

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1583

S.P. 542

In Senate, April 28, 2003

An Act Concerning the Animal Health and Disease Control Laws

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRYANT of Oxford.
Cosponsored by Representative PIOTTI of Unity and
Senator: KNEELAND of Aroostook, Representative: COWGER of Hallowell.

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

2
3 **Sec. 1. 7 MRSA §446**, as repealed and replaced by PL 1979, c.
4 672, Pt. A, §17, is amended to read:

6 **§446. Inspections**

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

26 **Sec. 2. 7 MRSA §1302, sub-§3**, as amended by PL 2001, c. 572,
27 §4, is further amended to read:

28 **3. Livestock and poultry.** "Livestock and poultry" includes
29 all cattle, sheep, goats, swine, equines, poultry, ~~domesticated~~
30 ~~cervidae~~ cervids and other animals raised for food or fiber.

32 **Sec. 3. 7 MRSA §§1309 and 1310** are enacted to read:

34 **§1309. Cattle health assurance program**

36 The commissioner shall develop a cattle health assurance
37 program. The purpose of the program is to ensure the highest
38 quality supply of products by encouraging all livestock producers
39 in this State to use best management practices. The department
40 shall develop a farm assessment plan that provides for on-site
41 evaluations of farms to assess and suggest ways to improve the
42 health of herds, protect the health and safety of herds from
43 disease and protect farms from environmental liability. The
44 department shall consult with the University of Maine Cooperative
45 Extension, the University of Maine System and state and federal
46 veterinarians and livestock producers in this State.

48 The commissioner shall adopt rules for the administration of
49 this section. Rules adopted pursuant to this section are routine
50

2 technical rules as defined in Title 5, chapter 375, subchapter
3 2-A.

4 **§1310. Cattle Health Assurance Program Fund**

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

12 **Sec. 4. 7 MRSA c. 202** is amended by repealing the chapter
13 headnote and enacting in its place the following:

14 **CHAPTER 202**

16 **CERVIDS**

18 **Sec. 5. 7 MRSA §1331**, as amended by PL 2001, c. 572, §§10 and
19 11, is repealed.

22 **Sec. 6. 7 MRSA §1332**, as enacted by PL 1999, c. 765, §2, is
23 amended to read:

24 **§1332. Animal Industry Fund**

26 The Treasurer of State shall establish a separate account
27 known as the Animal Industry Fund. This fund does not lapse but
28 must be carried forward. Except as provided in section 1346,
29 license fees collected under section ~~1331~~,--~~subsection -2~~ 1333,
30 ~~subsection 3~~ and license and tagging fees collected under section
31 1342, subsections 3 and 4 must be deposited in the account.
32 Funds from this account may be used to pay for administrative
33 costs associated with licenses issued under sections ~~1331~~ 1333
34 and 1342, tags issued under section 1342 and other costs
35 associated with administration and enforcement of this chapter
36 and chapter 202-A.

38 **Sec. 7. 7 MRSA §1333** is enacted to read:

40 **§1333. Propagation and possession of cervids**

42 **1. Definitions.** As used in this Title, unless the context
43 indicates otherwise, the following terms have the following
44 meanings.

46 A. "Cervid" means a member of the cervidae family and
47 hybrids, including deer, elk, caribou, reindeer and related
48 species.

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

6 2. Specification of species. The commissioner may, by
7 rule, specify as cervids related species in addition to the
8 species listed in subsection 1, paragraph A. Additional related
9 species may be specified only with the written concurrence of the
10 Commissioner of Inland Fisheries and Wildlife.

12 3. License. The commissioner may issue a license for the
13 propagation, possession, purchase or sale of cervids. A holder
14 of a license issued pursuant to this subsection may raise cervids
15 at any season of the year. The fee for a license is \$20 a year.
16 Except as provided in section 1346, a license fee must be
17 deposited in the Animal Industry Fund established in section 1332.

