

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
AT THE
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

Effective June 9, 1972

CHAPTER 585

AN ACT Relating to Use of Drugs on Animals at Agricultural Fairs.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is some indication that drugs or other substances are used to influence the natural performance of animals in competition at agricultural fairs; and

Whereas, the 105th Legislature by chapter 87 of the public laws of 1971 attempted to correct this condition; and

Whereas, such legislation has been proved to be unenforceable and should be amended to carry out the legislative intent; and

Whereas, the following legislation is vitally necessary to enable the Commissioner of Agriculture to investigate such conditions and to correct them; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of the State of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 7, § 74, repealed and replaced. Section 74 of Title 7 of the Revised Statutes, as enacted by chapter 87 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 74. Certain substances prohibited

No person shall feed, inject, insert or otherwise administer any drug, depressant, stimulant or sedative, which may affect the conduct, actions, endurance, strength, speed or performance of any animal, to any animal competing in any pulling competition. The Commissioner of Agriculture may require that any such animal before, during or after such competition be subjected to such tests as he may deem necessary for the detection of such drugs or substances. No person who owns or has custody of any animal competing in any such competition shall refuse to secure or restrain or shall interfere with the securing and restraining of any such animal as may be necessary for expeditious application of such tests or necessary identification. All such tests shall be administered by an authorized agent of the commissioner.

"Person," as used in this section, shall include individuals, firms and corporations.

Any person who feeds, injects, inserts or otherwise administers, or who causes to be fed, injected, inserted or otherwise administered, any drug, depressant, stimulant or sedative, which may affect the conduct, actions, endurance, strength, speed or performance of any animal, to any animal competing in any pulling competition shall be punished in accordance with Title 15, section 1741. Each animal to which such substances are administered and each pulling competition in which such animals are entered for competition shall constitute a separate offense.

The Commissioner of Agriculture may, in addition to or instead of any criminal prosecution under this section, bar any owner, trainer or other person responsible for any animal showing a positive test from participating in any pulling contest for a period of 2 years. Any animal showing a positive test may be prohibited from competing in any pulling contest for 45 days following the administration of the test.

Any person found guilty of participating in any pulling contest, after being prohibited from doing so by the commissioner under this section, shall be fined not less than \$100 nor more than \$500. Each pulling contest in which such person has participated in violation hereof shall constitute a separate offense.

If the result of any such test indicates the presence of a drug or substance that could affect the performance of any animal, this fact shall be prima facie evidence, in any criminal, civil or administrative proceeding pursuant to this section, that such a drug or substance has been administered to such animal.

Any person, firm or corporation aggrieved by any order issued under this section may, by petition, take an appeal within 60 days from the date of the order, to the Superior Court in the county where said person resides or where the firm or corporation is located. Out-of-state persons, firms or corporations may appeal to the Kennebec County Superior Court. No person shall participate in any pulling contest pending an appeal by such person pursuant to this paragraph.

No provision of this chapter shall prevent or prohibit the administering of any drug or medication to any animal as a therapeutic measure when approved by the commissioner.

The Commissioner of Agriculture may promulgate rules and regulations in order to carry out this section.

Sec. 2. R. S., T. 7, § 75, additional. Title 7 of the Revised Statutes is amended by adding a new section 75, to read as follows:

§ 75. Pulling events between animals

No person, firm, corporation or unincorporated society or association shall conduct any public or private pulling event between animals or pairs of animals within the State without a permit from the Commissioner of Agriculture.

Application for such a permit shall be made in writing to the Commissioner of Agriculture at least 10 days prior to the date on which such event is contemplated, and shall give the name of the person, firm, corporation or unincorporated society or association holding such event and the date and place the event is to be held, provided that one application and one permit may include one or more separate events when so specified. Permits granted under this section shall not be transferable.

Any person, firm, corporation or unincorporated association or society which conducts or causes to be conducted any public or private pulling event between animals or pairs of animals within the State, without a permit from the Commissioner of Agriculture, shall be punished in accordance with Title 15, section 1741.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 18, 1972

CHAPTER 586

AN ACT to Promote Vocational Education.

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

R. S., T. 26, § 1043, sub-§ 11, ¶ F, sub-¶ (6-1), additional. Paragraph F of subsection 11 of section 1043 of Title 26 of the Revised Statutes, as amended, is further amended by adding a new subparagraph (6-1) to read as follows:

(6-1) Services performed by a student attending an elementary or secondary school while participating in a cooperative program of education and occupational training.

Effective June 9, 1972

CHAPTER 587

AN ACT to Clarify the Laws on Veterans Reemployment Rights in Public Service.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine veterans are being deprived of reemployment in some public service jobs after returning from service in the Armed Forces of the United States; and

Whereas, Maine statutes cover certain veterans seeking reemployment by governmental units other than federal, and such statutes do not presently afford adequate protection in many instances or are ambiguous; and