

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1985

H.P. 1391

House of Representatives, January 31, 2006

### **An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs**

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Reported by Representative PIOTTI of Unity for the Department of Agriculture, Food and Rural Resources pursuant to Public Law 2005, chapter 382, Part G, section 1.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 5 MRSA §12004-G, sub-§3-A**, as amended by PL 2001, c.  
421, Pt. B, §1 and affected by Pt. C, §1, is further amended to  
6 read:

8 3-A. Pull Events Expenses 7 MRSA  
Agriculture Commission Only §75-A  
§98

10 **Sec. 2. 7 MRSA c. 3**, as amended, is repealed.

12 **Sec. 3. 7 MRSA c. 4** is enacted to read:

14 **CHAPTER 4**

16 **AGRICULTURAL FAIRS AND PULLING EVENTS**

18 **§81. Definitions**

20 As used in this chapter, unless the context otherwise  
22 indicates, the following terms have the following meanings.

24 1. Agricultural fair. "Agricultural fair" or "fair" means  
26 an exhibition that is designed to promote education and encourage  
improvement in agriculture and that includes, but is not limited  
to, the following:

28 A. The awarding of premiums for livestock competitions;

30 B. The display of and awarding of premiums for  
32 horticultural products; and

34 C. The display and presentation of agricultural activities  
and projects undertaken by youth organizations.

36 2. Agricultural society. "Agricultural society" means a  
38 nonprofit organization or association incorporated in the State  
to promote education and encourage improvement in agriculture.

40 3. Animal. "Animal" means an animal entered in an event.

42 4. Event. "Event" means a public pulling competition or  
44 livestock exhibition.

46 5. Fair Fund. "Fair Fund" means the fund established in  
48 section 85.

2 6. Fair licensee. "Fair licensee" or "licensee" means a  
3 person, agricultural society or other entity licensed to conduct  
4 an agricultural fair in accordance with section 83.

5 7. Licensed veterinarian. "Licensed veterinarian" means a  
6 person licensed as a veterinarian by the State who is operating  
7 under the direction or authority of the department.

8 8. Livestock. "Livestock" means cattle, equines, goats,  
9 members of the genus Lama, rabbits, sheep and swine.

10 9. Poultry. "Poultry" means domesticated fowl and  
11 domesticated waterfowl.

12 10. Premium. "Premium" means a ribbon, trophy or monetary  
13 amount or a service or object with monetary value awarded as a  
14 prize for competing in an event.

15 11. Prohibited substance. "Prohibited substance" means:

16 A. A stimulant, depressant, tranquilizer or local  
17 anesthetic that could affect the conduct, actions,  
18 endurance, strength, speed, performance, appearance or  
19 disposition of an animal;

20 B. Any substance that the commissioner through rulemaking  
21 in accordance with section 96, subsection 6 determines could  
22 affect the conduct, actions, endurance, strength, speed,  
23 performance, appearance or disposition of an animal;

24 C. A drug, regardless of how harmless or innocuous, that  
25 interferes with the detection of any other prohibited  
26 substance; or

27 D. A metabolite or derivative of a prohibited substance.

28 12. Stipend. "Stipend" means an amount distributed from the  
29 Stipend Fund or the Fair Fund to a qualifying fair licensee.

30 13. Stipend Fund. "Stipend Fund" means the fund receiving  
31 money in accordance with Title 8, sections 286 and 287 to provide  
32 aid and encouragement to fair licensees.

33 14. Trainer. "Trainer" means a person who has the  
34 responsibility for the care, training, custody or performance of  
35 an animal, including, but not limited to, any person who signs an  
36 entry blank for an event.

37 §82. Commissioner's duties and powers

2 1. Licensing and apportionment. The commissioner shall  
4 issue fair licenses in accordance with section 83. The  
commissioner shall apportion annually the stipend due from the  
Stipend Fund and the Fair Fund to qualified fair licensees.

6 2. Administration of Stipend Fund and Fair Fund. In  
8 administering the provisions of this chapter pertaining to the  
Stipend Fund and the Fair Fund, the commissioner shall:

10 A. Issue blanks for a licensee or the appropriate officer  
12 of a licensee to submit information necessary for the  
commissioner to obtain full knowledge of the licensee's work  
for each year;

14 B. Certify to the Governor the amount of stipend due a  
16 licensee; and

18 C. Make distributions from the Stipend Fund and the Fair  
20 Fund in accordance with this chapter.

22 3. Authority to summons. The commissioner may summon and  
24 examine on oath an officer or director of any entity holding a  
fair license or any person whose testimony the commissioner  
26 considers necessary in the proper discharge of the commissioner's  
duties under this chapter. The commissioner may require  
28 witnesses to offer for examination books or records in their  
custody or control that the commissioner considers necessary for  
the performance of the commissioner's duties.

30 4. Authorization for payment. The commissioner may  
32 authorize payment of a stipend only to a fair licensee that has  
adhered to the requirements of this chapter. A fair licensee is  
34 not entitled to a stipend unless the licensee completes and  
returns blanks issued in accordance with subsection 2. Neglect or  
36 failure on the part of a licensee to adhere to the requirements  
of this chapter is sufficient cause for withholding that  
38 licensee's stipend.

40 5. Rulemaking. The commissioner shall adopt rules to  
42 establish procedures for licensing and awarding dates for  
agricultural fairs and performance standards for evaluating  
44 agricultural fairs. Rules adopted pursuant to this subsection  
are routine technical rules as defined in Title 5, chapter 375,  
subchapter 2-A.

46 **§83. Licensing of agricultural fairs**

48 A person or entity is not eligible to receive a stipend  
50 unless that person or entity has been issued a license by the  
department to hold an agricultural fair.

2           1. Application; fee. A person or entity applying for a  
4           license under this section must submit a completed application  
6           form and a \$10 license fee to the commissioner no later than  
8           March 31st in the calendar year preceding the first year of the  
10           license. The application for the license must contain the  
          information prescribed by the commissioner and must be signed and  
          sworn to by the applicant. When the applicant is an agricultural  
          society, an executive officer of the society must sign and swear  
          to the information on the application.

12           2. Issuance of license. If satisfied that an applicant  
14           will comply or, if an applicant has previously held a license,  
16           that the applicant has complied and will continue to comply with  
18           the requirements of this chapter and rules adopted pursuant to  
20           this chapter, the commissioner may issue a license to the  
          applicant for an agricultural fair. A license is issued for 3  
          consecutive years and only for the dates assigned by the  
          commissioner in accordance with section 84.

#### 22           **§84. Fair dates**

24           1. Assigned fair dates. The commissioner shall set the dates  
26           for which an agricultural fair license is effective in accordance  
28           with rules adopted pursuant to section 82, subsection 5. No later  
          than May 15th of the calendar year preceding the first year of  
          each 3-year license period, the commissioner shall announce the  
          assignment of fair dates and issuance of licenses.

30           2. Requests for changes in dates. A licensee may petition  
32           the commissioner for a change in the fair dates assigned under  
34           this section. The petition must be received a minimum of 90 days  
36           prior to the licensee's first assigned fair date for that year.  
38           Upon receipt of the petition, the commissioner shall reconsider  
          the dates assigned, following the same procedure by which the  
          dates were originally assigned, and shall make a determination  
          within 30 calendar days.

