

MAINE STATE LEGISLATURE

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DATE: 5-19-03

(Filing No. S-187)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 542, L.D. 1583, Bill, "An Act Concerning the Animal Health and Disease Control Laws"

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

Sec. 1. 7 MRSA §446, as repealed and replaced by PL 1979, c. 672, Pt. A, §17, is amended to read:

§446. Inspections

The commissioner or his the commissioner's duly authorized agents may inspect any fruits, vegetables, poultry, eggs, farm products, sardines livestock or other commodities that are marked, branded or labeled in accordance with official grades or standards established and promulgated adopted by the commissioner for the purpose of determining and certifying the quality and condition thereof and other material facts relative thereto. Certificates issued in pursuance of that inspection and executed by the inspector shall must state the date and place of inspection, the grade, condition and approximate quality of the fruits, vegetables vegetables, poultry, eggs, farm products, sardines livestock or other commodities inspected and such other pertinent facts as the commissioner may require. Such a certificate relative to the condition or quality of the farm products and--sardines--shall--be is prima facie evidence in all courts of the State of the facts required to be stated in the certificate.

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Sec. 2. 7 MRSA §§1309 and 1310 are enacted to read:

§1309. Maine cattle health assurance program

The commissioner shall develop a Maine cattle health assurance program to ensure the highest quality of products by encouraging all livestock producers in this State to use best management practices. The department shall develop a farm assessment plan that provides for on-site evaluations of farms to assess and suggest ways to improve the health of herds, protect the health and safety of herds from disease and protect farms from environmental liability.

The commissioner in consultation with the University of Maine Cooperative Extension, state and federal veterinarians and livestock producers in this State shall adopt rules for the administration of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§1310. Cattle Health Assurance Program Fund

The Treasurer of State shall establish a separate account known as the Cattle Health Assurance Program Fund. This fund does not lapse but must be carried forward. Funds from this account may be used to pay for administrative costs associated with section 1309.

Sec. 3. 7 MRSA c. 202 is amended by repealing the chapter headnote and enacting in its place the following:

CHAPTER 202

CERVIDS

Sec. 4. 7 MRSA §1331, as amended by PL 2001, c. 572, §§10 and 11, is repealed.

Sec. 5. 7 MRSA §1332, as enacted by PL 1999, c. 765, §2, is amended to read:

§1332. Animal Industry Fund

The Treasurer of State shall establish a separate account known as the Animal Industry Fund. This fund does not lapse but must be carried forward. Except as provided in section 1346, license fees collected under section ~~1331,-- subsection -2~~ 1333, subsection 3 and license and tagging fees collected under section 1342, subsections 3 and 4 must be deposited in the account.

2 Funds from this account may be used to pay for administrative
costs associated with licenses issued under sections ~~1331~~ 1333
4 and 1342, tags issued under section 1342 and other costs
associated with administration and enforcement of this chapter
and chapter 202-A.

6 Sec. 6. 7 MRSA §1333 is enacted to read:

8 **§1333. Propagation and possession of cervids**

10 **1. Definitions.** As used in this Title, unless the context
12 indicates otherwise, the following terms have the following
meanings.

14 **A. "Cervid"** means a member of the cervidae family and
16 hybrids, including deer, elk, caribou, reindeer and related
species specified by the commissioner by rule with the
18 written concurrence of the Commissioner of Inland Fisheries
and Wildlife.

20 **B. "Discrepancy"** means an instance in which a holder of a
22 license under subsection 3 has failed to comply with a
requirement under this Part.

24 **2. License.** The commissioner may issue a license for the
26 propagation, possession, purchase or sale of cervids. A holder
of a license issued pursuant to this subsection may raise cervids
28 at any season of the year. The fee for a license is \$20 a year.
Except as provided in section 1346, a license fee must be
30 deposited in the Animal Industry Fund established in section 1332.

32 **3. Inspection.** The commissioner or commissioner's designee
shall conduct an inspection of an applicant's premises before the
34 initial issuance or renewal of a license under subsection 3 or at
any time during the pendency of a license under subsection 3 if
36 the department believes the license holder is not in compliance
with the provisions of this Part.

38 **4. Renewal.** If an inspection for a renewal of a license
40 under subsection 3 reveals a discrepancy, the inspector shall
note the discrepancy on an inspection form. The commissioner may
42 issue a temporary license under subsection 3 and give the license
holder a reasonable amount of time to correct the discrepancy.
44 Upon a subsequent inspection of the premises of a temporary
license holder under this subsection, the commissioner shall
46 renew the license under subsection 3 if the license holder has
corrected all of the discrepancies noted on the inspection form
48 from the prior inspection.

