016 – Section 2 sub-sections 2, 3, 4 reinserted
Chapter 11: MEDICATIONS, PROHIBITED SUBSTANCES AND TESTING

SUMMARY: This Chapter contains standards for equine medications and prohibited substances including, but not limited to types of tests, methods of testing and responsibilities of race track personnel.

Section 1. GENERAL PROVISIONS

1. Interpretation of this Chapter

This Chapter is promulgated to protect the integrity of live harness horse racing, to protect the health and welfare of participating horses and to safeguard the interest of the public and the racing participants through the prohibition or control of medications and substances. This Chapter shall be interpreted to accomplish that purpose.

2. General Standards

A. Licensed participants shall exercise a high standard of care in the administration of medications, vitamins, supplements and other substances to ensure that the health and welfare of the horse takes precedence over performance. Licensed participants shall not permit a horse participating in a race or programmed to participate in a race, to carry in its body any prohibited substance.

B. Licensed participants and veterinarians treating participating horses shall carefully adhere to product labeling for medications, vitamins, supplements or other substances used in the treatment or feeding of participating horses. No person may exceed the recommended dosage rates for medications, vitamins, supplements or other substances when treating participating horses. Except as otherwise provided by this Chapter, violation of this paragraph shall be considered a Class C violation pursuant to Chapter 17 of Commission rules.

C. Licensed participants and veterinarians treating participating horses may not use, possess or distribute unlabeled medications, vitamins, supplements or other substances intended for administration to participating horses. Except as otherwise provided by Commission rule, violation of this paragraph shall be considered a Class C violation pursuant to Chapter 17 of Commission rules.

D. Except as provided under this Chapter, no person may administer injectable substances to participating horses, nor possess injectable substances on the grounds of an Association, without written directions from a licensed veterinarian.

E. The standards contained in this Chapter relating to the presence of prohibited substances are considered “strict liability” standards, which do not depend upon knowledge, negligence nor intent on the part of the licensed participants, but instead
are based on the breach of an absolute duty to ensure that no horse participating in a pari-mutuel race, or programmed to participate in a pari-mutuel race, has the presence of a prohibited substance in its body.

3. **Trainer Responsibility**

A. A trainer shall be responsible for the condition of a horse in his or her care.

B. A trainer shall be responsible for the presence of a prohibited drug, medication, substance, or metabolic derivative, including permitted medications in excess of the maximum-allowable concentration, in horses in his or her care.

C. A trainer shall prevent the administration of a drug, medication, substance, or metabolic derivative that may constitute a violation of this Chapter.

D. A trainer whose horse has been claimed shall remain responsible for a violation of this Commission rule regarding that horse’s participation in the race in which the horse was claimed.

E. A trainer shall be responsible for:

   (1) The proper identity, custody, care, health, condition, and safety of horses in his or her care;

   (2) Promptly reporting the alteration of the sex of a horse to the horse identifier and the race secretary;

   (3) Promptly reporting to the race secretary and the Department Veterinarian if a posterior digital neurectomy (heel nerving) is performed on a horse in his or her care and ensuring that this fact is designated on its certificate of registration;

   (4) Promptly reporting to the race secretary the name of a mare in his or her care that has been bred and is entered to race;

   (5) Promptly notifying the Department Veterinarian of a reportable disease or communicable illness in a horse in his or her care;

   (6) Promptly reporting the serious injury or death of a horse in his or her care at a location under the jurisdiction of the Commission to the State Racing Steward and the Department Veterinarian and ensuring compliance with Chapter 1, section 20 of Commission rules;

   (7) Promptly notifying the State Racing Stewards and the Department Veterinarian if the trainer has knowledge or reason to believe that there has
been an administration to a horse of a drug, medication, or other substance prohibited by Commission rules or has knowledge or reason to believe that a prohibited practice has occurred as set forth in this Chapter;

(8) Ensuring the fitness of every horse in his or her care to perform a creditable race at the distance entered; and,

(9) Ensuring the horse’s presence in the paddock at least one hour prior to post time of the race in which the horse is to compete.

F. The trainer is responsible for, and is the absolute ensurer of the condition of, the horse that the trainer enters regardless of the acts of other parties.

Section 2. Prohibited Substances

1. No person may permit, authorize, or conspire to permit or authorize, the administration of a substance to a horse which results in the presence of a prohibited substance, as described in this subsection, in a horse that participates in a race or that is programmed to participate in a race.

2. Except when otherwise identified as a Permitted Substance under Section 4 of this Chapter, a substance is a prohibited substance if it appears on the December 9, 2016 Alphabetical Substance List from the Uniform Classification Guidelines for Foreign Substances published by the Association of Racing Commissioners International, unless the substance is present below a threshold established by Commission rule or under the December 9, 2016, Association of Racing Commissioner’s International Controlled Therapeutic Medication Schedule for Horses.

3. Except when otherwise identified as a Permitted Substance under Section 4 of this Chapter, while participating in a race, a horse shall not carry in its body any drug, medication, substance, or metabolic derivative that:

   A. Is a narcotic;

   B. Could serve as an anesthetic or tranquilizer;

   C. Could stimulate, depress, or affect the circulatory, respiratory, cardiovascular, musculoskeletal, or central nervous system of a horse; or

   D. Might mask or screen the presence of a prohibited drug, or might prevent or delay testing procedures.

4. Except when otherwise identified as a Permitted Substance under Section 4 of this Chapter, a substance shall not be present in a horse in excess of a concentration at which the substance would occur naturally, or at a level that would occur through the appropriate and responsible use of labeled supplements consistent with label directions.
5. Except when otherwise identified as a Permitted Substance under Section 4 of this
Chapter, a substance shall not be present in a horse if there is credible scientific
evidence that it may affect the performance of a horse at the level found, as
evidenced by Commission sample result.

6. It shall be prima facie evidence that a horse was administered and carried in its body,
while running in a race, a drug, medication, substance, or metabolic derivative
thereof prohibited by this section if:

   A. A biologic specimen from the horse was taken under the supervision of the
      Department Veterinarian promptly after a horse ran in a race; and

   B. The laboratory designated by the Department presents to the Commission a
      report of a positive finding.

7. No person may possess or use a drug, substance or medication on the grounds of a
licensed Association for which:

   A. A recognized analytical method has not been developed to detect and
      confirm the administration of such substance; or

   B. The use of which may endanger the health and welfare of the horse or
      endanger the safety of the driver; or

   C. The use of which may adversely affect the integrity of harness racing in the
      state; or

   D. No generally-accepted use in equine care exists.

8. **Anabolic Androgenic Steroids (AAS).** It shall be considered a violation of the
trainer responsibilities for a horse participating in a race to carry in its body an
androgenic-anabolic steroid as evidenced by a test sample result except for
endogenous concentrations of the naturally occurring substances nandrolone,
boldenone and testosterone at concentrations less than the indicated thresholds
described in this section.