40           3. Cancellation or reduction in fair days. A licensee  
42           shall notify the commissioner of a cancellation or any proposed  
44           decrease in the number of days of a fair. This notification must  
          be made a minimum of 60 days prior to the first fair day assigned  
          to the licensee for a given year.

#### 46           **§85. Fair Fund**

48           The Treasurer of State shall establish the Fair Fund and  
50           shall annually credit a sum of money equal to 5% of the total  
          amount designated as state share in accordance with Title 8,  
          section 286 to the Fair Fund. The commissioner shall make

2 distributions from the Fair Fund only to licensees eligible for a  
3 stipend under section 86, subsections 5 and 6. Distributions are  
4 prorated according to the amount of premiums and gratuities  
5 actually paid by those licensees in full and in cash or valuable  
6 equivalent. Restrictions on premiums and gratuities used to  
7 determine apportionment of a stipend under section 86, subsection  
8 5 apply to distribution from the Fair Fund.

9  
10 **§86. Stipend Fund**

11  
12 1. Annual distribution. The commissioner shall annually  
13 distribute all money contributed to the Stipend Fund under Title  
14 8, sections 286 and 287 to qualified licensees in accordance with  
15 this section.

16 2. Distribution of funds to fair licensees that conduct  
17 pari-mutuel racing. Forty-four percent of the amounts  
18 contributed to the Stipend Fund under Title 8, sections 286 and  
19 287 must be divided into equal amounts for reimbursement to each  
20 licensee that:

21 A. Conducts pari-mutuel racing in conjunction with its  
22 annual fair;

23 B. Has improved its racing facilities; and

24  
25 C. Has met the standards for facility improvements set by  
26 the commissioner for that licensee.

27  
28  
29 A licensee that has not complied with the improvement standards  
30 set by the commissioner for a given year is not eligible for a  
31 reimbursement under this subsection for that year.

32  
33 3. Distribution of funds to fair licensees who do not  
34 conduct pari-mutuel racing. Eight percent of the amount  
35 contributed to the Stipend Fund under Title 8, sections 286 and  
36 287 for a calendar year must be divided into amounts in  
37 proportion to the sums expended for premiums by the licensee in  
38 that year for reimbursement to each licensee that:

39 A. Does not conduct pari-mutuel racing; and

40  
41 B. Has met the standards for facility improvements set by  
42 the commissioner for that licensee.

43  
44  
45 A licensee that has not complied with the improvement standards  
46 set by the commissioner for a given year is not eligible for a  
47 reimbursement under this subsection for that year.  
48

2        4. Expenditures for administration and inspection services.  
3        The commissioner may expend annually up to 13% of the Stipend  
4        Fund for administrative and inspection services provided under  
5        this chapter.

6        5. Distribution to all eligible licensees.    The amount  
7        remaining in the Stipend Fund after distributions in accordance  
8        with subsections 2, 3 and 4 must be divided among fair licensees  
9        meeting the eligibility criteria in subsection 6, prorated  
10       according to the amount of premiums and gratuities actually paid  
11       by those licensees in full and in cash or valuable equivalent.

12       In determining distribution under this subsection, no allowance  
13       is made on premiums offered and paid by a licensee at any event  
14       held other than during the period at which its annual fair is  
15       held. Allowance may not be made or consideration given for lump  
16       sums, payments or premiums previously arranged and agreed upon  
17       for the presentation and display of any animals or products  
18       without regard to competition.

19       Premiums and gratuities used to determine apportionment under  
20       this subsection are limited to those paid for:

21            A. Livestock and poultry;

22            B. Vegetables, grains, fruits and flowers;

23            C. Products derived from livestock;

24            D. Home-canned, home-cooked and home-baked goods;

25            E. Grange and farm exhibits;

26            F. Boys' and girls' club exhibits;

27            G. Mechanical arts exhibits;

28            H. Domestic and fancy articles produced in the home;

29            I. Pulling contests for equines and oxen; and

30            J. Pulling contests for farm tractors and pickup trucks.

31        6. Eligibility for stipend.    A licensee is not entitled to  
32        a stipend under this chapter unless:

33            A. The licensee holds a license that is valid for the year  
34            for which the stipend is calculated;



2 B. Exhibits of vegetables, fruits, grains or dairy  
3 products, are regularly displayed in an attractive manner  
4 upon the fairgrounds during the fair, the products exhibited  
5 are representative of those produced in the county in which  
6 the fair is held and the quality of the products is  
7 acceptable to the commissioner;

8 C. The health status of domestic animals shown or exhibited  
9 at the fair satisfies the health requirements established by  
10 the commissioner in accordance with section 1811 and rules  
11 adopted pursuant to section 1752;

12 D. The fair is conducted in accordance with performance  
13 standards established in rules adopted pursuant to section  
14 82, subsection 5; and

15 E. The minimum premiums established in subsection 7 are paid.

16  
17 7. Minimum premiums required. To be eligible to receive a  
18 stipend, a licensee must:

19  
20  
21 A. Upon receiving an initial license, spend a minimum of  
22 \$750 per year on premiums for 3 years for displays of  
23 agricultural products, excluding premiums for equine and ox  
24 pulling contests and farm tractor and pickup truck pulling  
25 contests; and

26  
27 B. Upon fulfilling the requirement under paragraph A,  
28 continue to spend a minimum of \$1,200 on premiums yearly for  
29 displays of agricultural products, excluding premiums for  
30 equine and ox pulling contests and farm tractor and pickup  
31 truck pulling contests.

32  
33 8. Maximum allowed distribution from Stipend Fund. A  
34 licensee may not receive a stipend from the Stipend Fund greater  
35 than the amount actually raised and spent by the licensee on  
36 premiums and gratuities in the classes provided in subsection 5.  
37 A licensee may not receive a stipend from the Stipend Fund in  
38 excess of \$10,000, except that this limitation does not apply to  
39 any additional stipend provided for by Title 8, section 287 or to  
40 funds distributed from the Fair Fund or the Agricultural Fair  
41 Support Fund in accordance with section 91.

42  
43 **§87. Licensees ineligible for stipend**

44  
45 1. Distribution of profits as primary purpose. A licensee  
46 is not eligible for a stipend if the licensee is an entity with  
47 stockholders or members and the commissioner determines that the  
48 primary purpose of the licensed entity is the distribution of  
49 profits to its members or stockholders.  
50

2           2. Premiums on unregistered males prohibited. A stipend may  
4 not be paid to any licensee offering or paying premiums in  
6 breeding classes on male animals not recorded in the books of  
8 record for their respective breeds as recognized by the  
commissioner. The commissioner may make verification of breed  
records a part of the sworn certificate required under section  
88, subsection 1, paragraph A.

