

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1322, L.D. 1809, Bill, "An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions"

Amend the bill in section 2 in that part designated "§74-A." in subsection 1 by striking out all of paragraph D and inserting in its place the following:

'D. "Prohibited substance" means:

(1) A stimulant, depressant, tranquilizer or local anesthetic that could affect the conduct, actions, endurance, strength, speed, performance, appearance or disposition of an animal;

(2) Any substance that the commissioner by rule determines could affect the conduct, actions, endurance, strength, speed, performance, appearance or disposition of an animal;

(3) A drug, regardless of how harmless or innocuous, that interferes with the detection of any prohibited substance; or

(4) A metabolite or derivative of a prohibited substance.'

Further amend the bill in section 2 in that part designated "§74-A." in subsection 1 in paragraph E in the 2nd line (page 1, line 32 in L.D.) by striking out the following: "a horse" and inserting in its place the following: 'an animal'

COMMITTEE AMENDMENT

Further amend the bill in section 2 in that part designated "~~§74-A.~~" by striking out all of subsection 5 and inserting in its place the following:

'5. Refusal to submit animal for examination. An owner or trainer may not refuse to secure or restrain an animal for examination by a licensed veterinarian or a technician or agent of the licensed veterinarian and may not interfere with the restraining or securing of an animal for that examination.'

Further amend the bill in section 2 in that part designated "~~§74-A.~~" in subsection 8 in the 6th line (page 3, line 1 in L.D.) by striking out the following: "the Maine Revised Statutes"

Further amend the bill in section 2 in that part designated "~~§74-A.~~" by striking out all of subsection 10 and inserting in its place the following:

'10. Therapeutic drugs. This section does not prohibit the administration to an animal of a drug, the use of which is required for treatment of an illness or condition unrelated to the performance of the animal in the event. An animal in an event that receives a medication that contains a prohibited substance is not eligible for the event, unless the following requirements have been met and the facts requested are submitted in writing to the manager of the event.

A. The medication must be therapeutic and necessary for treatment of an illness or injury.

B. The animal must be withdrawn from the event for a period of at least 24 hours after medication has been administered.

C. Only a licensed veterinarian or a trainer acting under the direction of the licensed veterinarian may administer medication. The trainer may administer medication under the direction of the licensed veterinarian if the licensed veterinarian has assumed responsibility for making medical judgements regarding the health of the animal, has sufficient knowledge of the animal to make a general or preliminary diagnosis of the animal and is readily available to care for the animal in the event of an adverse reaction to medication or the failure of a trainer to adhere to a therapy regimen.

D. The amount, strength and mode of administration of medication must be identified.

E. The statement must include the date and time of the administration of medication.

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- 2 F. The animal must be identified by name, age, sex, color
3 and entry number.
- 4
- 5 G. The statement must contain the diagnosis and reason for
6 administering medication.
- 7
- 8 H. The statement must be signed by the person administering
9 medication.
- 10
- 11 I. The statement must be filed with the general manager of
12 the event within one hour after administration of medication
13 or one hour after the manager of the event returns to duty,
14 if administration is at a time other than during event hours.
- 15
- 16 J. The statement must be signed by the manager of the event
17 and the time of receipt of the statement recorded on the
18 statement by the manager.

19 If the chemical analysis of a sample taken pursuant to subsection
20 4 from the animal treated under this subsection indicates the
21 presence of a prohibited substance and all the requirements of
22 this subsection have been met, the information contained in the
23 statement and any other relevant evidence must be considered at a
24 hearing provided under subsection 8 in determining whether there
25 has been a violation of any provision of this section.'
26

27 Further amend the bill in section 2 in that part designated
28 "§74-A." in subsection 12 in the first paragraph by inserting at
29 the end the following: 'Rules adopted pursuant to this section
30 are routine technical rules as defined in Title 5, chapter 375,
31 subchapter II-A.'
32

33 Further amend the bill by inserting after section 3 the
34 following:

35 '**Sec. 4. Transition; rules.** Rules adopted pursuant to the Maine
36 Revised Statutes, Title 7, former section 74 remain in effect
37 until rescinded or amended.'
38

39 Further amend the bill by inserting at the end before the
40 statement of fact the following:
41

FISCAL NOTE

42 The Department of Agriculture, Food and Rural Resources will
43 incur some minor additional costs to administer new requirements
44 pertaining to the prohibition of the drugging of animals
45

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2 competing in livestock exhibitions. These costs can be absorbed
within the department's existing budgeted resources.

4 This bill may increase the number of civil cases filed in
the court system. The additional workload and administrative
6 costs associated with the minimal number of new cases filed can
be absorbed within the budgeted resources of the Judicial
8 Department. The collection of additional fines may also increase
General Fund revenue by minor amounts.'

10

12

STATEMENT OF FACT

14 This amendment adds to the definition of "prohibited
substance" any substance that the Commissioner of Agriculture,
16 Food and Rural Resources by rule determines could affect the
conduct, actions, endurance, strength, speed performance,
18 appearance or disposition of an animal entering into a pulling
event or livestock exhibition.

20

22 It also clarifies that an animal's owner or trainer may not
refuse to secure or restrain an animal for examination and may
not interfere with the securing or restraining of an animal.

24

26 The amendment also requires notice to be provided to the
manager of an event when an animal has been administered a
therapeutic drug. It also describes the conditions under which a
28 trainer may administer therapeutic drugs.

30

The amendment also adds a fiscal note to the bill.