

01 DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

017 HARNESS RACING COMMISSION

Chapter 3: OFFICIALS AND RACE TRACK PERSONNEL

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SUMMARY: This chapter describes the responsibilities, duties, and restrictions of the various licensed race officials who have administrative responsibility for enforcing these rules. It also refers to other licensed personnel having responsibilities relating to racing.

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Section 1. Officials.

1. Officials appointed by Commission. The Commission shall appoint the Presiding Judge and two Associate Judges for each licensed race meeting.
  - A. The Commission shall provide a list of approved Presiding and Associate Judges on an annual basis to the racing associations.

Section 2. Officials employed by associations.

1. The following licensed officials shall be employed by the association conducting a race.
  - A. Charter
  - B. Clerk of Course
  - C. Horse Identifier
  - D. Paddock Judge
  - E. Patrol Judges
  - F. Program Director
  - G. Race Secretary
  - H. Starting Judge
  - I. Presiding Judge

## J. Associate Judges (2)

The association may employ other licensed race track personnel as provided in this chapter.

2. General provisions. Associations must notify the Commission a at least 30 days prior to their opening date of the names of each official identified in subsection A as well as the name of each any other licensed race track personnel the association plans to employ. Officials and other licensed. race track personnel must be approved by the commission prior to employment. The Commission may assign officials and other race track personnel, at the associations expense, if the association fails to notify the commission as required by this subsection.
3. Officials and other race track personnel may serve in more than one capacity if authorized by the Commission.
4. Any Association permitting an unlicensed person to officiate to participate in a harness racing activity which requires a license shall be subject to a fine, suspension or revocation of license as determined by the Commission.

## Section 3. Officials Authority.

In matters pertaining to racing, the orders of the Presiding Judge and Associate Judges supersede the orders of the officers and directors of the association. Although track licensees have the obligation of general supervision of their meeting, interference with the proper performance of duties of any Racing Official is hereby prohibited.

## Section 4. Officials restrictions.

1. Conflict of interest. No one interested in the result of a race, either because of ownership of any horse entered, or because of bets otherwise, shall act as a racing official on that race day or participate in the draw for that race day.
2. No Racing Official or employee of the Department shall participate in pari-mutuel wagering on any horse racing on a race day when he or she is acting in his or her official capacity. Violation of this section is a level one violation of theses rules.
3. Accepting gifts. No racing official or his other assistants shall accept directly or indirectly, any gratuity, reward, or favor in connection with racing at the meeting.
4. No official or employee of the Department shall be connected in any way with the pari-mutuel operation at any race meet where he or she is serving in his or her official capacity. Violation of this section is a level one violation of these rules.

5. Underwriting insurance. No racing official or his or her assistants shall write or solicit horse insurance for the meeting.
6. Ownership Prohibited
  - A. Any shareholder listed on the racing license application for racing race dates from the Maine State Harness Racing Commission is prohibited from racing any horse he or she owns or leases in whole or in part at that association's race meeting, without annual approval of the Commission. This rule is not applicable to Maine Sire Stakes.
  - B. Managers and Assistant Managers of race meets may start horses in stakes races, early closing events and futurities, but shall not start horses without the specific approval of the Commission in late closing, preferred, free-for-all, claiming races nor any conditioned event at race meets under their jurisdiction.
  - C. In the event a hidden ownership is employed to circumvent this rule, all owners involved will be subject to a fine and/or suspension.
7. No racing official shall participate in the selection of the morning line nor be involved in any manner in the so-called "tip sheets" at pari-mutuel meetings at which he officiates.