10           **§88. Filing and certification; investigation of complaints**

12           1. Filing requirement. A licensee may not receive payment  
14 of a stipend or state aid by special appropriation until:

16           A. The licensee files a sworn certificate stating the  
18 amount of money raised by the licensee in connection with  
the fair and the amount actually awarded and paid in  
premiums; and

20           B. The commissioner submits a certificate to the executive  
22 director of the State Harness Racing Commission stating that  
24 the commissioner has examined the claim of the licensee and  
26 determined that the licensee has complied with sections 86  
and 87 and has awarded and paid as premiums and gratuities a  
sum equal to or greater than the stipend received by the  
licensee.

28           2. Investigation of complaints. Upon receiving a written  
30 and signed complaint alleging a violation of this chapter  
32 relating to the payment of state aid in any form to a licensee,  
34 the commissioner may investigate the alleged violation and employ  
36 such agents and counsel as necessary to aid in the  
38 investigation. Expenses incurred for an investigation under this  
40 subsection are paid out of the general appropriation for state  
42 aid to licensees. When an investigation determines that a  
44 licensee has violated this chapter, the expense of the  
investigation is paid from the amount that would otherwise have  
been paid to that licensee. If a licensee against which the  
complaint is made receives its aid by special enactment, then the  
expense of the investigation is paid from the appropriation for  
that licensee.

44           **§89. Licensees holding pari-mutuel racing meets**

46           In addition to other requirements provided in this chapter,  
48 a licensee that holds pari-mutuel racing meets must put on an  
50 agricultural fair during one racing meet each year to be eligible  
to receive a stipend. Exhibits must be kept in an attractive  
display for a minimum of 3 consecutive days during the meet. The  
total premium payments for these exhibits must be an amount equal

2 to or greater than the premiums paid for pulling contests at the  
3 fair and race meet, and not less than 25% of the premiums paid  
4 for harness horse races conducted during the annual fair.

5 The conducting of pari-mutuel betting by an entity licensed  
6 by the State Harness Racing Commission in accordance with Title  
7 8, chapter 11 is not cause for withholding that entity's stipend.

8  
9 **§90. Annual reports**

10  
11 1. Annual reports. No later than December 31st of the year  
12 for which a stipend is requested, a licensee claiming a stipend  
13 shall file with the commissioner a statement setting forth:

14 A. The financial condition and transactions of the licensee;

15 B. The amounts paid in premiums in each of the classes or  
16 displays used to determine apportionment under section 85,  
17 subsection 5; and

18 C. Additional information requested by the commissioner  
19 relative to the character of displays and the conduct of  
20 exhibitions.

21  
22 The licensee shall submit the required information on blanks  
23 furnished by the commissioner. Upon receipt and after examination  
24 of these statements, and if the commissioner finds the submission  
25 to be accurate, complete and in accordance with sections 85 and  
26 86, the commissioner shall issue the certificate required under  
27 section 88.

28  
29 **§91. Agricultural Fair Support Fund**

30  
31 1. Fund created. The Treasurer of State shall establish an  
32 account to be known as "the Agricultural Fair Support Fund" and  
33 shall credit to it all money received under Title 8, section  
34 1036, subsection 2, paragraph D.

35  
36 2. Disbursement. No later than January 31st of each year,  
37 all funds held as of the end of the previous calendar year in the  
38 Agricultural Fair Support Fund must be distributed by the  
39 Treasurer of State as follows:

40  
41 A. Thirty-four percent of these funds must be distributed to  
42 all commercial tracks as defined in Title 8, section 275-A  
43 and to all fair licensees that during the previous year were  
44 licensed to and did accept pari-mutuel wagers on harness  
45 horse races. These funds must be distributed in the manner  
46 prescribed in Title 8, section 298; and

2           B. Sixty-six percent of these funds must be divided among  
4           all fair licensees that were licensed during the previous  
6           year. These funds must be distributed to licensees according  
8           to the proportions established by section 86, subsection 5  
          and may be used at the licensee's discretion. To receive  
          distribution under this paragraph, a licensee holding  
          pari-mutuel racing in the previous year must have been in  
          compliance with section 89.

10       **§92. Constables**

12           The officers of an agricultural society may appoint persons  
14           to act as constables at a licensed fair sponsored by that society  
16           for the preservation of the public peace and the enforcement of  
18           the regulations of the society. An appointment made under this  
20           section is valid only within the town where the fair is held and  
22           only for the period from noon of the day preceding the  
          commencement of the fair until noon of the day after the  
          termination of the fair. A constable appointed under this  
          section has the powers and duties of a constable under Title  
          30-A, section 2673.

24       **§93. Property management**

26           An agricultural society may acquire and hold property, real  
28           and personal. The annual income from this property must be used  
30           for the purposes stated in the society's charter. The treasurer  
32           for a society may receive conveyances or leases of property for  
          the society, and hold, sell, mortgage or pledge the property. A  
          treasurer using this authority to manage property shall give  
          bonds to the trustees of the society for safekeeping and the  
          faithful discharge of the treasurer's duties.

34       **§94. Entry fees; lien on animals or articles**

36           1. Payment of entry fee. A person who enters an animal or  
38           article in a competition for premiums offered by a licensee must  
40           pay the entry fee in accordance with the advertised rules and  
42           regulations of the licensee, as long as the rules and regulations  
          are not in conflict with the laws of the State or rules adopted  
          in accordance with the laws of the State.

44           2. Lien for failure to pay. When an entry fee is not paid  
46           as required under subsection 1, a lien is created upon an animal  
48           or article to secure payment with costs. The lien may be  
50           enforced by a civil action against the person owning the animal  
          or article, or the person entering the animal or article in the  
          competition. Alternatively, the lien may be enforced in the same  
          manner as liens on goods in possession.

2 3. Exception to lien. A lien under subsection 2 does not  
3 affect the ownership of an animal or article when a person who  
4 was not responsible for the entry fee and had no notice of the  
5 lien purchases the animal or article.

6 **§95. Restriction on sale of goods and refreshments; lease of land**

8 1. Sale of goods and exhibitions restricted. A person who  
9 sells refreshments or other merchandise, or exhibits a show or  
10 play, unless in that person's own dwelling or usual place of  
11 business, within a quarter of a mile of the fairgrounds during  
12 the time a licensed fair is conducted is subject to a forfeit of  
13 not more than \$100 to the licensee.

14 2. Lease restricted. A person who leases any land or  
15 building adjoining or overlooking the fairgrounds to spectators  
16 of an exhibition on the fairgrounds during the time of the  
17 exhibition, without the written consent of the licensee, is  
18 subject to a forfeit of not more than \$100 to the licensee.

19 3. Recovery on complaint. A forfeiture under this section  
20 may be recovered on complaint of the licensee.

21 **§96. Use of prohibited substance; animals entered in events**

22 1. Prohibition on administration of prohibited substance. A  
23 person may not feed, inject, insert or otherwise administer or  
24 attempt to administer or instruct, aid or conspire with another  
25 person to administer or employ anyone who administers or attempts  
26 to administer a prohibited substance to an animal.

27 2. Prohibited use or exhibition of drugged animal. A  
28 person may not enter or use in an event an animal that has been  
29 administered a prohibited substance. The commissioner may require  
30 that an animal be tested for the presence of a prohibited  
31 substance before, during or after an event.

