

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1965

S.P. 724

In Senate, December 17, 2001

An Act to Amend the Animal Health and Disease Control Laws.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 17, 2001. Referred to the Committee on Agriculture, Conservation and Forestry and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Representative CARR of Lincoln and
Representatives: HAWES of Standish, LANDRY of Patten, LUNDEEN of Mars Hill.

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

4 **Sec. 1. 7 MRSA §1301**, as amended by PL 1967, c. 227, §1, is further amended to read:

6 **§1301. Purpose**

8 The purposes of this chapter are to maintain fair and equitable practices in the buying and selling of livestock and poultry within this State, and to ~~suppress~~ encourage practices in ~~such transactions which tend against the elimination of diseased and unfit~~ that promote the sale of healthy livestock and poultry. In respect to dealers in livestock and poultry this chapter supplements and does not supersede other provisions of the laws relating to the control of livestock and poultry diseases under this Title.

18 **Sec. 2. 7 MRSA §1302, sub-§3**, as amended by PL 1967, c. 227, §1, is further amended to read:

20 **3. Livestock and poultry.** "Livestock and poultry" shall ~~include~~ includes all cattle, dairy, ~~feeding, beef or breeding~~ animals, sheep, goats, swine, horses ~~and~~ equines and poultry ~~and~~ domesticated cervidae and other exotic animals under this Title.

26 **Sec. 3. 7 MRSA §1304**, as amended by PL 1967, c. 227, §1, is further amended to read:

28 **§1304. License; agents**

30 No ~~A~~ A person, firm, partnership or corporation shall ~~may not~~ may not act as a dealer of livestock and poultry unless ~~duly licensed by the department.~~ duly licensed by the department. No ~~An~~ An agent shall ~~may not~~ may not act for any dealer unless ~~he~~ that agent and the dealer are ~~duly licensed by the department~~ duly licensed by the department and the dealer has designated such agent to act in ~~his~~ the dealer's behalf. A dealer shall ~~be~~ is accountable and responsible for acts of ~~his~~ the dealer's agents.

38 **Sec. 4. 7 MRSA §1305**, as amended by PL 1967, c. 227, §2, is further amended to read:

42 **§1305. Application for license**

44 Application for a license as a dealer in livestock and poultry or as an agent shall ~~must~~ must be made upon a form prescribed by the commissioner ~~or his duly constituted agent.~~ or his duly constituted agent. ~~The commissioner or his duly constituted agent, if satisfied with the applicant's qualifications, shall issue to such applicant, if qualified, must be issued~~ a license entitling the applicant to act as a dealer or as an agent for a period of one year from July

1st of the year in which the application was made. The license
2 fee for a dealer ~~shall be \$5~~ is \$25 and for an each agent, ~~50¢~~
3 \$10. Each dealer and agent ~~shall~~ must receive from the
4 commissioner certificates ~~as such, which certificates shall that~~
5 must be carried in the motor vehicle or truck owned or used by
6 such dealer or agent. Each dealer ~~shall~~ must receive from the
7 commissioner dealer license plates to be attached to each motor
8 vehicle or truck owned or used by such dealer and must receive a
9 sticker each year that must be affixed to the plate.

10 **Sec. 5. 7 MRSA §1306**, as amended by PL 1999, c. 547, Pt. B,
11 §78 and affected by §80, is further amended to read:

12 **§1306. Revocation and suspension of licenses**

13 Any license issued under this chapter may be suspended or
14 revoked ~~by the District Court~~ in a manner consistent with the
15 Maine Administrative Procedure Act.

16 **Sec. 6. 7 MRSA §1307**, as amended by PL 1967, c. 227, §3, is
17 further amended to read:

18 **§1307. Records**

19 The commissioner may require licensed livestock and poultry
20 dealers to keep certain records of transactions in any or all
21 classes of livestock and poultry. The department may establish
22 by rule the length of time that records kept by persons engaging
23 in dealing livestock and poultry must be retained. Rules adopted
24 pursuant to this section are routine technical rules as defined
25 in Title 5, chapter 375, subchapter II-A.

