

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

The commissioner may use all or a portion of the accrued interest in the cash balance of the ~~fund~~ Agricultural Marketing Loan Fund and interest portion of loan repayments, up to a maximum of \$150,000 \$250,000 per year, for ~~grants for technical assistance and for the research programs identified in the technology transfer program in chapter 10, and the Agricultural Market Research and Development Fund established in section 401-D, for the purposes of supporting adoption of new and innovative technology to support agricultural production and marketing the agricultural development grant program in chapter 10.~~ The commissioner may expend grant dollars designated to an applicant in one fiscal year during the following fiscal year.

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

Effective April 16, 1999.

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## CHAPTER 73

### H.P. 623 - L.D. 863

#### An Act to Amend the Pulling Event Laws

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

**Whereas,** certain revisions to the laws governing pulling events are needed; and

**Whereas,** it is critical to the continuing tradition of pulling events throughout the State that pulling superintendents be trained and the Pull Events Commission be revitalized; and

**Whereas,** these changes and training may benefit the 1999 pulling season; 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. 7 MRSA §75, sub-§2,** as amended by PL 1995, c. 602, §3, is further amended to read:

**2. Statutory rules.** ~~No~~ A permit may not 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~~ must be closed after the positions are drawn. Classes ~~shall~~ must start as nearly as possible to the published time.

B. Check weighing will be allowed prior to the official weigh-in. All weighing ~~shall~~ must 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.~~ Horses and ponies must have on shoes.

C. Measuring ~~shall~~ must be in a straight line to the nearest point on the drag. Line-to-line measuring ~~will be~~ is 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 or the back of the drag must be over the line.

D. Teams ~~shall~~ must stay hooked to the drag at all times. ~~No unhitching~~ Unhitching and re hitching ~~may be~~ are not allowed.

E. An actual separation, breaking or bending of equipment ~~shall constitute~~ constitutes 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~~ is allowed.

F. Time limits ~~shall be~~ are a maximum of 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~~ is 3 minutes.

G. On horses, the very light use of the reins on the hind quarters only is allowed and ~~no~~ over and under ~~may be~~ is not allowed. ~~No whip~~ Whips, brads or goads ~~may be~~ are not allowed. Reins ~~shall~~ may not be doubled up. ~~No electrical~~ Electrical or electronic devices ~~may be~~ are not allowed. ~~No open~~ Open bridles ~~may be~~ are not allowed. Ponies ~~shall~~ may 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~~ must be very light. The goad ~~shall~~ may not have ~~no~~ a brad in it, only a plain yoke and chain or pole that may be pulled, except that a rope may be allowed in children's classes as provided in rules adopted pursuant to subsection 7. All chains ~~shall~~ must be covered to the hook. ~~No plastic~~ Plastic goads ~~may be~~ are not allowed. The goad stick ~~must~~ may not be over 4 feet long unless approved by the pull superintendent and ~~must~~ may 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~~ are allowed to help hitch. After hitch-on, there ~~shall~~ may be ~~only one helper~~ no more than 2 helpers. The ~~helper~~ helpers 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~~ helpers ~~shall~~ may not have a stick. This paragraph applies to distance pulls only.

I. All participants ~~shall~~ must be properly dressed. Proper language must be used at all times. Any participant under the influence of liquor ~~shall~~ must 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~~ is decided by the fair association or other sponsor.

L. ~~No heading~~ Heading of horses or oxen ~~may be~~ is not allowed. One inch pulled constitutes a hitch. Stepping over the rail counts as a hitch. ~~Five and 5 minutes shall be~~ are allowed for hitching. Three attempts may be made within that period. Time taken out to position the drag for the next pull ~~shall~~ may not be counted. Teamsters may not be changed after the first load is pulled. ~~Any~~ A team deliberately driven over the rail ~~will be~~ is 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~~ people shall remain quiet after hitching on. ~~One inch pulled shall constitute a hitch.~~ This paragraph does not apply to distance pulls.

M. There ~~shall~~ may not be ~~no~~ heading of horses after a pull starts unless there is a mix-up, snarl or breakdown.

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

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

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

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

**Sec. 2. 7 MRSA §75, sub-§3**, as enacted by PL 1987, c. 849, §2, is amended to read:

**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~~ must be submitted in conjunction with the application for a permit to conduct each event. Only those listed on the application as superintendent or assistant superintendent may officiate. A superintendent ~~may not officiate as superintendent for any class in a pull event in which that superintendent is participating as a competitor.~~ An assistant superintendent ~~may not officiate as superintendent for any class in a pull event in which that assistant superintendent is participating as a competitor.~~ The Pull Events Commission shall ~~promulgate~~ adopt rules for the qualifications required to be a pull superintendent or assistant pull superintendent. Procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, ~~shall~~ must be followed for such ~~promulgation~~ adoption.

**Sec. 3. 7 MRSA §75, sub-§4**, as enacted by PL 1987, c. 849, §2, is repealed and the following enacted in its place:

**4. Enforcement.** The superintendent shall enforce the laws and rules governing pull events and shall report pullers who are disqualified, violations of the law and other matters, as appropriate, to the Pull Events Commission. The commission shall send a copy of any such report to the sponsor whose name appears on the application for the pulling event and to the person whose conduct has been reported to the commission.