Section 5. Judges Duties

1. Presiding Judge. The Presiding Judge shall be responsible for the performance of the Judge's duties and the performance of other officials under his or her supervision, including:

Announcer

Associate Judges

Charter

Clerk of Course

Equipment Clerk

Gate Security

Gate Security - 10 day

Horse Identifier

Marshal

Paddock Judge

Patrol Judges

Program Director

Starter

Timer

2. In addition, the Presiding Judge shall be responsible for:
  - A. The maintenance of the Judges' Book, the Steward's List and the accident reports.
  - B. The preparation, delivery and posting of all notices of penalty, rulings and decisions relative to racing.
  - C. The procedures prescribed by these rules with respect to investigations and hearings.
  - D. The drivers meeting prescribed by these rules.
  - E. The listing of entries and declarations to start and the application of preferences to race.
  - F. All announcements over the public address system pertaining to the conduct of a race, racing officials or to any matter under the jurisdiction of the Judges.
  - G. The admittance of persons to the Judges' stand, subject to the direction of the Commission.
  - H. The coupling of horses where it is necessary to protect the public interest.
  - I. Will be responsible for upgrading licenses.  
Upgrading shall not be unreasonably withheld if the driver meets all of the criteria established in Chapter one.
3. Track Conditions
  - A. Election of representative. It shall be the duty of the Presiding Judge to call a meeting of all horsemen, owners, drivers and trainers on the grounds

before the opening of any pari-mutuel meeting for the purpose of their electing a member and an alternate to represent them on matters relating to the withdrawal of horses due to bad track or weather conditions.

- B. Track Conditions. In case of questionable track conditions, the Presiding Judge shall call a meeting consisting of an agent of the licensed track, the duty elected representative of the horsemen and himself.
  - (1) Upon unanimous decision by this committee of three, that track conditions are safe for racing, no unpermitted withdrawals may be made.
  - (2) Scratch. Any decision other than unanimous by this committee will allow any entrant to scratch his horse or horses after posting depositing ten percent (10%) of the purse to be raced for with the State Steward, payable to the Maine Harness Racing Commission. In the event sufficient withdrawals are received to cause the field to be less than six, then the licensed track shall have the right of postponement of an early closing event or stake and cancellation of an overnight event.  
  
Any money posted will be paid to the Commission office. When a Commission decision has been rendered, the money will be retained and deposited to the State General Fund or refunded, dependent upon whether the Commission determines the withdrawal was for good cause.
- C. Mud fenders. The Presiding Judge, after consultation with the horseman's representative and after notifying the State Steward may require the use of mud fenders when track and weather conditions warrant.
- D. Effect of postponement on scheduled race. In case of unfavorable weather or other unavoidable cause, associations, with the consent of the Judges, shall postpone races in the following manner:
  - (1) Early Closing Races, Stakes and Futurities. All shall be postponed to a definite hour the next fair weather day and good track.
  - (2) Any Late Closing Race or Early Closing Race that has been started and remains unfinished on the last day of the scheduled meeting, shall be declared ended and the full purse divided according to the summary. Any such race that has started but postponed by rain earlier in the meeting may be declared ended and the full purse divided according to the summary.

- (3) Unless otherwise provided in the conditions, in order to transfer stakes and futurities to another meeting, unanimous consent must be obtained from the affected association and from all those having eligibles in the event.
  - (4) At all pari-mutuel meetings overnight events may be postponed and carried over not to exceed two racing days.
- 3-A. Presiding Judge and Associate Judges. Presiding Judges and Associate Judges shall have the authority to:
  - A. Determine all questions of fact relating to racing.
  - B. Impose penalties as prescribed by these rules.
  - C. Decide any difference between parties to the race or any contingent matter which shall arise that is not otherwise provided for in the rules.
  - D. Declare pools and bets "OFF" in case of fraud, malfunction of the starting gate, or other situation which is in the public interest or declare any horse a non-starter and direct the refund of all wagers made thereon from which no appeal will be allowed.
  - E. Declare no contest in the event there is a malfunction in the starting gate which prohibits the horses from proceeding in a normal fashion.
  - F. Declare a dash or heat of a race no contest in the event the track is thrown into darkness during the progress of a race by failure of the track lighting system.
  - G. In determining whether to cancel a race or races, the Judges shall have due regard for the lives and safety of the drivers and the horses. Where it is impossible for the Judges to observe the finish of a race from the Judges' Stand and it is impossible to properly place the horses by the photo finish camera, the race or races may shall be canceled.
  - H. Control the conduct of the horses, drivers, grooms, and every person or machine engaged in any portion of the racing program to protect the betting public, ensure compliance with the rules, and protect the integrity of racing.
  - I. Investigate every apparent or possible interference or rule violation and examine all parties connected with a race under oath as to any such violation of rules or complaint.