26 **Sec. 7. 7 MRSA §1308**, as amended by PL 1979, c. 541, Pt. A,
27 §68, is further amended to read:

28 **§1308. Violations**

29 Any person, copartnership, association or corporation
30 engaged in the business of buying or selling livestock or
31 poultry, or both, as defined in this chapter without a license
32 provided for in section 1304, or who ~~shall violate~~ violates any
33 of the provisions of sections 1302 to 1307, ~~shall be guilty of a~~
34 Class-B crime or who violates any rule adopted under sections
35 1302 to 1307 commits a civil violation for which a fine in the
36 amount of \$100 per day for each violation may be adjudged. The
37 total fine may not exceed \$25,000.

38 ~~Any person, copartnership, association or corporation who~~
39 ~~shall violate any rule or regulation promulgated under sections~~
40 ~~1302 to 1307, or neglect or refuse to comply with any of the~~
41 ~~provisions of sections 1302 to 1307, shall be guilty of a Class-B~~
42 ~~crime or who violates any rule adopted under sections 1302 to~~
43 ~~1307 commits a civil violation for which a fine in the amount of~~
44 ~~\$100 per day for each violation may be adjudged. The total fine~~
45 ~~may not exceed \$25,000.~~

2 provisions thereof, commits a civil violation for which a
forfeiture not to exceed \$50 may be adjudged.

4 **Sec. 8. 7 MRSA §1331, sub-§4**, as amended by PL 1989, c. 502,
Pt. B, §7, is further amended to read:

6
8 **4. Penalties.** Any person engaged in the business of
propagating, possessing, buying or selling domesticated deer
without a license as provided for in subsection 2 ~~is guilty of a~~
10 Glass-E-crime commits a civil violation for which a fine in the
12 amount of \$100 per day for each violation may be adjudged. The
total fine may not exceed \$25,000.

14 **Sec. 9. 7 MRSA §1331, sub-§5**, as enacted by PL 1987, c. 685,
§1, is amended to read:

16
18 **5. Revocation.** ~~A license issued to any person for the~~
~~propagation, possession, purchase or sale of domesticated deer,~~
~~or for the sale of meat from domesticated deer, may be revoked at~~
20 any time Any license issued under this chapter may be suspended
or revoked in a manner consistent with the Maine Administrative
22 Procedure Act for violation of this chapter. Upon revocation, no
similar license may be reissued for a minimum of 5 years. Any
24 ~~person who violates or refuses to comply with this chapter~~
~~commits a civil violation for which a forfeiture not to exceed~~
26 ~~\$200 may be adjudged at the discretion of the commissioner.~~

28 **Sec. 10. 7 MRSA c. 207** is amended by repealing the chapter
headnote and enacting the following in its place:

30
32 **CHAPTER 207**

34 **AUCTIONS**

36 **Sec. 11. 7 MRSA §1451** is amended to read:

38 **§1451. Purpose**

40 ~~Whereas community or commission auctions are increasing~~
~~throughout the country, and if properly controlled are a benefit~~
~~to the livestock industry, it is desirable to set up legislation~~
42 ~~to prohibit the spread of disease and protect the public. The~~
purpose of this chapter is to foster fair and equitable sales
44 practices and to encourage practices in such transactions that
promote the sale of healthy livestock and poultry.

46
48 **Sec. 12. 7 MRSA §1452** is repealed and the following enacted
in its place:

50 **§1452. Definitions**

2 As used in this chapter, unless the context otherwise
3 indicates, the term "auction" means the offering of cattle,
4 sheep, swine, goats and equines and domesticated cervidae and
5 other exotic animals for sale by means of exchanges between an
6 auctioneer and bidders.

8 **Sec. 13. 7 MRSA §1453**, as amended by PL 1977, c. 694, §117,
9 is further amended to read:

10 **§1453. Rules**

11 The commissioner shall, in a manner consistent with the
12 Maine Administrative Procedure Act, make rules ~~and regulations~~
13 necessary to protect the health and welfare of animals going
14 through ~~such sales rings~~ auction, which shall have the power of
15 law as outlined under section 1752.

16 **Sec. 14. 7 MRSA §1454** is repealed and the following enacted
17 in its place:

18 **§1454. Permit**

19 A person, partnership, association or corporation may not
20 hold or conduct an auction without obtaining a permit from the
21 commissioner no later than 2 weeks prior to the time of the
22 auction.

23 **Sec. 15. 7 MRSA §1455** is amended to read:

24 **§1455. Records**

25 The operator shall keep complete records of all sales
26 transactions, which shall must be available for inspection by the
27 commissioner ~~or his agent~~. The department may establish, by
28 rule, the length of time that a person who conducts an auction
29 must retain these records. These records must indicate the
30 origins of the animals and the final disposition or location of
31 those animals. Rules adopted pursuant to this section are
32 routine technical rules as defined in Title 5, chapter 375,
33 subchapter II-A.

