**01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**017 HARNESS RACING COMMISSION**

Chapter 5: TRACKS

**SUMMARY**: This chapter contains the requirements of the racing Associations to conduct race meets in the state and includes, but is not limited to: equipment, bonding, licensing, personnel, and the regulations of racing.

**Section 1. License**

During the course of its race meeting, each licensed Harness Racing Association shall display the license issued by the Commission for the current year. Each Association shall display evidence that it is in membership with or has contracted for the services of the United States Trotting Association.

**Section 2. Certified Track Measurement**

In order that the performances thereon may be recognized and/or published as official, every track not having done so heretofore and since January 1, 1939, shall forthwith cause to be filed with the Maine State Harness Racing Commission and the United States Trotting Association the certificate of a duly licensed civil engineer or land surveyor that he has subsequently to January 1, 1939, measured the said track from wire to wire three feet out from the pole or inside hub rail thereof and certifying in linear feet the result of such measurement. Each track shall be measured and recertified in the event of any changes or relocation of the hub rail prior to any licensed racing on the track.

**Section 2-A. Insurance**

Every licensed Harness Racing Association shall carry policies of insurance providing indemnity to drivers and trainers for injury sustained while racing or training horses at its race meeting. A certificate stating the benefits of such policy shall be prominently displayed in the office of the Racing Secretary.

**Section 3. Programs**

1. A **printed race program**, in a format approved by the Commission, shall be published and offered to the public, with or without cost, by each Association offering live and/or simulcast pari-mutuel wagering.

2. **Post Time**. Correct Post Time for the first race of each program must be printed on the official racing program. Post Time for the first race shall not be delayed unless permission is granted by the State Steward.

3. **Program Information**. At licensed pari-mutuel meetings, the program shall provide the name, sex, color, age, sire, dam, owner, trainer, driver, and driver's colors for every horse. It shall separately give the number of starts of the current year and previous year on the gait that it is raced, state the number of times the horse was first, second, or third, the fastest winning time, and the money winnings in each of those years, show the lifetime record, and lifetime money winnings on that gait.

The program shall give at least the following particulars of at least the five most recent races on that gait of each horse:

A. The date and place of each race.

B. The condition of the racing strip.

C. The class of each race and the distance.

D. The name and time of the winner and the names of the horses finishing second and third.

E. The post positions and the position at the quarter, half, three-quarter, head of the stretch and finish of the race.

F. The beaten lengths and individual time.

G. The dollar odds of the wagering on said horse, if any.

H. The name of the driver and a notation by the appropriate letter if his license to drive is other than a full license.

I. Fractional times.

J. A symbol will be shown on the program for a pacer racing without hopples and a symbol for a trotter racing with hopples.

K. Complete past performance lines must be carried on 2 and 3-year-old Maine Standardbred Breeders stake races whether programmed as betting or non-betting events.

L Any horse that was sired by a stallion registered with the Commission whose progeny becomes eligible to the Maine Standardbred Breeders Stakes will be identified in each program by the symbol "ME" following the horse's name.

M. Any horse scratched from a race other than a qualifying race must have that information published in the program of that horse’s next start.

N. Amendment to the racing program shall be inserted into the program prior to sale.

4. **Race Records**

A At the end of each live race program, the licensee will provide two officially marked programs to the State Steward.

B. **Morning Line**. All race programs shall carry a morning line. Each Association shall notify the Department prior to the opening of the meet of the name of the person who will make the selections as they appear in the program.

**Section 4. Equipment Requirements**

1. **Ambulance**: For all pari-mutuel and qualifying races, each Association must arrange for the presence of an ambulance. The ambulance service must comply with Title 32, *Maine Revised Statutes*, Sections 85-87. The ambulance must be available one hour before post time and remain until after the last race.

2. **Horse Ambulance**: Each Association shall supply at the track an appropriate means of transporting an injured or deceased horse from the track. The owner shall be responsible for immediate removal and proper disposal of the deceased horse unless a postmortem examination is required as designated in Chapter 1 Section 20.

3. **Audio Recorder**: All Associations shall have an audio recorder, , which is in good order, available during its race meet. These recorders will be made available to the judges and the recordings shall be maintained pending final resolution and any right appeal for any contested matter.