2 5. Penalties. Any person engaged in the business of
propagating, possessing, buying or selling cervids without a
4 license under subsection 3 commits a civil violation for which a
fine not to exceed \$100 per day for each violation may be
6 adjudged, except that the total of the fines may not exceed
\$25,000.

8 6. Records. A holder of a license issued pursuant to
subsection 3 shall maintain records that include the date and
10 location of birth and the date of death or departure of each
cervid in the license holder's herd.

12 7. Revocation. A license issued under this chapter may be
14 suspended or revoked in a manner consistent with Title 5, chapter
375, subchapter 5 for a violation of this chapter. Upon
16 revocation, a similar license may not be reissued to that person
for a minimum of 5 years.

18 8. Rules. The commissioner, in consultation with the
20 Commissioner of Inland Fisheries and Wildlife, may adopt rules
necessary for the administration of this chapter. Rules adopted
22 pursuant to this subsection are routine technical rules as
defined in Title 5, chapter 375, subchapter 2-A.

24 Sec. 7. 7 MRSA §1341, sub-§4, as enacted by PL 1999, c. 765,
26 §3, is repealed.

28 Sec. 8. 7 MRSA §1341, sub-§4-A is enacted to read:

30 4-A. Domesticated cervid. "Domesticated cervid" means a
member of the cervidae family and hybrids, including deer, elk,
32 caribou, reindeer and related species.

34 Sec. 9. 7 MRSA §1341, sub-§5, as enacted by PL 1999, c. 765,
36 §3, is amended to read:

38 5. Large game. "Large game" means domesticated deer
cervids, domesticated boar and domesticated bison.

40 Sec. 10. 7 MRSA §1342, sub-§§2 and 3, as enacted by PL 1999, c.
42 765, §3, are amended to read:

44 2. Land and facility requirements. To qualify for a
license under this section, an applicant must demonstrate that
the shooting area meets the following.

46 A. Each shooting zone in which ~~large-game-of-the-deer~~
48 family domesticated cervids are enclosed is a minimum of 50
acres.

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2 B. Each shooting zone in which large game other than that
of the deer family domesticated cervids are enclosed is a
4 minimum of 200 acres.

6 C. The total area of land enclosed for operation as a
commercial large game shooting area does not exceed 400
8 acres.

10 D. A shooting zone is encompassed by fencing or other
barriers sufficient to contain the species of large game
12 contained in that shooting area.

14 E. The applicant owns or leases all of the land to be used
as a commercial large game shooting area.

16 3. Fees. The annual fee for a commercial large game
shooting area is \$1,000, except that the annual fee for a
18 commercial large game shooting area is \$500 for an operation that
is licensed to possess ~~deer~~ domesticated cervids under chapter
20 202 and harvests only ~~deer~~ domesticated cervids raised on that
farm. Except as provided in section 1346, all fees paid for a
22 license issued under this section must be deposited in the Animal
Industry Fund established under section 1332.

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26 **Sec. 11. 7 MRSA §1346**, as enacted by PL 1999, c. 765, §3, is
amended to read:

28 **§1346. License fees deposited in General Fund**

30 Notwithstanding ~~section 1331, subsection 2,~~ section 1332,
section 1333, subsection 3 and section 1342, subsections 3 and 4,
32 the first \$1,120 collected each year under those sections for
license fees for ~~deer~~ domesticated cervid farms and commercial
34 large game shooting areas and transport tag fees must be
deposited in the General Fund.

36
38 **Sec. 12. 7 MRSA §1452**, as repealed and replaced by PL 2001,
c. 572, §14, is amended to read:

40 **§1452. Definitions**

42 As used in this chapter, unless the context otherwise
indicates, "auction" means the offering of cattle, sheep, swine,
44 goats, equines, domesticated ~~cervidae~~ cervids, poultry and other
animals raised for food or fiber for sale by means of exchanges
46 between an auctioneer and bidders.