34 **Sec. 16. 7 MRSA §1456**, as amended by PL 1999, c. 547, Pt. B,
35 §20 and affected by §80, is repealed and the following enacted in
36 its place:

37 **§1456. Cancellation of permit**

38 The permit to operate an auction may be suspended in a
39 manner consistent with the Maine Administrative Procedure Act.

2 **Sec. 17. 7 MRSA §1457** is enacted to read:

4 **§1457. Violations**

6 Any person who violates the provisions of this chapter
8 commits a civil violation for which a fine in the amount of \$100
 per violation per day, not to exceed \$25,000, may be adjudged.

10 **Sec. 18. 7 MRSA §1704**, as amended by PL 1985, c. 785, Pt. B,
12 §46, is further amended to read:

14 **§1704. Agents**

16 The commissioner may employ skilled veterinarians licensed
18 in this State and such other agents and employees as he may deem
 be necessary to carry-into-effect enforce chapters 201, 207, 301,
 303 and 305, subject to the Civil Service Law.

20 **Sec. 19. 7 MRSA §1706**, as repealed and replaced by PL 1977,
22 c. 696, §89, is amended to read:

24 **§1706. Penalties**

26 Whoever violates any provisions of chapters 207, 301, 303,
28 and 305, or any rule and--regulation--promulgated--thereunder
30 adopted under those chapters, unless a specific penalty or
 forfeiture is provided for, shall-be-guilty-of-a-Class-E-crime
 commits a civil violation for which a fine in the amount of \$500
 per day for each violation may be adjudged. The total fine may
 not exceed \$50,000.

32 **Sec. 20. 7 MRSA §§1707 and 1708** are enacted to read:

34 **§1707. Confidentiality of records**

36 All department records relating to open, ongoing animal
38 health investigations, animal health research and animal health
40 surveillance are confidential and may not be disclosed to any
 person, even upon written authorization by the subject of the
 record.

42 **§1708. Veterinary care**

44 The owner of a livestock herd must provide regular
46 veterinary care.

48 **Sec. 21. 7 MRSA §1751, sub-§2**, as amended by PL 1999, c. 765,
50 §4, is further amended to read:

2 **2. Domestic animals.** "Domestic animals" means cattle,
2 horses, ~~mules, asses,~~ equines, goats, sheep, swine, cats, dogs,
4 domesticated cervidae or other domesticated animals; large game
4 as defined in section 1341, subsection 5; and poultry.

6 **Sec. 22. 7 MRSA §1751, sub-§3,** as amended by PL 1979, c. 731,
8 §19, is further amended to read:

10 **3. Authorized agent.** "~~Duly-authorized~~ Authorized agent"
12 means employees of the ~~State-Department-of-Agriculture,-Food-and~~
14 ~~Rural-Resources~~ department, veterinarians licensed by the State
16 to practice veterinary medicine while performing official duties
16 for the department, employees of the ~~Agricultural-Research~~ Animal
16 and Plant Health Inspection Service of the United States
16 Department of Agriculture, or other persons designated by the
16 commissioner.

18 **Sec. 23. 7 MRSA §1752,** as repealed and replaced by PL 1977,
20 c. 694, §119, is amended to read:

22 **§1752. Rules**

24 The commissioner shall, in a manner consistent with the
26 Maine Administrative Procedure Act, ~~make-all-needful-rules-and~~
28 ~~regulations-which-may-in-his-judgment-be-deemed-requisite-to-the~~
30 ~~full-and-due-execution-of~~ adopt rules that, in the commissioner's
30 judgment, are necessary for the enforcement of chapters 201, 207,
30 301, 303 and 305. These rules ~~and-regulations-shall~~ have the
30 force and effect of law, so far as the same are not inconsistent
30 with the laws of this State or of the United States.

32 **Sec. 24. 7 MRSA §1753,** as amended by PL 1999, c. 765, §5, is
34 further amended to read:

36 **§1753. Duties of commissioner**

38 The commissioner shall, so far as possible, prevent the
40 introduction and spread of contagious, infectious and parasitic
42 diseases, and exposure thereto, among domestic animals in the
42 State, especially ~~these-diseases-transmitted-to-man,-either~~
42 ~~directly-or-indirectly~~ zoonotic diseases, and those of greatest
42 economic importance.