4. **Video Recorder**: All Associations shall have a video recorder, which is in good order, available during its race meet. These recorders will be made available to the judges and the recordings shall be maintained pending final resolution and any right of appeal for any contested matter.

5. **Notice of Fines and Suspensions**: The Association shall post daily, in public view, the Judges' suspensions, revocations and fines for the previous days of the race.

6. **Equipment approval required**. Starting Gate, photo finish equipment, saddle pads, and equipment cards must be provided by each Association for all pari-mutuel race meets as well as secure storage facilities for the testing programs. Heat and communication devices will be made available by the Association for the testing area. Persons or organizations providing such services and the equipment to be furnished must be approved by the Commission.

A. **Starting Gate**: Every Association shall have a starting gate and a backup gate both in good working order of a type and quality approved by the Commission unless special permission to start races by other means is given by the Commission or its representative.

(1) The starting gate shall be equipped with a rotating beacon plainly visible to the drivers.

(2) Each mobile starting gate shall be equipped with a mechanical loudspeaker for the sole purpose of communication with the drivers.

(3) Each starting gate shall be equipped with two-way radio communication with the Judge's stand.

(4) Each starting gate shall be equipped with a working speedometer.

(5) No person shall be allowed to ride in the starting gate except the Starting Judge and his or her driver or operator unless permission is granted by the Association and the State Steward.

B. **Photo Finish**: Every Association shall provide photo finish service of a type and quality approved by the Commission, as an aid to the Judges in determining the order of finish.

C. **Timing Device**: Each Association shall supply a timing device at the 1/4-mile pole and the 1/2-mile pole, visible to participants on the race track and one manual timer in addition to the operator of such electrical device.

D. **Pad Numbers**: Each Association shall have saddle numbers of a style, type, and design approved by the Commission. Coupled entries shall be designated by the same head and saddle number coupled with a letter or letters. Horses coupled shall be designated by the lowest consecutive numbers used.

E. **Accident Lights**: Each Association shall provide a flashing red or amber beacon at the half-mile and quarter mile poles.

F. **TV/Video Patrol**: Each Association shall provide video recording service of a type and quality sufficient for the Judges and the Commission to review the races in determining racing violations and the order of finish.

G. Unless specifically exempted by the Commission, in every race or performance against time, the time of each heat or dash shall be accurately taken by an electrical timing device approved by the Commission. There shall be one manual timer in addition to the operator of such electrical device.

H. **Refrigeration**: Each Association shall provide refrigerated storage for test samples as required by the Commission.

1. **Odds Display**. Each Association shall have equipment for displaying the odds of the horses in each race. Such equipment shall be of a type and be positioned so as to provide the wagering public easy access to the odds information.

**Section 5. Purse Money**

1. **Distribution of Purse Money**. When an Association submits an application for race dates to the Commission in accordance with 8 M.R.S. §271 (2), it shall submit a purse distribution plan to the Commission for approval. Said plan should describe any carryover funding, estimated revenue, estimated average per dash purse payments, a general description of range of purses, claiming race purses, preferred races, series, and planned carryover.

2. **Purse Money**. Harness racing purse checks shall be made available no later than five (5) business days after the race has become official. Any purse check that is to be mailed must be postmarked no later than five (5) business days after the race has become official. In the case of purse money relating to Sires Stakes races, purse checks may be paid in person, or, if mailed, postmarked, by the later of five business days after the race has become official or three business days after the Association has received purse money for that race from the Department. The owner of a horse must file the necessary documentation required by the Association to fulfill the requirement(s) of the United States Internal Revenue Service. The Association may withhold payment until the necessary documentation is filed with the Association. The said information must be posted in the race secretary’s office and be conspicuously posted in the paddock. Any portion of a purse affected by an appeal or protest shall be held until the appeal or protest is finalized.

3. **Payment of Purses**: Any Association that the Commission finds in default in the payment, of purses in accordance with these rules shall, after a hearing before the Commission, be suspended, together with its officers.

4. **Payments**: If at a meeting of a licensed Association, a race is contested which has been promoted by another party or parties, and the promoters thereof default in the payment of the amount raced for, the same liability shall be attached to the licensed Association as if the race had been offered by such licensed Association.