32 3. Animals subject to examination; scope; request for  
33 test. An animal entered in an event is subject to examination  
34 under the direction of a licensed veterinarian or an agent of the  
35 licensed veterinarian. The licensed veterinarian, with the  
36 approval of the commissioner, may appoint technicians and agents  
37 to perform duties under this section that are not prohibited by  
38 other provisions of law. The examination may include physical,  
39 saliva, urine or blood tests or other tests or procedures that  
40 the licensed veterinarian considers necessary to carry out the  
41 purposes of this section. The licensed veterinarian may examine  
42 an animal entered in an event if that animal is on the grounds of  
43 the event. The licensed veterinarian also may examine an animal  
44 entered in an event if that animal is on the grounds of  
45 the event. The licensed veterinarian also may examine an animal  
46 entered in an event if that animal is on the grounds of  
47 the event. The licensed veterinarian also may examine an animal  
48 entered in an event if that animal is on the grounds of  
49 the event. The licensed veterinarian also may examine an animal

2 withdrawn by the owner or trainer of the animal within 24 hours  
3 prior to an event for which the animal had been entered.

4 4. Refusal to submit animal for examination. An owner or  
5 trainer may not refuse to secure or restrain an animal for  
6 examination under this section by a licensed veterinarian or a  
7 technician or agent of the licensed veterinarian and may not  
8 interfere with the restraining or securing of an animal for that  
9 examination.

10 5. Presence of prohibited substance; prima facie evidence.  
11 If the chemical analysis of a test performed under subsection 3  
12 indicates the presence of a prohibited substance, it is prima  
13 facie evidence that the substance has been administered to the  
14 animal. For purposes of this section, each administration of a  
15 prohibited substance to an animal and each occasion on which a  
16 prohibited substance was administered in violation of subsection  
17 1 constitutes a separate violation.

18 6. Authority of commissioner to make rules. The  
19 commissioner may adopt rules relating to the administration of  
20 tests, the care and custody of test samples and all other matters  
21 necessary to carry out the purposes of this section. Rules  
22 adopted pursuant to this subsection are routine technical rules  
23 as defined in Title 5, chapter 375, subchapter 2-A.

24 7. Responsibility of owner and trainer for condition of  
25 animal; substitute trainer. In the absence of substantial  
26 evidence to the contrary, the owner and trainer of an animal are  
27 responsible for the condition of the animal, including the  
28 presence of a prohibited substance, and are charged with  
29 knowledge of all the provisions contained in this section and the  
30 regulations adopted pursuant to this section. If a trainer is  
31 prevented from performing the trainer's duties, including  
32 responsibility for an animal under this subsection, by illness or  
33 other cause, or is absent from the event where an animal under  
34 the trainer's care is entered and stabled, the trainer  
35 immediately shall notify the secretary or general manager of the  
36 event. At the time of notification, the trainer shall specify a  
37 substitute trainer and the substitute trainer shall place the  
38 substitute trainer's name on the entry blank. The substitute  
39 trainer has the same responsibilities as the trainer concerning  
40 the condition of an animal in that trainer's care.

41 8. Administrative hearing; suspension. In lieu of a civil  
42 action under subsection 9, the commissioner may institute an  
43 administrative proceeding on any alleged violation of this  
44 section. If the commissioner institutes an administrative  
45 proceeding, the commissioner shall give notice and an opportunity  
46 for hearing under Title 5, chapter 375, subchapter 4. Upon  
47 the hearing, the commissioner may suspend the license of the  
48 owner or trainer for a period not to exceed 30 days.  
49 Upon the hearing, the commissioner may also suspend the  
50 license of the substitute trainer for a period not to exceed 30  
51 days.

2 giving notice to a person who is alleged to be in violation of  
3 this section, the commissioner shall immediately prohibit that  
4 person from competing in an event within the State. This  
5 prohibition remains in effect for 30 days or until the  
6 commissioner's decision following the hearing is received,  
7 whichever occurs first, except that the prohibition period is  
8 extended by any delays of the hearing requested by the person  
9 against whom the violation is alleged.

10 If the person against whom the violation is alleged does not  
11 request a hearing or if, after a hearing, the commissioner finds  
12 the person has committed the violation, the commissioner shall  
13 prohibit that person from competing in any event within the State  
14 for a period of 2 years and shall also exclude the animal from  
15 competing in any event within the State for a period of one year.

16 **9. Civil violations.** A person who violates subsection 1, 2  
17 or 4 commits a civil violation for which the following may be  
18 adjudged:

19 A. For the first violation, a fine of not less than \$100  
20 nor more than \$500; or

21 B. For a 2nd or subsequent violation, a fine of not less  
22 than \$500 nor more than \$1,000.

23 Fines adjudged under this subsection must be deposited in the  
24 General Fund.

25 **10. Suspension.** When a violation is adjudicated under  
26 subsection 9, the commissioner shall immediately suspend the  
27 person adjudicated to have committed the violation from  
28 participating in events for a period of 2 years and shall also  
29 exclude the animal involved from competing in any event for a  
30 period of one year. An action by the commissioner based upon an  
31 adjudication under this section is automatic, and there is no  
32 right to a hearing before the commissioner on the suspension. A  
33 person who participated in an event during any period of  
34 suspension or prohibition ordered by the commissioner under this  
35 subsection or subsection 8 and the owner and trainer of any  
36 animal that competes during a period of suspension or prohibition  
37 commit an additional violation of this section.

38 **11. Forfeiture.** The owner of an animal found to have been  
39 administered a prohibited substance in violation of this section  
40 forfeits all prize money and any trophies, ribbons and points won  
41 at an event by the affected animal. The prize money and  
42 trophies, ribbons and points must be redistributed by the  
43 secretary or general manager of the event in accordance with its  
44 rules or bylaws.

2           12. Exception; therapeutic use of drugs. This section does  
4 not prohibit the administration to an animal of a drug the use of  
6 which is required for treatment of an illness or condition  
8 unrelated to the performance of the animal in an event. An  
10 animal in an event that receives a medication that contains a  
12 prohibited substance is not eligible for the event, unless the  
14 following requirements have been met and the facts requested are  
16 submitted as a statement in writing to the secretary or general  
18 manager of the event.

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

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

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

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

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

34           F. The animal must be identified by name, age, sex, color  
36 and entry number.

38           G. The statement must contain the diagnosis and reason for  
40 administering the medication.

40           H. The statement must be signed by the person administering  
42 the medication.

44           I. The statement must be filed with the secretary or  
46 general manager of the event within one hour after the  
48 administration of medication or one hour after the secretary  
or general manager of the event returns to duty, if the  
administration is at a time other than during event hours.



2 J. The statement must be signed by the secretary or general  
3 manager of the event and the time of receipt of the  
4 statement must be recorded on the statement by the secretary  
5 or general manager.

6 If the chemical analysis of a sample taken pursuant to subsection  
7 3 from the animal treated under this subsection indicates the  
8 presence of a prohibited substance and all the requirements of  
9 this subsection have been met, the information contained in the  
10 statement and any other relevant evidence must be considered at a  
11 hearing provided under subsection 8 in determining whether there  
12 has been a violation of any provision of this section.

