

MAINE STATE LEGISLATURE

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RWS

L.D. 863

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 623, L.D. 863, Bill, "An Act to Amend the Pulling Event Laws"

Amend the bill by striking out everything after the title and before the summary 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, certain revisions to the laws governing pulling events are needed; and

Whereas, it is critical to the continuing tradition of pulling events throughout the State that pulling superintendents be trained and the Pull Events Commission be revitalized; and

Whereas, these changes and training may benefit the 1999 pulling season; 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. 7 MRSA §75, sub-§2, as amended by PL 1995, c. 602, §3, is further amended to read:

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2 **2. Statutory rules.** No A permit may not be issued unless
the sponsor has adopted the following rules governing the conduct
of each contest.

4
6 A. All teamsters who are to compete in contests shall have
their teams ready at the published starting time. All
classes shall must be closed after the positions are drawn.
8 Classes shall must start as nearly as possible to the
published time.

10
12 B. Check weighing will be allowed prior to the official
weigh-in. All weighing shall must be done in the forenoon
if possible. ~~The official weigh-in shall start not earlier~~
14 ~~than 3 hours nor later than 1 1/2 hours before the first~~
~~class of the day starts.~~ Teams must have on halters and
16 shees. Horses and ponies must have on shoes.

18 C. Measuring shall must be in a straight line to the
nearest point on the drag. Line-to-line measuring ~~will be~~
20 is allowed. The front of the drag must touch the line
before turning. To get the full-line measure, the drag must
22 be turned more than 1/2 way or the back of the drag must be
over the line.

24
26 D. Teams shall must stay hooked to the drag at all times.
~~No unhitching~~ Unhitching and rehitching ~~may be~~ are not
allowed.

28
30 E. An actual separation, breaking or bending of equipment
~~shall constitute~~ constitutes a breakdown. Any team breaking
32 down may take the distance pulled or return to the last
position and pull over. Only one breakdown ~~may be~~ is
allowed.

34
36 F. Time limits ~~shall be~~ are a maximum of 5 minutes unless
~~otherwise agreed upon by teamsters.~~ Time starts when the
38 drag is moved. The time limit to hook on in distance pulls
~~shall be~~ is 3 minutes.

40 G. On horses, the very light use of the reins on the hind
quarters only is allowed and ~~no~~ over and under ~~may be~~ is not
42 allowed. ~~No whip~~ Whips, brads or goads ~~may be~~ are not
allowed. Reins shall may not be doubled up. ~~No electrical~~
44 Electrical or electronic devices ~~may be~~ are not allowed. ~~No~~
open Open bridles ~~may be~~ are not allowed. Ponies shall may
46 not be struck except in a sweepstakes when they may be
struck with a cap or bare open hand.

48
50 On oxen, the use of the goad shall must be very light. The
goad shall may not have ~~no~~ a brad in it, only a plain yoke

and chain or pole that may be pulled, except that a rope may be allowed in children's classes as provided in rules adopted pursuant to subsection 7. All chains shall must be covered to the hook. ~~No-plastic~~ Plastic goads ~~may-be~~ are not allowed. The goad stick must may not be over 4 feet long unless approved by the pull superintendent and must may not exceed 1/2 inch in diameter on the small end. The goad stick may be taped with friction tape but not weighted. The stick may be used lightly on the face to control the oxen but not around the eyes.

H. Any number of helpers will--be are allowed to help hitch. After hitch-on, there shall may be ~~only-one-helper~~ no more than 2 helpers. The helper ~~helpers~~ shall stay behind the drag unless needed to help the teamster with snarls or turns. ~~On oxen, the helper must stay behind the drag at all times after hitch-on.~~ The helper shall helpers may not have a stick. This paragraph applies to distance pulls only.

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

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

L. ~~No-heading~~ Heading of horses or oxen ~~may--be~~ is not allowed. One inch pulled constitutes a hitch. Stepping over the rail counts as a hitch,--~~Five~~ and 5 minutes shall be are allowed for hitching. Three attempts may be made within that period. Time taken out to position the drag for the next pull shall may not be counted. Teamsters may not be changed after the first load is pulled. Any A team deliberately driven over the rail ~~will--be~~ is disqualified from the contest. In case of a tie on the longest distance, the 2nd longest distances already pulled will take first place. ~~Evener men--must~~ people shall remain quiet after hitching on. ~~One--inch--pulled--shall--constitute--a--hitch.~~ This paragraph does not apply to distance pulls.

