

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)
New Draft of H. P. 1498, L. D. 1967
FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 2025

H. P. 1569 House of Representatives, February 8, 1972
Reported by Mr. Mosher from Committee on Agriculture. Printed under
Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

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 R. S., T. 7, § 74, repealed and replaced. Section 74 of Title 7 of the Revised Statutes, as enacted by chapter 87 of the public laws of 1971, is repealed and the following enacted in place thereof: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, society, association or organization shall hold any public or private pulling event between animals or pairs of animals within the State without a permit.

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, society, association or organization 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 who violates any provision of this section 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.