- J. Closely observe the performance of all horses and drivers competing at the race meeting.
- K. Determine the result of every race contested before them and place the horses competing therein in the order of their finish. Decisions in with respect to pools and bets shall be made at the conclusion of the race upon the observations of the Judges and upon such other facts as an immediate investigation will shall develop. A reversal or change of decision after the official placing at the conclusion of a heat or dash shall not affect the distribution of the betting pools made upon such official placing.
- L. Whenever the judges call for a photo-finish picture to determine the order of finish, they shall cause the word "Photo" to be flashed on the infield board and to remain there until the order of finished is determined.
- M. Investigate any act of cruelty to a horse on the grounds of the Association whether seen by them or reported to them and fine and/or suspend any person found guilty of such cruelty.
- N. Investigate all accidents on the track to determine the cause thereof and promptly make a full report to the Commission and the U.S.T.A. and record same in the Judges' Book.
- O. Exclude from any race a horse which is improperly equipped. dangerous, unmanageable, unfit to race (which shall include sick, weak and extremely lame horses after consultation with a Department veterinarian, or horses liable to cause an accident or injury to another horse or driver in the race.
- P. Conduct a prompt inquiry where a violation of any rule is committed, take such action as may be appropriate and render a report to the Commission. Such inquiry must be conducted by the Presiding Judge and at least one Associate Judge and must be conducted in a manner consistent with these rules and the Maine Administrative Procedure Act.
- Q. Grant a hearing at a designated time before a penalty may be imposed upon any person. All three Judges should be present if possible, and at least the Presiding Judge and one Associate Judge must be present at all Judges' hearings. The Judges may impose the penalties prescribed by these rules. Failure to appear at a Judge's hearing may result in a default judgment against that person. The Judges may reschedule a hearing for good cause shown. All Judges Hearings will be conducted in a manner consistent with these rules and with the Maine Administrative Procedure Act.
- R. Submit in writing a complete list of all witnesses questioned by them at any hearing, which list of witnesses, along with the testimony of such

witnesses, shall be forwarded to the Commission along with the reports required by these rules. The testimony of all witnesses questioned by the Judges shall be recorded by on one of the following methods; written, signed statements, tape recorders or court reporter's transcript. At all pari-mutuel tracks Judges shall use tape recorders to record their hearings.

- S. No decision shall be made by the Judges in such cases until all of the witnesses called by the Judges and the person required to appear before the Judges have given their testimony. Any person charged with a rule violation shall be given at least until 12:00 noon of the following day to prepare for his or her defense, upon request.
  - T. The Associate Judges shall assist the Presiding Judge in advancing driver's licenses to a higher category. Advancement shall not be unreasonably withheld if the driver meets all of the criteria stated in Chapter one.
4. The Judges shall:
- A. Be in the Judges Stand at least fifteen (15) minutes before the first race and remain there until the last race has been declared official and until their duties pertaining to the races have been completed.
  - B. Have unrestricted access to the grounds where a licensed meet is being conducted.
  - C. Advise the Paddock Judges of the schedule of post times for the program.
  - D. Be responsible for locking the pari-mutuel machines immediately upon the horses being given the word "go" by the starter.
  - E. Maintain telecommunication with the Patrol Judges from the time the Starter picks up the field of horses until all horses pass the finish line. Cause a written record to be made of every "break", violation of rules or incident observed by them or reported by the Patrol Judges.
  - F. Cause the appropriate signs to be posted on the tote board to indicate objection or inquiry in the event of a rule violation or complaint and notify the public address announcer of the horses involved and the nature of the objection, post the order of finish of the 1st first four horses as they passed under the finish wire and cause the offending horse's number to flash. When the decision is made, cause the objection or inquiry sign to be removed, correct the order of finish and cause the "Official" sign to be shown.