M. There shall may not be no heading of horses after a pull starts unless there is a mix-up, snarl or breakdown.

N. A substantial barrier shall must be maintained at the end of the ring toward which the pull is proceeding se-as to

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prevent or substantially impede runaways. A teamster losing control of the team is disqualified immediately.

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

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

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

Sec. 2. 7 MRSA §75, sub-§3, as enacted by PL 1987, c. 849, §2, is amended to read:

3. **Pull superintendents.** Each sponsor of a pulling event shall appoint a pull superintendent who is certified by the commissioner under this section. The name of the superintendent ~~shall~~ must be submitted in conjunction with the application for a permit to conduct each event. Only those listed on the application as superintendent or assistant superintendent may officiate. A superintendent may not officiate as superintendent for any class in a pull event in which that superintendent is participating as a competitor. An assistant superintendent may not officiate as superintendent for any class in a pull event in which that assistant superintendent is participating as a competitor. The Pull Events Commission shall ~~premulgate~~ adopt rules for the qualifications required to be a pull superintendent or assistant pull superintendent. Procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, ~~shall~~ must be followed for such ~~premulgation~~ adoption.

Sec. 3. 7 MRSA §75, sub-§4, as enacted by PL 1987, c. 840, §2, is repealed and the following enacted in its place:

4. **Enforcement.** The superintendent shall enforce the laws and rules governing pull events and shall report pullers who are disqualified, violations of the law and other matters, as appropriate, to the Pull Events Commission. The commission shall send a copy of any such report to the sponsor whose name appears on the application for the pulling event and to the person whose conduct has been reported to the commission.

Humane agents shall promptly report to the pull superintendent any pulling event actions that violate this chapter, any portion of the animal welfare laws in this Title or any rule enacted by the department. If the superintendent fails or refuses to take corrective action, the humane agent shall take action to enforce

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2 the animal welfare laws and make a written report to the
3 commission concerning all violations.

4 **Sec. 4. 7 MRSA §75, sub-§6,** as amended by PL 1993, c. 549, §1,
5 is further amended to read:

6 **6. Pull Events Commission.** The Pull Events Commission
7 ~~shall be as follows~~ is established pursuant to this section.

10 A. The Pull Events Commission, as authorized by Title 5,
11 chapter 379, is established to develop rules for the
12 certification of pull superintendents and for actions to be
13 taken in the event of violation of pull laws and rules.

14 B. The ~~board~~ Pull Events Commission consists of 9 11
15 members appointed as follows:

18 (1) Two members appointed by ~~the Maine Draft Horse and~~
19 ~~Oxen Association~~ a statewide association representing
20 owners of draft horses and oxen who participate in
21 pulling events, one member appointed by ~~the Pine Tree~~
22 ~~Oxen Association~~ an association representing owners of
23 oxen who participate in pulling events and one member
24 appointed by ~~the Pony Association~~ an association
25 representing owners of ponies who participate in
26 pulling events;

28 (2) ~~The Executive Director of the Animal Welfare Board~~
29 An agricultural fair coordinator from the department;

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

34 (4) ~~One representative of the Maine Federation of~~
35 ~~Humane Societies appointed by that federation~~ Two
36 representatives appointed by Maine humane organizations;

38 (5) ~~One representative of the Maine Animal Coalition~~
39 ~~appointed by that organization;~~

40 (6) The commissioner or a designated representative;

41 (7) One member appointed by the commissioner
42 representing the general public; and

43 (8) One member appointed by the commissioner
44 representing the animal pulling industry.