Humane agents shall promptly report to the pull superintendent any pulling event actions that violate this chapter, any 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 humane agent shall take action to enforce the animal welfare laws and make a written report to the commission concerning all violations.

**Sec. 4. 7 MRSA §75, sub-§6**, as amended by PL 1993, c. 549, §1, is further amended to read:

**6. Pull Events Commission.** The Pull Events Commission ~~shall be as follows~~ is established pursuant to this section.

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.

B. ~~The board~~ Pull Events Commission consists of ~~9~~ 11 members appointed as follows:

- (1) ~~Two members appointed by the Maine Draft Horse and Ox Association a statewide association representing owners of draft horses and oxen who participate in pulling events, one member appointed by the Pine Tree Ox Association an association representing owners of oxen who participate in pulling events and one member appointed by the Pony Association an association representing owners of ponies who participate in pulling events;~~
- (2) ~~The Executive Director of the Animal Welfare Board~~ An agricultural fair coordinator from the department;
- (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~~ Two representatives appointed by Maine humane organizations;
- (5) ~~One representative of the Maine Animal Coalition appointed by that organization;~~
- (6) The commissioner or a designated representative;
- (7) One member appointed by the commissioner representing the general public; and
- (8) One member appointed by the commissioner representing the animal pulling industry.

~~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.~~

C-1. The Pull Events Commission shall elect one of its members as chair. The chair serves a 2-year term and may not serve as chair for consecutive terms. The commission shall meet a minimum of twice annually.

~~D. Appointments shall be for terms of 2 years. Appointing persons shall review their~~ With the exception of the commissioner and the fair coordinator, appointments after must be for terms of 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 ~~is~~ 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 ~~includes~~ poor attendance. The chairman chair shall make recommendations to the appointing authority concerning a removal.

~~E. Commission members shall~~ may 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 ~~must~~ 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~~ considers ~~necessary;~~ and
- (5) Coordinate, develop and conduct pulling superintendent training seminars.

**Sec. 5. Report to Legislature.** No later than January 15, 2000, the Department of Agriculture, Food and Rural Resources, Pull Events Commission shall submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry on disqualifications at pull events, violations of laws and rules governing pull events, and violations of the animal welfare laws observed at pulling events during the 1999 season. The report must summarize reports submitted by pull superintendents and humane agents in accordance with the Maine Revised Statutes, Title 7, section 75, subsection 4. The report must include minutes from commission meetings and an update on training seminars for pull superintendents.

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

Effective April 16, 1999.

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## CHAPTER 74

H.P. 57 - L.D. 71

### An Act Regarding Commercial Beano Halls

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

**Sec. 1. 17 MRSA §311, sub-§§1-A and 7-A** are enacted to read:

**1-A. Commercial beano hall permit.** "Commercial beano hall permit" means written authority from the Chief of the State Police issued to a permittee who rents or leases premises for profit to a licensee to hold, conduct or operate "beano."

**7-A. Permittee.** "Permittee" means an individual, corporation, partnership or unincorporated association that rents or leases a building or facilities for profit to a licensee to hold, conduct or operate "beano."

**Sec. 2. 17 MRSA §317, first ¶,** as amended by PL 1997, c. 684, §2, is further amended to read:

The Chief of the State Police has the power to adopt rules, not inconsistent with law, ~~which that~~ are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo-" and for the permitting and operation of commercial beano halls. The Chief of the State Police has the power and authority to regulate, supervise and exercise general control over the operation of such amusement and commercial beano halls, including, but not limited to, the payment of prizes and the use of equipment. Any rule adopted by the Chief of the State Police concerning the value of prizes that may be awarded must include a provision that no single prize may exceed \$400 in value and that no more than \$1,400 in total prizes may be awarded on any one occasion. In establishing such rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, the Chief of the State Police must, in addition to the standards set forth in other provisions of this chapter, use the following standards setting forth conduct, conditions and activity considered undesirable:

**Sec. 3. 17 MRSA §317-A,** as enacted by PL 1997, c. 684, §3, is amended to read:

### §317-A. Investigations; suspension and revocation

**1. Chief of the State Police.** The Chief of the State Police may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses or commercial beano hall permits;

B. Suspend or revoke a license, after notice of the opportunity for a hearing, if the licensee or the licensee's agent or employee violates a provision of this chapter or Title 17-A, chapter 39; ~~and~~

C. Immediately suspend or revoke a license if there is probable cause to believe that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39; ~~and~~

D. Suspend or revoke a commercial beano hall permit, after notice of the opportunity for hearing, if a permittee or permittee's employee commits murder or a Class A, B or C crime or violates a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39; and

E. Immediately suspend or revoke a commercial beano hall permit if there is probable cause to believe that the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39.

**2. Suspension or revocation after notice and opportunity for hearing.** The Chief of the State Police must notify the licensee or permittee in writing, before a license or permit is suspended or revoked and after notice of the opportunity for a hearing, pursuant to subsection 1, paragraph B or D, of the intended commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or permittee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The licensee or permittee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 10 days after the licensee