

MAINE STATE LEGISLATURE

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M
R. 013

L.D. 1951

DATE: 3-12-02

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1454, L.D. 1951, Bill, "An Act to Increase the Permit Fees for Pulling Events"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Pulling Events Laws'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 7 MRSA §75-A, sub-§3, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, is repealed and the following enacted in its place:

3. Fees. The commissioner shall charge a permit fee of \$40 per pull day for an event sponsored by an entity receiving a stipend under section 62. The commissioner shall charge a seasonal permit fee of \$75 to an entity that does not receive a stipend under section 62. The season permit covers all pulls conducted by that entity for the year in which the permit is issued. All revenue derived from the permit fees must be deposited in a nonlapsing dedicated account.

Sec. 2. 7 MRSA §75-A, sub-§4, ¶G, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, is amended to read:

G. On horses, the very light use of the reins on the hindquarters only is allowed and over and under is not

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2 allowed. Whips, brads or goads are not allowed. Reins may
not be doubled up. Electrical or electronic devices are not
4 allowed. Open bridles are not allowed. Ponies may not be
struck except in a sweepstakes when they may be struck with
a cap or bare open hand.

6
8 On oxen, the use of the goad must be very light. The goad
may not have a brad in it, only a plain yoke and chain or
pole that may be pulled, except that a rope may be allowed
10 in children's classes as provided in rules adopted pursuant
to subsection 8. All chains must be covered to the hook.
12 Plastic goads are not allowed. The goad stick may not be
over 4 feet long unless approved by the pull superintendent
14 and may not exceed 1/2 inch in diameter on the small end.
The goad stick may be taped with ~~friction~~ tape but not
16 weighted. The stick may be used lightly on the face to
control the oxen but not around the eyes.

18 **Sec. 3. 7 MRSA §75-A, sub-§6, ¶B**, as enacted by PL 2001, c.
20 421, Pt. B, §4 and affected by Pt. C, §1, is amended to read:

22 B. The Pull Events Commission consists of 11 members:

24 (1) Two members appointed by a statewide association
representing owners of draft horses and oxen who
26 participate in pulling events, one member appointed by
an association representing owners of oxen who
28 participate in pulling events and one member appointed
by an association representing owners of ponies who
30 participate in pulling events;

32 (2) An agricultural fair coordinator from the
department;

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

38 (4) ~~Two--representatives~~ One representative appointed
by state humane organizations;

40 (5) The commissioner or a designated representative;

42 (6) One member, appointed by the commissioner,
44 representing the general public; and

46 (7) One member, appointed by the commissioner,
representing the animal pulling industry; and

48 (8) One member appointed by the Animal Welfare
50 Advisory Council.

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2 **Sec. 4. 7 MRSA §75-A, sub-§§7 and 10**, as enacted by PL 2001, c.
421, Pt. B, §4 and affected by Pt. C, §1, are amended to read:

4 **7. Enforcement.** The superintendent shall enforce the laws
6 and rules governing pull events and shall report participants who
8 are disqualified, violations of the law and other matters, as
10 appropriate, to the Pull Events Commission. The commission shall
12 send a copy of any such report to the sponsor whose name appears
14 on the application for the pulling event and to the person whose
16 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 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
the animal welfare laws and make a written report to the
commission concerning all violations.~~

Upon receipt of a written report alleging that a teamster has
violated the laws or rules governing pulling events, the
commission may after a hearing disqualify a teamster from
participation in pull events. Upon receipt of a written report
alleging that a superintendent or assistant superintendent has
violated the laws or rules governing pulling events or has failed
to take appropriate action to enforce the laws and rules
governing pulling events, the commission may after a hearing
suspend or revoke that person's certification to act as a pull
superintendent.

32 **10. Permit revocation.** A person, firm, corporation or
34 unincorporated association or society required to obtain a permit
36 under this section to conduct a pulling event may not allow,
38 after having received notice from the Department of Agriculture,
40 Food and Rural Resources, a person, firm, corporation or
42 unincorporated association or society that has been convicted
44 within 5 years of violation of Title 17, section 1031, or that
46 has been adjudicated within 5 years to have committed a civil
48 violation of section 4011 to participate as an owner or handler
50 or in any other capacity, directly or indirectly, in a pulling
event. A violation of this provision is grounds, upon compliance
with appropriate provisions of Title 5, chapter 375, for
revocation or nonrenewal of a permit issued under this section.

The commissioner may, in accordance with Title 5, chapter 375,
revoke a permit when the commissioner has received written
notification from the commission of violations of laws or rules
at a pulling event conducted under a permit held by that sponsor.
The commissioner may decline to issue a permit to a sponsor when

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2 the commissioner has received written notification from the
3 commission of violations of laws or rules at a pulling event
4 conducted under a permit held by that sponsor.'

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

8

FISCAL NOTE

10

2002-03

12

REVENUES

14

16	General Fund	(\$1,020)
	Other Funds	4,365

18 Repealing the current statutory fees for pulling events will
19 reduce annual General Fund revenue by \$1,020 beginning in fiscal
20 year 2002-03.

22 The establishment of new dedicated fees for pulling events
23 will increase dedicated revenue collections. The estimated
24 increase of annual dedicated revenue to the Division of Animal
25 Health and Industry within the Department of Agriculture, Food
26 and Rural Resources is \$4,365 beginning in fiscal year 2002-03.'

28

SUMMARY

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32 This amendment replaces the bill and changes its title. It
33 provides a new fee structure for permits to conduct pulling
34 events and requires that the fees be deposited in a nonlapsing
35 account. It removes the reference to a specific type of tape for
36 a goad stick. It provides for one member of the Pull Events
37 Commission to be appointed by the Animal Welfare Advisory
38 Commission. It clarifies the reporting process and enforcement
actions for violations of the laws and rules governing pulling
events. This amendment also adds a fiscal note to the bill.