13 13. Inapplicability to horse racing. This section does not  
14 affect laws governing horse racing or affect horse sales or horse  
15 auction sales when those sales are solely for the sale of  
16 racehorses or breeding stock that are used in the production of  
17 racehorses and when those sales are held or conducted on the  
18 premises of a racing association under the jurisdiction of, and  
19 with the authorization and approval of, the State Harness Racing  
20 Commission.

21 As used in this subsection, "racehorse" means a live horse,  
22 including a stallion, mare, gelding, ridgeling, colt or filly,  
23 that is eligible to participate in a horse racing contest in this  
24 State where pari-mutuel racing is permitted under the rules  
25 adopted by the State Harness Racing Commission. This subsection  
26 does not exempt racehorses participating in an event covered by  
27 this chapter.

28 **§97. Pulling events between animals**

29 1. Permit required. A person or entity may not sponsor a  
30 public or private pulling event between animals or pairs of  
31 animals within the State without a permit from the commissioner  
32 issued in accordance with this section and rules adopted pursuant  
33 to this section.

34 2. Application. A person or entity shall make an  
35 application for a permit in writing to the commissioner at least  
36 10 days prior to the date on which a pulling event is intended to  
37 take place. The applicant shall provide the name of the person  
38 or entity conducting the event, the date and place the event is  
39 to be held and the names of the pull superintendent and  
40 superintendent assistants appointed to officiate at the event.  
41 One application and one permit may include one or more separate  
42 events when specified. Permits granted under this section are  
43 not transferable.

2 3. Fees. The commissioner shall charge a permit fee of \$40  
3 per pull day for an event sponsored by a person or entity  
4 receiving a stipend under section 86. The commissioner shall  
5 charge a seasonal permit fee of \$75 to a person or entity that  
6 does not receive a stipend under section 86. The seasonal permit  
7 covers all pulls conducted by that entity for the year in which  
8 the permit is issued. All revenue derived from the permit fees  
9 must be deposited in a nonlapsing dedicated account.

10 4. Statutory rules. A permit may not be issued under this  
11 section unless the person or entity conducting the event has  
12 adopted the following rules governing the conduct of each pulling  
13 event.

14 A. All teamsters who are to compete in contests must have  
15 their teams ready at the published starting time. All  
16 classes must be closed after the positions are drawn.  
17 Classes must start as nearly as possible to the published  
18 time.

19 B. Check weighing must be allowed prior to the official  
20 weigh-in. All weighing must be done in the forenoon if  
21 possible. Teams must have on halters. Horses and ponies  
22 must have on shoes.

23 C. Measuring must be in a straight line to the nearest  
24 point on the drag. Line-to-line measuring is allowed. The  
25 front of the drag must touch the line before turning. To  
26 get the full-line measure, the drag must be turned more than  
27 1/2 way or the back of the drag must be over the line.

28 D. Teams must stay hooked to the drag at all times.  
29 Unhitching and rehitching are not allowed.

30 E. An actual separation, breaking or bending of equipment  
31 constitutes a breakdown. A team breaking down may take the  
32 distance pulled or return to the last position and pull  
33 over. Only one breakdown is allowed.

34 F. Time limits are a maximum of 5 minutes. Time starts  
35 when the drag is moved. The time limit to hook on in  
36 distance pulls is 3 minutes.

37 G. On horses, the very light use of the reins on the  
38 hindquarters only is allowed and over and under is not  
39 allowed. Whips, brads or goads are not allowed. Reins may  
40 not be doubled up. Electrical or electronic devices are not  
41 allowed. Open bridles are not allowed. Ponies may not be  
42 struck except in a sweepstakes, when they may be struck with  
43 a cap or bare open hand.

2           H. On oxen, the use of the goad must be very light. The  
4           goad may not have a brad in it, only a plain yoke and chain  
6           or pole that may be pulled, except that a rope may be  
8           allowed in children's classes as provided in rules adopted  
10           pursuant to subsection 5. All chains must be covered to the  
12           hook. Plastic goads are not allowed. The goad stick may  
              not be over 4 feet long unless approved by the pull  
              superintendent and may not exceed 1/2 inch in diameter on  
              the small end. The goad stick may be taped but not  
              weighted. The stick may be used lightly on the face to  
              control the oxen but not around the eyes.

14           I. Any number of helpers is allowed to help hitch. After  
16           hitch-on, there may be no more than 2 helpers. The helpers  
18           shall stay behind the drag unless needed to help the  
              teamster. The helpers may not have a stick. This paragraph  
              applies to distance pulls only.

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

28           K. The person or entity sponsoring the event decides the  
              splitting of teams.

30           L. Heading of horses or oxen is not allowed. One inch  
32           pulled constitutes a hitch. Stepping over the rail counts  
34           as a hitch and 5 minutes are allowed for hitching. Three  
36           attempts may be made within that period. Time taken out to  
38           position the drag for the next pull may not be counted.  
40           Teamsters may not be changed after the first load is  
42           pulled. A team deliberately driven over the rail is  
44           disqualified from the contest. In case of a tie on the  
46           longest distance, the 2nd-longest distances already pulled  
48           will take first place. Persons acting as eveners shall  
50           remain quiet after hitching on. This paragraph does not  
              apply to distance pulls.

M. There may not be heading of horses after a pull starts  
              unless there is a mix-up, snarl or breakdown.

N. A substantial barrier must be maintained at the end of  
              the ring toward which the pull is proceeding to prevent or  
              substantially impede runaways. A teamster losing control of  
              the team is disqualified immediately.

- 2           O. There is 100 pounds' tolerance on draft steers and oxen  
3           on and after Labor Day weekend.
- 4           P. An animal that is thin or dehydrated, shows open sores  
5           or is lame is disqualified.
- 6           Q. Before a team is allowed to pull, the owner shall  
7           provide a certificate of liability insurance in the amount  
8           of \$300,000.

10           5. Rules. The commissioner may, with the advice of the  
11           Pull Events Commission, adopt rules necessary to carry out the  
12           purposes of this section and sections 98 and 99. Rules adopted  
13           pursuant to this subsection are routine technical rules as  
14           defined in Title 5, chapter 375, subchapter 2-A.

16           **§98. Pull Events Commission**

18           The Pull Events Commission, as authorized by Title 5,  
19           section 12004-G, subsection 3-A, is established in accordance  
20           with this section.

22           1. Membership. The Pull Events Commission consists of 9  
23           members:

24           A. Two members appointed by a statewide association  
25           representing owners of draft horses and oxen who participate  
26           in pulling events;

27           B. One member appointed by an association representing  
28           owners of oxen who participate in pulling events;

29           C. One member appointed by an association representing  
30           owners of ponies who participate in pulling events;

31           D. One fair superintendent appointed by a state association  
32           of agricultural fairs;

33           E. One representative appointed by state humane  
34           organizations;

35           F. One member, appointed by the commissioner, representing  
36           the general public;

37           G. One member, appointed by the commissioner, representing  
38           the animal pulling industry; and

39           H. One member appointed by the Animal Welfare Advisory  
40           Council.

41

2        2. Chair; meetings; secretary. The Pull Events Commission  
3 shall elect one of its members as chair. The chair serves a  
4 2-year term and may not serve as chair for consecutive terms.  
5 The commission shall meet a minimum of twice annually. The  
6 agricultural fair coordinator from the department shall serve as  
7 secretary to the Pull Events Commission.

