their true employer -- the trainer -- would be artificially severed by this legislation and replaced with an indirect relationship between owners and backstretch employees. Current practice reveals, for the most part, that trainers engage the services of backstretch personnel on a continuous basis and that a trainer often handles the horses of several owners. In most instances it is the trainer who employs and supervises these individuals and not the owner. The Maryland Racing Commission, as well as virtually every other racing regulatory authority in the country, has regarded backstretch personnel as the employees of trainers and requires that workmen's compensation coverage be provided for these employees as a condition of licensure.

In the context of the ordinary relationships among trainers, backstretch employees, and owners, House Bill 1119 presents serious questions of legal liability in terms of the responsible policyholder and the extent of coverage provided. For example, often several owners avail themselves of the services of a trainer who, in turn, employs backstretch personnel for the handling of several horses at once. If a groom sustains an injury in a stable or other common area while tending several horses owned by different persons, liability becomes problematic. Significant gaps in the coverage afforded these individuals may result where it is difficult, if not impossible, to determine who the employer is at the time of injury. The lack of clearly defined liability would in all likelihood prompt lengthy litigation and thus prove counterproductive to the interest of an injured employee. This is in contrast to the current practice whereby coverage, provided by the trainer, is clearly defined and is extended to these employees while performing their assigned functions. In my view, this proposed departure from current practice is unnecessary and may be harmful to the employee. It is this particular feature of House Bill 1119 that I find most unreasonable.

With respect to the classification of jockeys as the noncasual employees of the owners of thoroughbred racehorses, I find this to be a more difficult issue in light of the following observations.

First, the true relationship between a jockey and an owner has been adjudged by the Court of Appeals to be one of a strictly casual nature -- an express exemption from coverage under the Workmen's Compensation Law. In two cases it was held that the relationship between owner and jockey is single, isolated, complete in itself, connected to no past or future employment, and completed when the race is over. I believe that this assessment of the relationship between these individuals remains accurate and, therefore, question the policy of classifying jockeys as the noncasual employees of the owner.

Second, the accounting and risk management issues associated with implementing this bill may be significant to the owner. The assessment of risk, adequate coverage, and determinations of