

# MAINE STATE LEGISLATURE

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L.D. 2132

(Filing No. H- 642 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1565, L.D. 2132,  
Bill, "AN ACT to Regulate the Use of Oxen, Pony and  
Draft Horse Competitions."

Amend the bill by striking out everything after  
the title and inserting in its place the following:

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

Whereas, there have been problems with treatment  
of animals in pulling events; and

Whereas, it is necessary to take action well  
before the summer fair season begins in Maine; and

Whereas, in the judgment of the Legislature, these  
facts create an emergency within the meaning of the  
Constitution 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. 5 MRSA §12004, sub-§8, ¶A, sub-¶(1-A2)  
is enacted to read:

1 (1-A2) Agriculture Pull Events Expenses 7 MRSA \$75  
2 Commission Only

3 Sec. 2. 7 MRSA \$75, as amended by PL 1979, c.  
4 541, Pt. A, §45, is repealed and the following enacted  
5 in its place:

6 §75. Pulling events between animals

7 1. Permits. No person, firm, corporation or  
8 unincorporated society or association may conduct any  
9 public or private pulling event between animals or  
10 pairs of animals within the State without a permit  
11 from the commissioner. The commissioner shall charge  
12 a permit fee of \$10 per pull day, up to a maximum of  
13 \$50 for pulls held on consecutive days at the same  
14 location. All revenue derived from the permit fees  
15 shall be deposited in the General Fund.

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

26 Any person, firm, corporation or unincorporated  
27 association or society which conducts or causes to be  
28 conducted any public or private pulling event between  
29 animals or pairs of animals within the State, without  
30 a permit from the commissioner, shall be guilty of a  
31 Class E crime.

32 2. Statutory rules. No permit may be issued  
33 unless the sponsor has adopted the following rules  
34 governing the conduct of each contest.

35 A. All teamsters who are to compete in contests  
36 shall have their teams ready at the published  
37 starting time. All classes shall be closed after

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1 the positions are drawn. Classes shall start as  
2 nearly as possible to the published time.

3 B. Check weighing will be allowed prior to the  
4 official weigh-in. All weighing shall be done in  
5 the forenoon if possible. The official weigh-in  
6 shall start not earlier than 3 hours nor later  
7 than 1 1/2 hours before the first class of the day  
8 starts. Teams must have on halters and shoes.

9 C. Measuring shall be in a straight line to the  
10 nearest point on the drag. Line-to-line measuring  
11 will be allowed. The front of the drag must touch  
12 the line before turning. To get the full-line  
13 measure, the drag must be turned more than 1/2 way.

14 D. Teams shall stay hooked to the drag at all  
15 times. No unhitching and rehitching may be  
16 allowed.

17 E. An actual separation, breaking or bending of  
18 equipment shall constitute a breakdown. Any team  
19 breaking down may take the distance pulled or  
20 return to the last position and pull over. Only  
21 one breakdown may be allowed.

22 F. Time limits shall be 5 minutes unless  
23 otherwise agreed upon by teamsters. Time starts  
24 when the drag is moved. The time limit to hook on  
25 in distance pulls shall be 3 minutes.

26 G. On horses, the very light use of the reins on  
27 the hind quarters only and no over and under may  
28 be allowed. No whip, brads or goads may be  
29 allowed. Reins shall not be doubled up. No  
30 electrical or electronic devices may be allowed.  
31 No open bridles may be allowed. Ponies shall not  
32 be struck except in a sweepstakes when they may be  
33 struck with a cap or bare open hand.

34 On oxen, the use of the goad shall be very light.  
35 The goad shall have no brad in it, only a plain  
36 yoke and chain or pole that may be pulled. All  
37 chains shall be covered to the hook. No piastic  
38 goads may be allowed. The goad stick must not be  
39 over 4 feet long and must not exceed 1/2 inch in

1 diameter on the small end. The goad stick may be  
2 taped with friction tape but not weighted. The  
3 stick may be used lightly on the face to control  
4 the oxen but not around the eyes.

5 H. Any number of helpers will be allowed to help  
6 hitch. After hitch-on, there shall be only one  
7 helper. The helper shall stay behind the drag  
8 unless needed to help the teamster with snarls or  
9 turns. On oxen, the helper must stay behind the  
10 drag at all times after hitch-on. The helper  
11 shall not have a stick.

12 I. All participants shall be properly dressed.  
13 Proper language must be used at all times. Any  
14 participant under the influence of liquor shall be  
15 disqualified from the contest. Tests may be made  
16 to determine intoxication. The drinking of  
17 intoxicating beverages by participants in and  
18 around the ring is prohibited.