8        3. Terms; vacancies. Appointments to the Pull Events  
9 Commission must be for terms of 2 years. The appointing  
10 authority fills a vacancy for a full 2-year term. The appointing  
11 authority may remove a commission member for cause, which  
12 includes poor attendance. The chair shall make recommendations  
13 to the appointing authority concerning a removal.

14        4. Rulemaking. The Pull Events Commission shall adopt rules  
15 establishing the qualifications and procedure for the  
16 certification of pull superintendents and assistant pull  
17 superintendents and guidelines for dealing with violations of  
18 section 95 and the rules adopted under this subsection. Rules  
19 adopted pursuant to this subsection are routine technical rules  
20 as defined in Title 5, chapter 375, subchapter 2-A.

21        5. Other duties. The Pull Events Commission shall:

22        A. Periodically review the statutory rules for pulls as  
23 contained in section 97, subsection 4 and recommend to the  
24 Legislature changes as necessary;

25        B. Give advice and recommendations to the commissioner on  
26 request or as the commission considers necessary; and

27        C. Coordinate, develop and conduct pull superintendent  
28 training seminars.

29        §99. Pull superintendent

30        1. Appointment. Each person or entity conducting a pulling  
31 event shall appoint a pull superintendent who is certified by the  
32 commissioner as qualified in accordance with rules adopted under  
33 section 98. The name of the pull superintendent must be  
34 submitted in conjunction with the application for a permit to  
35 conduct each event. Only a person listed on the application as a  
36 pull superintendent or assistant pull superintendent may  
37 officiate.

38        2. Restrictions on officiating. A pull superintendent may  
39 not officiate as pull superintendent for a class in a pulling  
40 event in which that pull superintendent is participating as a  
41 competitor. An assistant pull superintendent may not officiate  
42 as pull superintendent for a class in a pulling event in which  
43  
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50

2 that assistant pull superintendent is participating as a  
3 competitor.

4 3. Enforcement responsibilities. A pull superintendent  
5 shall enforce the laws and rules governing pulling events and  
6 shall report participants who are disqualified, violations of the  
7 law and other matters, as appropriate, to the Pull Events  
8 Commission.

10 **§100. Enforcement actions by commission**

12 Upon receipt of a report pursuant to section 98, subsection  
13 3, the Pull Events Commission shall send a copy of the report to  
14 the sponsor whose name appears on the application for the pulling  
15 event and to the person whose conduct has been reported to the  
16 commission.

18 1. Violation by teamster. Upon receipt of a written report  
19 alleging that a teamster has violated the laws or rules governing  
20 pulling events, the Pull Events Commission may after a hearing  
21 disqualify a teamster from participation in pulling events.

22 2. Violation by pull superintendent or assistant pull  
23 superintendent. Upon receipt of a written report alleging that a  
24 pull superintendent or assistant pull superintendent has violated  
25 the laws or rules governing pulling events or has failed to take  
26 appropriate action to enforce the laws and rules governing  
27 pulling events, the Pull Events Commission may after a hearing  
28 suspend or revoke that person's certification to act as a pull  
29 superintendent.

32 **§101. Violations relating to pulling events**

34 1. Conducting pulling event without permit. A person that  
35 conducts, causes to be conducted or sponsors a public or private  
36 pulling event between animals or pairs of animals within the  
37 State without a permit from the commissioner commits a civil  
38 violation for which a fine of not less than \$100 nor more than  
39 \$500 may be adjudged.

40 2. Prohibition on participating in pulling events. A person  
41 who has been convicted of a violation of Title 17, section 1031  
42 or has been adjudicated to have committed a civil violation of  
43 section 4011 within the previous 5 years may not participate as  
44 an animal owner or handler or in any other capacity, directly or  
45 indirectly, in a pulling event. A person who participates in a  
46 pulling event in violation of this subsection commits a civil  
47 violation for which a fine of not less than \$100 nor more than  
48 \$500 may be adjudged.

50

2 3. Permit revocation. The commissioner may, in accordance  
3 with Title 5, chapter 375, revoke or refuse to renew a permit to  
4 hold a pulling event;

5 A. If after receiving notice from the department the  
6 sponsor of a pulling event allows a person to participate as  
7 an owner or handler or in any other capacity, directly or  
8 indirectly, in a pulling event within 5 years of that  
9 person's being convicted of a violation of Title 17,  
10 section 1031 or being adjudicated of a civil violation of  
11 section 4011; or

12 B. When the commissioner has received written notification  
13 from the Pull Events Commission of violations of laws or  
14 rules at a pulling event conducted under a permit held by  
15 that sponsor.

16  
17 **Sec. 4. 8 MRSA §271, sub-§2, ¶A,** as amended by PL 1993, c.  
18 388, §4, is further amended to read:

19  
20 A. The revenues to be generated, consistent with the  
21 profitability and financial health of the licensee, for the  
22 General Fund pursuant to section 275-H; the purse  
23 supplements pursuant to section 275-I; the Sire Stakes Fund  
24 pursuant to section 281; and the Stipend Fund pursuant to  
25 Title 7, section 62 86;

26  
27 **Sec. 5. 8 MRSA §271, sub-§2, ¶E,** as enacted by PL 1985, c.  
28 444, §2, is amended to read:

29  
30 E. With respect to agricultural societies seeking licenses  
31 to conduct harness racing meets at the time of their annual  
32 fairs, the scheduling of agricultural fairs determined by  
33 the Commissioner of Agriculture, Food and Rural Resources  
34 pursuant to Title 7, sections 65 83 and 65-A 84;

35  
36 **Sec. 6. 8 MRSA §287, sub-§3,** as enacted by PL 1997, c. 528,  
37 §46, is amended to read:

38  
39 **3. Payment to Stipend Fund.** Nine percent of the revenue  
40 credited to the General Fund under this section that is  
41 attributable to amounts in excess of \$35,000,000 must be  
42 distributed to the Stipend Fund as provided in Title 7, section  
43 62 86.

44  
45 **Sec. 7. 8 MRSA §289,** as enacted by PL 1997, c. 528, §46, is  
46 amended to read:

47  
48 **§289. Payment to Stipend Fund share**

49  
50

2           **1. Initial distribution to Stipend Fund.** The Treasurer of  
3 State shall credit .189% of the commission on regular wagers made  
4 to interstate commingled pools, .402% of the commission on exotic  
5 wagers made to interstate commingled pools, 0.72% of the regular  
6 wagers made to all other pools and 0.49% of the exotic wagers  
7 made to all other pools to the Stipend Fund as provided in Title  
8 7, section ~~62~~ 86 and shall distribute the balance as provided in  
subsubsection 2.

10           **2. Extended meet account.** The Treasurer of State shall  
11 distribute the balance of the amount calculated as Stipend Fund  
12 share as follows.

14           A. The first \$400,000 of the total amount, regardless of  
15 when actually collected, must be credited to the Stipend  
16 Fund as provided in Title 7, section ~~62~~ 86.

