

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

In the Matter of:)	
Josh Battles)	ADMINISTRATIVE CONSENT AGREEMENT
18 Wagon Wheel Lane)	AND
Freedom, NH 03836)	FINDINGS OF FACT
)	

This Agreement by and between Josh Battles (hereinafter called the “Owner”) and the Maine Department of Agriculture, Conservation and Forestry, through its Commissioner, Amanda Beal, is entered into pursuant to 7 M.R.S. §§ 2, 13, and 96 (2024), and 5 M.R.S. § 9053(2) (2024).¹

The parties to this Agreement agree as follows:

1. That the Owner entered draft horse Jack (Tag No. 2239) in a pulling competition at the Fryeburg Fair on October 4, 2024.
2. That, pursuant to 7 M.R.S. § 96(1), a person may not feed, inject, insert, or otherwise administer or attempt to administer or instruct, aid, or conspire with another person to administer or employ anyone who administers or attempts to administer a prohibited substance to an animal.
3. That, pursuant to 7 M.R.S. § 81(11)(B), a “prohibited substance” includes “[a]ny substance that the commissioner through rulemaking in accordance with section 96, subsection 6 determines could affect the conduct, actions, endurance, strength, speed, performance, appearance or disposition of an animal”
4. That, pursuant to the Commissioner’s above-referenced rulemaking authority, the Commissioner has further defined a “prohibited substance” to include “[a]ny 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” 01-001 C.M.R. ch. 226, § 1(10)(A) (2017).
5. That, pursuant to 7 M.R.S. § 96(2), a person may not enter or use in a pulling competition an animal that has been administered a prohibited substance, and that the Commissioner may require the animal to be tested for the presence of a prohibited substance before, during, or after an event.

¹ In accordance with 7 M.R.S. § 96(8), the Department of Agriculture, Conservation and Forestry sent notice to the Owner of the positive test identified herein and offered the opportunity to request a hearing. On December 2, 2024, through counsel, the Owner requested a hearing. The hearing was continued with the consent of the hearing officer to allow negotiations over a potential resolution of the matter by agreement.

6. That, pursuant to 7 M.R.S. § 96(3), an animal entered into a pulling competition is subject to an examination that may include physical, saliva, urine, or blood tests, or other tests or procedures that are considered necessary to determine whether an animal has been administered a prohibited substance.
7. That, pursuant to 7 M.R.S. § 96(12) (the so-called “Therapeutic Exception”), “[a]n animal in an event that receives a medication that contains a prohibited substance is not eligible for the event, unless the following requirements have been met and the information requested is submitted as a statement in writing to the secretary or general manager of the event.”
8. That, pursuant to the requirements of the Therapeutic Exception, the following requirements must be met in order to enter an animal that has been administered a medication that includes a prohibited substance into an event:
 - a. The medication must be therapeutic and necessary for treatment of an illness or injury.
 - b. The animal must be withdrawn from the event for a period of at least 24 hours after medication has been administered.
 - c. Only a licensed veterinarian or an owner acting under the direction of a licensed veterinarian may administer medication. The owner may administer medication under the direction of a licensed veterinarian if the licensed veterinarian has assumed responsibility for making medical judgments regarding the health of the animal, has sufficient knowledge of the animal to make a general or preliminary diagnosis of the animal and is readily available to care for the animal in the event of an adverse reaction to medication or the failure of the owner to adhere to a therapy regimen.
 - d. The amount, strength and mode of administration of medication must be identified.
 - e. The statement must include the date and time of the administration of medication.
 - f. The animal must be identified by name, age, sex, color and entry number.
 - g. The statement must contain the diagnosis and reason for administering the medication.
 - h. The statement must be signed by the person administering the medication.
 - i. The statement must be filed with the secretary or general manager of the event within one hour after the administration of medication or one hour after the secretary or general manager of the event returns to duty, if the administration is at a time other than during event hours.
 - j. The statement must be signed by the secretary or general manager of the event and the time of receipt of the statement must be recorded on the statement by the secretary or general manager.