- G. Display the "Photo" sign if there is less than 1/2 length between contending horses at the finish line or if a contending horse is on a break at the finish. Examine the photo finish before rendering a decision on the placing thereof and cause copies of such photos to be displayed for public inspection immediately after the result has been announced.

In the event of an electrical or mechanical failure of the photo-finish camera, or if a distorted, deceptive, or otherwise inadequate picture is developed, the Judges shall decide the order of finish and such decision shall be final.

- H. Sign the Judges' Book after each race verifying the correctness of the information contained therein.
- I. In the event of an accident, turn on the accident warning lights.
- J. Check the validity of all drivers licenses.

#### 5. Times

- A. Time Error. In any case of alleged error in the record, announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor said horse or owner, except upon the sworn statement of the Judges and Timers who officiated in the race.
- B. Misrepresenting Time. Any person who shall be guilty of fraudulent misrepresentation of time or the alteration of the record thereof in any public race or performance against time shall be suspended or expelled, and the time declared not a record.

#### Section 6. The Race Secretary.

The Race Secretary shall:

1. Receive and keep safe the eligibility records and, when applicable, the registration certificate and claiming authorization of all horses competing at the racetrack and return same to the owner of a horse or his representative upon written request.
2. Check each eligibility record and certify to the Judges as to the eligibility of all the horses.
3. Be familiar with the age, class and competitive ability of all horses racing at the track.

4. Write conditions and schedule the daily racing programs to be presented at the racetrack and post same at least 12 hours before declarations close. In any event, the original conditions shall not be changed.
5. Examine all entry blanks and declarations; verify all information set forth therein; select the horses to start and the "also eligible" horses from the declarations in accordance with the rules governing these functions..
6. Advertise early closing, late closing, and stake events in accordance with the rules governing these races.
7. Examine nominations and declarations in Early Closing, Late Closing and Stake Events; verify the eligibility of all declarations and nominations and compile lists thereof for publication.
8. Post a list of all horses that may race only in preferred, invitational, and open classes at that track and make that list available to the Presiding Judge on a weekly basis.

Section 7. Clerk of Course.

The Clerk of Course shall:

1. Maintain all official race summaries, records, suspensions, protests and fines; prepare and serve or cause to be served all notices relating thereto; and provide daily copies thereof to the Commission, the licensed harness race association and to the U. .T.A.
2. Verify the ownership and trainer of all horses entered in races.
3. Assist the Judges in drawing positions, at the request of the Presiding Judge.
4. Keep the Judges' Book and cause to be recorded legibly therein:
  - A. All horses entered and their eligibility record numbers.
  - B. Names of owners and drivers and their license numbers.
  - C. A record of each heat, giving charted lines and money won.
  - D. Notation of any drawn or ruled out horses, and any placing of horses.
  - E. Record time in minutes, seconds and fifths of seconds.
5. Check eligibility records before the race, and after the race enter all information provided for thereon, including the horse's position in the race as it was charted.

In the event a horse has been placed on the Steward's List, such fact and the reason therefore shall be recorded thereon.

6. Make a record of all protests, fines, penalties and appeals and see that the Judges' Book is properly signed.
7. Forward the Judges' Book from all pari-mutuel meetings the day following each racing day to the Department and to the U.S.T.A.
8. Notify affected parties of any penalty assessed against them by the Judges, Steward, or Starter and post a copy of such notice in the Racing Secretary's office.

#### Section 8. Starting Judge:

The Starting Judge:

1. shall be in the starting stand or starting gate fifteen minutes before the first race of the program;
2. shall report to the Judges, in writing, all rule violations observed;
3. shall notify in writing the Judges and the drivers of the penalties imposed by him;
4. shall make recommendations, in writing, to the Presiding Judge for the placing on the Steward's List of all horses which do not perform properly at the start;
5. shall conduct such school sessions as are necessary to train horses to the method of starting adopted at the racetrack;
6. may request a Presiding Judge to substitute a driver, who fails or refuses to obey his or her instructions, for the heat or race;
7. shall have control of the horses from the formation of the parade until releasing the horses by giving the word "go" at the official starting point;
8. shall bring the horses to the starting gate within one minute after the official post time for that race unless a longer time is prescribed by the Presiding Judge;
9. shall position the starting gate, with its arm extended, on a 1/2 mile track as near 1/4 mile before the starting point as the track will permit. On a mile track it will be stationed at the head of the stretch;
10. will cause the gate to move towards the starting point, gradually increasing the speed of the gate but maintaining a speed which will average:
  - A. for the first 1/8 mile, not less than 11 miles per hour,

