

Chapter 17: RULE VIOLATIONS; PENALTIES

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 shall be determined as follows:

LEVEL	Minimum/Maximum Fine	Minimum/Maximum Suspension in Days
1	\$500.00/\$2,000.00	30/365
2	\$250.00/\$1,000.00	15/180
3	\$100.00/\$500.00	10/30
4	\$50.00/\$250.00	5/15
5	\$25.00/\$100.00	3/5

4. 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 Standardbred horses.
2. When in the course of the previous 2 two racing years, a person has violated Maine Harness Racing Commission rules and been fined a total of \$2,000 or more or has been subject to license suspensions of 250 or more days, regardless of the nature of the violations resulting in the fines or suspensions, the Commission shall consider that grounds for suspension of shall refuse to renew a person's license(s).

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 \$250 and/or a minimum suspension of 180 days or both.

VIOLATION	LEVEL	FINE NOT TO EXCEED	SUSPENSION NOT TO EXCEED
1. Assault on another person	1	\$1,000.00	1 year
2. Inconsistent drive to perpetrate or to aid a fraud	1	\$1,000.00	1 year
3. Conduct Detrimental to racing	1	\$1,000.00	1 year
4. Failure to take horse for a test	1	\$1,000.00	1 year
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	1	\$1,000.00	1 year
6. Accepting or allowing a non-cash payment for a pari-mutuel wager	1	\$1,000.00	1 year

2. Level 2 violations (Not intended to be all inclusive). A minimum fine of \$100.00 and/or a minimum suspension of 45 days or both.

VIOLATION	LEVEL	FINE NOT TO EXCEED	SUSPENSION NOT TO EXCEED
1. Altering a horse's hopples without permission	2	\$500.00	6 months
2. Any act of cruelty to a horse	2	\$500.00	6 months
3. Any act of helping another person in a race	2	\$500.00	6 months
4. Driving in a careless and reckless manner	2	\$500.00	6 months
5. Excessive or indiscriminate use of the whip	2	\$500.00	6 months
6. Leaving paddock in violation of chapter 7, section 110, subsection B	2	\$500.00	6 months
7. Let a horse pass inside needlessly	2	\$500.00	6 months
8. Violating any part of the claiming rule	2	\$500.00	6 months
9. Whipping horse under the arch	2	\$500.00	6 months
10. Welting a horse	2	\$500.00	6 months
11. The use of any goading device	2	\$500.00	6 months

3. Level 3 violations (Not intended to be all inclusive). A minimum fine of \$50.00 and/or a minimum suspension of 14 days or both.

VIOLATION	LEVEL	FINE NOT TO EXCEED	SUSPENSION NOT TO EXCEED
1. Carry a horse out or sit down in front of him	3	\$250.00	90 days
2. Causing another horse to break	3	\$250.00	90 days
3. Changing course in the homestretch or swerving in or out	3	\$250.00	90 days
4. Crossing over in front of a horse or a field of horses in a reckless manner	3	\$250.00	90 days
5. Crowd a horse or put a wheel under him	3	\$250.00	90 days
6. Failure to obey the instructions of the racing official	3	\$250.00	90 days
7. Failure to obey the judges or stewards orders	3	\$250.00	90 days
8. Failure to pass breathalyzer test	3	\$250.00	90 days
9. Failure to set and maintain pace comparable to class	3	\$250.00	90 days
10. Inconsistent drive due to carelessness or lack of effort	3	\$250.00	90 days
11. Indulge in shouting or any other improper conduct	3	\$250.00	90 days
12. Interference causing another horse not to finish	3	\$250.00	90 days
13. Laying off a normal pace, leaving a hole	3	\$250.00	90 days
14. Slow down a field of horses	3	\$250.00	90 days
15. Using threatening language to a racing official	3	\$250.00	90 days

4. Level 4 violations (Not intended to be all inclusive). A minimum fine of \$25.00 and/or a minimum suspension of 10 days or both.

VIOLATION	LEVEL	FINE NOT TO EXCEED	SUSPENSION NOT TO EXCEED
1. After being called for a race, leaving the track without permission	4	\$100.00	30 days
2. Coming to the gate out of position	4	\$100.00	30 days
3. Crossing over before reaching the starting point	4	\$100.00	30 days
4. Delaying the start	4	\$100.00	30 days
5. Drawing a horse from race without permission	4	\$100.00	30 days
6. Failure to adhere to the breaking rule	4	\$100.00	30 days
7. Failure to come into position	4	\$100.00	30 days
8. Failure to have horse in paddock by prescribed time	4	\$100.00	30 days
9. Impeding the progress of a horse	4	\$100.00	30 days
10. Interference	4	\$100.00	30 days
11. Interfering with another driver during the start	4	\$100.00	30 days
12. Leaving the course	4	\$100.00	30 days
13. Participating without a license	4	\$100.00	30 days
14. Rushing ahead of the gate	4	\$100.00	30 days
15. Kicking	4	\$100.00	30 days
16. Using offensive or profane language	4	\$100.00	30 days
17. Chapter 7, Section 1, subsection 54.S	4	\$100.00	30 days

5. Level 5 violations (Not intended to be all inclusive). A minimum fine of \$25.00 and/or a minimum suspension of 5 days or both.

