

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 197

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H.P. 137

House of Representatives, January 30, 1991

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset.  
Cosponsored by Senator HOLLOWAY of Lincoln.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act to Amend the Laws Governing Superintendents of Pulling Events.

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(EMERGENCY)



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

4  
6 Whereas, current law prohibits a person's participation in  
pulling events if that person has violated laws governing cruelty  
to animals within the previous 5 years; and

8  
10 Whereas, this legislation amends that law to apply only to  
violations occurring after the effective date of the original  
Act; and

12  
14 Whereas, this legislation must be in effect in time to apply  
to the pulling events that will take place at county fairs this  
upcoming summer; and

16  
18 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  
20 necessary for the preservation of the public peace, health and  
safety; now, therefore,

22  
24 **Be it enacted by the People of the State of Maine as follows:**

26 **Sec. 1. 7 MRSA §75, sub-§1, as amended by PL 1989, c. 153, is  
further amended to read:**

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

36  
38 Application for such a permit shall must be made in writing to  
the commissioner at least 10 days prior to the date on which such  
the event is contemplated, and shall must give the name of the  
40 person, firm, corporation or unincorporated society or  
association holding such the event and the date and place the  
42 event is to be held, provided that one application and one permit  
may include one or more separate events when so specified.  
44 Permits granted under this section shall are not be transferable.

46 Any person, firm, corporation or unincorporated association or  
society which that conducts or causes to be conducted any public  
48 or private pulling event between animals or pairs of animals  
within the State, without a permit from the commissioner, shall  
50 be is guilty of a Class E crime.

2 No person, firm, corporation or unincorporated association or  
4 society required to be licensed under this section to conduct a  
6 pulling event may allow, after having received notice from the  
8 Department of Agriculture, Food and Rural Resources, any person,  
10 firm, corporation or unincorporated association or society which  
12 that has been convicted within 5 years of violation of Title 17,  
14 section 1031 occurring after May 19, 1989, or which that has been  
16 adjudicated within 5 years to have committed a civil violation of  
18 section 4011 occurring after May 19, 1989, to participate as an  
20 owner, handler or in any other capacity, directly or indirectly,  
22 in any pulling event. A violation of this provision shall-be is  
24 grounds, upon compliance with appropriate provisions of the Maine  
Administrative Procedure Act, Title 5, chapter 375, for  
revocation or nonrenewal of any license issued under this section.

16 Any person, firm, corporation or unincorporated association or  
18 society which that, within the previous 5 years, has been  
20 convicted of a violation of Title 17, section 1031 occurring  
22 after May 19, 1989 or has been adjudicated to have committed a  
24 civil violation of section 4011 occurring after May 19, 1989, and  
which that participates, as an animal owner, handler or in any  
other capacity, directly or indirectly, in any pulling event  
required to be licensed pursuant to this section, is guilty of a  
Class E crime.

26 **Sec. 2. Retroactivity.** This Act applies retroactively to May  
28 19, 1989.

30 **Emergency clause.** In view of the emergency cited in the  
32 preamble, this Act takes effect when approved.

#### 34 STATEMENT OF FACT

36 Current law prohibits a person's participation in pulling  
38 events if that person has violated laws governing cruelty to  
40 animals within the previous 5 years. This bill amends that law  
to apply only to violations occurring after May 19, 1989.