9. That, pursuant to the Therapeutic Exception, even if all of the above requirements are met and a blood test reveals the presence of a prohibited substance, the Therapeutic Exception does not excuse the presence of a prohibited substance but instead “the information contained in the statement and any other relevant evidence must be considered at a hearing provided under subsection 8 in determining whether there has been a violation of any provision of this section.”
10. That a blood sample taken from Jack on October 4, 2024, disclosed the presence Cetirizine.
11. That Cetirizine is a prohibited substance pursuant to 7 M.R.S. §§ 81(11) and 96(1)-(2) and 01-001 C.M.R. ch. 226, § 1(10)(A).
12. That, pursuant to 7 M.R.S. § 96(5), a chemical analysis revealing the presence of Cetirizine in a horse following a pulling competition is prima facie evidence that the animal has been administered a prohibited substance.
13. That Owner failed to comply with all requirements of the Therapeutic Exception, including but not limited to failing to file any statement with the secretary or general manager of the event, let alone filing the required statement with the secretary or general manager of the event within one hour after the administration of medication or one hour after the secretary or general manager of the event returns to duty, if the administration is at a time other than during event hours, and failing to ensure the required statement was signed by the secretary or general manager of the event and was identified by the time of receipt of the statement is entered on the statement by the secretary or general manager.
14. That Owner’s veterinarian has submitted a signed affidavit under oath stating that she incorrectly provided mistaken information to Owner regarding the use of cetirizine in Jack prior to entry into the subject pulling competition. A true and correct copy of the veterinarian’s affidavit is attached hereto as **Exhibit A**.
15. That, notwithstanding the veterinarian’s provision of inaccurate information to Owner and Owner’s reliance on said inaccurate information, pursuant to 7 M.R.S. § 96(7), in the absence of substantial evidence to the contrary, the owner and driver of an animal are responsible for the condition of the animal, including the presence of a prohibited substance, and are charged with knowledge of all the provisions contained in that section, which includes the Therapeutic Exception provision, and the rules adopted pursuant to that section.
16. That, based on Paragraphs 1-15, the Owner violated the law prohibiting the administration of and entry of an animal administered a prohibited substance in a pulling competition pursuant to 7 M.R.S. §§ 96(1)-(2).
17. That the Owner admits the violations described in the preceding paragraph.
18. That the Owner expressly waives:
 - a. The opportunity to contest this matter at the previously requested hearing;

- b. Any and all further procedural steps before the Commissioner;
 - c. The making of any further findings of fact before the Commissioner; and
 - d. The right to appeal this Agreement.
19. That this Agreement shall not become effective unless and until the Commissioner signs it and the Office of the Attorney General approves it. The suspensions described below run from the date of the last signature on this Agreement.
20. That in consideration for the release by the Commissioner of the causes of action that the Commissioner has against the Owner resulting from the violation described in Paragraphs 1-15 and cited in Paragraph 16, the Owner agrees to a 2-year suspension from the date of this Agreement from competing in any pulling competition within the State, and a 1-year suspension from the date of this Agreement for the draft horse named Jack from competing in any pulling competition within the State.
21. That, as a compromise for the Owner's reliance on his veterinarian's inaccurate information about entering Jack into the subject pulling competition after having taken Cetirizine, all of the suspension the Owner is suspended, and all of the suspension for the draft horse named Jack is suspended.
22. That, for the 2025 and 2026 pulling seasons, respectively, any horse entered into an event by the Owner or driven in an event by the Owner must not have a positive test for a prohibited substance.
23. That, if the Commissioner were to pursue a civil violation action, the Commissioner could recover "a fine of not less than \$100 nor more than \$500" for a first violation. 7 M.R.S. § 96(9)(A).
24. That, as the Owner's 2-year suspension is being suspended as part of this Agreement, in additional consideration for the release by the Commissioner of the causes of action that the Commissioner has against the Owner resulting from the violation described in Paragraphs 1-15 and cited in Paragraph 16, within 15 days of execution of this Agreement the Owner agrees to pay a fine to the State of Maine in the sum of \$100.00. (Please make checks payable to Treasurer, State of Maine, and deliver to Kathy Eastman at the Department of Agriculture, Conservation and Forestry at 18 Elkins Lane, Harlow Building, Augusta, ME 04333-0028.)
25. That the Commissioner grants a release of her causes of action against the Owner for the specific violations cited in Paragraph 16 on the express condition that the Owner complies with the conditions contained in Paragraphs 22-24. If the Owner fails to comply with the conditions contained in Paragraphs 22-24, the entirety of the suspended penalty becomes unsuspended, and the Owner is subject to the full suspension detailed in Paragraph 20. Furthermore, the violation described in this Agreement constitutes a first offense for the purposes of calculating penalties for any additional violations.

26. That any non-compliance with any term or condition of this Agreement, as determined by the Commissioner, voids the release set forth in Paragraph 25 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Title 7 of the Maine Revised Statutes.
27. That nothing in this Agreement shall be construed to be a relinquishment of the Commissioner's powers under Titles 7 of the Maine Revised Statutes against the Owner for any other violations other than those expressly listed in this Agreement.
28. That this instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.
29. That this Agreement constitutes final, non-appealable agency action regarding Josh Battles.

I, JOSH BATTLES, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON ME. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY AND KNOWINGLY AND AGREE THAT I WILL BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

By: Josh Battles Date: 6-10-25
Josh Battles

Commissioner of the Maine Department of Agriculture, Conservation and Forestry

By: Amanda E. Beal Date: 6/4/25
Amanda E. Beal

Approved:

By: Caleb Elwell Date: 6/17/2025
Caleb Elwell, Assistant Attorney General