   A. Concentrations of these AASs shall not exceed the following free (i.e., not
      conjugated) steroid concentrations in plasma or serum:
(1) Boldenone – A confirmatory threshold not greater than 25 picograms/milliliter for all horses, regardless of sex;

(2) Nandrolone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and geldings; males horses other than geldings shall be tested for Nandrolone in urine;

(3) Testosterone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and gelding.

B. Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:

(1) Boldenone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings;

(2) Nandrolone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5α-estrane-3β,17α-diol) of urine in male horses other than geldings;

(3) Testosterone – A confirmatory threshold of not greater than 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of not less than 20 nanograms/milliliter in geldings;

C. Any other AAS are prohibited in racing horses.

D. The sex of the horse must be identified to the laboratory on all pre-race and postrace samples designated for AAS testing.

E. If an anabolic steroid has been administered to a horse in order to assist in its recovery from illness or injury, that horse may be placed on the Veterinarian’s List in order to monitor the concentration of the drug or metabolite in urine or blood. After the concentration has fallen below the designated threshold for the administrated AAS, the horse is eligible to be removed from the list.

9. Alkalizing Agents

A. As described in this section, it shall be considered a violation of the trainer responsibilities for a horse to carry in its system an elevated level Total Carbon Dioxide (TCO₂) as evidenced by a biological sample result.

B. Testing may be conducted post-race at the Department’s designated laboratory. Positive test results will be reported immediately by the designated laboratory to the Department, as with any prohibited substance.
C. **Maximum Acceptable Test Levels**

1. Maximum acceptable test levels of TCO₂ shall be 37.0 mmol/l for horses not racing on furosemide.

2. Maximum acceptable test levels of Total Carbon Dioxide (TCO₂) shall be 39.0 mmol/l for horses racing on furosemide.

3. When test levels of Total Carbon Dioxide (TCO₂) exceed the acceptable level, it shall constitute prima facie evidence that the horse has been administered an alkalinizing agent and constitutes a violation of the rules.

10. **Penalty Classification of Prohibited Substances**

A prohibited substance shall be classified in accordance with the Alphabetical Substance List contained in the December 9, 2016 Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule published by the Association of Racing Commissioners International. Any substance not contained in the Alphabetical Substance List shall be classified by referring to the Classification Definitions contained in the December 9, 2016 Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule published by the Association of Racing Commissioners International.

Section 3. **Collection and Analysis of Biological Samples**

1. For the purpose of determining the presence of any prohibited substance, the Department, at its discretion, may collect a biological sample from every winning horse in every race or performance against time. The Presiding Judge or a representative of the Department, at any race meeting, may order any other horse that has raced or that has been "declared in" to any race to have a biological sample taken for the purpose of determining the presence of any prohibited substance.

2. Pre-race testing may be conducted any time after the horse enters the paddock.

3. A Department representative or the Presiding Judge may order any horse designated for testing to be offered water in order to encourage a successful urine collection. Horses will be watered under supervision of the trainer and Department Veterinarian utilizing watering containers supplied by the trainer.

4. **State Testing Area**

The following rules shall apply to a state testing area.

A. Every owner, trainer, or authorized agent of an owner or trainer for any horse or horses programmed to race shall immediately, whenever provided for in Commission rules, submit the horse or horses to any veterinarian designated by the Department for such examination or sampling as that veterinarian may deem advisable.
B. The state testing area will be operated in accordance with Commission rules and supervised by Department representatives.

C. Unless otherwise directed by a Department representative, the winning horse, in every race and any other horse specified by the Presiding Judge or a Department representative, shall be taken by an owner, trainer or authorized agent of an owner or trainer to the state testing area immediately following the race. Horses may be held in the state testing area for up to one and one-half hours in order to obtain a biological sample. Compliance with this paragraph shall be the responsibility of the trainer. Failure to comply is a Level One violation of Commission rules.

D. A winning horse claimed in a race, and any other claimed horse specified for examination, must be taken to the state testing area by the former owner, trainer or that former owner or trainer's authorized agent and by the successful claimant. The former owner, trainer or that former owner or trainer's authorized agent and the successful claimant must be present to observe the procedures and to sign for the biological sample or samples when taken from the horse. The successful claimant must then receive the horse. The responsibility for any violation(s) arising from the chemical analysis of samples taken from the claimed horse, does not follow the claimant for the particular race, but remains with the trainer of the horse at the time raced.

E. The horse shall remain in the state testing area until released by an authorized Department representative.

F. No stable equipment other than that necessary for washing off and cooling out will be permitted in the State testing area. The trainer or the trainer’s authorized agent may perform the duties of bathing, cooling out and watering the horse.

G. An owner, trainer or authorized agent of a trainer of a horse in the State testing area may enter for the purpose of inspecting the horse after making it known to the person in charge of the testing area. If the service of a veterinarian is required, that service must be performed in the presence of the Department Veterinarian. No medications, whether topical, oral, or injectable, shall be administered in the state testing area, except as administered by the Department Veterinarian.

H. An owner, trainer or authorized agent of a trainer of any horse being tested must remain with the horse while the test sample is drawn and witness the sealing of the test sample and any split sample. Failure to do so is prima facie evidence that the trainer accepts the validity of the procedure and samples.

5. **Samples - How Taken**

Biological samples shall be taken in accordance with Commission rules and following established protocols.

A. The Department Veterinarian shall make every reasonable attempt to collect sufficient sample medium to provide for the necessary analysis and a split sample where applicable.
B. All samples obtained shall immediately be sealed in a suitable container and witnessed by the trainer or trainer’s authorized agent and certified to by his or her signature.

F. Samples collected for analysis shall be sent with dispatch to the laboratory designated by the Department.

G. Split samples, when feasible to collect, shall be retained in accordance with established procedures so as to maintain the integrity of the sample and the chain of custody.

6. **Failure to Allow Tests.** A refusal to allow the taking of a biological sample, or any act or threat to impede or prevent or otherwise interfere with the taking of a biological sample is a Level One violation of Commission rule Chapter 17. The matter shall be referred to the Commission for further review.

7. **Presence of Prohibited Substances – Procedures**

Whenever there is a sample result indicating the presence of a prohibited substance in violation of these rules, the following procedures shall apply.

A. In the case of a pre-race test, the horse shall be scratched from the race and a report sent to the Department. The Department will initiate a hearing before the Commission at the earliest appropriate date.

B. In the case of a post-race test, the laboratory designated by the Department shall notify the Department pursuant to the established timeframes. Upon notification the Department shall:

   (1) Notify the trainer of the laboratory findings as soon as feasible.

