

.43 Foaled Stakes Program.

A. Definitions. In this regulation, the following terms have the meanings indicated:

- (1) "Advisory Committee" means the Maryland Standardbred Race Fund Advisory Committee.
- (2) "Breeder" means the owner or, if leased, the lessee of the dam at the time of breeding.
- (3) "Conceived" means the impregnation of a dam, by means of natural or artificial insemination, by a Maryland stallion whose offspring meet the eligibility requirements for the Sire Stakes Program in Regulation .53 of this chapter.
- (4) "Covered by a Maryland stallion" means to be bred to a Maryland stallion whose offspring meet the eligibility requirements for the Sire Stakes Program in Regulation .53 of this chapter.
- (5) "USTA" means the United States Trotting Association.

B. Eligibility for Participation. For a horse to be eligible to participate in a race that is a part of the Foaled Stakes Program, the horse shall:

- (1) Be registered with the Advisory Committee; and
- (2) Have had paid in the horse's behalf all of the applicable registration, sustaining, and declaration fees required under this regulation.

C. Eligibility for Registration.

- (1) A horse may be registered with the Advisory Committee if:
 - (a) The horse was foaled in Maryland, as shown by a registration certificate from the USTA; and
 - (b) At least one of the following conditions is met:
 - (i) The breeder of the horse has maintained a place of abode in Maryland for more than 9 months immediately before registration,
 - (ii) The breeder of the horse keeps breeding stock continually in Maryland,
 - (iii) The horse was conceived in Maryland, or
 - (iv) The horse's dam was sent to Maryland to foal and, after foaling, was covered by a Maryland stallion during the season of the horse's birth.

(2) If, at the time of breeding, the dam is under lease, a lease agreement shall be on file in the office of the USTA.

(3) The eligibility requirements in this section are not applicable in regard to registration for the Sire Stakes Program in Regulation .53 of this chapter.

(4) If a foal is the product of an embryo/ovum transfer, only a donor mare's first born foal each year, resulting from such a transfer, is eligible for registration under this section.

D. Appeal of Refusal to Register a Horse.

(1) An owner or breeder may appeal to the Commission from a refusal of the Advisory Committee to register a horse under this regulation.

(2) The owner or breeder who makes the appeal has the burden of proving the eligibility of the horse.

(3) The decision of the Commission is final.

E. Registration. Except as provided in §F of this regulation, to register a yearling the Advisory Committee shall be provided on or before May 15 with a:

(1) Completed form for the registration of the yearling;

(2) Photocopy of the yearling's USTA registration certificate; and

(3) \$20 registration fee.

F. Late or Incomplete Registration.

(1) If a yearling was not registered in accordance with the provisions of §E of this regulation, the yearling shall be registered with the Advisory Committee if the following are received between May 16 and December 31:

(a) A completed registration form;

(b) A photocopy of the yearling's USTA registration certificate; and

(c) A \$500 late fee.

(2) If a photocopy of the USTA registration certification is not submitted in compliance with any of the provisions under this regulation the:

(a) Yearling shall be ineligible for participation in the Foaled Stakes Program; and

(b) Registration fee shall be forfeited.

G. Sustaining Fees.

(1) Except as provided in §G(2) of this regulation, the following sustaining fees are required by the following dates for the maintenance of a horse's eligibility:

- (a) First sustaining fee as a 2-year-old, \$120 by March 15;
- (b) Second sustaining fee as a 2-year-old, \$120 by May 15; and
- (c) Sustaining fee as a 3-year-old, \$240 by February 15.

(2) The second sustaining fee as a 2-year-old, due May 15, is optional and is required only to make the horse eligible to participate in the races provided by the Foaled Stakes Program for 2-year-olds.

(3) Except as provided in this regulation, a horse shall be disqualified from participation in any future races sponsored by this Program if there is a failure to make a timely payment of a fee under this section.

H. Declaration Fee. A declaration fee of \$150 is required to be made by the post time for the race into which the horse is declared.

I. Time and Method of Payment.

(1) To be timely, the appropriate fee shall be:

- (a) Delivered to the Advisory Committee by the designated due date; or
- (b) Mailed bearing a postmark which is on or before the due date.

(2) If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:

- (a) Delivered to the Advisory Committee by the next business day; or
- (b) Mailed and bearing a postmark which is not later than the next business day.

(3) Exceptions may not be made to the requirements of this section.

J. The owner of the horse is responsible for the declaration fee, and, if the owner of the horse is not the declarer of the horse, the person making the declaration is also responsible for the declaration fee.

K. Eligibility to Start.

(1) A horse, otherwise eligible to participate in this program, may not be declared into a race unless the horse has at least one satisfactory charted performance line at the time set for declaring in.