48 **Sec. 13. 7 MRSA §1751, sub-§2**, as amended by PL 2001, c. 572,
§23, is further amended to read:

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

6 **Sec. 14. 7 MRSA §1752**, as amended by PL 2001, c. 572, §25, is
further amended to read:

8 **§1752. Rules**

10 The commissioner shall, ~~in a manner consistent with the~~
12 ~~Maine Administrative Procedure Act,~~ adopt rules that, ~~in the~~
~~commissioner's judgment,~~ are necessary for the enforcement of
14 chapters 201, ~~202, 202-A,~~ 207, 301, 303 and 305. ~~These rules have~~
~~the force and effect of law, so far as the same are not~~
16 ~~inconsistent with the laws of this State or of the United~~
18 ~~States.~~ Rules adopted pursuant to this section are routine
technical rules as defined in Title 5, chapter 375, subchapter
2-A.

20 **Sec. 15. 7 MRSA §1808-A, first ¶**, as enacted by PL 2001, c.
22 308, §1, is amended to read:

24 A veterinarian licensed in this State may sell rabies
vaccine to a person who owns cattle, sheep, goats or domesticated
26 ~~deer~~ cervids as defined in section ~~1331~~ 1333. A veterinarian
who sells rabies vaccine in accordance with this section is not,
28 as a result of selling the vaccine, liable for claims arising
from the administration of the vaccine by the purchaser.

30 **Sec. 16. 7 MRSA §1820-A, sub-§2, ¶A**, as enacted by PL 2001, c.
32 572, §49, is amended to read:

34 A. Require a negative Coggins test, taken within 36 months,
on all equines raced on, exhibited at or stabled at
36 racetracks or fairgrounds. The commissioner shall require a
negative test from all equines entering this State within 6
38 12 months before the date of entry and may require any
equines to be tested prior to entering the State. Any
40 equine not tested or required by the commissioner to be
tested prior to entering this State must be quarantined
42 until tested at the owner's expense;

44 **Sec. 17. 7 MRSA §1821**, as enacted by PL 1999, c. 765, §8, is
amended to read:

46 **§1821. Maine chronic wasting disease surveillance program**

48

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

A. "Chronic wasting disease" means any ~~form~~ of ~~transmissible-spongiform-encephalopathy~~ member of the family of transmissible spongiform encephalopathies to which cervids, as defined in section 1333, are susceptible.

B. "Susceptible animal" means any animal, whether domestic or wild, belonging to a species that is capable or believed to be capable of contracting chronic wasting disease.

2. **Powers of commissioner.** The commissioner may prohibit the importation of any ~~a~~ susceptible animal from a region, state or country where ~~infection-by~~ chronic wasting disease has been ~~documented~~ confirmed.

3. **Prevention of chronic wasting disease.** The commissioner shall monitor reports of ~~infection-by~~ confirmed cases of chronic wasting disease and communicate the contents of those reports to people involved in the production, care or management of susceptible animals. The commissioner shall monitor progress in ~~developing~~ the development of diagnostic tests and vaccinations for the disease and communicate the availability of tests and vaccines to people involved in the production, care or management of susceptible animals. ~~The commissioner shall develop a program to prevent, so far as possible, the introduction of chronic wasting disease in the State.~~

4. **Maine chronic wasting disease surveillance program; rules.** The commissioner shall develop a chronic wasting disease surveillance program. The commissioner, in consultation with the Commissioner of Inland Fisheries and Wildlife, shall adopt rules to establish the requirements for participation in the program. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 18. 22 MRSA §2511, sub-§13, as enacted by PL 1999, c. 771, §1, is amended to read:

13. **Domesticated deer.** "Domesticated deer" means fallow deer, family Cervidae, subfamily Cervinae, genus Dama; red deer, family Cervidae, subfamily Cervinae, genus Cervus, species Elaphus; and any other species specified under Title 7, section ~~1321, subsection 1-A~~ 1333, subsection 1 kept as domestic animals for ~~the purpose of either~~ breeding stock or for sale as food.

Sec. 19. 22 MRSA §2823-B, sub-§6, as enacted by PL 2001, c. 308, §2, is amended to read:

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1583

An Act Concerning the Animal Health and Disease Control Laws



LR 1895(02)

Fiscal Note for Bill as Amended by Committee Amendment *AS-187*

Committee: Agriculture, Food and Rural Resources

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Correctional and Judicial Impact Statements

Establishes new civil violations.

Fiscal Detail and Notes

As amended, the bill includes initial Other Special Revenue Funds allocations of \$500 beginning in fiscal year 2003-04 to reflect the establishment of the Cattle Health Assurance Program Fund. The bill does not specify the source of revenue for the fund; the amounts that may be collected can not be determined at this time.