   (2) Advise the trainer of his/her right to have a split sample, when applicable, shipped and tested, at his/her expense, to a laboratory approved by the Department. The trainer must make such request in writing to the Department within seventy-two hours of receipt of notification of the primary testing laboratory’s findings.

   (3) Ship the split sample in accordance with procedures developed by the Department to maintain the integrity of the sample and chain of custody to an approved laboratory as soon as practical after receiving the request.

   (4) Bring this matter before the Commission for hearing or otherwise resolve the matter consistent with Commission policy at the earliest possible date.

8. **Out-of-Competition Testing**

A. Any horse on the grounds at a racetrack under the jurisdiction of the Commission, or stabled off association grounds while under the care or control of trainer or owner licensed by the Commission, is subject to testing without advance notice.
B. Horses to be tested shall be selected at the discretion of a Department representative.

C. Trainers shall fully comply with the instructions of the Commission, which may include but are not limited to the following: trainers shall present their horse(s) for testing at the specified time and place mandated by the Commission; testing procedures may be performed on the grounds of any Commission licensed Association, trainer’s training facility or any other location under Commission jurisdiction. Failure to comply shall result in the horse(s) being ineligible to race, and shall be considered a violation equivalent to a Class A violation. It is a defense to any action brought against an owner and/or trainer that good cause existed that prohibited the owner and/or trainer from complying with the time limits set forth in this subsection. The owner and/or trainer has the burden of proving that good cause existed by a preponderance of the evidence.

D. The Commission may require a licensed trainer to allow, at any time, a veterinarian employed by the Commission or the Department, or a veterinarian designated by the Commission or the Department and accompanied by a State Racing Steward, access to a premises where the horse(s) is/are kept for the purpose of obtaining a blood sample from such horse(s). Such sample(s) would be for the purpose of “out of competition testing”. All such samples obtained, shall immediately be sealed in a suitable container, and witnessed by the trainer of record, the authorized and/or certified agent of such trainer, or both. The proper signatures shall be applied in the presence of a State Racing Steward for the purposes of the integrity of the chain of custody, and a copy of such transactions given to the proper trainer/agents shall further protect the integrity of this procedure.

E. Prohibited substances, practices, and procedures are defined as:

1. Blood doping agents including, but not limited to, erythropoietin (EPO), Darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;

2. Gene doping agents or the non-therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia;

3. The presence of any substance described in Paragraph A or B is prohibited and is a violation of this rule; and

4. The following conduct by a licensee shall be considered a violation of this rule:
   a. Possession of any substance as described in Paragraph A and/or B, the use of which may endanger the health and welfare of the horse, or endanger the safety of the driver, or which may adversely affect the integrity of racing;
   b. Possession and/or use of a drug, substance or medication that has not been approved by the United States Food and Drug Administration (FDA) for use in a horse in the United States; or,
   c. Possession and/or use of any product not clearly labeled, listing ingredients.
F. The trainer shall cooperate with a veterinarian employed by the Commission or the Department, or a veterinarian designated by the Commission or the Department and accompanied by a State Racing Steward, by:

(1) Assisting in the immediate location and identification of the horse(s) selected for out-of-competition testing;

(2) Providing a stall or safe location to collect the samples;

(3) Assisting in properly procuring the samples; and

(4) Obeying any instruction necessary to accomplish the provisions of this rule.

Refusal to comply with the Commission’s directives for obtaining a sample under this rule is a basis for suspension of a trainer’s license.

G. The collection of blood, urine or hair samples under this Rule shall be divided into three (3) parts:

The three parts are to be analyzed as follows:

(1) Approved primary laboratory for screening;

(2) Approved primary laboratory for confirmation; and,

(3) Approved laboratory for split sample testing. The Commission shall approve the laboratories for screening, confirmation, and split sample testing.

H. In the event of an initial finding of a prohibited substance in violation of Commission Rules, the laboratory shall notify the Commission, both orally and in writing, and an oral and written notice shall be issued by the Commission to the owner and trainer or other responsible person no more than seventy-two (72) hours after receipt of the initial finding.

J. If a confirmatory test is desired of the third sample, the owner, trainer or other responsible person shall so notify the Commission in writing within seventy-two (72) after receipt of the written notification of the initial positive test.

Section 4. Permitted Substances

1. Therapeutic Medications

Medications listed on the December 9, 2016, ARCI Controlled Therapeutic Medication Schedule for Horses, published by the Association of Racing Commissioners International, are permitted medications provided that the presence of those medications, as evidenced by a biological sample result, do not exceed the thresholds specified in the schedule. The withdrawal guidelines may not ensure that the thresholds are not exceeded. Adherence to the withdrawal guidelines does not constitute a defense.

2. Furosemide Program
A. Horses ineligible to participate in the Furosemide Program.

(1) Two year olds are not allowed on the Furosemide Program.

(2) Horses eligible to participate in the Maine Sire Stakes Program are not allowed on the Furosemide Program.

B. Furosemide

(1) Eligibility. In order to be eligible for the use of furosemide on race day, a horse must be certified as "Furosemide Eligible" by the Department Veterinarian on a form approved by the Department. A copy of that certification must be on file in the Department office. The Department Veterinarian may certify a horse as “furosemide eligible” based on a finding of a "good cause showing" of the need for the use of furosemide to treat the horse for Exercised Induced Pulmonary Hemorrhage. A good cause showing may be determined by:

(a) The Department Veterinarian attesting to the medical need for the therapeutic administration of furosemide to treat exercised induced pulmonary hemorrhage based on personal observation, an endoscopic examination of the horse, and evaluation of the horse's medical condition by the Department Veterinarian;

(b) A written statement by a veterinarian attesting to the medical need for the therapeutic administration of furosemide to treat Exercised Induced Pulmonary Hemorrhage based on personal observation, an endoscopic examination of the horse, and evaluation of the horse's medical condition by that veterinarian; or

(c) Written documentation that the horse has been racing on furosemide in another racing jurisdiction.

(d) In the absence of written documentation from another jurisdiction as required by paragraph (c), the trainer may be allowed to file an affidavit with the State Steward that the horse has raced on furosemide and submit the written documentation required by paragraph 3 to the Commission office within 14 days of the date the affidavit is signed. Any purse earned by that horse shall be held until the 14 day period has expired or the documentation has been received by the Commission, whichever occurs first. If the documentation to substantiate the affidavit is not received within the 14 day period, that purse is forfeited.