18           B. From the balance of the total amount in excess of  
19 \$400,000, regardless of when actually collected, 80% must be  
20 paid and returned no later than 30 days after the end of the  
21 calendar year to those persons, associations and  
22 corporations that during that calendar year conducted an  
23 extended meet pursuant to a license granted by the  
24 commission in section 271. This payment must be divided in  
25 the proportion that the contributions of regular and exotic  
26 wagers to pari-mutuel pools on live racing made or conducted  
27 at the extended meets of each racing licensee during that  
28 calendar year bear to the total contributions of regular and  
29 exotic wagers to pari-mutuel pools on live racing made or  
30 conducted at the extended meets of all racing licensees  
31 during that calendar year.

32           Licensees sharing in this distribution shall use 1/2 of the  
33 funds so received for the purpose of supplementing the purse  
34 money.

36           C. The remaining 20% of the total amount in excess of  
37 \$400,000 must be credited to the Stipend Fund as provided in  
38 Title 7, section ~~62~~ 86.

40           **Sec. 8. 8 MRSA §295, sub-§2,** as amended by PL 2001, c. 567,  
42 §5, is further amended to read:

44           **2. Distribution.** On May 30th, September 30th and within 30  
45 days after the close of all off-track betting facilities for the  
46 year, amounts payable under subsection 1 for distribution in  
47 accordance with this subsection must be distributed to all  
48 commercial tracks that have provided simulcast transmission of  
49 live racing in the State on any date and to those agricultural  
50 fair associations that have provided simulcast transmission of



live racing in the State on the dates assigned by the  
2 commissioner pursuant to Title 7, section 65 84. Distribution  
must be in the proportion that the amount of exotic wagers placed  
4 at off-track betting facilities on simulcast races from each  
licensee up to the last day of the preceding month bears to the  
6 total amount of exotic wagers at off-track betting facilities on  
races simulcast from all commercial racetracks and agricultural  
8 fair associations up to that date. The last payment of the  
calendar year must be adjusted to reflect each licensee's exotic  
10 wagers in proportion to the total of the exotic wagers at  
off-track betting facilities in that calendar year.

12  
**Sec. 9. 8 MRSA §298, sub-§2,** as enacted by PL 2003, c. 687,  
14 Pt. A, §3 and affected by Pt. B, §11, is amended to read:

16 **2. Distribution.** On May 30th, September 30th and January  
30th of each year, all amounts credited to the fund established  
18 by this section as of the last day of the preceding month and not  
distributed before that day must be distributed to each  
20 commercial track, as defined in section 275-A, subsection 1, and  
to each agricultural fair association that during the preceding  
22 trimester has conducted live racing with pari-mutuel wagering on  
dates assigned by the commissioner pursuant to Title 7, section  
24 65 84, with each commercial track and each agricultural fair  
association receiving an amount of money determined by  
26 multiplying the amount of money available for distribution times  
a fraction, the numerator of which is the total number of live  
28 race dashes conducted by the commercial track or agricultural  
fair association during the preceding time period and the  
30 denominator of which is the total number of race dashes conducted  
by all commercial tracks and agricultural fair associations  
32 during that time period. The payment in January must be adjusted  
so that for the prior 3 time periods each commercial track or  
34 agricultural fair association entitled to a distribution receives  
that fraction of the total money distributed over the full year  
36 from the fund established by this section, the amount determined  
by multiplying the total amount of money by a fraction, the  
38 numerator of which is the number of live race dashes conducted by  
the commercial track or agricultural fair association during the  
40 calendar year that qualify for a distribution and the denominator  
of which is the total number of race dashes conducted during that  
42 calendar year by all such fairs on dates assigned by the  
commissioner pursuant to Title 7, section 65 84 and by all  
44 commercial tracks during that calendar year. The funds  
distributed pursuant to this section must be used to supplement  
46 harness racing purses.

48 **Sec. 10. 8 MRSA §1036, sub-§2, ¶D,** as enacted by PL 2003, c.  
687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

50

2 D. Three percent of the total gross slot machine income  
must be forwarded by the board to the Treasurer of State,  
4 who shall credit the money to the Agricultural Fair Support  
Fund established in Title 7, section 77 91;

6 **Sec. 11. 13-B MRSA §201, sub-§3, ¶E**, as amended by PL 1985, c.  
737, Pt. A, §35, is further amended to read:

8 E. ~~County-and-local-agricultural~~ Agricultural societies, as  
10 that term is used in Title 7, chapter 3 4;

12 **Sec. 12. 17 MRSA §330, sub-§1-C**, as enacted by PL 2001, c.  
672, §1, is amended to read:

14 **1-C. Agricultural society.** "Agricultural society" or  
16 "fair" means a nonprofit agricultural fair society eligible for  
the-state a stipend under Title 7, ~~section-62~~ chapter 4.

18 **Sec. 13. 17 MRSA §331, sub-§6, ¶A**, as repealed and replaced by  
20 PL 2001, c. 471, Pt. F, §4 and affected by §5, is amended to read:

22 A. Any agricultural society eligible for ~~the--state~~ a  
stipend under Title 7, ~~section-62~~ chapter 4, or any bona  
24 fide, nonprofit organization that is either charitable,  
educational, political, civic, recreational, fraternal,  
26 patriotic or religious or any auxiliary of such organization;

28 **Sec. 14. 17 MRSA §332, sub-§1**, as amended by PL 2001, c. 538,  
§2, is further amended to read:

30 **1. Organizations eligible.** Notwithstanding other provisions  
32 of law, the Chief of the State Police may issue a license to  
operate a game of chance to an agricultural society eligible for  
34 ~~the-state~~ a stipend under Title 7, ~~section-62~~ chapter 4, or to a  
bona fide nonprofit charitable, educational, political, civic,  
36 recreational, fraternal, patriotic or religious organization, or  
to a volunteer fire department or to an auxiliary of any of these  
38 organizations, any of which must be founded, chartered or  
organized in this State for a period of not less than 2  
40 consecutive years before applying for a license.

42 **Sec. 15. 22 MRSA §1607**, as amended by PL 1987, c. 395, Pt. A,  
§88, is further amended to read:

44 **§1607. Application**

46 This chapter does not apply to fairs licensed, exhibitions  
48 ~~and---similar---events---held---by---agricultural---societies---and~~  
~~asociations,--pomological-societies--or--poultry--associations--as~~

2 defined and regulated under Title 7, chapter 3 4, or military  
activities. It shall does not apply to persons, associations,  
4 corporations, trusts or partnerships licensed under Title 8,  
chapters 11 and 19.

