

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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nor; one member of the State Board of Education appointed by the state board; one representative of the Maine School Boards Association appointed by that association; one representative of the Maine School Superintendents Association appointed by that association; one representative of the Maine Teachers Association appointed by that association; one representative of the Maine Municipal Association appointed by that association; 2 public members, one appointed by the Governor and one appointed jointly by the President of the Senate and the Speaker of the House. All appointments to the special commission shall be made within 45 days of the effective date of this Act and notice given to the Executive Director of the Legislative Council and the Governor. One of the legislative members shall be designated by the Speaker of the House and the President of the Senate to chair the commission. One of the members representing the Department of Educational and Cultural Services shall serve as one cochairman and shall be designated as such at the time of appointment by the commissioner. The special commission shall select a 2nd cochairman from among the 2 public members.

2. Duties. The special commission shall conduct a review and analysis of the School Finance Act of 1985 and related property tax law. The purpose of that review shall be to:

- A. Review the history of school funding in Maine with an analysis of the causes and implications of changes in the formula over time;
- B. Review how the school funding formula works, including achieving equalization of educational opportunity and taxpayer equity;
- C. Perform a statistical analysis of how well the present formula performs and review that analysis to determine policy implications of various courses of action to modify the formula;
- D. Review the trends in statewide property valuation and tax rates imposed;
- E. Conduct and analyze the results of a case study of a carefully selected, representative group of school units to determine the level of local support for education and to assess the difficulties encountered at the local level to raise sufficient funds to support education;
- F. Determine recommended modifications to the School Finance Act of 1985 or state tax laws;
- G. Develop a series of workshops and briefings primarily for Legislators on the background and development of the school finance formula, how it works and policy issues related to recommendations of the special commission;
- H. Develop a handbook for Legislators and lay people to supplement existing materials on how the school finance formula works;

- I. Examine other issues determined necessary and appropriate by the special commission; and
- J. Complete the study by December 6, 1988, and report to the Governor and the First Regular Session of the 114th Legislature.

3. Staff. The Department of Educational and Cultural Services and the Legislative Council shall provide staff assistance to the special commission. The Bureau of Taxation shall provide special staff assistance upon request of the special commission.

4. Expenses. Legislative members of the special commission shall be paid legislative per diem. All members shall be reimbursed for their expenses reasonably incurred in performing their duties required by this Act. Departmental expenses and expenses of executive branch members shall not be paid from the budget of the special commission.

**Sec. 12. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1987-88	1988-89
<u>LEGISLATURE</u>		
Special Commission to Study School Funding and State Tax Law		
Personal Services	\$330	\$ 2,310
All Other	650	11,850
Total	\$980	\$14,160
Provides funds for the per diem, travel and related expenses of the special commission.		

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1988.

Effective July 1, 1988.

## CHAPTER 849

H.P. 1565 — L.D. 2132

### AN ACT to Regulate the Use of Oxen, Pony and Draft Horse Competitions.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there have been problems with treatment of animals in pulling events; and

Whereas, it is necessary to take action well before the summer fair season begins in Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSAs §12004, sub-§8, ¶A, sub-¶(1-A2) is enacted to read:

(1-A2) Agriculture	<u>Pull Events Commission</u>	<u>Expenses Only</u>	7 MRSAs §75
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Sec. 2. 7 MRSAs §75, as amended by PL 1979, c. 541, Pt. A, §45, is repealed and the following enacted in its place:

§75. Pulling events between animals

1. Permits. No person, firm, corporation or unincorporated society or association may conduct any public or private pulling event between animals or pairs of animals within the State without a permit from the commissioner. The commissioner shall charge a permit fee of \$10 per pull day, up to a maximum of \$50 for pulls held on consecutive days at the same location. All revenue derived from the permit fees shall be deposited in the General Fund.

Application for such a permit shall be made in writing to the commissioner at least 10 days prior to the date on which such event is contemplated, and shall give the name of the person, firm, corporation or unincorporated society or association holding such event and the date and place the event is to be held, provided that one application and one permit may include one or more separate events when so specified. Permits granted under this section shall not be transferable.

Any person, firm, corporation or unincorporated association or society which conducts or causes to be conducted any public or private pulling event between animals or pairs of animals within the State, without a permit from the commissioner, shall be guilty of a Class E crime.

2. Statutory rules. No permit may be issued unless the sponsor has adopted the following rules governing the conduct of each contest.

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

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

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

D. Teams shall stay hooked to the drag at all times. No unhitching and re hitching may be allowed.

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

F. Time limits shall be 5 minutes unless otherwise agreed upon by teamsters. Time starts when the drag is moved. The time limit to hook on in distance pulls shall be 3 minutes.

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

On oxen, the use of the goad shall be very light. The goad shall have no brad in it, only a plain yoke and chain or pole that may be pulled. All chains shall be covered to the hook. No plastic goads may be allowed. The goad stick must not be over 4 feet long and must not exceed 1/2 inch in diameter on the small end. The goad stick may be taped with friction tape but not weighted. The stick may be used lightly on the face to control the oxen but not around the eyes.

H. Any number of helpers will be allowed to help hitch. After hitch-on, there shall be only one helper. The helper shall stay behind the drag unless needed to help the teamster with snarls or turns. On oxen, the helper must stay behind the drag at all times after hitch-on. The helper shall not have a stick.

