

# MAINE STATE LEGISLATURE

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(Emergency)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 747

S.P. 266

In Senate, March 16, 1987

Reference to the Committee on Agriculture suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator WEBSTER of Franklin.  
Cosponsored by Representative TARDY of Palmyra.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1           **AN ACT to Revise the Law Prohibiting the Use**  
2                   **of Drugs in Animals Competing in**  
3                   **Pulling Events.**  
4

5           **Emergency preamble.** Whereas, Acts of the Legis-  
6           lature do not become effective until 90 days after  
7           adjournment unless enacted as emergencies; and

8           Whereas, it is necessary to take action well be-  
9           fore the summer fair season begins in Maine; and

10           Whereas, in the judgment of the Legislature,  
11           these facts create an emergency within the meaning of  
12           the Constitution of Maine and require the following  
13           legislation as immediately necessary for the preser-  
14           vation of the public peace, health and safety; now,  
15           therefore,

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

3 7 MRSA §74, as amended by PL 1979, c. 541, Pt. A,  
4 §44, is repealed and the following enacted in its  
5 place:

6 §74. Certain substances prohibited

7 1. Prohibition. No person may feed, inject, in-  
8 sert or otherwise administer any drug or other sub-  
9 stance, including depressants, stimulants or  
10 sedatives, which may affect the conduct, actions, en-  
11 durance, strength, speed or performance of any ani-  
12 mal, to any animal entered in any pulling competi-  
13 tion. The Commissioner of Agriculture, Food and Ru-  
14 ral Resources may require that any such animal be  
15 tested for the detection of drugs or other substances  
16 before, during or after the competition.

17 A. No person who owns, trains, has custody of or  
18 is otherwise responsible for any animal entered  
19 into any pulling competition may refuse to secure  
20 or restrain or may interfere with the securing  
21 and restraining of any such animal as may be nec-  
22 essary for expeditious application of such tests  
23 or necessary identification. All tests shall be  
24 administered by an authorized agent of the com-  
25 missioner.

26 B. If the result of any test conducted under  
27 this section indicates the presence of a drug or  
28 other substance described in this section, this  
29 fact shall be prima facie evidence in any civil  
30 action or administrative proceeding brought pur-  
31 suant to subsection 2 or 3 that such a drug or  
32 other substance has been administered to the ani-  
33 mal.

34 C. For purposes of this section, each animal to  
35 which any drug or other substance prohibited by  
36 this section was administered and each occasion  
37 on which any drug or other substance was adminis-  
38 tered in violation of this section shall consti-  
39 tute a separate violation.

1           2. Violation. Any person who violates subsection  
2 1 commits a civil violation for which the following  
3 forfeitures may be adjudged and collected by  
4 the commissioner in a civil action:

5           A. For the first violation, a forfeiture of not  
6 more than \$500; and

7           B. For each subsequent violation, a forfeiture  
8 of not more than \$1,000.

9           3. Authority of the commissioner. In addition  
10 to or in lieu of the civil action authorized by sub-  
11 section 2, the commissioner may give notice and an  
12 opportunity for hearing under the Maine Revised Stat-  
13 utes, Title 5, chapter 375, subchapter IV, on any al-  
14 leged violation of subsection 1. If the person  
15 against whom the violation is alleged does not re-  
16 quest a hearing or if, after a hearing, the commis-  
17 sioner finds a violation of subsection 1, the commis-  
18 sioner shall bar that person from competing in any  
19 pulling contest within the State for a period of 2  
20 years and shall also bar the animal from competing in  
21 any pulling contest within the State for a period of  
22 one year.

23           4. Authority of the commissioner to take immedi-  
24 ate action. Upon giving notice and opportunity for  
25 hearing under subsection 3, the commissioner shall  
26 immediately bar the person against whom the violation  
27 is alleged from competing in any pulling contest  
28 within the State. This prohibition shall remain in  
29 effect until the expiration of 30 days or until re-  
30 ceipt of the commissioner's decision, whichever first  
31 occurs, exclusive of any delays resulting from con-  
32 tinuances requested by the person against whom the  
33 violation is alleged.

34           5. Authority of the commissioner to make rules.  
35 The commissioner may adopt rules relating to the ad-  
36 ministration of tests, the care and custody of test  
37 samples and such other matters as may be necessary to  
38 carry out the purposes of this section.

39           Emergency clause. In view of the emergency cited  
40 in the preamble, this Act shall take effect when ap-  
41 proved.

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STATEMENT OF FACT

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There is growing concern among persons involved in animal pulling competitions about the administration of drugs to animals entered in these competitions. In order to deter these practices, this bill strengthens present laws. It prohibits the administration of any and all drugs or other substances, including depressants, stimulants or sedatives, to any animal entered in a competition, without exception. The bill establishes civil forfeitures for violations and, in addition to or instead of a civil action, the Commissioner of Agriculture, Food and Rural Resources may proceed administratively, by way of a hearing, against an alleged violator. If the violator does not contest allegation or if, after hearing, the commissioner determines that a violation has occurred, the bill provides for a mandatory one year suspension from the competitions for any animal involved in the violation.

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