

MAINE HARNESS RACING COMMISSION
MINUTES OF MEETING

August 25, 2010

Conference Room, Gambling Control Board
Department of Public Safety Office
45 Commerce Drive, Augusta, Maine

Commission Members Present: Chairman George McHale, James Tracy, Barbara Dresser, S. Todd Bradley and Stanley Kuklinski.

Staff Members Present: John H. Richards, AAG, Henry Jackson, Peter Barengo, Ralph Canney and Carol Gauthier.

Commission Chair, George McHale, called the meeting to order at 12:40 p.m.

ADJUDICATORY HEARINGS:

1. Michael Graffam and Robert Tourangeau are appealing the decision of the Judge, Walter McIntire. Mr. Graffam and Mr. Tourangeau were present. Mr. McIntire stated that Mr. Tourangeau was not listed as owner on the program. Mr. Richards advised the Commission on what they could do. Commissioner Kuklinski made a motion to go forward with the appeal by Michael Graffam and Robert Tourangeau at Bangor Raceway on July 1st in the 8th race. Commissioner Bradley seconded. Vote 5-0. Mr. McIntire stated that no objection was filed regarding this appeal. After a brief discussion, Commissioner Tracy made a motion to deny the appeal as filed based upon the fact that either the appellant or any of the other drivers in the race filed an objection as required by the rules. Commissioner Bradley seconded. Vote 3-2. Commissioner Dresser and Bradley opposed.
2. Testimony was taken on the following proposed rule changes:

Chapter 1 Administration, Section 1 Definitions, 57-A Out-of-Competition Testing

Chandler Woodcock, Maine Harness Horsemen's Association, is in favor of this rule change.

20-B Drug Paraphernalia

No testimony

Section 8 Equipment Inspection

Chandler Woodcock, MHHA, opposed to the equipment inspection change because most tracks are inspected prior to the race and this could be a long gated process. Walter McIntire, Judge at Scarborough Downs, asked Henry Jackson to exactly what the equipment would include. Dennis May, State Steward at Scarborough Downs, explained what type of equipment it would include and Steve Mancine, Judge at Scarborough Downs, also gave an explanation.

Section 9 Sulky Approval, Subsection 9B

Steve Mancine, Judge at Scarborough Downs, is in favor of this rule change because they now have new race bikes that are widely used and this would get fenders on the old bikes to fit properly.

Chapter 7 Racing, Section 6 Meeting Race Standards and Maintaining Eligibility, Subsection 1

Steve Mancine, Judge at Scarborough Downs, said we all need to do a better job of putting a good product on the racetrack. Michael Sweeney of Scarborough Downs is in favor of this rule change because if they put a more competitive product on the track it would better the product we have. Douglass Hutchins, DVM, testified neither for nor against this rule but questioned whether it would affect the rule contained in Chapter 9.

Chapter 7 Racing Section 6 Meeting Race Standards and Maintaining Eligibility Subsection 8

Douglass Hutchins, MSBOA, would like to make sure that this does not affect the Sire Stakes Program because we have a 45 day rule. Diann Perkins, horsewoman, is against this rule change because if a horse is sick they are out sometimes longer than two weeks and this would put the horses closer to qualifying again.

Chapter 7 Racing Section 7 Steward's List G

Chandler Woodcock, MHHA, spoke in favor of the proposed rule but questioned whether the change in Paragraph J could be uniformly applied. He also indicated that the word "of" should be "off" in Paragraph G. Michael Andrew, MSBOA, testified in opposition to the proposed rule change because having to qualify again if a horse breaks in its next start was double jeopardy.

Chapter 7 Racing Section 7 Steward's List H

Walter McIntire stated that it is the discretion of the judges and they are against this rule change as written. Fred Nichols, Race Secretary at Bangor Raceway, testified neither for nor against the proposed rule but questioned what was intended by the rule.

Chapter 7 Racing Section 7 Steward's List I

Michael Andrew, MSBOA, testified in opposition to the proposed rule change because the change was too vague and open to interpretation.

Chapter 7 Racing Section 7 Steward's List J

Michael Andrew, MSBOA, testified in opposition to the proposed rule change because it was too restrictive because if a horse falls does not mean it is injured and cannot perform adequately during a race.