(2) A satisfactory charted performance line is a performance line:

(a) Credited to a horse after the horse starts from behind a starting gate in a qualifying or purse race within 30 days of the Foaled Stakes Program race in which the horse is to participate; and

(b) Which shows that the horse has completed the race without a break, other than a break caused by interference or broken equipment, at, or within, the following times according to the horse's age and gait:

(i) For events conducted on a 5/8 mile track:

Age and Gait	Time
2-year-old pace	2:07
2-year-old trot	2:09
3-year-old pace	2:06
3-year-old trot	2:08, and

(ii) For events conducted on a 1/2 mile track:

Age and Gait	Time
2-year-old pace	2:08
2-year-old trot	2:10
3-year-old pace	2:07
3-year-old trot	2:09.

(3) A 2-second allowance to the minimum performance time shall be granted on any trotting event held before May 1.

L. Use of Fees.

(1) All registration fees, sustaining fees, and penalties, less administrative costs, shall be added to the purse monies.

(2) All declaration fees shall be added to the purse for the event for which the fees were paid.

M. Provision may be made for the running of the following races at a distance of 1 mile, to be known as the Foaled Stakes Program races, which shall be open only to those horses eligible to participate in the Foaled Stakes Program:

(1) 2-year-old filly pace;

- (2) 2-year-old colt pace;
- (3) 2-year-old filly trot;
- (4) 2-year-old colt trot;
- (5) 3-year-old filly pace;
- (6) 3-year-old colt pace;
- (7) 3-year-old filly trot; and
- (8) 3-year-old colt trot.

N. The various age, sex, and gait divisions established under §M of this regulation may, from time to time, be eliminated by the Commission upon the recommendation of the Advisory Committee.

O. Each age, sex, and gait division, depending upon the availability of funds, may not be raced more than three times per year.

P. The purse amounts for the races authorized under §M of this regulation shall be determined by the Advisory Committee and approved by the Commission.

Q. Breeder Awards.

(1) An 8 percent Breeder Award, based upon the amount of the purse distributed, shall be divided between the dam and sire of a horse, if the horse:

- (a) Receives purse monies from a race provided for under §M of this regulation; and
- (b) Meets the eligibility requirements set forth for registration in the Sire Stakes Program under Regulation .53 of this chapter.

(2) Of the 8 percent awarded under §Q(1) of this regulation:

- (a) 6.4 percent shall be awarded to the dam of the horse; and
- (b) 1.6 percent shall be awarded to the sire of the horse, if the sire:
 - (i) Is still standing at stud in Maryland,
 - (ii) Died while standing at stud in Maryland,
 - (iii) Retired while standing at stud in Maryland, or

(iv) Left Maryland for breeding purposes in the southern hemisphere after the Maryland breeding season and, if still alive, returns to Maryland for the next breeding season.

(3) The awards, as apportioned under §Q(2) of this regulation, shall be paid to the:

(a) Individual or entity who was the owner of record with the USTA of the dam and sire at the time the horse was bred; or

(b) Lessee of the horse, rather than the owner, if the:

(i) Dam or the sire, respectively, was leased at the time the breeding took place; and

(ii) Lease was on record with the USTA at that time.

R. If more horses are declared to start in an event than can fit on the starting gate, the licensee holding the event shall split the event and divide the purse equally, except the declaration fees shall be allocated based on the number of horses in each division.

S. Gait.

(1) A horse's gait shall be specified and accompany each sustaining fee.

(2) A change of the horse's specified gait may be made at the time the horse is declared into a race.

(3) Any payments made before a change in the specified gait of a horse shall be credited to the races for the gait originally specified.

T. Time.

(1) The time for starters to declare into a Foaled Stakes Program race shall be the same as the time established by the race track for declaring into an overnight race.

(2) If the race track schedules the time for drawing into an overnight race more than 5 days before the running of the races, a Foaled Stakes Program race may not be drawn with these races, but shall be drawn at a time that is not more than 5 days before the scheduled running of the race.

U. Purse Distribution.

(1) The purse in each race shall be divided in the following manner:

(a) 50 percent, 25 percent, 12 percent, 8 percent, and 5 percent to the first five finishers, respectively, if five or more horses finish;

(b) 50 percent, 25 percent, 15 percent, and 10 percent to the first four finishers, respectively, if only four horses finish;

(c) 60 percent, 30 percent, and 10 percent to the first three finishers, respectively, if only three horses finish;

(d) 65 percent and 35 percent to the first two finishers, respectively, if only two horses finish; or

(e) 65 percent to the finisher and 35 percent is retained by the Standardbred Fund, if only one horse finishes.

(2) Unless the Commission eliminates the races for one of the age groups in accordance with §M of this regulation, the purse monies to be distributed each year on behalf of the Foaled Stakes Program shall be divided equally between races for 2-year-olds and races for 3-year-olds.

(3) Unless the Commission eliminates the races for one of the gaits in accordance with §M of this regulation, the purse monies in each age category shall be divided equally between races for trotters and races for pacers.

V. With the advice of the Advisory Committee the Commission may allow all Foaled Stakes Program races to be held at any race track in Maryland.

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