44 The commissioner shall cause investigation and diagnosis to
46 be made by approved methods as to the existence of contagious,
48 infectious and parasitic diseases among domestic animals in the
50 State, and ~~he-or-his-duly-authorized-agent~~ the commissioner may
50 enter any premises, buildings or places, including stockyards,
50 cars, trucks, planes and vessels within any county or part of the
50 State in or at which he the commissioner has reason to believe

2 there exists any such disease, and make such investigation,
diagnosis or diagnostic tests as to the existence of disease that
4 he the commissioner may consider necessary.

6 ~~The commissioner shall, so far as possible, control and
eradicate the diseases of domestic animals.~~ The commissioner
shall formulate and apply programs for the control and or
8 eradication of ~~tuberculosis, brucellosis, forms of transmissible
spongiform encephalopathy known as chronic wasting disease and~~
10 ~~such other~~ any diseases as or pathogens as required by the United
States Department of Agriculture and any other diseases or
12 pathogens the commissioner considers necessary or practicable to
control or eradicate so far as funds are available.

14 **Sec. 25. 7 MRSA §1755**, as amended by PL 1977, c. 694, §120,
16 is further amended to read:

18 **§1755. Quarantine**

20 The commissioner may, upon discovery or upon suspicion of
the existence of any disease or pathogen among domestic animals
22 or poultry in the State, take whatever action ~~he deems~~ the
commissioner considers necessary to prevent possible spread and
24 to control or eradicate ~~such~~ the disease or pathogen. Such action
may include quarantine of domestic animals, birds, wild animals
26 in captivity and products derived from them, also including the
quarantine of articles, materials and premises, equipment or
28 areas, for such a time and under such conditions as ~~he may deem~~
the commissioner considers necessary to eradicate or control the
30 disease or pathogen. This quarantine shall ~~may~~ not be considered
licensing or an adjudicatory proceeding, as defined by the Maine
32 Administrative Procedure Act.

34 Any positive diagnosis of a disease made by recognized
procedures by recognized diagnostic laboratories, or by
36 recognized qualified persons, shall must be considered as
official diagnosis until proved otherwise.

38 Quarantine may be made by registered mail or in person by an
40 authorized agent of the commissioner, or by any other person
authorized to do so.

42 The commissioner may use placards or any other methods he
44 ~~may deem~~ considered necessary to give notice or warning of ~~such~~
the quarantine.

46 It ~~shall be~~ is illegal to violate any quarantine by any
48 person, and such violation shall ~~be~~ is punishable by penalties as
outlined in section 1706.

50

2 **Sec. 26. 7 MRSA §1756**, as amended by PL 1983, c. 747, §1, is
further amended to read:

4 **§1756. Appraisal and indemnity**

6 Upon discovery of any contagious or infectious disease or
7 pathogen among domestic animals, the commissioner may cause the
8 affected or exposed animals to be appraised and destroyed, and a
9 proper disposition of the carcasses made in accordance with rules
10 and adopted by ~~him~~ the commissioner in a manner consistent with
11 the Maine Administrative Procedure Act, Title 5, chapter 375. The
12 commissioner shall appraise each domestic animal at its true
13 market value at the time it is condemned, provided that no
14 indemnity may be paid except as established in section 1757 or in
15 state-federal cooperative eradication programs for domestic
16 animals and in those amounts as set by those agreements. In no
17 case may the combined amount received from salvage and state and
18 federal indemnity exceed the amount of appraisal.

20 ~~No indemnity shall~~ Indemnity may not be paid on any domestic
21 animals imported into the State, ~~if the importation of which was~~
22 ~~not in compliance with~~ in violation of the laws of the State or
23 rules and regulations in effect at the time of importation.

24 **Sec. 27. 7 MRSA §1757, first ¶**, as enacted by PL 1983, c. 747,
25 §2, is amended to read:

28 The commissioner shall establish a Poultry Disease Control
29 Fund to be used to detect, prevent, control or eradicate any
30 contagious or infectious poultry disease or pathogen within the
31 State. ~~He may credit to the fund moneys appropriated by the~~
32 ~~Legislature for that purpose,~~ which may be funded through a
33 legislative appropriation or through money received from other
34 public and private sources, including an assessment on commercial
35 poultry owners.