Chapter 7 Racing Section 7 Steward's List K

No testimony.

Chapter 7 Racing Section 7 Steward's List Subsection 4

Walter McIntire testified against this rule change.

Chapter 7 Racing Section 18 Conditioned Races Subsection 9

Michael Sweeney and Ralph Canney are in favor of the rule change.

Chapter 7 Racing Section 18 Conditioned Races Subsection 10

Ralph Canney is in favor of the rule change.

Chapter 7 Racing Section 40 Bad Acting Horse

Chandler Woodcock testified in favor of this rule change.

Chapter 7 Racing Section 46 Duties of Trainer

Diann Perkins, horse person, is in favor of this rule change. Douglass Hutchins, MSBOA, testified in opposition to the rule change for he felt that we should follow the same provisions that the Thoroughbred industry does by allowing the trainers to be absent from the paddock during racing. Chandler Woodcock, MHHA, testified in opposition to this rule change.

Michael Sweeney, Scarborough Downs, spoke neither for nor against but agreed that some change is needed to address the issue of two tracks operating at the same time.

Ralph Canney, State Racing Steward, testified neither for nor against but indicated that the officials were not enforcing the existing rule presently. He indicated that something had to be done to protect the integrity of racing.

Chapter 7 Racing Section 54 Racing Violations O

Chandler Woodcock, MHHA, testified in support of the proposed rule change. Michael Andrew, MSBOA, testified in support of this rule change.

Chapter 7 Racing Section 54 Racing Violations Q

Steve Mancine, Judge at Scarborough Downs, testified in support of this rule change.

Chapter 7 Racing Section 54 Racing Violations T

Chandler Woodcock, MHHA, testified in support of the proposed rule change and recommended that the term “gaiting poles” is added. Michael Andrew, MSBOA, testified in support of this rule change.

Chapter 7 Racing Section 58 Placing Offending Horses

Chandler Woodcock, MHHA, testified in support of this proposed rule change.

Chapter 7 Racing Section 68 Misconduct or Fraud 1

Chandler Woodcock, MHHA, testified in support of this proposed rule change.

Chapter 7 Racing Section 68 Misconduct or Fraud 2

Chandler Woodcock, MHHA, testified in support of this proposed rule change.

Chapter 7 Racing Section 78 Win Race Record

Chandler Woodcock, MHHA, testified in support of this proposed rule change.

Chapter 9 Sire Stakes Section 2 Eligibility Criteria Subsection 1

Donald Marean, breeder, is against this rule change because it limits the breeding season.

Douglass Hutchins, MSBOA and Diann Perkins are both in favor of this rule change.

Chapter 9 Sire Stakes Section 6 Conditions Subsection 8

Diann Perkins, MSBOA, is in favor of this rule change. Walter McIntire stated that this could not be drawn at the same time the finals are drawn so it would be drawn at a later date. Donald Marean testified in favor of this rule change because it would encourage the horsemen to stay in the program.

Chapter 17 Rule Violations; Penalties Section 2 Maximum Penalties 3

Steve Mancine, Judge at Scarborough Downs, testified that the current penalties do not match up and this change would bring into alignment the days and money. It would also need to be brought into alignment with other penalties within this chapter.

3. Chapter 11 Medication Section 7 Out-of-Competition Testing

The Commission took final action on this proposed rule change. No written comments were received. Commissioner Tracy made a motion to approve the rule change as written. Commissioner Bradley seconded. Vote 5-0.

UNFINISHED BUSINESS:

1. None

REPORTS:

1. None

NEW BUSINESS:

1. James Finley addressed the Commission on a possible rule change for Chapter 13 Pari-Mutuel Section 27 Coupled Horses-Two in Money and Section 28 Coupled Horses-Three in Money. After a brief discussion, the Commission did not agree with Mr. Finley's rule change.

OTHER BUSINESS:

1. Commission members reviewed and took action on a consent agreement for Gordon DuBois, Sr. Commissioner Kuklinski made a motion to accept the consent agreement as written. Commissioner Tracy seconded. Vote 5-0.

The meeting adjourned at 3:30 p.m.

Respectfully submitted by:

Henry W. Jackson
Executive Director