19 J. The splitting of teams shall be decided by the  
20 fair association or other sponsor.

21 K. Use of drugs or stimulants on any competing  
22 animal is prohibited. The fair or person  
23 conducting the contest reserves the right to test  
24 any animal. The owner and teamster found to have  
25 used a drug on any competing animal shall be  
26 barred from pulling for 2 years as required by  
27 section 74, subsection 4.

28 L. No heading of horses or oxen may be allowed.  
29 Stepping over the rail counts as a hitch. Five  
30 minutes shall be allowed for hitching. Three  
31 attempts may be made within that period. Time  
32 taken out to position the drag for the next pull  
33 shall not be counted. Teamsters may not be  
34 changed after the first load is pulled. Any team  
35 deliberately driven over the rail will be  
36 disqualified from the contest. In case of a tie  
37 on the longest distance, the 2nd longest distances  
38 already pulled will take first place. Evener men  
39 must remain quiet after hitching on. One inch  
40 pulled shall constitute a hitch.

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1 M. There shall be no heading of horses after a  
2 pull starts unless there is a mix-up, snarl or  
3 breakdown.

4 N. A substantial barrier shall be maintained at  
5 the end of the ring toward which the pull is  
6 proceeding so as to prevent or substantially  
7 impede runaways.

8 O. There will be 100 pounds tolerance on draft  
9 steers and oxen on and after Labor Day weekend.

10 P. Any animal which is thin, dehydrated, shows  
11 open sores or is lame shall be disqualified.

12 Q. Before a team is allowed to pull, the owner  
13 shall provide a certificate of liability insurance  
14 in the amount of \$300,000.

15 3. Pull superintendents. Each sponsor of a  
16 pulling event shall appoint a pull superintendent who  
17 is certified by the commissioner under this section.  
18 The name of the superintendent shall be submitted in  
19 conjunction with the application for a permit to  
20 conduct each event. The Pull Events Commission shall  
21 promulgate rules for the qualifications required to be  
22 a pull superintendent. Procedures of the Maine  
23 Administrative Procedure Act, Title 5, chapter 375,  
24 shall be followed for such promulgation.

25 4. Enforcement. State humane agents shall  
26 promptly report to the pull superintendent any pulling  
27 event actions which violate this chapter, any portion  
28 of the animal welfare laws in this Title or any rule  
29 enacted by the department. If the superintendent  
30 fails or refuses to take corrective action, the agent  
31 shall take appropriate action relative to any  
32 violations of the animal welfare laws and make a  
33 written report to the commissioner concerning all  
34 violations. The agent shall make such additional  
35 reports as necessary to properly control the conduct  
36 of pull events. The superintendent shall enforce the  
37 laws and rules governing pull events and shall report  
38 pullers who are disqualified, flagrant violations of  
39 the law and such other matters as appropriate to the  
40 commission. A copy of all such reports shall be sent

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1 to the person whose name appears on the application  
2 for the pull permit.

3 Violation of pulling laws or rules may also be  
4 reported by veterinarians, members of the department,  
5 members of the Pull Events Commission and officers of  
6 organizations represented on the Pull Events  
7 Commission. The procedures of this subsection shall  
8 be followed for these reports.

9 5. Penalties. Utilizing the procedures of the  
10 Maine Administrative Procedure Act, Title 5, chapter  
11 375, the Pull Events Commission shall promulgate rules  
12 for the actions and penalties to be followed regarding  
13 violations of laws and rules governing pulling  
14 events. The opportunity for a hearing shall be as  
15 provided under the Maine Administrative Procedure Act,  
16 Title 5, chapter 375, when withholding a permit,  
17 prohibiting competition or a fine is the penalty  
18 proposed.

19 Upon receipt of a report of a violation the  
20 commissioner shall investigate and take such action as  
21 appropriate within the procedures provided by the  
22 rules promulgated by the commission. The disposition  
23 of violations shall be reported to the Pull Events  
24 Commission, the Maine Draft Horse and Ox Association,  
25 the Pony Association and pulling superintendents.

26 6. Pull Events Commission. The Pull Events  
27 Commission shall be as follows.

28 A. The Pull Events Commission, as authorized by  
29 Title 5, chapter 379, is established to develop  
30 rules for the certification of pull  
31 superintendents and for actions to be taken in the  
32 event of violation of pull laws and rules.