36 **Sec. 28. 7 MRSA §1757, sub-§1**, as enacted by PL 1983, c. 747,
37 §2, is amended to read:

40 **1. Authority of the commissioner.** Whenever he the
41 commissioner has sufficient reason to believe that a contagious
42 or infectious poultry disease or pathogen has been or may be
43 introduced into the State, the commissioner may:

44 A. Inspect, cause to be disinfected or require evidence of
45 disinfection of:

48 (1) All incoming or outgoing vehicles being used to
49 convey poultry, poultry products or materials related
50 to the poultry industry; and

2 (2) All incoming vehicles ~~which~~ that, while carrying
3 other domestic animals during the ~~80~~ 30 days
4 immediately prior to their arrival in Maine, stopped
5 within or passed through an area declared quarantined
6 by the United States Department of Agriculture, Animal
7 and Plant Health Inspection Service, due to the
8 outbreak of a contagious or infectious poultry disease
9 or pathogen.

10 Incoming vehicles may be refused entry into the State and
11 outgoing vehicles may be detained within the State until any
12 necessary inspection or disinfection has been performed or
13 any required evidence of inspection or disinfection has been
14 received.

15 B. Immediately eradicate poultry flocks in which disease or
16 pathogen is found to exist; and

17 C. After consultation with appropriate industry
18 organizations, indemnify owners of poultry destroyed under
19 paragraph B. The amount of the indemnity shall must be
20 established by rule adopted in a manner consistent with the
21 Maine Administrative Procedure Act, Title 5, chapter 375,
22 provided that the amount of any federal indemnity for the
23 same flock shall ~~be~~ is considered in setting the amount of
24 indemnity under this paragraph.

25 **Sec. 29. 7 MRSA §1759** is enacted to read:

26 **§1759. Vehicle detainment and inspection**

27 If the commissioner has sufficient reason to believe that a
28 contagious or infectious animal disease or pathogen has been or
29 may be introduced into the United States, Canada or this State,
30 the commissioner may stop and inspect vehicles transporting
31 domestic animals or poultry to ensure that biosecurity
32 procedures, including cleaning and disinfection, outlined by the
33 United States Department of Agriculture have been adhered to and
34 that importation certification documents are in order.

35 An incoming vehicle may be refused entry into the State and
36 an outgoing vehicle may be detained within the State until any
37 necessary inspection or disinfection has been performed or any
38 required evidence of inspection or disinfection has been received
39 by the commissioner.

40 **Sec. 30. 7 MRSA §1801**, as amended by PL 1999, c. 765, §6, is
41 repealed and the following enacted in its place:

42

2 **§1801. Reportable diseases**

4 The commissioner shall, by rule adopted in a manner
6 consistent with the Maine Administrative Procedure Act, determine
8 which diseases or pathogens must be classified as "reportable."
10 The form of transmissible spongiform encephalopathy known as
12 chronic wasting disease is reportable. It is a violation of this
14 chapter for any owner, agent of any owner, veterinarian or other
person having knowledge of the existence of such disease or
pathogen or the exposure of domestic animals to such disease or
pathogen not to properly report the existence of such disease or
pathogen or exposure of domestic animals to the department
immediately after knowledge of such disease or pathogen or
exposure of domestic animals to such disease or pathogen.

16 It is a violation of this chapter for any person to drive,
18 truck or otherwise move intrastate or interstate domestic
20 animals known to be infected with or exposed to any reportable
22 disease or pathogen, or domestic animals treated with any vaccine
24 or other substance that might make them capable of spreading a
disease or pathogen among susceptible domestic animals. Any
domestic animals infected with or exposed to any reportable
disease or pathogen may be moved only under the direction of the
commissioner.

26 **Sec. 31. 7 MRSA §§1803, 1805 and 1806** are amended to read:

28 **§1803. Transportation of diseased animals**

30 It shall-be-illegal is a violation of this chapter to haul,
32 drive, truck or otherwise move into the State any domestic
34 animals known to be infected with or exposed to any contagious or
infectious disease or pathogen.

36 **§1805. Securing animals for treatment**

38 It shall-be-unlawful is a violation of this chapter for an
40 owner of domestic animals or his that owner's agent to refuse or
42 neglect to secure and restrain domestic animals to be tested,
44 vaccinated, branded or tattooed, or otherwise treated, as to-make
it-possible-for-the-commissioner,--or--his--agent--in--charge--of
livestock-sanitary-work,--or--his--representative--to--apply--in--an
expeditious-manner-the-test-or-other-treatment--that--is--deemed
necessary the commissioner may direct.

