**01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**Chapter 226: RULES GOVERNING THE ADMINISTRATION OF CERTAIN SUBSTANCES TO ANIMALS ENTERED IN PULLING COMPETITIONS**

**SECTION 1. DEFINITIONS**

1. **Approved Laboratory means** a laboratory designated by the Commissioner for the analysis of drug concentration in blood, urine, saliva or other fluids. This includes the State Health & Environmental Testing Laboratory and other State and private laboratories that may be designated by the Commissioner.

 2. **Authorized Agent of the Commissioner (or "Agent") means a** State Veterinarian, or a licensed, practicing veterinarian contracted to work for the Department or for a licensed pulling venue, who is accompanied by a Department employee.

 3. **Commissioner means** the Commissioner of the Maine Department of Agriculture, Conservation and Forestry.

 4. **Department means** the Maine Department of Agriculture, Conservation and Forestry.

 5. **Driver means** the person(s) that controls/drives the animal(s) that is pulling in a licensed pulling event, also referred to as Teamster.

 6. **Event means** a licensed public pulling competition..

 7. **Positive Test means** any specimen collected for drug analysis by an Agent from an animal who has been entered into a pulling event, which is tested by an approved laboratory and found to contain a prohibited substance regardless of the concentration of substance present.

 8. **Pulling Permit means** a permit from the Commissioner of Agriculture, Conservation and Forestry as described in 7 M.R.S. §97.

 9. **Specimen means** blood, urine, saliva or any other body fluid taken from an animal that has been entered in a pulling event.

10. **Prohibited substance means:**

A. Any substance, including, but not limited to, a narcotic, stimulant, depressant, tranquilizer, local anesthetic, analgesic, drug or drug metabolite, medication of any type or biological substance, at a level greater than the level found in the normal, untreated animal; or

B. Any substance, regardless of how harmless or innocuous, that might interfere with the detection or quantitation of a narcotic, stimulant, depressant tranquilizer, local anesthetic, analgesic, drug or drug metabolite, medication of any type or biological substance, at a level greater than the level found in the normal untreated animal.

11. **Drug means:**

A. Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and

B. Articles (other than foods) intended to affect the structure or any function of the body of man or other animals; and

C. Articles intended for use as a component of any Articles specified in paragraphs 11 (A) and (B); but does not include devices or their components, parts, or accessories.

The term "drug" does not include water, in liquid or frozen state, or heat.

**SECTION 2. PROCEDURES FOR OBTAINING SAMPLES**

1. An Agent may test any animal which has been entered into an event as described in 7 M.R.S. §96.

2. Blood samples will be collected only by an Agent. that is a licensed veterinarian.

3. The owner and/or driver of the animal whose specimen is being taken must observe the specimen as it is being taken, the sample as it is sealed, identification and security of the sample and sign required documents to affirm that the person observed the specimen collection, sealing, identification and security of that sample.

4. The sample will be reasonably secured to prevent tampering from the time the sample is taken until that sample is delivered to an approved laboratory.

**SECTION 3. NOTIFICATION OF POSITIVE TEST AND HEARING**

1. The disclosure of a positive test will be reported to the Department by the approved laboratory.

2. The Department shall report any positive test to the owner and driver.

3. All holders of event permits (and, in the case of a pulling animal, the Pull Events Commission), shall be notified by the Department of a positive test. Such notification shall state the violator's name and address, the time and place where the positive sample was taken, the name of the substance involved and identification of the animal.

4. The Department shall provide the owner and driver receiving a positive test, with notice of the opportunity for a hearing before the Department Official at the time of notification of a positive test.

**SECTION 4. DECISION OF THE COMMISSIONER**

1. Notification of the decision of the Commissioner will be sent to the owner and driver found responsible for the positive test.

1. All holders of event permits, (and in the case of a pulling animal, the Pull Events Commission), shall be notified of the decision of the Commissioner.

**SECTION 5. PERMIT HOLDERS**

1. All permit holders are responsible to ensure that no barred person competes in an event.

2. The Commissioner may initiate action to revoke an event permit if a permit holder allows a barred person to enter an event.

**SECTION 6. GRIEVANCE PROCEDURE**

1. An aggrieved party's right of appeal or right to judicial review is provided by applicable provisions in the *Maine Administrative Procedure Act* and *Maine Rules of Civil Procedure*.

STATUTORY AUTHORITY

7 M.R.S. §96

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