- B. for the next 1/16 mile, not less than 18 miles per hour;
  - C. from that point to the starting point a gradual increase to the appropriate maximum speed;
- 11. shall post on the inside of the track the official starting point which shall be not less than 200 feet from the beginning of the first turn;
  - 12. may sound a recall in accordance with the provisions of Chapter 7, Section 37.
  - 13. shall endeavor to get all horses away in position and on gait, but no recall shall be had for horses not in position, or not on gait, or for a bad acting horse.
  - 14. shall not sound a recall after the word "go" has been given

#### Section 9. Paddock Judge.

The Paddock Judge shall:

- 1. Publicly announce the closing of the paddock as prescribed by the Presiding Judge or the State Steward
- 2. Prohibit unauthorized people or things from entering the paddock.
- 3. Supervise the identification of all horses coming into the paddock, including the tattoo number.
- 4. Supervise the checking in and out of horses, grooms, owners, trainers and drivers.
- 5. Supervise the Gate Security Officer assigned to the paddock.
- 6. Supervise the activities of the Paddock Blacksmith.
- 7. Supervise the inspection of equipment and shoes; and the head and saddle numbers of each horse during warm-ups and before parade.
- 8. Notify the Presiding Judge of any incident that could in any way change, delay, or affect the routine progress of the racing program.
- 9. Obtain permission from the Presiding Judge for any change of racing equipment or shoes before the race.
- 10. Notify Judges of all trainers, drivers and grooms who leave the Paddock in an emergency.

11. Report any act of cruelty to any horse that he observes to the Presiding Judge.
12. Notify Judges of the reason for any horse returning to the Paddock after having entered the track for the post parade and before the start of the race.
13. Supervise the assembling of the fields of horses in the race for the post parades in accordance with the schedule given to him by the Presiding Judge.
14. Inspect and supervise the maintenance of all emergency equipment kept in the Paddock.
15. Report to the Presiding Judge any threatening or abusive language or conduct used within the Paddock enclosure.

Section 10. Patrol Judge.

1. The Patrol Judges shall report to their assigned stands 15 minutes before post time for the first race and remain until the last race is posted official
2. The Patrol Judges shall report to the Judges
  - A. Any action on the track which could improperly affect the result of a race.
  - B. Every violation of the racing rules.
  - C. The lameness or unfitness of any horse.
  - D. Any lack of proper racing equipment.
3. The Patrol Judges shall submit individual daily written reports of their observations to the Presiding Judge.
4. The Patrol Judges, when directed by the Presiding Judge, shall attend hearings or inquiries on violations and testify under oath.

Section 11. Horse Identifier.

The Horse Identifier shall:

1. check the tattoo, by having the licensed owner, trainer, groom or designated agent roll the lip, or show the freeze brand of all horses programmed to race;
2. check the color and markings of all horses programmed to race;

3. report to the Paddock Judge any discrepancies noted by inspection;
4. report to the Paddock Judge any act of cruelty observed;
5. report to the Paddock Judge any foul threatening or abusive language; and
6. report to the Paddock Judge any horse which appears unfit to race

## Section 12. Charter

The Charter shall cause to be recorded a complete and accurate chart of each race which shall include:

1. Horse's name,
2. Driver's name;
3. Date and place of race;
4. Size of track if other than a half-mile track;
5. Track condition and temperature;
6. Type of race (trot or pace);
7. Classification of race;
8. Distance;
9. The fractional times of the leading horse, including the race time,
10. Post position, position at the quarter, half, three quarters, and head of the stretch together with lengths at the finish and any other designated positions for all the horses in the race;
11. Official order of finish;
12. Individual time of each horse;
13. Closing dollar odds, where applicable, with favorite designated by an asterisk;
14. The standard symbols for breaks, park outs and free legged pacers where applicable. When a horse is "parked out" for at least 1/4 mile it shall be recorded and included in the published performance lines;

15. The beaten lengths and individual time of each horse,
16. In claiming races, the price for which the horse is entered to be claimed less including any allowances for age and sex; and
17. Notations of placings, disqualifications and claimed horses.