46 The commissioner or-his-duly-authorized-agent may require
48 proper disinfecting of stables and premises by the owner, where
50 condemned diseased domestic animals are found, and may withhold
indemnity until he--is satisfied that proper cleaning and
disinfecting of premises have been completed.

2 **§1806. Disease control notifications**

4 It ~~shall be unlawful~~ is a violation of this chapter to
6 tamper with, remove or alter ear tags, labels, placards or notices
 affixed or posted by the commissioner ~~or his agent~~.

8 ~~No milk or dairy products shall be sold or offered for sale~~
10 ~~in the State from any herd retaining known brucellosis reactors.~~

12 **Sec. 32. 7 MRSA §1806-A** is enacted to read:

14 **§1806-A. Prohibition of sales**

16 The commissioner may prohibit the sale of milk or milk
18 products in the State from any herd of any species having any
20 reportable disease or pathogen that may be transmitted in milk or
 milk products. A livestock product or byproduct may not be sold
 or offered for sale from any herd having a reportable disease or
 pathogen that may be transmitted in those products.

22 **Sec. 33. 7 MRSA §1807**, as amended by PL 1981, c. 197, §1, is
24 repealed and the following enacted in its place:

26 **§1807. Illegal vaccinations**

28 A person other than a licensed veterinarian may not
30 vaccinate cattle with brucellosis vaccine. A licensed
32 veterinarian may vaccinate cattle only with brucellosis vaccine
34 that has been approved by the commissioner and only in accordance
36 with vaccination ages as determined by the commissioner.

38 The commissioner may prohibit a vaccination because the use
40 of a vaccine may cause the presumption that an actual disease or
42 pathogen is present in the State, but the commissioner may
44 authorize any vaccination necessary to control an outbreak of a
46 disease or to ameliorate the threat of an outbreak of a disease.

48 **Sec. 34. 7 MRSA §1808**, as amended by PL 1999, c. 547, Pt. B,
50 §78 and affected by §80, is further amended to read:

42 **§1808. Sale of certain biologics**

44 A biological product capable of eliciting an immunological
46 response offered for use in the treatment or prevention of
48 diseases of domestic animals may not be produced, sold,
50 distributed, imported or used within the State, or imported into
 the State for sale, distribution or use unless approval and
 written permission has first been obtained from the commissioner,
 ~~or the commissioner's agent in charge of livestock sanitary work,~~

2 ~~for the distribution and use of that product.~~ The commissioner ~~or~~
3 ~~the commissioner's agent~~ has the right to refuse permission for
4 distribution, sale, importation or use of any such product within
5 the State, and may require reporting of sale, distribution,
6 importation or use of any such product within the State, if
7 permission is granted.

8 No An antigen used for diagnostic purposes in domestic
9 animals ~~shall~~ may not be produced in or shipped into the State
10 without the approval of the commissioner ~~or his agent~~.

11 No A person, ~~firm or corporation,~~ except a licensed
12 veterinarians, veterinarian ~~shall~~ may not offer for sale or
13 distribution, within the State, any biological product containing
14 living organisms or viruses offered for use in the treatment or
15 prevention of diseases of domestic animals, without first
16 obtaining a permit to act as salesman a salesperson or
17 distributor from the department.

18 The commissioner shall, in a manner consistent with the
19 Maine Administrative Procedure Act, ~~promulgate~~ adopt rules and
20 ~~regulations~~ as to refrigeration, handling, shipping, disposing of
21 outdated material, and sale of such products.

22 Failure to comply with this section or section 1807, or the
23 regulations adopted pursuant thereto, ~~shall be~~ is grounds for
24 revocation ~~by the District Court~~ of any permit granted pursuant
25 to these sections.

26 **Sec. 35. 7 MRSA §1809**, as amended by PL 1999, c. 765, §7, is
27 repealed and the following enacted in its place:

28 **§1809. Permits for state entry**

29 Any person who imports animals into the State may be
30 required by the commissioner to obtain a permit before the time
31 of entry. The permit or permit number must accompany the
32 shipment. The commissioner may refuse to grant a permit or may
33 issue one subject to quarantine at destination if the animals do
34 not meet importation requirements. The commissioner may require
35 the owner to have those animals tested or examined by a
36 veterinarian at the owner's expense. The commissioner may release
37 those animals from quarantine only after the commissioner is
38 satisfied that they are not a disease threat to other animals or
39 humans.