(2) Declaration. The trainer of a horse certified as "Furosemide Eligible" shall indicate that the horse is "Furosemide Eligible" on the declaration form each time the horse is entered to race. If the horse is racing with furosemide for the first time, the trainer shall indicate that on the declaration form. Before the draw, the Racing Association shall verify the eligibility of a horse so
entered with a list of "Furosemide Eligible" horses submitted by the
Department to the racing office of each Association. The association must
post this list in the office of the Race Secretary. A trainer who violates this
subsection shall be subject to a fine or suspension of the license, or both.
Each Association shall ensure that the race program correctly identifies all
horses racing on the Furosemide Program. Failure to do so shall be a Level
Three violation of these rules.

(3) **Administration of Furosemide**

(a) **Schedule.** All horses entered to race on furosemide must report to the
area within the paddock designated by the paddock judge for the
administration of furosemide not less than three hours prior to the
published post time for that horse's race and remain in the paddock until
post time except for pre-race warm up. The Department Veterinarian
shall establish a schedule for the administration of the furosemide.

(b) **Procedures.** Horses may be administered furosemide only by
hypodermic injection by or under the supervision of the Department
Veterinarian.

(c) **Permitted dosage.** A horse eligible to use furosemide will be
permitted a dosage equal to a minimum of 100 milligrams (2 cc.)
and a maximum of 250 milligrams (5 cc.). The dosage must be
given between 2 1/2 and 4 hours prior to the published post time for
that horse's race.

(4) **Log of Treated Horses.** The Department Veterinarian shall keep a log of the
name of each horse given furosemide, the name of the trainer, and the time the
furosemide was given.

(5) **Effect of noncompliance.** Horses not in compliance with this subsection
may be scratched from the race. Any horse that reports to the paddock area
late but in time for the furosemide to be administered at least within 2 1/2
hours prior to the published post time for that horse's race, as required by
paragraph 3, will not be scratched. A trainer who fails to ensure that his or
her horse arrives at the paddock at least 3 hours prior to the published post
time, as required by paragraph 3, will be fined $50, regardless of whether
the horse is scratched or not.

C. **Racing requirements**

A trainer racing a horse on furosemide must comply with the following
requirements.

(1) Any horse that races on furosemide must continue to race on furosemide for
a period of not less than 30 consecutive days.

(2) Any horse that has raced on furosemide for a period of at least 30
consecutive days may race without furosemide upon written notice to the
Department on a form approved by the Department and signed by the trainer indicating that the horse no longer needs to race on furosemide. That horse may not race on furosemide for a period of 30 consecutive days after the judges have been notified.

(3) The Department Veterinarian may remove a horse from the Furosemide Program at any time based on a medical determination that the horse is no longer required to be on the Furosemide Program or that the horse should not have been placed on the Furosemide Program.

D. **User fee.** A user fee shall be paid by the trainer for each horse which races on furosemide. The fee shall be determined by the Department and shall be paid prior to the administration of the furosemide to offset the cost of the Furosemide Program. All funds collected shall be dedicated to the administration of the furosemide program. The Department shall consider the following criteria when establishing the fee for this program:

(1) Compensation of the veterinarian administering the furosemide;

(2) Cost of medication and medical supplies;

(3) Compensation of additional paddock personnel; and,

(4) Other reasonable administrative costs of the furosemide program.

E. **Change of ownership.** If any horse racing with furosemide changes ownership either by sale, claim or otherwise, that horse shall not be allowed to race until the certification and/or removal forms have been appropriately completed by the new trainer and received at the Commission office on the grounds of the race track.

F. **Exercise Induced Pulmonary Hemorrhage Monitoring.**

Whenever there is evidence that a participating horse has experienced exercise induced pulmonary hemorrhage, the following procedures shall apply.

(1) First time. Any horse known to have bled externally from its nostrils or observed via endoscopic examination to have bled internally during a race or workout shall be subject to the following: The first time EIPH occurs the horse may not race for a period of eight days without prior written approval of the Department Veterinarian.

(2) Second Time. If a horse bleeds a second time, within 365 days of the first time, that horse shall be placed on the Steward's List and prohibited from racing for a period of 30 days and must race for the remainder of that racing year on the furosemide program.

(3) Third Time. If a horse bleeds a third time, within 365 days of when the horse bled the first time, that horse shall be placed on the Steward's List and prohibited from racing for a minimum of 90 days. The horse may thereafter be removed from the Steward's List by the Department Veterinarian after a satisfactory
workout witnessed by the Department Veterinarian. The horse must race on the Furosemide Program, for the remainder of the racing year.

(4) Fourth Time. In the event a horse bleeds a fourth time, within 365 days of the first time, that horse shall be permanently prohibited from racing in this state.

(5) EIPH. The Judges and Department Veterinarian shall maintain a data base of all horses which they know to have experienced EIPH during a race.

3. Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

The use of NSAIDs shall be governed by the following conditions:

A. Except as provided in this section relative to the phenylbutazone thresholds, NSAIDs shall be used in a manner consistent with the restrictions contained in the December 9, 2016 ARCI Controlled Therapeutic Medication Schedule for Horses published by the Association of Racing Commissioners International. NSAIDs not included on the December 9, 2016 ARCI Controlled Therapeutic Medication Schedule shall not be present in biological sample from a patriating horse at the laboratory concentration of detection.

B. The presence of NSAIDs in a manner inconsistent with the December 9, 2016 Controlled Medication Schedule, as evidenced by a biological sample result, shall constitute prima facie evidence of violation of the trainer responsibilities. The withdrawal guidelines contained in the December 9, 2016 Controlled Medication Schedule may not prevent a violation of this section. Adherence to those guidelines does not constitute a defense.

C. The presence of more than one NSAID may constitute a NSAID stacking violation consistent with the following restrictions:

(1) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

(a) Two non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(i) Diclofenac – 5 nanograms per milliliter of plasma or serum;

(ii) Firocoxib - 20 nanograms per milliliter of plasma or serum;

(iii) Flunixin – 20 nanograms per milliliter of plasma or serum;

(iv) Ketoprofen – 2 nanograms per milliliter of plasma or serum;

(v) Phenylbutazone – 5 micrograms per milliliter of plasma or serum; or

(vi) all other non-steroidal anti-inflammatory drugs – laboratory concentration of detection.
(b) Three or more non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(i) Diclofenac – 5 nanograms per milliliter of plasma or serum;

(ii) Firocoxib - 20 nanograms per milliliter of plasma or serum;

(iii) Flunixin – 3 nanograms per milliliter of plasma or serum;

(iv) Ketoprofen – 1 nanogram per milliliter of plasma or serum;

(v) Phenylbutazone – 0.5 micrograms per milliliter of plasma or serum; or

(vi) all other non-steroidal anti-inflammatory drugs – laboratory concentration of detection.

