

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2084

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H.P. 1485

House of Representatives, January 28, 2020

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### **An Act Prohibiting Certain Confinement of Egg-laying Hens and the Sale of Their Eggs**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative O'NEIL of Saco.  
Cosponsored by Senator LIBBY of Androscoggin and  
Representative: DUNPHY of Old Town, Senator: CARPENTER of Aroostook.

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

2 **Sec. 1. 7 MRSA §4021** is enacted to read:

3 **§4021. Confinement of egg-laying hens**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Business owner or operator" means a person who owns or controls the  
7 operations of a business.

8 B. "Cage-free housing system" means an indoor or outdoor controlled environment  
9 for egg-laying hens within which:

10 (1) Egg-laying hens are free to roam unrestricted except by exterior walls;

11 (2) Egg-laying hens are provided enrichments that allow them to exhibit natural  
12 behaviors, including, at a minimum, scratch areas, perches, nest boxes and dust  
13 bathing areas; and

14 (3) Farm employees can provide care to egg-laying hens while standing within  
15 the egg-laying hens' usable floor space.

16 "Cage-free housing system" may include a multitiered aviary, a partially slatted  
17 system or a single-level all-litter floor system as long as the aviary or system  
18 complies with the requirements set forth in this paragraph.

19 C. "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose or  
20 guinea fowl kept for the purpose of commercial egg production.

21 D. "Enclosure" means a structure used to confine an egg-laying hen.

22 E. "Farm" means the land, buildings, support facilities and other equipment that are  
23 wholly or partially used for the commercial production of animals or animal products  
24 used for food. "Farm" does not include live animal markets or plants at which  
25 mandatory inspection is maintained under the federal Egg Products Inspection Act,  
26 21 United States Code, Chapter 15.

27 F. "Farm owner or operator" means any person who owns or controls the operations  
28 of a farm.

29 G. "Multitiered aviary" means a cage-free housing system in which egg-laying hens  
30 have unfettered access to multiple elevated platforms that provide the egg-laying hens  
31 with usable floor space both on top of and underneath the platforms.

32 H. "Partially slatted system" means a cage-free housing system in which egg-laying  
33 hens have unfettered access to elevated flat platforms under which manure drops  
34 through the flooring to a pit or litter removal belt below.

35 I. "Person" means an individual, firm, corporation, trust, partnership, joint venture,  
36 limited liability corporation, estate, trust, receiver, syndicate, association or other  
37 legal entity.

1 J. "Sale" means a commercial sale by a business that sells shell eggs. For purposes of  
2 this section, a sale is deemed to occur at the location where the buyer takes physical  
3 possession of the shell eggs.

4 K. "Shell egg" means a whole egg of an egg-laying hen in its shell form that is  
5 intended for use as human food.

6 L. "Single-level all-litter floor system" means a cage-free housing system bedded  
7 with litter and in which egg-laying hens have limited or no access to elevated flat  
8 platforms.

9 M. "Usable floor space" means the total square footage of floor space provided to  
10 each egg-laying hen, calculated by dividing the total square footage of floor space  
11 provided to egg-laying hens in an enclosure by the number of egg-laying hens in that  
12 enclosure. "Usable floor space" includes both ground space and elevated level or  
13 nearly level flat platforms upon which egg-laying hens can roost, but does not include  
14 perches or ramps.

15 **2. Prohibitions.** After December 31, 2024:

16 A. A farm owner or operator within the State may not knowingly confine an egg-  
17 laying hen in an enclosure that is not a cage-free housing system or in an enclosure  
18 with less than:

19 (1) One square foot of usable floor space per egg-laying hen in multitiered  
20 aviaries, partially slatted systems or any other cage-free housing system that  
21 provides egg-laying hens with unfettered access to vertical space; or

22 (2) One and one-half square feet of usable floor space per egg-laying hen in  
23 single-level all-litter floor systems or any other cage-free housing system that  
24 does not provide egg-laying hens with unfettered access to vertical space; and

25 B. A business owner or operator may not knowingly engage in the sale within the  
26 State of a shell egg that the business owner or operator knows or should know is the  
27 product of an egg-laying hen that was confined in a manner that violates paragraph A.

28 **3. Exceptions.** Subsection 2, paragraph A does not apply to an egg-laying hen:

29 A. While the egg-laying hen is the subject of medical research;

30 B. During the examination, testing, individual treatment of or operation on the egg-  
31 laying hen for veterinary purposes when performed by or under the direct supervision  
32 of a licensed veterinarian;

33 C. While the egg-laying hen is being transported;

34 D. At a state or county fair exhibition, 4-H event or similar exhibition;

35 E. During slaughter in accordance with any applicable laws, rules and regulations;  
36 and

37 F. During temporary periods for animal husbandry purposes, which may total no  
38 more than 6 hours in any 24-hour period and no more than 24 hours in any 30-day  
39 period.

1 **4. Defense.** In an action to enforce subsection 2, paragraph B, it is a defense that a  
2 business owner or operator relied in good faith upon a written certification by the supplier  
3 of shell eggs that the shell eggs at issue were not derived from any egg-laying hen who  
4 was confined in violation of subsection 2, paragraph A.

5 **5. Violation; penalty.** Notwithstanding section 4016, violation of this section is  
6 governed by this subsection. A person who violates this section commits a civil  
7 violation. The court shall adjudge a civil fine of not less than \$500 nor more than \$5,000  
8 per violation.

9 **6. Injunction.** In lieu of or in addition to the collection of fines under subsection 5,  
10 the commissioner may bring a civil action in the Superior Court to prevent, restrain or  
11 enjoin a violation of this section. If in that action a violation or threatened violation of  
12 this section is established, the court may enjoin and restrain or otherwise prohibit the  
13 violation or threatened violation.

14 **7. Relation to other laws.** The provisions of this section are in addition to, and not  
15 in lieu of, any other laws protecting animal welfare. This section may not be construed to  
16 limit any state law or rules protecting the welfare of animals or to prevent a local  
17 governing body from adopting and enforcing its own animal welfare ordinances and  
18 regulations.

19 The affirmative defense provisions in section 4016, subsection 3 do not apply to this  
20 section. It is not an affirmative defense to alleged violations of this section that the egg-  
21 laying hen is kept as part of an agricultural operation and in compliance with best  
22 management practices for animal husbandry.

23 **Sec. 2. Legislative findings.** The Legislature finds that the regulation of egg  
24 production and of the sale of eggs is necessary to protect the health and welfare of  
25 consumers in the State, to promote food safety, to advance animal welfare and to protect  
26 the State against the negative fiscal impacts associated with the absence of effective  
27 regulation of egg production and sales of eggs.

## 28 SUMMARY

29 This bill provides that, after December 31, 2024:

30 1. Farm owners and operators in the State must keep their egg-laying hens in cage-  
31 free housing systems; and

32 2. Business owners and operators may not sell in the State eggs from hens that are  
33 not kept in cage-free housing systems.

34 Under the bill, a person who violates these requirements commits a civil violation for  
35 which a fine may be adjudged. In addition, the bill authorizes the Commissioner of  
36 Agriculture, Conservation and Forestry to bring a civil action to prevent, restrain or  
37 enjoin a violation of the requirements.