40 Animals brought into the State without a permit may be
41 condemned by the commissioner and euthanized without indemnity.

2 1. Rules. The commissioner shall, in a manner consistent
4 with the Maine Administrative Procedure Act, adopt all rules the
6 commissioner considers necessary to maintain the health of all
8 animals under the department's authority imported into the State
10 or offered for sale within the State.

12 **Sec. 36. 7 MRSA §§1810 and 1811** are amended to read:

14 **§1810. Agreement with United States Department of Agriculture and**
16 **with other states**

18 The commissioner ~~or his agent~~ is authorized to enter into
20 agreements of cooperation in the name of the State with the
22 United States Department of Agriculture and other states for the
24 prevention, control and eradication of diseases among domestic
26 animals.

28 **§1811. Health requirements for exhibit animals**

30 All domestic animals that are to be shown or exhibited in
32 any agricultural show within the State shall must meet the health
34 requirements of the rules and ~~regulations~~ of the commissioner.

36 **Sec. 37. 7 MRSA §1812, 3rd ¶**, as amended by PL 1985, c. 545,
38 is further amended to read:

40 For the prevention and control of brucellosis, the
42 commissioner ~~or his agent in charge of livestock sanitary work~~
44 shall continue to conduct recognized tests on all the herds in
46 the State as required to maintain United States Department of
48 Agriculture certification that the State is free of brucellosis.
Such tests shall must be conducted by regularly employed federal
or state veterinarians or technicians or authorized veterinarians
and tested by the state laboratory. All animals showing a
positive reaction to the test shall must be identified by a
"reactor" ear tag and brand and shall must be slaughtered, except
vaccinated animals under 14 months of age.

Sec. 38. 7 MRSA §1812, 4th ¶, as amended by PL 1981, c. 197,
§2, is further amended to read:

Officially vaccinated calves, if purebred, shall must be
properly identified by an official ear tag or registration papers
or tattoo number. Grade animals shall must be tagged with an
official ear tag. All officially vaccinated calves must be
tattooed with the official state tattoo mark. Evidence of
vaccination shall must be the official state tattoo mark and
either a vaccination ear tag or a tattoo number.

2 **Sec. 39. 7 MRSA §1812, 5th ¶**, as amended by PL 1985, c. 545,
is further amended to read:

4 ~~Vaccine for cattle of this State shall be provided through~~
5 ~~the commissioner as long as the vaccine is supplied by the~~
6 ~~Federal Government. If the Federal Government does not supply the~~
7 ~~vaccine, the~~ The commissioner shall establish rules in accordance
8 with the Maine Administrative Procedure Act, Title 5, chapter
9 375, establishing fees to cover costs of obtaining, storing and
10 distributing vaccine to accredited veterinarians and defining
11 approved sources and procedures to regulate the use of this
12 vaccine. The fees will accrue to a nonlapsing dedicated account
13 to be used for obtaining, storing and distributing vaccine.

14 **Sec. 40. 7 MRSA §1812-A**, as amended by PL 1977, c. 694, §128,
15 is repealed and the following enacted in its place:

16 **§1812-A. Brucellosis in swine**

17 The commissioner shall, in a manner consistent with the
18 Maine Administrative Procedure Act, formulate and implement rules
19 for the prevention, control and eradication of brucellosis in
20 swine. Where infection has been found, all swine must be
21 quarantined to the premises until all swine in the infected herd
22 are in compliance with rules or may be slaughtered as the
23 commissioner may direct.

24 **Sec. 41. 7 MRSA §1813, sub-§1** is repealed and the following
25 enacted in its place:

26 **1. Garbage.** "Garbage" means all waste material derived in
27 whole or in part from the meat of any animal, including fish and
28 poultry, or other animal material and other refuse of any
29 character whatsoever that has been associated with any such
30 material resulting from the handling, preparation, cooking or
31 consumption of food, except that "garbage" does not include waste
32 from ordinary household operations that is fed directly to swine
33 on the same premises where such a household is located.