(2) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

(a) Any one substance noted in Subsection (1)(a) above is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:

(i) Flunixin – 3 nanograms per milliliter of plasma or serum;

(ii) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or

(iii) Phenylbutazone – 0.5 micrograms per milliliter of plasma or serum;

(3) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:

(b) Any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in Subsection (1) (a) (i through vi) above but in excess of the noted restrictions:

(i) Flunixin – 3 nanograms per milliliter of plasma or serum;

(ii) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or

(iii) Phenylbutazone – 0.5 micrograms per milliliter of plasma or serum;
(4) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

4. Other Permitted Substances

Liniments, antiseptics, antibiotics, ointments, leg paints, washes, and other products commonly used in the daily care of horses may be administered by a person, other than a licensed veterinarian if:

A. The treatment does not include any drug, medication, or substance otherwise prohibited by Section 2 of this Chapter;

B. The treatment is not injected, and

C. The person is acting under the jurisdiction of a licensed trainer or veterinarian licensed to practice veterinary medicine.

Section 5. Prohibited Practices

1. Possession of hypodermic apparatus

A. Except as provided in this subsection, it is a violation of this Chapter for a licensee, while in the paddock area, to have in his or her possession during a licensed race meet any equipment for hypodermic injections.

(1) A licensed veterinarian may possess equipment for hypodermic injections.

(2) A licensee may possess equipment for hypodermic injections to humans if:

(a) The equipment is solely for the purpose of administering chemical or biological substances to the licensee who possesses that equipment or to a minor child of the licensee;

(b) The licensee has notified the Presiding Judge clearly identifying to the Judge the type and size of the equipment and the chemical or biological substances to be administered by that equipment; and,

(c) The Presiding Judge has given written permission for the possession and use of that equipment.

2. Possession of drug paraphernalia

It is a violation of this Chapter for a licensee to have in his or her possession in the paddock of an Association during a licensed race meet or be responsible for bringing into the paddock area of an Association during a licensed race meet any drug paraphernalia.
A. As used in this section the term "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 into or onto the body of a horse a prohibited substance in violation of this Chapter.

B. For purposes of this section, drug paraphernalia does not include hypodermic apparatus. Possession of hypodermic apparatus constitutes a separate offense under section 15 of this Chapter.

C. In determining whether an object is drug paraphernalia, the Commission, the court, or other authority should consider, in addition to all other logically relevant factors, the following:

   (1) Statements by an owner of the object or by anyone in control of the object concerning its use;

   (2) Prior violations of this section, if any, of an owner of the object or of anyone in control of the object;

   (3) The proximity of the object, in time and space, to circumstances that constitute a direct violation of this section;

   (4) The proximity of the object to a prohibited substance;

   (5) The existence of any residue of prohibited substance on the object;

   (6) The existence and scope of legitimate uses of the object in the paddock area; and,

   (7) Expert testimony concerning its use.

D. Any drug paraphernalia possessed in violation of this section is declared to be contraband and may be seized and confiscated by the Commission.

3. Possession of drug or prescription medication

   Except as provided in this section, it is a violation of this Chapter for a licensee to have in his or her possession in the paddock area of an Association during a licensed race meet or be responsible for bringing in the paddock area of an Association any drug or prescription medication.

A. A licensed veterinarian may possess a drug or prescription medication.

B. A licensee may possess a drug or prescription medication for a horse if it is for an existing condition and is prescribed by a veterinarian and it is a Permitted Substance identified in Section 4 of this Chapter. The supply of the drug or prescription medication permitted shall be limited by ethical practice consistent with the purposes of this Chapter.

C. A licensee may possess a chemical or biological substance for humans if:
(1) The substance is solely for the use of the licensee who possesses that substance or to a minor child of the licensee;

(2) The licensee has submitted a sworn statement to the Presiding Judge clearly identifying to the Judge the chemical or biological substance and the intended use of that substance;

(3) The licensee has in his or her possession documentary evidence of a valid prescription for that substance, if a prescription is required by state or federal law for that substance to be dispensed; and,

(4) The Presiding Judge has given written permission for the possession of that substance.

4. Right to Inspect and Seize

The Department shall have the right to enter into or upon the buildings, stables, rooms or other places within the grounds of a licensed Association and to examine same and to inspect and examine the personal property and effects of any person within such place. Except as provided in Section 2 of this Chapter, a judge or State Racing Steward may seize any hypodermic syringe, hypodermic needle, or other device that could be used for the injection or other infusion into a horse of a prohibited substance.

5. Treatment Restrictions

A. Except as provided in Section 1, subsection 15, of this Chapter, a person other than a veterinarian licensed to practice veterinary medicine shall not administer a prescription or controlled drug, medication, or other substance to a horse while in the paddock area of a licensed Association.

B. The only injectable allowed within twenty-four (24) hours prior to post time of the race in which the horse is entered shall be furosemide, as set forth in this Chapter.

C. Except as provided in Section 1, subsection 13 of this Chapter, a person other than a veterinarian licensed to practice veterinary medicine shall not possess a hypodermic needle, syringe, or injectable of any kind while in the paddock area of a licensed Association.

6. Prohibited Treatments

1. It shall be considered a violation of the trainer responsibilities to practice, administer, or treat or otherwise permit a therapy or method identified below, which may endanger the health and welfare of the horse or endanger the safety of the driver, or the use of which may adversely affect the integrity of racing:

   A. **Intermittent Hypoxic Treatment by External Device**

   B. **Shock Wave Therapy/Instruments**
(1) Only a licensed veterinarian may possess an instrument used for shock wave therapy.

(2) No horse shall be treated with any form of shock wave therapy within seven (7) days of racing (the day of the treatment shall be considered the first day in counting the number of days).

(3) Only a licensed veterinarian shall perform the administration of shock wave therapy. A veterinarian using shock wave therapy shall document and report each treatment to the State Racing Commission and/or the State Racing Veterinarian.

(4) A violation of this section of the rules shall be considered a Class “C” violation.


REPEALED AND REPLACED:  
February 22, 1993 - was previously Chapter 21

AMENDED:  
April 11, 1995  
January 27, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):  
May 17, 1997

AMENDED:  
May 22, 1998 - EMERGENCY - Subchapter 3, Section 20 - expires August 20, 1998; conversion to MS Word 2.0.  
September 1, 1998 - Subchapter 3, Section 20

REPEALED AND REPLACED:  
May 29, 2001

AMENDED:  
May 5, 2004 - Section 1(5), Section (3), filing 2004-152  
June 6, 2004 - Section 1(5), Section 4(1)(B)(1)  
September 13, 2004 - Section 5 added, filing 2004-390  
October 21, 2008 - Section 5(B) added, filing 2008-482  
August 18, 2009 - Section 7 added, filing 2009-437  
November 9, 2010 - Section 7 amended, filing 2010-551  
August 19, 2014 - Sections 2, 7, 8, 9 - filing 2014-192
SUMMARY: This chapter contains the penalty provisions for violations of the racing rules by Associations or participants.