6 **Sec. 16. 36 MRSA §652, sub-§1, ¶C**, as amended by PL 2001, c.  
596, Pt. B, §24 and affected by §25 and amended by PL 2003, c.  
8 689, Pt. B, §6, is further amended to read:

10 C. Further conditions to the right of exemption under  
paragraphs A and B are that:

12 (1) Any corporation claiming exemption under paragraph  
14 A must be organized and conducted exclusively for  
benevolent and charitable purposes;

16 (2) A director, trustee, officer or employee of an  
18 organization claiming exemption is not entitled to  
receive directly or indirectly any pecuniary profit  
20 from the operation of that organization, excepting  
reasonable compensation for services in effecting its  
22 purposes or as a proper beneficiary of its strictly  
benevolent or charitable purposes;

24 (3) All profits derived from the operation of an  
26 organization claiming exemption and the proceeds from  
the sale of its property are devoted exclusively to the  
28 purposes for which it is organized;

30 (4) The institution, organization or corporation  
claiming exemption under this subsection shall file  
32 with the tax assessors upon their request a report for  
its preceding fiscal year in such detail as the tax  
34 assessors may reasonably require;

36 (5) An exemption is not allowed under this subsection  
in favor of an agricultural fair association holding  
38 pari-mutuel racing meets unless it has qualified the  
next preceding year as a recipient of a stipend from  
40 the "Stipend Fund" provided in Title 7, section 62 86;

42 (6) An exemption allowed under paragraph A or B for  
real or personal property owned and occupied or used to  
44 provide federally subsidized residential rental housing  
is limited as follows: Federally subsidized  
46 residential rental housing placed in service prior to  
September 1, 1993 by other than a nonprofit housing  
48 corporation that is acquired on or after September 1,  
1993 by a nonprofit housing corporation and the  
50 operation of which is not an unrelated trade or

2 business to that nonprofit housing corporation is  
eligible for an exemption limited to 50% of the  
municipal assessed value of that property.

4

6 An exemption granted under this subparagraph must be  
revoked for any year in which the owner of the property  
is no longer a nonprofit housing corporation or the  
8 operation of the residential rental housing is an  
unrelated trade or business to that nonprofit housing  
10 corporation.

12 (a) For the purposes of this subparagraph, the  
following terms have the following meanings.

14

16 (i) "Federally subsidized residential rental  
housing" means residential rental housing  
that is subsidized through project-based  
18 rental assistance, operating assistance or  
interest rate subsidies paid or provided by  
20 or on behalf of an agency or department of  
the Federal Government.

22

24 (ii) "Nonprofit housing corporation" means a  
nonprofit corporation organized in the State  
that is exempt from tax under Section  
26 501(c)(3) of the Code and has among its  
corporate purposes the provision of services  
28 to people of low income or the construction,  
rehabilitation, ownership or operation of  
30 housing.

32

34 (iii) "Residential rental housing" means one  
or more buildings, together with any  
facilities functionally related and  
subordinate to the building or buildings,  
36 located on one parcel of land and held in  
common ownership prior to the conversion to  
nonprofit status and containing 9 or more  
38 similarly constructed residential units  
offered for rental to the general public for  
40 use on other than a transient basis, each of  
which contains separate and complete  
42 facilities for living, sleeping, eating,  
44 cooking and sanitation.

46

48 (iv) "Unrelated trade or business" means any  
trade or business whose conduct is not  
substantially related to the exercise or  
performance by a nonprofit corporation of the  
50 purposes or functions constituting the basis

2 for exemption under Section 501(c)(3) of the  
Code.

4 (b) Eligibility of the following property for  
6 exemption is not affected by the provisions of  
this subparagraph:

8 (i) Property used as a nonprofit nursing  
10 home, residential care facility licensed by  
the Department of Health and Human Services  
12 pursuant to Title 22, chapter 1663 or a  
community living arrangement as defined in  
14 Title 30-A, section 4357-A or any property  
owned by a nonprofit organization licensed or  
16 funded by the Department of Health and Human  
Services to provide services to or for the  
18 benefit of persons with mental illness or  
mental retardation;

20 (ii) Property used for student housing;

22 (iii) Property used for parsonages;

24 (iv) Property that was owned and occupied or  
used to provide residential rental housing  
26 that qualified for exemption under paragraph  
A or B prior to September 1, 1993; or

28 (v) Property exempt from taxation under  
30 other provisions of law; and

32 (7) In addition to the requirements of subparagraphs  
(1) to (4), an exemption is not allowed under paragraph  
34 A or B for real or personal property owned and occupied  
or used to provide residential rental housing that is  
36 transferred or placed in service on or after September  
1, 1993, unless the property is owned by a nonprofit  
38 housing corporation and the operation of the  
residential rental housing is not an unrelated trade or  
40 business to the nonprofit housing corporation.

42 For the purposes of this subparagraph, the following  
terms have the following meanings.

44 (a) "Nonprofit housing corporation" means a  
46 nonprofit corporation organized in the State that  
is exempt from tax under Section 501(c)(3) of the  
48 Code and has among its corporate purposes the  
provision of services to people of low income or

2 the construction, rehabilitation, ownership or  
operation of housing.

4 (b) "Residential rental housing" means one or  
6 more buildings, together with any facilities  
functionally related and subordinate to the  
8 building or buildings, containing one or more  
similarly constructed residential units offered  
10 for rental to the general public for use on other  
than a transient basis, each of which contains  
12 separate and complete facilities for living,  
sleeping, eating, cooking and sanitation.

14 (c) "Unrelated trade or business" means any trade  
or business whose conduct is not substantially  
16 related to the exercise or performance by a  
nonprofit organization of the purposes  
18 constituting the basis for exemption under Section  
501(c)(3) of the Code.

20 **Sec. 17. 38 MRSA §488, sub-§23**, as enacted by PL 2005, c. 217,  
22 §1, is amended to read:

24 **23. Agricultural fair property.** Development on property  
that is used for one or more agricultural fairs licensed by the  
26 Commissioner of Agriculture, Food and Rural Resources under Title  
7, chapter 3 4 is exempt from review under this article if:

28 A. The property is not used for motorized vehicle racing  
30 for more than 14 days beyond those days authorized for the  
operation of the agricultural fair;

32 B. Motorized vehicle racing on the property is licensed by  
34 the Department of Public Safety;

36 C. Use of the property beyond those days authorized for the  
operation of the agricultural fair meets a noise standard  
38 pursuant to section 484, subsection 3. The department shall  
enforce the noise standard under this paragraph; and

40 D. The property has been identified as the location of an  
42 agricultural fair in an agricultural fair license issued by  
the Department of Agriculture, Food and Rural Resources  
44 prior to September 15, 2006.

46 **SUMMARY**

48 This bill repeals the Maine Revised Statutes, Title 7,  
50 chapter 3, "County and Local Societies," and replaces it with

chapter 4, "Agricultural Fairs and Pulling Events." It enacts  
2 definitions and deletes provisions relating to the Maine State  
Pomological Society and poultry associations. It establishes the  
4 Fair Fund and clarifies provisions for deposit into and  
distribution from the fund. It requires a fair to be licensed to  
6 be eligible to receive a distribution from the Stipend Fund or  
the Fair Fund. It removes language relating to the licensing of  
8 exhibitions that are not agricultural fairs. It amends the  
provision for requesting a change in fair dates to require a  
10 petition to be received a minimum of 90 days prior to the first  
assigned date. It allows premiums paid on pony pulling and  
12 tractor and truck pulling to be included when determining  
distribution from the Stipend Fund or the Fair Fund. It  
14 restructures and updates other provisions regarding the licensing  
of agricultural fairs and distribution of funds to the fairs. It  
16 restructures and makes technical changes to the laws governing  
animal pulling events.