VIOLATION	LEVEL	FINE NOT TO EXCEED	SUSPENSION NOT TO EXCEED
1. Appearing on the track without proper colors and white pants	5	\$50.00	10 days
2. Chin strap not in place and fastened	5	\$50.00	10 days
3. Drivers arriving late for paddock	5	\$50.00	10 days
4. Failure to drive when programmed	5	\$50.00	10 days
5. Failure to keep feet in stirrups	5	\$50.00	10 days
6. Failure to name proper driver/late driver change	5	\$50.00	10 days
7. Failure to participate in post parade	5	\$50.00	10 days
8. Failure to take breathalyzer test by prescribed time	5	\$50.00	10 days
9. Failure to use mud fenders when prescribed	5	\$50.00	10 days
10. Riding a passenger on the sully	5	\$50.00	10 days
11. Smoking in colors while on race track	5	\$50.00	10 days
12. Using non-prescribed wheel discs	5	\$50.00	10 days

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

VIOLATION	FINE NOT TO EXCEED	SUSPENSION NOT TO EXCEED
1. Failure to pay fines or purse redistribution's	No fine	Suspension until all fines or purse redistributions are paid
2. Positive test on a horse	See Chapter 17 Section 6	See Chapter 17 Section 6

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.

PROHIBITED SUBSTANCE CLASSIFICATION	First Offense During Life of Licensee	Second Offense During Life of Licensee	Third Offense During Life of Licensee
CLASS I	1-3 years suspension \$1,000.00 fine	3-5 years suspension \$1,000.00	5 years to life suspension \$1,000.00
CLASS II	6 months -1 year suspension \$750-\$1,000 fine	1-3 years suspension \$1,000.00 fine	3-5 years suspension \$1,000.00 fine
PROHIBITED SUBSTANCE CLASSIFICATION	First Offense within any 36 Months Period	Second Offense within any 36 Months Period	Third Offense within any 36 Months Period
CLASS III	90 days- 6 months suspension \$500-\$750 fine	6 months-1 year suspension \$750-\$1,000 fine	1-3 year suspension \$1,000 fine
CLASS IV	30-90 days suspension \$250-\$500 fine	90 days to 6 months suspension \$500-\$750 fine	6 months- 1 year suspension \$1,000 fine
ALKALINIZING AGENTS	90 to 180 days Suspension and a \$500 to \$1,000 fine	180 to 365 days Suspension and a \$1,000 fine	1-3 year Suspension and a \$1,000

	First Offense Within any 12 Month Period	Second Offense within any 12 Month Period	Third Offense Within any 12 Month Period	Fourth Offense Within any 12 Month Period
CONTROLLED MEDICATION	0- 30 day suspension \$0-\$50 fine	30 to 60 day suspension \$50-\$100 fine	60 days to 6 months suspension \$100-\$250 fine	6 months-1 year suspension \$250-\$500 fine

The following penalties shall apply to horses and owners:

VIOLATION	Horses	Owners
PROHIBITED SUBSTANCE CLASS I	Suspended for 30 days	Purses forfeited
PROHIBITED SUBSTANCE CLASS II	Suspended for 30 days	Purses forfeited
PROHIBITED SUBSTANCE CLASS III	Suspended for 30 days	Purses forfeited
PROHIBITED SUBSTANCE CLASS IV	Suspended for 30 days	Purses forfeited
PROHIBITED SUBSTANCE CLASS V	Suspended for 30 days	Purses forfeited
CONTROLLED MEDICATION	Suspended for 30 days	Purses forfeited
ALKALINIZING AGENTS	Suspended for 30 days	Not applicable

Section 7. 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, and 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. 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. 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. 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. Judges Decisions

Every licensee, participant, 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 12. Fines

All licensees or 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 13. 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.

Section 14. Penalty Extension

Where 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 less; however, the suspension will be extended one race day for each date he or she drives in such race.

Section 15. 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 16. Fraudulent Transfer

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

Section 17. 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 18. 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 19. 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 20. Employment of Expelled Persons

An expelled, suspended, disqualified or excluded person can not 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 21. 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.

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

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