Section 1. General Provisions

Whenever the penalty of suspension is prescribed in these rules, it shall be construed to mean an expulsion from the time of receipt of written notice of suspension from any participation either directly or indirectly, in the privileges and uses of the course and grounds of an Association during the progress of a race meeting, unless otherwise specifically limited when such suspension is imposed, such as a suspension from driving. The suspension becomes effective when notice is given unless otherwise specified. If two penalties in these rules apply to the same offense, the stricter of the penalties shall prevail.

When a violation of the rules has affected or may affect the outcome of a race, all winnings of the horse involved in the violation shall be forfeited and redistributed among the remaining horses in the race entitled to the winnings. No forfeiture and redistribution of winnings under this section shall affect the distribution of the pari-mutuel pools, when distribution of pools is made upon the official placing at the conclusion of the race.

Section 2. Maximum Penalties

1. Any racing official, licensee or participant violating any of the rules shall be subject to a fine not exceeding $1,000, or a one year suspension and expulsion, or both, unless otherwise limited in the Rules.

2. A violation of any of the rules by a corporate licensee may also subject the Officers of the corporation to a penalty not exceeding that which is herein above provided.

3. Penalty levels for prohibited substances shall be determined as provided in Section 6.
Section 3. Licensing and License Renewals

1. The Commission may refuse to issue a license or to renew any and all of a person’s licenses in any of the following circumstances:

   A. When these rules or the statute provide for a lifetime suspension of the person or otherwise provide for revocation;

   B. When a person has been convicted or otherwise judged guilty of a crime in Maine or in another jurisdiction; or

   C. When a person has displayed conduct found by the Commission to pose a significant threat to harness racing in Maine by threatening:

      (1) the confidence of the wagering public;

      (2) the integrity of pari-mutuel pools;

      (3) the health and welfare of spectators and/or participating owners, trainers, drivers, grooms and others involved in harness racing; or

      (4) the health and welfare of Standard bred horses.

Section 4. Attempt

Any attempt to violate any of the rules falling short of actual accomplishment shall constitute an offense, and may be punishable as herein above provided.
### Section 5. Penalty Schedule

1. **Level 1 violations** (Not intended to be all inclusive). A minimum fine of $500 and/or a minimum suspension of 180 days or both.

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>LEVEL</th>
<th>FINE NOT TO EXCEED</th>
<th>SUSPENSION NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Assault on another person</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>2. Inconsistent drive to perpetrate or to aid a fraud</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>3. Conduct Detrimental to racing</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>4. Knowingly failing to take horse for a test</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>5. Have in your possession within the grounds of race track any drug, hypodermic needles or supplies for administering medications or drugs in violation of chapter 11</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>6. Accepting or allowing a non-cash payment for a pari-mutuel wager</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>7. Any act of cruelty to a horse</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
<tr>
<td>8. The use of any goading device</td>
<td>1</td>
<td>$1,000.00</td>
<td>1 year</td>
</tr>
</tbody>
</table>
2. **Level 2 violations** (Not intended to be all inclusive). A minimum fine of $250.00 and/or a minimum suspension of 45 days or both.

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>LEVEL</th>
<th>FINE NOT TO EXCEED</th>
<th>SUSPENSION NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Altering a horse’s hopples without permission</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>2. Any act of helping another person in a race</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>3. Driving in a careless and reckless manner</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>4. Excessive or indiscriminate use of the whip</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>5. Leaving paddock in violation of chapter 7, section 110, subsection B</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>6. Let a horse pass inside needlessly</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>7. Violating any part of the claiming rule</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>8. Whipping horse under the arch</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>9. Welting a horse</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
<tr>
<td>10. Failure to pass breath analyzer test</td>
<td>2</td>
<td>$500.00</td>
<td>6 months</td>
</tr>
</tbody>
</table>
### Level 3 violations (Not intended to be all inclusive). A minimum fine of $125.00 and/or a minimum suspension of 14 days or both.

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>LEVEL</th>
<th>FINE NOT TO EXCEED</th>
<th>SUSPENSION NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Carry a horse out or sit down in front of him</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>2. Causing another horse to break</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>3. Changing course in the homestretch or swerving in or out</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>4. Crossing over in front of a horse or a field of horses in a reckless manner</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>5. Crowd a horse or put a wheel under him</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>6. Failure to obey the instructions of the racing official</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>7. Failure to obey the judge’s or steward’s orders</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>8. Failure to set and maintain pace comparable to class</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>9. Inconsistent drive due to carelessness or lack of effort</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>10. Indulge in shouting or any other improper conduct</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>11. Interference causing another horse not to finish</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>12. Laying off a normal pace, leaving a hole</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>13. Slow down a field of horses</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>14. Using threatening language to a racing official</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
<tr>
<td>15. Foot out of stirrup with intent</td>
<td>3</td>
<td>$250.00</td>
<td>90 days</td>
</tr>
</tbody>
</table>
4. **Level 4 violations** (Not intended to be all inclusive). A minimum fine of $100.00 and/or a minimum suspension of 5 days or both.

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>LEVEL</th>
<th>FINE NOT TO EXCEED</th>
<th>SUSPENSION NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. After being called for a race, leaving the track without permission</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>2. Coming to the gate out of position</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>3. Crossing over before reaching the starting point</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>4. Delaying the start</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>5. Drawing a horse from race without permission</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>6. Failure to adhere to the breaking rule</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>7. Failure to come into position</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>8. Failure to have horse in paddock by prescribed time</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>9. Impeding the progress of a horse</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>10. Interference</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>11. Interfering with another driver during the start</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>12. Leaving the course</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>13. Participating without a license</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>14. Rushing ahead of the gate</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>15. Using offensive or profane language</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
<tr>
<td>16. Chapter 7, Section 1, sub-Section 54.S</td>
<td>4</td>
<td>$200.00</td>
<td>30 days</td>
</tr>
</tbody>
</table>
5. **Level 5 violations** (Not intended to be all inclusive). A minimum fine of $50.00 and/or a minimum suspension of 3 days or both.

