

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 548

H.P. 390

House of Representatives, February 14, 2017

An Act To Amend Laws Relating to Agricultural Pulling Events

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLACK of Wilton.
Cosponsored by Senator DILL of Penobscot and
Representative: MAREAN of Hollis.

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

2 **Sec. 1. 7 MRSA §81, sub-§14**, as enacted by PL 2005, c. 563, §3, is repealed.

3 **Sec. 2. 7 MRSA §96, sub-§§3, 4 and 7**, as enacted by PL 2005, c. 563, §3, are
4 amended to read:

5 **3. Animals subject to examination; scope; request for test.** An animal entered in
6 an event is subject to examination under the direction of a licensed veterinarian or an
7 agent of the licensed veterinarian. The licensed veterinarian, with the approval of the
8 commissioner, may appoint technicians and agents to perform duties under this section
9 that are not prohibited by other provisions of law. The examination may include
10 physical, saliva, urine or blood tests or other tests or procedures that the licensed
11 veterinarian considers necessary to carry out the purposes of this section. The licensed
12 veterinarian may examine an animal entered in an event if that animal is on the grounds
13 of the event. The licensed veterinarian also may examine an animal withdrawn by the
14 owner ~~or trainer~~ of the animal within 24 hours prior to an event for which the animal had
15 been entered.

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

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

32 **Sec. 3. 7 MRSA §96, sub-§8**, as amended by PL 2011, c. 73, §1, is further
33 amended to read:

34 **8. Administrative hearing; suspension.** In lieu of a civil action under subsection 9,
35 the commissioner may institute an administrative proceeding on any alleged violation of
36 this section. If the commissioner institutes an administrative proceeding, the
37 commissioner shall give notice and an opportunity for hearing under Title 5, chapter 375,
38 subchapter 4. Upon giving notice to a person who is alleged to be in violation of this
39 section, the commissioner shall immediately prohibit that person from competing in an
40 event within the State. This prohibition remains in effect for 30 days or until the
41 commissioner's decision following the hearing is received, whichever occurs first, except

1 that the prohibition period is extended by any delays of the hearing requested by the
2 person against whom the violation is alleged.

3 If the person against whom the violation is alleged does not request a hearing or if, after a
4 hearing, the commissioner finds the person has committed the violation, the
5 commissioner shall prohibit that person from competing in any event within the State for
6 a period of ~~up to~~ 2 years and shall also exclude the animal from competing in any event
7 within the State for a period of ~~up to~~ one year. The commissioner may also, in an
8 adjudicatory proceeding, in lieu of a civil action under subsection 9, impose an
9 administrative penalty not to exceed \$1,000 for a violation of this section.

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

14 **Sec. 4. 7 MRSA §96, sub-§10**, as enacted by PL 2005, c. 563, §3, is amended to
15 read:

16 **10. Suspension.** When a violation is adjudicated under subsection 9, the
17 commissioner shall immediately suspend the person adjudicated to have committed the
18 violation from participating in events for a period of 2 years and shall also exclude the
19 animal involved from competing in any event for a period of one year. An action by the
20 commissioner based upon an adjudication under this section is automatic, and there is no
21 right to a hearing before the commissioner on the suspension. A person who participated
22 in an event during any period of suspension or prohibition ordered by the commissioner
23 under this subsection or subsection 8 and the owner ~~and trainer~~ of any animal that
24 competes during a period of suspension or prohibition commit an additional violation of
25 this section.

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

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

36 **Sec. 6. 7 MRSA §97, sub-§4, ¶B-1** is enacted to read:

37 B-1. An animal must have an ear tag or microchip implant for identification
38 purposes. The pull superintendent or the assistant pull superintendent shall verify the
39 animal's identification at the time of weigh-in and at the time of entry.

1 **SUMMARY**

2 This bill adds to the law regarding pulling events the requirement that an animal
3 entered in a pulling event must have either an ear tag or a microchip implant for
4 identification purposes.

5 The bill also removes references to trainers as regards pulling events. It requires the
6 Commissioner of Agriculture, Conservation and Forestry to impose a 2-year suspension
7 from competition for a person found to have used a prohibited substance with respect to
8 an animal at a pulling event. It requires the commissioner to impose a full one-year
9 suspension from competition for the animal found to have a prohibited substance in its
10 system at the time of the pulling event. Currently, the commissioner may impose a
11 suspension of less than 2 years.