5. **Amendment of Plans/Disbursement and Allocation of Purse Funds**:

 A. The Department shall distribute purse funds to eligible, currently licensed tracks in accordance with the schedules and formulas described in 8 M.R.S. §§ 290 and 298, and in a manner consistent with basic per-dash equity between tracks.

 B. The Commission may direct the Department to vary from the schedules and formulas described in 8 M.R.S. §§ 290 and 298 when it finds that such variance is necessary to achieve the level of funding in the purse distribution plans approved for each Association.

 C. Associations shall file amended purse distribution plans upon any changes in the number of race dates that the Association plans to conduct during the racing year.

 D. The Commission shall review any amended plan forthwith, and determine whether purse funds should be returned or augmented based on the changes contained therein. In making such determinations, the Commission shall strive to ensure basic per-dash equity in purse fund availability for all licensed tracks operating within a given racing year.

6. **Track Closure:** In the event that a licensed track ceases operation permanently, the Department shall adjust purse fund distribution described under 8 M.R.S. §§ 290 and 298 in a manner intended to ensure that funds in excess of those required to pay obligated purses are not distributed to the track.

**7. Facilitation of New Tracks:** In the event that a previously unlicensed track is approved by the Commission and begins operation, the Department shall adjust purse fund disbursements pursuant to the approved purse distribution plan such that the new track is afforded purse funds consistent with the other licensed tracks.

**Section 6. Facilities**

Every Association shall provide:

1. **Judges’ stands**: The Judges’ stands shall be so located and constructed as to afford to the officials an unobstructed view of the entire track and no obstruction shall be permitted upon the track, or the centerfield. Care shall be taken to maintain the centerfield free of obstructions that may impair the view of the Judges.

2. A **paddock**. Each race paddock shall include:

 A. Barns that provide adequate stalls for the number of horses that will race on any scheduled race day;

 B. Clean, equipped and adequately maintained bathroom facilities with toilets;

 C. Hot and cold running water available in the stall area;

 D. Adequate lighting and ventilation;

 E. The paddock areas must be enclosed and capable of being secure to the passage of people and things.

 F. Stalls in the paddock area shall be adequately cleaned and maintained so as to provide a sanitary environment.

3. A **public viewing area** is optional for Associations, but when present, it shall be an extension of the paddock where horses may be housed for public view prior to their race. This area must be approved by the Commission and must be secure from public entrance. Each horse must be accompanied by a licensed person and housed in a secure stall.

4. **State Testing Area**: Each Association shall provide an area as required by the Commission for the purpose of obtaining and storing test samples and provide adequate space to house the necessary staff to carry out the state testing program(s).

5. **Commission Office Space**: Each Association will provide sufficient space as required by the Commission to house the necessary staff to oversee regulatory functions.

6. **Lighting**: An Association shall provide lighting for the racetrack and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees and horses. Lighting to ensure the proper operation of the videotape and photo finish equipment.

**Section 7. Simulcast Requirements**

1. Information concerning races conducted at all pari-mutuel tracks shall not be transmitted from any such track unless approved by the Commission. Racing information includes live, delayed or simulated descriptions of a race whether by audio or video transmission, the odds resulting from any betting registered before a race and other types of information, including but not limited to entries, program numbers, driver changes, post positions, scratches, race results and pay-off prices.

2. A track licensed by the Commission may, subject to Commission approval, simulcast its races for the purpose of pari-mutuel wagering to a parimutuel wagering entity in state or out of state. Application must be made to the Commission for approval. The Commission will consider the following information which must be submitted by the track:

* 1. the nature of racing information as defined herein to be transmitted;
	2. the location to and from which such racing information is to be transmitted;
	3. the means and method of transmission of racing information;
	4. any other relevant, non-confidential information that may be specifically requested by the Commission.

3. Unless otherwise permitted by the Commission, every simulcast will contain in its video content a digital display of actual time of day, the name of the track from where it emanates, the number of the contest being displayed, and the minutes to post.

4. The track conducting the race to be simulcast is responsible for the content of its simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of its racing program.

5. If deemed necessary by the Commission, the track may be required to provide and maintain security controls including encryption over its uplink and communications systems.

STATUTORY AUTHORITY:

 8 MRS §§ 263-A and 268

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