

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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

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Augusta, Maine
2002

commercial or industrial growth in these areas because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or limitations imposed by protected natural resources.

(5) A municipality or multimunicipal region is not required to identify growth areas for residential, commercial or industrial growth if it demonstrates that the municipality or multimunicipal region has experienced minimal or no residential, commercial or industrial development over the past decade and this condition is expected to continue over the 10-year planning period.

(6) A municipality or multimunicipal region exercising the discretion afforded by subparagraph 4 or 5 shall review the basis for its demonstration during the periodic revisions undertaken pursuant to section 4347-A;

Sec. H-3. Effective date. This Part takes effect 90 days after adjournment of the Second Regular Session of the 120th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 11, 2002, unless otherwise indicated.

CHAPTER 668

H.P. 1454 - L.D. 1951

An Act to Amend the Pulling Events Laws

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

Whereas, this legislation amends the laws governing pulling events; and

Whereas, the fairs at which pulling events occur begin in May; and

Whereas, it is necessary to have the changes to the laws in effect in time to apply to the fairs beginning this spring; 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-A, sub-§3, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, is repealed and the following enacted in its place:

3. Fees. The commissioner shall charge a permit fee of \$40 per pull day for an event sponsored by an entity receiving a stipend under section 62. The commissioner shall charge a seasonal permit fee of \$75 to an entity that does not receive a stipend under section 62. The season permit covers all pulls conducted by that entity for the year in which the permit is issued. All revenue derived from the permit fees must be deposited in a nonlapsing dedicated account.

Sec. 2. 7 MRSA §75-A, sub-§4, ¶G, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, is amended to read:

G. On horses, the very light use of the reins on the hindquarters only is allowed and over and under is not allowed. Whips, brads or goads are not allowed. Reins may not be doubled up. Electrical or electronic devices are not allowed. Open bridles are not allowed. Ponies 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 must be very light. The goad may not have 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 8. All chains must be covered to the 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 ~~with friction tape~~ but not weighted. The stick may be used lightly on the face to control the oxen but not around the eyes.

Sec. 3. 7 MRSA §75-A, sub-§6, ¶B, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, is amended to read:

B. The Pull Events Commission consists of 11 members:

- (1) Two members appointed by a statewide association representing owners of draft horses and oxen who participate in pulling events, one member appointed by an asso-

ciation representing owners of oxen who participate in pulling events and one member appointed by an association representing owners of ponies who participate in pulling events;

(2) An agricultural fair coordinator from the department;

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

(4) ~~Two representatives~~ One representative appointed by state humane organizations;

(5) The commissioner or a designated representative;

(6) One member, appointed by the commissioner, representing the general public; ~~and~~

(7) One member, appointed by the commissioner, representing the animal pulling industry; ~~and~~

(8) One member appointed by the Animal Welfare Advisory Council.

Sec. 4. 7 MRSA §75-A, sub-§§7 and 10, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, are amended to read:

7. Enforcement. The superintendent shall enforce the laws and rules governing pull events and shall report participants 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 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.~~

Upon receipt of a written report alleging that a teamster has violated the laws or rules governing pulling events, the commission may after a hearing disqualify a teamster from participation in pull events. Upon receipt of a written report alleging that a superintendent or assistant superintendent has violated the laws or rules governing pulling events or has failed to take appropriate action to enforce the laws and rules

governing pulling events, the commission may after a hearing suspend or revoke that person's certification to act as a pull superintendent.

10. Permit revocation. A person, firm, corporation or unincorporated association or society required to obtain a permit under this section to conduct a pulling event may not allow, after having received notice from the Department of Agriculture, Food and Rural Resources, a person, firm, corporation or unincorporated association or society that has been convicted within 5 years of violation of Title 17, section 1031, or that has been adjudicated within 5 years to have committed a civil violation of section 4011 to participate as an owner or handler or in any other capacity, directly or indirectly, in a pulling event. A violation of this provision is grounds, upon compliance with appropriate provisions of Title 5, chapter 375, for revocation or nonrenewal of a permit issued under this section.

The commissioner may, in accordance with Title 5, chapter 375, revoke a permit when the commissioner has received written notification from the commission of violations of laws or rules at a pulling event conducted under a permit held by that sponsor. The commissioner may decline to issue a permit to a sponsor when the commissioner has received written notification from the commission of violations of laws or rules at a pulling event conducted under a permit held by that sponsor.

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

Effective April 11, 2002.

CHAPTER 669

S.P. 725 - L.D. 1966

An Act to Amend the Laws Relating to Development Districts

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

Sec. 1. 30-A MRSA c. 206 is enacted to read:

CHAPTER 206

DEVELOPMENT DISTRICTS

SUBCHAPTER I

MUNICIPAL DEVELOPMENT DISTRICTS

§5221. Findings and declaration of necessity