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2 ~~Each person required to make an appointment under this~~
3 ~~subsection shall make the appointment by May 5, 1988, and~~
4 ~~inform the commissioner upon making the appointment.~~

5 ~~C. The commissioner shall convene the commission by May 15,~~
6 ~~1988, at which time the commission shall select a chairman.~~

7 C-1. The Pull Events Commission shall elect one of its
8 members as chair. The chair serves a 2-year term and may
9 not serve as chair for consecutive terms. The commission
10 shall meet a minimum of twice annually.

11 ~~D. Appointments shall be for terms of 2 years. Appointing~~
12 ~~persons shall review their~~ With the exception of the
13 commissioner and the fair coordinator, appointments after
14 must be for terms of 2 years in conjunction with the
15 commission chairman and the commissioner and may reappoint
16 or replace the appointees as the appointing officer
17 determines. A vacancy shall be is filled by the appointing
18 authority for a full 2-year term. A commission member may
19 be removed by the appointing authority for cause, which
20 shall include includes poor attendance. The chairman chair
21 shall make recommendations to the appointing authority
22 concerning a removal.

23 ~~E. Commission members shall may receive expenses but not~~
24 ~~per diem.~~

25 ~~F. The commission shall have the responsibilities, powers~~
26 ~~and duties to:~~

27 (1) Develop qualifications for the certifying of pull
28 superintendents and guidelines for dealing with
29 violations of this section;

30 (2) Periodically review the rules for pulls as
31 contained in subsection 2 and recommend to the
32 Legislature such changes as necessary;

33 (3) Hold hearings as required on its rule-making
34 activities and on individual violations. These
35 hearings shall must be held in accordance with the
36 Maine Administrative Procedure Act, Title 5, chapter
37 375; and

38 (4) Give advice and recommendations to the
39 commissioner on request or as the commission deems
40 considers necessary; and

41 (5) Coordinate, develop and conduct pulling
42 superintendent training seminars.

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2 **Sec. 5. Report to Legislature.** No later than January 15, 2000,
the Department of Agriculture, Food and Rural Resources, Pull
4 Events Commission shall submit a report to the Joint Standing
Committee on Agriculture, Conservation and Forestry on
6 disqualifications at pull events, violations of laws and rules
governing pull events, and violations of the animal welfare laws
8 observed at pulling events during the 1999 season. The report
must summarize reports submitted by pull superintendents and
10 humane agents in accordance with the Maine Revised Statutes,
Title 7, section 75, subsection 4. The report must include
12 minutes from commission meetings and an update on training
seminars for pull superintendents.

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

18 Further amend the bill by inserting at the end before the
summary the following:

22 **FISCAL NOTE**

24 The Pull Events Commission within the Department of
Agriculture, Food and Rural Resources will incur some minor
26 additional costs to adopt certain rules and to prepare and submit
the required report. These costs can be absorbed within the
28 commission's existing budgeted resources.

30 The Pull Events Commission may realize some minor savings
from no longer being required to pay members for expenses.'

34 **SUMMARY**

36 This amendment adds an emergency preamble and emergency
clause to the bill. It requires the Department of Agriculture,
38 Food and Rural Resources, Pull Events Commission to submit a
report to the Joint Standing Committee on Agriculture,
40 Conservation and Forestry by January 1, 2000. In addition, it
clarifies that only horses and ponies must wear shoes, that a
42 rope may be allowed on oxen in children's pull classes in
accordance with rules and which provisions apply to distance
44 pulls. It allows pulling superintendents to approve use of a
goad in excess of 4 feet in length. It removes the provision in
46 the bill that prohibited an animal from competing in consecutive
classes and the provision that prohibited a full arm swing. It
48 clarifies that pull superintendents or assistant pull
superintendents may not officiate over classes in which they are
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2 competing. It specifies that the Pull Events Commission must
3 send a copy of a report received regarding violations or other
4 conduct to the person whose conduct is being reported. It adds 2
5 members appointed by the Commissioner of Agriculture, Food and
6 Rural Resources to the Pull Events Commission. It removes the
7 provision in the bill that authorized the commissioner to appoint
8 all members of the commission. It requires the Pull Events
9 Commission to meet a minimum of twice annually. It requires the
10 commission to coordinate, develop and conduct training seminars
for pulling superintendents. The original bill required the
commission only to coordinate and assist in seminars.

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