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

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

K. Use of drugs or stimulants on any competing animal is prohibited. The fair or person conducting the contest reserves the right to test any animal. The owner and teamster found to have used a drug on any competing animal shall be barred from pulling for 2 years as required by section 74, subsection 4.

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

M. There shall be no heading of horses after a pull starts unless there is a mix-up, snarl or breakdown.

N. A substantial barrier shall be maintained at the end of the ring toward which the pull is proceeding so as to prevent or substantially impede runaways.

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

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

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

3. Pull superintendents. Each sponsor of a pulling event shall appoint a pull superintendent who is certified by the commissioner under this section. The name of the superintendent shall be submitted in conjunction with the application for a permit to conduct each event. The Pull Events Commission shall promulgate rules for the qualifications required to be a pull superintendent. Procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, shall be followed for such promulgation.

4. Enforcement. State humane agents shall promptly report to the pull superintendent any pulling event actions which violate this chapter, any portion of the animal welfare laws in this Title or any rule enacted by the department. If the superintendent fails or refuses to take corrective action, the agent shall take appropriate action relative to any violations of the animal welfare laws and make a written report to the commissioner concerning all violations. The agent shall make such additional reports as necessary to properly control the conduct of pull events. The superintendent shall enforce the laws and rules governing pull events and shall report pullers who are disqualified, flagrant violations of the law and such other matters as appropriate to the commission. A copy of all such reports shall be sent to the person whose name appears on the application for the pull permit.

Violation of pulling laws or rules may also be reported by veterinarians, members of the department, members of the Pull Events Commission and officers of organiza-

tions represented on the Pull Events Commission. The procedures of this subsection shall be followed for these reports.

5. Penalties. Utilizing the procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, the Pull Events Commission shall promulgate rules for the actions and penalties to be followed regarding violations of laws and rules governing pulling events. The opportunity for a hearing shall be as provided under the Maine Administrative Procedure Act, Title 5, chapter 375, when withholding a permit, prohibiting competition or a fine is the penalty proposed.

Upon receipt of a report of a violation the commissioner shall investigate and take such action as appropriate within the procedures provided by the rules promulgated by the commission. The disposition of violations shall be reported to the Pull Events Commission, the Maine Draft Horse and Ox Association, the Pony Association and pulling superintendents.

6. Pull Events Commission. The Pull Events Commission shall be as follows.

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

P. The board shall consist of 8 members appointed as follows:

(1) One horse puller and one ox puller appointed by the Maine Draft Horse and Ox Association, one pony puller appointed by the Pony Association;

(2) The Executive Director of the Animal Welfare Board;

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

(4) One representative of the Maine Federation of Humane Societies appointed by that federation;

(5) One representative of the Maine Animal Coalition appointed by that organization; and

(6) The commissioner or a designated representative.

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

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

D. Appointments shall be for terms of 2 years. Appointing persons shall review their appointments after 2 years in conjunction with the commission chairman and the commissioner and may reappoint or replace the appointees as the appointing officer determines. A vacancy shall be filled by the appointing authority for a full 2-year term. A commission member may be removed by the appointing authority for cause which shall include poor attendance. The chairman shall make recommendations to the appointing authority concerning a removal.

E. Commission members shall receive expenses but not per diem.

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

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

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

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

(4) Give advice and recommendations to the commissioner on request or as the commission deems necessary.

7. Rules. Following the Maine Administrative Procedure Act, Title 5, chapter 375, and with the advice of the Pull Events Commission, the commissioner may adopt rules necessary to carry out the purposes of this chapter.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Animal Welfare	
Personal Services	\$6,300
All Other	2,600
Total	<u>\$8,900</u>
Provides funds for intermittent humane agent services and travel costs.	
Pull Events Commission	
All Other	\$2,400
Provides for member meeting expenses for 6 meetings.	

Total

\$11,300

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 3, 1988.

**CHAPTER 850**

H.P. 1607 — L.D. 2198

**AN ACT to Reduce Special Education Costs to Local School Administrative Units.**

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

**Sec. 1.** 20-A MRSA §15603, sub-§22, ¶B, as amended by PL 1985, c. 487, §4, is further amended to read:

B. The costs of tuition and board to other schools for programs which have been approved by the commissioner and not paid directly by the State under section 15607, subsection 9, paragraph A. Medical costs shall not be allowable as part of a tuition charge;

**Sec. 2.** 20-A MRSA §15607, sub-§§10 and 11, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

10. Appropriation for audit adjustments. Appropriate the necessary funds for audit adjustments; and

11. Appropriation for nonpublic school services. Appropriate the necessary funds for reimbursement for nonpublic school services under section 15613, subsection 4; and

**Sec. 3.** 20-A MRSA §15607, sub-§12 is enacted to read:

12. Appropriation for special education tuition and costs for out-of-district placements. Appropriate the necessary funds for special education tuition under section 15612, subsection 10.

**Sec. 4.** 20-A MRSA §15612, sub-§10 is enacted to read:

10. Special education tuition and cost for out-of-district placement adjustment. The following provisions shall apply to payment of tuition, treatment and room and board costs for out-of-district placements. Based on the costs under section 15605, subsection 2, paragraph E, the State shall annually pay each local unit a per pupil adjustment determined by dividing the amount of funds made available to the department for carrying out the purposes of this Act by the number of children in out-of-district placements. The local school administrative unit shall pay the balance. This program shall be phased in based on the annual appropriation for this purpose.