33 B. The board shall consist of 8 members appointed  
34 as follows:

35 (1) One horse puller and one ox puller  
36 appointed by the Maine Draft Horse and Ox  
37 Association, one pony puller appointed by the  
38 Pony Association;

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1                   (2) The Executive Director of the Animal  
2                   Welfare Board;

3                   (3) One Fair Superintendent appointed by the  
4                   Maine Association of Agricultural Fairs;

5                   (4) One representative of the Maine  
6                   Federation of Humane Societies appointed by  
7                   that federation;

8                   (5) One representative of the Maine Animal  
9                   Coalition appointed by that organization; and

10                  (6) The commissioner or a designated  
11                  representative.

12                  Each person required to make an appointment under  
13                  this subsection shall make the appointment by May  
14                  5, 1988, and inform the commissioner upon making  
15                  the appointment.

16                  C. The commissioner shall convene the commission  
17                  by May 15, 1988, at which time the commission  
18                  shall select a chairman.

19                  D. Appointments shall be for terms of 2 years.  
20                  Appointing persons shall review their appointments  
21                  after 2 years in conjunction with the commission  
22                  chairman and the commissioner and may reappoint or  
23                  replace the appointees as the appointing officer  
24                  determines. A vacancy shall be filled by the  
25                  appointing authority for a full 2-year term. A  
26                  commission member may be removed by the appointing  
27                  authority for cause which shall include poor  
28                  attendance. The chairman shall make  
29                  recommendations to the appointing authority  
30                  concerning a removal.

31                  E. Commission members shall receive expenses but  
32                  not per diem.

33                  F. The commission shall have the  
34                  responsibilities, powers and duties to:

35                                 (1) Develop qualifications for the  
36                                 certifying of pull superintendents and



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1 guidelines for dealing with violations of  
2 this section;

3 (2) Periodically review the rules for pulls  
4 as contained in subsection 2 and recommend to  
5 the Legislature such changes as necessary;

6 (3) Hold hearings as required on its  
7 rule-making activities and on individual  
8 violations. These hearings shall be held in  
9 accordance with the Maine Administrative  
10 Procedure Act, Title 5, chapter 375; and

11 (4) Give advice and recommendations to the  
12 commissioner on request or as the commission  
13 deems necessary.

14 7. Rules. Following the Maine Administrative  
15 Procedure Act, Title 5, chapter 375, and with the  
16 advice of the Pull Events Commission, the commissioner  
17 may adopt rules necessary to carry out the purposes of  
18 this chapter.

19 Sec. 3. Appropriation. The following funds are  
20 appropriated from the General Fund to carry out the  
21 purposes of this Act.

22 1988-89

23 AGRICULTURE, FOOD AND RURAL RESOURCES  
24 DEPARTMENT OF

25 Animal Welfare

26 Personal Services	\$6,300
27 All Other	2,600
28	
29 Total	<u>\$8,900</u>

30 Provides funds for  
31 intermittent humane  
32 agent services and  
33 travel costs.

34 Pull Events Commission

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1	All Other	\$2,400
2	Provides for member	
3	meeting expenses for 6	
4	meetings.	
5		
6	Total	<u>\$11,300</u>

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

10 FISCAL NOTE

11 This bill will result in an increase in revenue to  
12 the General Fund in the amount of \$1,700 for fiscal  
13 year 1988-89. This estimate is based on the  
14 anticipated revenue from fees to obtain permits to  
15 conduct pulling events.'

16 STATEMENT OF FACT

17 This amendment accomplishes the following:

- 18 1. Requires a \$10-a-day fee for a pull permit;
- 19 2. Puts into law the rules regarding pulls of the  
20 Maine Draft Horse and Ox Association;
- 21 3. Requires that pull events be conducted by a  
22 certified pull superintendent;
- 23 4. Gives the responsibility for enforcing pull  
24 laws and rules to state humane agents, but allows  
25 certain others to enforce them;
- 26 5. Sets up the Pull Events Commission to  
27 determine the qualifications for certification as a  
28 pull superintendent, develop the penalties for  
29 violation of pull laws and rules and hold any required  
30 hearings; and

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1            6. Appropriates \$8,900 for enforcement of the  
2 provisions of this bill by state humane agents and  
3 \$2,400 for meetings of the Pull Events Commission.  
4 Approximately \$1,700 will be raised through the sale  
5 of permits to conduct pulling events.

6

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Reported by the Committee on Agriculture  
Reproduced and distributed under the direction of the Clerk of the  
House  
4/7/88 (Filing No. H-642)