

MAINE STATE HARNESS RACING COMMISSION

Limited Delegation of Authority to Chair with Executive Director To Offer and Sign Consent Agreements Upon Receipt of Positive Illegal Substance Test Results

Initial Effective Date:

August 25, 2022

Expiration Date:

December 31, 2024 unless rescinded earlier

Relevant Law

Pursuant to 8 M.R.S. § 263-C(4), the Executive Director is responsible for investigation of harness racing violations and the enforcement of harness racing rules.

Pursuant to 8 M.R.S. § 279-A, the Commission is authorized to adopt rules for establishing allowable levels of permitted medications carried in the body of a horse while participating in races licensed by the Commission. In addition, the Commission may adopt rules establishing prohibited substances that may not be present in the body of a horse while participating in races licensed by the Commission.

Pursuant to 8 M.R.S. § 279-B, the Commission is authorized to establish a schedule for fines for violations of the harness racing rules.

Pursuant to 8 M.R.S. § 279-B, the Commission may, upon notice and hearing, levy a fine, levy a suspension, disqualify a horse, and require the return of any purse won by a horse if is found to have carried in its body either a prohibited substance or an exceedance of an allowable level of a permitted medication during any race licensed by the Commission.

Pursuant to 8 M.R.S. § 279-B(2), the Commission may delegate to the Chair by rules its authority to levy fines, disqualifications, purse returns and suspensions for particular violations or classes of violations.

Pursuant to 8 M.R.S. § 279-E, licensed trainers must submit a horse for testing for use of prohibited substances.

Pursuant to 01-017 C.M.R. ch. 11, § 1(2)(F) and (3)(B), licensed participants, veterinarians, and trainers are responsible for improper or intentional administration of any drug resulting in a positive test sample from a participating horse.

Pursuant to 01-017 C.M.R. ch. 11, § 1(2)(E), standards in chapter 11 related to the presence of prohibited substances are considered “strict liability” standards which do not depend upon knowledge, negligence nor intent on the part of licensees, but instead are based on the breach of an absolute duty to ensure that no horse participating in a race or programmed to participate in a race, has the presence of a prohibited substance in its body.

Any consent agreement offered by the Executive Director at the direction of the Commission Chair pursuant to this limited delegation of authority and accepted by a licensee may be executed by the Commission Chair, without further action by the Commission. Any such consent agreement may be signed electronically by all parties in counterparts and retained as an electronic record.

This limited delegation of authority will expire on the earlier of either the expiration date indicated above, or upon further action by the Commission, at which time the Commission shall review the actions taken pursuant to this limited delegation of authority and determine whether to renew or modify this delegation.

Adoption

Adopted by the Commission on August 25, 2022, by a unanimous vote of 5 in favor 0 opposed, 0 abstained.¹

Dated: _____

9-2-2028



Harry Center, Chair

¹ The Commissioners who voted to adopt this Limited Delegation of Authority were Chair Harry Center II, Barry Norris, Don Marean, Patricia Varnum, and Diane Dunn.