

MAINE STATE LEGISLATURE

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Date: 6/7/17

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 390, L.D. 548, Bill, "An Act To Amend Laws Relating to Agricultural Pulling Events"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 7 MRSA §81, sub-§3-A is enacted to read:

3-A. Driver. "Driver" means a person who drives or controls the animal that is pulling in a pulling event.

Sec. 2. 7 MRSA §81, sub-§14, as enacted by PL 2005, c. 563, §3, is repealed.

Sec. 3. 7 MRSA §96, sub-§§3, 4 and 7, as enacted by PL 2005, c. 563, §3, are amended to read:

3. Animals subject to examination; scope; request for test. An animal entered in an event is subject to examination under the direction of a licensed veterinarian or an agent of the licensed veterinarian. The licensed veterinarian, with the approval of the commissioner, may appoint technicians and agents to perform duties under this section that are not prohibited by other provisions of law. The examination may include physical, saliva, urine or blood tests or other tests or procedures that the licensed veterinarian considers necessary to carry out the purposes of this section. The licensed veterinarian may examine an animal entered in an event if that animal is on the grounds of the event. The licensed veterinarian also may examine an animal withdrawn by the owner or trainer of the animal within 24 hours prior to an event for which the animal had been entered. The pull superintendent appointed under section 99, subsection 1 may undertake a visual examination of any animal entered in an event and may request a licensed veterinarian or an agent of the licensed veterinarian to undertake an examination under this subsection.

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

COMMITTEE AMENDMENT

1 **7. Responsibility of owner and driver for condition of animal.** In the absence of
2 substantial evidence to the contrary, the owner ~~and trainer and driver~~ and driver of an animal are
3 responsible for the condition of the animal, including the presence of a prohibited
4 substance, and are charged with knowledge of all the provisions contained in this section
5 and the ~~regulations~~ rules adopted pursuant to this section. If ~~a trainer~~ the owner is
6 prevented from performing the ~~trainer's~~ owner's duties, ~~including responsibility~~ for an
7 animal under this subsection, by illness or other cause, or is absent from the event where
8 an animal under the ~~trainer's~~ owner's care is entered and stabled, the ~~trainer~~ owner shall
9 immediately ~~shall~~ notify the secretary or general manager of the event. ~~At the time of~~
10 ~~notification, the trainer shall specify a substitute trainer and the substitute trainer shall~~
11 ~~place the substitute trainer's name on the entry blank. The substitute trainer has the same~~
12 ~~responsibilities as the trainer concerning the condition of an animal in that trainer's care.~~

13 **Sec. 4. 7 MRSA §96, sub-§8,** as amended by PL 2011, c. 73, §1, is further
14 amended to read:

15 **8. Administrative hearing; suspension.** In lieu of a civil action under subsection 9,
16 the commissioner may institute an administrative proceeding on any alleged violation of
17 this section. If the commissioner institutes an administrative proceeding, the
18 commissioner shall give notice and an opportunity for hearing under Title 5, chapter 375,
19 subchapter 4. Upon giving notice to a person who is alleged to be in violation of this
20 section, the commissioner shall immediately prohibit that person from competing in an
21 event within the State. This prohibition remains in effect for 30 days or until the
22 commissioner's decision following the hearing is received, whichever occurs first, except
23 that the prohibition period is extended by any delays of the hearing requested by the
24 person against whom the violation is alleged.

25 If the person against whom the violation is alleged does not request a hearing or if, after a
26 hearing, the commissioner finds the person has committed the violation, the
27 commissioner shall prohibit that person from competing in any event within the State for
28 a period of ~~up to~~ 2 years for the first offense, 3 years for the 2nd offense and 5 years for
29 the 3rd and subsequent offenses and shall also exclude the animal from competing in any
30 event within the State for a period of ~~up to~~ one year. The commissioner may also, in an
31 adjudicatory proceeding, in lieu of a civil action under subsection 9, impose an
32 administrative penalty not to exceed \$1,000 for a violation of this section.

33 The commissioner may establish, by rule, a schedule of administrative penalties for
34 violations of this section that includes fines and prohibitions on competing. The schedule
35 must be based on the severity of the violation. Rules adopted pursuant to this subsection
36 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

37 **Sec. 5. 7 MRSA §96, sub-§10,** as enacted by PL 2005, c. 563, §3, is amended to
38 read:

39 **10. Suspension.** When a violation is adjudicated under subsection 9, the
40 commissioner shall immediately suspend the person adjudicated to have committed the
41 violation from participating in events for a period of 2 years for the first offense, 3 years
42 for the 2nd offense and 5 years for the 3rd and subsequent offenses and shall also exclude
43 the animal involved from competing in any event for a period of one year. An action by
44 the commissioner based upon an adjudication under this section is automatic, and there is
45 no right to a hearing before the commissioner on the suspension. A person who

1 participated in an event during any period of suspension or prohibition ordered by the
2 commissioner under this subsection or subsection 8 and the owner ~~and trainer~~ of any
3 animal that competes during a period of suspension or prohibition commit an additional
4 violation of this section.

5 **Sec. 6. 7 MRSA §96, sub-§12, ¶C**, as enacted by PL 2005, c. 563, §3, is
6 amended to read:

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

15 **Sec. 7. 7 MRSA §97, sub-§4, ¶A**, as enacted by PL 2005, c. 563, §3, is amended
16 to read:

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

20 **Sec. 8. 7 MRSA §97, sub-§4, ¶¶I, L and N**, as enacted by PL 2005, c. 563, §3,
21 are amended to read:

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

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

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

37 **Sec. 9. 7 MRSA §97, sub-§4, ¶R** is enacted to read:

38 R. An animal must have an ear tag or microchip implant for identification purposes.
39 The pull superintendent or the assistant pull superintendent shall verify the animal's
40 identification at the time of weigh-in and at the time of entry.

41 **Sec. 10. 7 MRSA §100, sub-§1**, as enacted by PL 2005, c. 563, §3, is amended to
42 read:

1 **1. Violation by driver.** Upon receipt of a written report alleging that a ~~teamster~~
2 ~~driver~~ has violated the laws or rules governing pulling events, the Pull Events
3 Commission may after a hearing disqualify a ~~teamster~~ driver from participation in pulling
4 events.'

5 **SUMMARY**

6 This amendment:

7 1. Adds a definition of "driver" to the laws governing agricultural fairs and pulling
8 events and replaces the term "teamster" with "driver" in those laws;

9 2. Allows a pull superintendent to visually examine an animal in an event and to
10 request a veterinarian to undertake a more thorough examination when appropriate;

11 3. Provides that the driver is responsible, along with the owner, for an animal's
12 condition, including whether it is has been administered a prohibited substance; and

13 4. Increases the penalties for a driver or owner found to be in violation of the laws
14 governing prohibited substances in an animal competing in a pulling event from a full 2-
15 year suspension in the bill to 2 years for a first offense, 3 years for a 2nd offense and 5
16 years for 3rd and subsequent offenses.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 548

LR 708(02)

An Act To Amend Laws Relating to Agricultural Pulling Events

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-458)

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Agriculture, Conservation and Forestry as a result of changes to the laws related to agricultural pulling events are anticipated to be minor and can be absorbed within existing budgeted resources.