#### Section 13. Program Director

The Program Director shall:

1. verify the correctness of the owner, trainer, driver, earnings past performances of each horse that is to be published in the official program;
2. verify the correctness of all other information relating to the conduct of racing which is to be published in the official program; and
3. provide to the printer all necessary corrections and authorize final publication of each day's official race program.

#### Section 14. Timers.

The Timer shall:

1. be in the stand fifteen minutes before the first race and remain there until the final race is completed.
2. start their watches when the first horse leaves the point from which the distance of the race is measured.
3. record the time of the leading horse or horses at the quarter, half, three-quarter and finish pole.
4. record the fractions of odd distance races accordingly.
5. sign the Judges book for each race verifying the correctness of the records in fifths of seconds.

#### Section 15. Equipment Clerk

The Equipment Clerk shall:

1. maintain a record for each horse competing at the race meet;

2. identify, on the record, the type of harness, shoes, and sulky normally used by the horse;
3. check each horse prior to its scheduled race and verify the correctness of the equipment;
4. notify the Paddock Judge of any changes which differ from the official record;
5. change the official record only with approval of the Paddock Judge;
6. report to the Paddock Judge any equipment which appears to be in disrepair and/or dangerous;
7. report to the Paddock Judge any horse which appears to be unfit for the race; and
8. report to the Paddock Judge any threatening or abusive language.

Section 16. Photo-Finish Operator.

The Photo-Finish Operator shall:

1. display for the Judges the developed photo-negative strip of the finish of each race;
2. provide such finish prints as may be required by the Presiding Judge;
3. report to the Presiding Judge any malfunction of the photo equipment;
4. not provide finish prints to anyone without the express permission of the Commission or its designee; and
5. keep the photo-negative strip for each race for a period of 90 days following the close of the meet.

Section 17. Marshal.

The Marshal shall report directly to the Starter and perform such duties as may be ordered.

18. Gate Security

The Gate Security shall:



1. Refuse admission to the Paddock to all persons not authorized to enter;
2. identify all persons and horses entering the paddock;
3. report to the Paddock Judge any persons attempting to enter the paddock who are not authorized to be there;
4. report to the Paddock Judge any foul abusive or threatening language; and
5. report to the Paddock Judge any cruel or abusive treatment of horses.

Section 19. Simulcast Coordinator.

The Simulcast Coordinator shall be the person at each race meeting conducting simulcasting and shall be responsible for all matters pertaining to simulcasting.

Section 20. Paddock Security Officer

Each association offering pari-mutuel wagering must employ, at the expense of the association, a paddock security officer.

Section 21. TV/Video Operator

The TV/Video Operator shall:

1. upon request, display for the Judges the video tape of each race;
2. provide video tapes of each race suitable for reviewing the race to determine any violations of the Commission's rules which may have occurred during the race.
3. report to the Presiding Judge any malfunction of the TV/Video equipment;
4. not provide video tapes of the race to anyone without the express permission of the Commission or its designee; and
5. keep the video tapes of each race for a period of 90 days following the close of the meet or such longer time as may be designated by the Commission.

Section 22. Paddock Blacksmith

The Paddock Blacksmith shall.

1. Be on duty and provide services within the paddock one half-hour before post time of the first race until the completion of the race program.

#### Section 23. Security Guard

All persons employed by an association or an off-track betting facility to provide security for the pari-mutuel area or the track during any activity regulated by these rules shall be licensed as a Security Guard pursuant to the provisions of Chapter 1. This section shall not apply to full time law enforcement personnel or persons already licensed as Gate Security or as a Paddock Security Officer acting in their license capacity.

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

REPEALED AND REPLACED:

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