

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Date: (Filing No. H-)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 459, L.D. 629, Bill, “An Act To Provide for the Designation of the Secretary of the Pull Events Commission”

Amend the bill by striking out the title and substituting the following:

'An Act Pertaining to the Laws Governing Pull Events'

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

'Sec. 1. 7 MRSA §96, sub-§8, as enacted by PL 2005, c. 563, §3, is amended to read:

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

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

The commissioner may establish, by rule, a schedule of administrative penalties for violations of this section that includes fines and prohibitions on competing. The schedule

COMMITTEE AMENDMENT

1 must be based on the severity of the violation. Rules adopted pursuant to this subsection
2 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3 **Sec. 2. 7 MRSA §98, sub-§2**, as enacted by PL 2005, c. 563, §3, is amended to
4 read:

5 **2. Chair; meetings; secretary.** The Pull Events Commission shall elect one of its
6 members as chair. The chair serves a 2-year term and may not serve as chair for
7 consecutive terms. The commission shall meet a minimum of twice annually. The
8 ~~agricultural fair coordinator from the department shall~~ commissioner shall designate a
9 person to serve as secretary to the Pull Events Commission.'

10 **SUMMARY**

11 This amendment allows the Commissioner of Agriculture, Food and Rural Resources
12 to designate any person to serve as secretary for the Pull Events Commission instead of
13 an employee of the Department of Agriculture, Food and Rural Resources. It also allows
14 the commissioner to establish and impose a range of penalties for the use of prohibited
15 substances in pulling events. Fines and prohibitions on competing are to be established
16 through rulemaking with a maximum fine set in law.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**