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>LEVEL</th>
<th>FINE NOT TO EXCEED</th>
<th>SUSPENSION NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Appearing on the track without proper colors and white pants</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>2. Chin strap not in place and fastened</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>3. Drivers arriving late for paddock</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>4. Failure to drive when programmed</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>5. Failure to keep feet in stirrups</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>6. Failure to name proper driver/late driver change</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>7. Failure to participate in post parade</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>8. Failure to take breathalyzer test by prescribed time</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>9. Failure to use mud fenders when prescribed</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>10. Riding a passenger on the sulky</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>11. Smoking in colors while on race track</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
<tr>
<td>12. Using non-prescribed wheel discs</td>
<td>5</td>
<td>$100.00</td>
<td>10 days</td>
</tr>
</tbody>
</table>

6. **Unclassified violations** (Not intended to be all inclusive)

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>FINE NOT TO EXCEED</th>
<th>SUSPENSION NOT TO EXCEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Failure to pay fines or purse redistributions</td>
<td>No fine</td>
<td>Suspension until all fines or purse redistributions are paid</td>
</tr>
<tr>
<td>2. Positive test on a horse</td>
<td>See Chapter 17 Section 6</td>
<td>See Chapter 17 Section 6</td>
</tr>
</tbody>
</table>
Section 6. Penalty Schedule for Violations of Chapter 11

The following guidelines shall be used to establish minimum and maximum penalties for violation of the prohibited substance rule. Multiple positive tests shall be treated as 1st, 2nd, 3rd, etc. offenses based on other positives within the same Penalty Class.

**Category Class “A” Penalty** - The following are recommended penalties for violations due to the presence of a drug carrying a Category Class “A” penalty and for violations of Prohibited Practices:

<table>
<thead>
<tr>
<th>LICENSED TRAINER</th>
<th>2nd Lifetime Offense</th>
<th>3rd Lifetime Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>1ST Offense</td>
<td>2nd Lifetime Offense</td>
<td>3rd Lifetime Offense</td>
</tr>
<tr>
<td>-Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension, not to exceed a three year suspension. AND -Minimum fine of $1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of $2,500, not to exceed $2,500.</td>
<td>-Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period, not to exceed a 5 year suspension. AND -Minimum fine of $2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of $5,000, not to exceed $5,000.</td>
<td>-Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period, not to exceed a 7 year suspension. AND -Minimum fine of $5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of $10,000, not to exceed $10,000.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LICENSED OWNER</th>
<th>2nd Lifetime Offense</th>
<th>3rd Lifetime Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Offense</td>
<td>2nd Lifetime Offense in owner’s stable</td>
<td>3rd Lifetime Offense in owner’s stable</td>
</tr>
<tr>
<td>-Loss of Purse AND</td>
<td>-Loss of Purse AND</td>
<td>-Loss of Purse AND</td>
</tr>
<tr>
<td>-Horse shall be disqualified and placed on the steward’s list for 45 days, and must pass a commission approved examination to be eligible to be entered.</td>
<td>-Horse shall be disqualified and placed on the steward’s list for 60 days, and must pass a commission approved examination to be eligible to be entered.</td>
<td>-Horse shall be disqualified and placed on the steward’s list for 90 days and must pass a commission approved examination before becoming eligible to be entered.</td>
</tr>
</tbody>
</table>
**Category Class “B” Penalty** - The following are recommended penalties for violations due to the presence of a drug carrying Category Class “B” penalty or for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in Chapter 11 and for violations of the established levels for carbon dioxide.

<table>
<thead>
<tr>
<th>LICENSED TRAINER</th>
<th>2nd Offense (365 day period)</th>
<th>3rd Offense (365 day period)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1st Offense</strong></td>
<td>-Minimum 15-day suspension. absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</td>
<td>-Minimum 30-day suspension. absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</td>
</tr>
<tr>
<td><strong>AND</strong></td>
<td>-Minimum fine of $500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of $1,000.</td>
<td>-Minimum fine of $1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of $2,500., not to exceed $2,500.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LICENSED OWNER</th>
<th>2nd Offense in owner’s stable (365 day period)</th>
<th>3rd Offense in owner’s stable (365 day period)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1st Offense</strong></td>
<td>-Loss of Purse</td>
<td>-Loss of Purse</td>
</tr>
<tr>
<td><strong>AND</strong></td>
<td>-Horse shall be disqualified and must pass a commission approved examination before becoming eligible to be entered.</td>
<td>-Horse shall be disqualified and must pass a commission approved examination before becoming eligible to be entered.</td>
</tr>
</tbody>
</table>
**Category Class “C” Penalty**—The following are recommended penalties for violations due to the presence of a drug carrying a **Category Class “C” penalty**; overages for permitted NSAIDs and furosemide; and the presence of more than one NSAID in a plasma/serum sample.

<table>
<thead>
<tr>
<th>LICENSED TRAINER</th>
<th>Phenylbutazone (&gt;5.0-8.0 mcg/ml)</th>
<th>Flunixin (&gt;20-100 ng/ml)</th>
<th>Ketoprofen (&gt;2-10 ng/ml)</th>
<th>Furosemide (&gt;100 ng/ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; Offense (365 day period)</td>
<td>-Minimum penalty of a written warning to a maximum fine of $250.00</td>
<td>-Minimum penalty of $500 absent mitigating circumstances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Offense (365 day period)</td>
<td>-Minimum penalty of a written warning to a maximum fine of $500.00</td>
<td>-Minimum penalty of $1,000 and 15-day suspension absent mitigating circumstances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Offense (365 day period)</td>
<td>-Minimum penalty of $500 to a maximum fine of $1,000</td>
<td>-Minimum penalty of $2,500 and 30-day suspension absent mitigating circumstances</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LICENSED OWNER</th>
<th>Phenylbutazone (&gt;5.0-8.0 2.0-5.0 mcg/ml)</th>
<th>Flunixin (&gt;20-100 ng/ml)</th>
<th>Ketoprofen (&gt;2-10 ng/ml)</th>
<th>Furosemide (&gt;100 ng/ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; Offense (365 day period)</td>
<td>-Minimum penalty of a written warning</td>
<td>-Loss of Purse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Offense (365 day period)</td>
<td>-Minimum penalty of a written warning</td>
<td>-Loss of Purse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Offense (365 day period)</td>
<td>-Loss of Purse</td>
<td>-Loss of Purse. If same horse, placed on the steward’s list for 45 days.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Class “D” Penalty**—The recommended penalty for a violation involving a drug that carries a Class D penalty is a written warning to the trainer and owner. Multiple violation may result in fines and/or suspensions.

1. Licensed participants and veterinarians treating participating horses, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after the proper notice and hearing, be subject to the same penalties set forth for the the licensed trainer.

2. Licensed participants and veterinarians treating participating horses or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.

3. Any veterinarian found to be involved in the administration of any drug carrying the penalty class of “A” shall be referred to the State Licensing Board of Veterinary
Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the Commission.

4. Any person who the stewards or the Commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the Commission in no way prohibits a prosecution for criminal acts committed, nor does a potential criminal prosecution shall administrative action by the stewards or the Commission.

5. Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but not limited to, ensuring that horses are not transferred to licensed family members.

Section 7. Multiple Medication Violations (MMV)

1. A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign Substances shall be assigned points as follows.

<table>
<thead>
<tr>
<th>Penalty Class</th>
<th>Points If Controlled Therapeutic Substances</th>
<th>Points If Non-Controlled Substance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>N/A</td>
<td>6</td>
</tr>
<tr>
<td>Class B</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Class C</td>
<td>½ for first violation with an additional ½ point for each additional violation within 365 days</td>
<td>1 for first violation with an additional ½ point for each additional violation within 365 days</td>
</tr>
<tr>
<td>Class D</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

If the Commission determines that the violation is due to environmental contamination, they may assign lessor or no points against the trainer based upon the specific facts of the case.

2. The points assigned to a medication violation by the Commission ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 7(a) including when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they constitute a single violation. The Commissions’ Ruling shall be posted on the official website of the Commission and within the official database of the ARCI. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until final adjudication of the enforcement of any such violation.
3. A trainer’s cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer’s official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Commission as provided in the regulation.

4. Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Commission may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

5. The official ARCI record shall be used to advise the Commission of a trainer’s past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as proved in Chapter 19.

6. The Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer’s official ARCI record when determining whether mandatory enhancements provided in this regulation shall be imposed.

7. In addition the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

<table>
<thead>
<tr>
<th>Points</th>
<th>Suspension in days</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-5.5</td>
<td>15 to 30</td>
</tr>
<tr>
<td>6-8.5</td>
<td>30 to 60</td>
</tr>
<tr>
<td>9-10.5</td>
<td>90-180</td>
</tr>
<tr>
<td>11 or more</td>
<td>180 to 360</td>
</tr>
</tbody>
</table>

MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

(i) Has had more than one medication violation for the relevant time period, and
(ii) Exceeds the permissible number of points.

The Commission shall consider the trainer’s prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

a. The suspension periods as provided in Section 7(7) shall run consecutive to any suspension imposed for the underlying offense.
b. The Commission Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Commission's review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

c. Points shall expire as follows:

<table>
<thead>
<tr>
<th>Penalty Classification</th>
<th>Time to Expire</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>3 years</td>
</tr>
<tr>
<td>B</td>
<td>2 years</td>
</tr>
<tr>
<td>C</td>
<td>1 year</td>
</tr>
</tbody>
</table>

In the case of a medication violation that results in a suspension, any points assessed expired on the anniversary date of the date the suspension is completed.

Section 7 8. Penalties Without a Hearing

In the event the Judges believe that a person has committed a rule violation other than a racing violation and has left the grounds and they are unable to contact him and hold a hearing thereon, they may make an investigation and send a detailed written report to the Commission, with a copy to the USTA and they may impose a suspension of up to 30 days without a hearing based upon the findings. No suspension may exceed 30 days without a hearing.

Section 8 9. Unfitness to participate.

Any person whose character and general fitness are such that continued participation in harness racing by that person is inconsistent with the public interest and the best interests of racing generally, shall be suspended for a period not to exceed one year.

Section 9 10. Improper Language

Any person acting as a Judge or an official who uses insulting language to an owner, driver, or other person, or be guilty of other improper conduct, shall be subject to suspension by the Commission.

Section 10 11. Frivolous Demands

Any person demanding the identification of a horse without cause or merely with the intent to embarrass a race, shall be punished by suspension or expulsion.

Section 11 12. Judges’ Decisions
Every licensee, participant, licensed participants, and patron of licensed race meets shall abide by the Laws and Rules of Racing, and accept the Judges’ decisions on any and all questions to which their authority extends, unless and until acted upon by appeal to the Commission.

Section 42 13. Fines

All licensees or participants, licensed participants who have been fined or suspended under these rules shall remain suspended until the fine is paid in full, subject to the appeal process.

Section 43 14. Recording Penalties

Any person imposing a penalty on any other person or horse on the grounds of a track shall record that penalty in the Judges’ Book and shall deliver written or printed notice thereof to the person penalized and mail notice immediately to the office of the United States Trotting Association and to the Maine State Harness Racing Commission.

Section 44 15. Penalty Extension

Where when the penalty is for a driving violation that does not exceed in time a period of 5 days, the driver shall complete the engagement of all horses programmed before the penalty becomes effective. Such driver may drive in a stake, a futurity, an early or late closing and feature races during a suspension of 5 days or fewer; however, the suspension will be extended one race day for each date he or she drives in such race.

Section 45 16. Not Allowed to Compete

No horse may compete while owned or controlled wholly or in part by a suspended, expelled, disqualified, or excluded person. An entry made by or for a person or of a horse suspended, expelled, or disqualified, shall be held liable for the entrance fee thus contracted without the right to compete unless the penalty is removed. A suspended, disqualified or excluded person who shall perform in a race shall be penalized. No person or horse may compete while under suspension, disqualified or excluded; however, a declaration may be filed for a person or horse under suspension, disqualified or excluded so long as the race will not be held until that suspension, disqualification or exclusion is terminated.

Section 46-17. Fraudulent Transfer

The transfer of ownership of a horse by any person or persons under suspension in order to circumvent said a suspension or purse return, shall constitute a violation, unless approved by the Commission.

Section 47 18. Association Responsibility
Any Association willfully allowing a suspended, disqualified or excluded person to participate, after the Association has received notice shall be, together with its officers, subject to suspension or expulsion for each offense.

**Section 48 19. Use of Grounds**

Any Association willfully allowing the use of its grounds by an expelled or unconditionally suspended person or horse, together with its officers, shall be subject to suspension or expulsion.

**Section 49 20. Notification**

Whenever a person is excluded from a pari-mutuel track by the Association, this Commission and the United States Trotting Association shall be notified.

**Section 50 21. Employment of Expelled Persons**

An expelled, suspended, disqualified or excluded person cannot act as an officer of a track. An Association shall not, after notice from the Commission, employ or retain in its employ an expelled, suspended, disqualified or excluded person. Any track found violating this rule shall be subject to suspension.

**Section 51 22. Penalties of Other Jurisdictions Enforced**

All penalties imposed by any Racing Commission in any racing jurisdiction shall be recognized and enforced by this Commission unless application is made for a hearing before this Commission wherein the applicant must show cause as to why such penalty should not be enforced against him/her in this state.

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

**REPEALED AND REPLACED:**

February 22, 1993- (this revision incorporated sections from the-previous Chapters 1, 3, 6, 7, & 22)

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NON-SUBSTANTIVE CORRECTION:  
July 24, 2013 - agency name in title

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May 28, 2015 – filing 2015-090