34 **Sec. 42. 7 MRSA §1814**, as amended by PL 1979, c. 541, Pt. A,
35 §70, is further amended to read:

36 **§1814. License to feed garbage**

37 No A person shall may not feed garbage to swine without
38 first procuring a license therefor from the commissioner or his
39 duly-authorized-agent. Such--licenses--shall A license may be
40 procured annually for a fee of \$1 \$25 and shall must be renewed
41 on the first day of June of each succeeding year. This section
42 shall does not apply to any person who feeds his that person's

own household garbage only to swine which that are raised for
2 such a person's own use.

4 Garbage, regardless of previous processing, ~~shall~~ must,
before being fed to swine, be thoroughly heated to at least 212`
6 Fahrenheit for at least 30 minutes, unless treated in some other
manner ~~which--shall~~ that must be approved in writing by the
8 commissioner ~~or-his-duly-authorized-agent~~.

10 The commissioner ~~or-his-duly-authorized-agent~~ ~~shall have the~~
~~power--to~~ may enter at reasonable times any private or public
12 property for the purpose of ~~investing~~ investigating conditions
relating to the treating or feeding of garbage.

14 When a disease condition exists that may be spread by the
16 feeding of garbage, the commissioner may immediately suspend all
garbage feeding licenses and place a moratorium on all garbage
18 feeding in the State.

20 Any person found feeding garbage to swine without a license
commits a civil violation for which a forfeiture of not less than
22 \$250 nor more than \$500 for an initial violation and not less
than \$500 nor more than \$1,000 for a subsequent violation may be
24 adjudged.

26 Any person who feeds garbage to swine during a moratorium
imposed by the commissioner is subject to a civil penalty of
28 \$5,000, payable to the State. This penalty is recoverable in a
civil action.

30 **Sec. 43. 7 MRSA §1817** is repealed.

32 **Sec. 44. 7 MRSA §1820**, as amended by PL 1981, c. 21, §§1 and
34 2, is repealed and the following enacted in its place:

36 **§1820. Equine infectious anemia**

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

42 D. "Boarding stable" means any facility where equines of
different ownership are housed for fees.

44 E. "Official test" means any test approved by the
46 commissioner for the detection of equine infectious anemia.
"Official test" includes, but is not limited to, the
48 enzyme-linked immunosorbent assay, or ELISA test, and the
agar gel immunodiffusion, AGID, or Coggins test.

50

2 F. "Quarantine" means to confine an equine to a stable or
4 pasture in a manner that will prevent the spread of equine
6 infectious anemia.

8 2. Duties of commissioner. The commissioner shall:

10 A. Require a negative Coggins test, taken within 36 months,
12 on all equines raced on, exhibited at or stabled at race
14 tracks, fairgrounds or boarding stables. The commissioner
16 shall require a negative test from all equines entering this
18 State within 6 months before the date of entry. Any equine
20 not tested prior to entering this State must be quarantined
22 until tested at the owner's expense;

24 B. Require that any equine having a positive test be
26 immediately quarantined and isolated from other equines
28 pending a 2nd test done by a state veterinarian; and

30 C. Require that all other equines remain on the premises
32 pending an investigation and testing as the commissioner may
34 determine necessary.

36 6. Disposition of reactors. Any equine that has a positive
38 2nd test pursuant to subsection 2 must be considered a reactor.
40 A reactor must be:

42 A. Humanely euthanized within 7 days of the 2nd test.
44 Euthanasia must be performed by a licensed veterinarian or
46 as the commissioner may direct. A veterinarian euthanizing
48 a reactor shall report the euthanasia to the commissioner
50 within 2 working days;

52 B. Freeze branded with a brand with an "11 EIA" no less
54 than 4 inches in height on the left side of the neck and
56 shipped directly to a United States Department of
58 Agriculture slaughter facility under a federal order; or

60 C. Freeze branded with a brand with an "11 EIA" no less
62 than 4 inches in height on the left side of the neck and
64 permanently quarantined and isolated from all other
66 equines. The reactor must be kept a minimum of 1/4 miles
68 from the nearest paddock, pasture or barn having an equine
70 species or may be kept within 1/4 miles if the reactor is
72 immediately placed and kept at all times in a screened-in
74 enclosure acceptable to the commissioner.

SUMMARY

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4 This bill revises and updates the provisions for controlling
and monitoring diseases affecting livestock and poultry.
6 Additionally, it updates provisions governing livestock and
poultry dealers, domesticated deer and animal auctions.