

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 691

H.P. 500

House of Representatives, February 4, 1997

**An Act to Clarify the Sanctions for Violating Laws Relating to Animal
Pulling Events.**

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHICK of Lebanon.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: BUNKER of Kossuth Township, CROSS of Dover-Foxcroft, DUNLAP of
Old Town, FULLER of Manchester, PAUL of Sanford, SPEAR of Nobleboro, TRUE of
Fryeburg, VIGUE of Winslow.

Be it enacted by the People of the State of Maine as follows:

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4 **Sec. 1. 7 MRSA §74-A, sub-§8**, as enacted by PL 1995, c. 602,
§2, is amended to read:

6 **8. Administrative hearing; suspension.** In addition to or
8 in lieu of the civil action authorized by subsection 9, the
10 commissioner may institute an administrative proceeding. If the
12 commissioner institutes an administrative proceeding, the
14 commissioner shall give notice and an opportunity for hearing
16 under Title 5, chapter 375, subchapter IV, on any alleged
18 violation of this section. Upon giving notice, the commissioner
20 shall prohibit immediately the person against whom the violation
22 is alleged from competing in an event within the State. This
prohibition remains in effect for 30 days or until the
commissioner's decision following the hearing is received,
whichever occurs first, ~~exclusive of any delays resulting from~~
~~continuances requested by the person against whom the violation~~
~~is alleged~~ except that the prohibition period is extended by any
delays of the hearing requested by the person against whom the
violation is alleged.

24 If the person against whom the violation is alleged does not
26 request a hearing or if, after a hearing, the commissioner finds
28 a violation of this section, the commissioner shall prohibit that
person from competing in any event within the State for a period
of 2 years and also exclude the animal from competing in any
event within the State for a period of one year.

30 **Sec. 2. 7 MRSA §74-A, sub-§9, ¶B**, as enacted by PL 1995, c.
32 §2, is repealed.

34 **Sec. 3. 7 MRSA §74-A, sub-§9, ¶B-1** is enacted to read:

36 B-1. When a violation is adjudicated under this section,
38 the commissioner shall immediately suspend the right of the
40 person adjudicated to have committed the violation from all
42 events for a period of 2 years and shall also exclude the
44 animal involved from competing in any event for a period of
46 one year. An action by the commissioner based upon an
48 adjudication under this section is automatic and there is no
right to a hearing before the commissioner on the
suspension. A person who participated in an event during
any period of suspension or prohibition ordered by the
commissioner under this paragraph or subsection 8 and the
owner and trainer of any animal that competes during a
period of suspension or prohibition commit an additional
violation of this section.

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SUMMARY

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The purpose of this bill is to clarify and eliminate inconsistencies in the laws regarding suspensions from pulling events for those who violate the laws regulating pulling events.

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