18 4. Inspection. The commissioner or commissioner's designee
19 shall conduct an inspection of an applicant's premises before the
20 initial issuance or renewal of a license under subsection 3 or at
21 any time during the pendency of a license under subsection 3 if
22 the department believes the license holder is not in compliance
23 with the provisions of this Part.

24 5. Renewal. If an inspection for a renewal of a license
25 under subsection 3 reveals a discrepancy, the inspector shall
26 note the discrepancy on an inspection form. The commissioner may
27 issue a temporary license under subsection 3 and give the license
28 holder a reasonable amount of time to correct the discrepancy.
29 Upon a subsequent inspection of the premises of a temporary
30 license holder under this subsection, the commissioner shall
31 renew the license under subsection 3 if the license holder has
32 corrected all of the discrepancies noted on the inspection form
33 from the prior inspection.

34 6. Penalties. Any person engaged in the business of
35 propagating, possessing, buying or selling cervids without a
36 license under subsection 3 commits a civil violation for which a
37 fine not to exceed \$100 per day for each violation may be
38 adjudged, except that the total of the fines may not exceed
39 \$25,000.

40 7. Records. A holder of a license issued pursuant to
41 subsection 3 shall maintain records that include the date and
42 location of birth and the date of death or departure of each
43 cervid in the license holder's herd.

44 8. Revocation. A license issued under this chapter may be
45 suspended or revoked in a manner consistent with Title 5, chapter
46 375, subchapter 5 for a violation of this chapter. Upon

2 revocation, a similar license may not be reissued to that person
3 for a minimum of 5 years.

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

10 Sec. 8. 7 MRSA §1341, sub-§4, as enacted by PL 1999, c. 765,
11 §3, is repealed.

12 Sec. 9. 7 MRSA §1341, sub-§4-A is enacted to read:

13 4-A. Cervid. "Cervid" means a member of the cervidae
14 family and hybrids, including deer, elk, caribou, reindeer and
15 related species.

16 Sec. 10. 7 MRSA §1341, sub-§5, as enacted by PL 1999, c. 765,
17 §3, is amended to read:

18 5. Large game. "Large game" means ~~domesticated--deer~~
19 cervids, domesticated boar and domesticated bison.

20 Sec. 11. 7 MRSA §1342, sub-§§2 and 3, as enacted by PL 1999, c.
21 765, §3, are amended to read:

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

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

27 B. Each shooting zone in which large game other than ~~that~~
28 of-the-deer-family cervids are enclosed is a minimum of 200
29 acres.

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

33 D. A shooting zone is encompassed by fencing ~~or--other~~
34 barriers-sufficient a minimum of 6 feet in height to contain
35 the species of large game contained in that shooting area.

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

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

10 **Sec. 12. 7 MRSA §1346**, as enacted by PL 1999, c. 765, §3, is
11 amended to read:

12 **§1346. License fees deposited in General Fund**

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

19 **Sec. 13. 7 MRSA §1452**, as repealed and replaced by PL 2001,
20 c. 572, §14, is amended to read:

21 **§1452. Definitions**

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

27 **Sec. 14. 7 MRSA §1751, sub-§2**, as amended by PL 2001, c. 572,
28 §23, is further amended to read:

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

33 **Sec. 15. 7 MRSA §1752**, as amended by PL 2001, c. 572, §25, is
34 further amended to read:

35 **§1752. Rules**

36 The commissioner shall, ~~in a manner consistent with the~~
37 ~~Maine Administrative Procedure Act,~~ adopt rules that, ~~in the~~
38 ~~commissioner's judgment,~~ are necessary for the enforcement of
39 chapters 201, 202, 202-A, 207, 301, 303 and 305. ~~These rules have~~
40 ~~the force and effect of law, so far as the same are not~~

2 ~~inconsistent with the laws of this State or of the United~~
3 ~~States.~~ Rules adopted pursuant to this section are routine
4 technical rules as defined in Title 5, chapter 375, subchapter
5 2-A.

6 **Sec. 16. 7 MRSA §1808-A, first ¶,** as enacted by PL 2001, c.
7 308, §1, is amended to read:

8
9 A veterinarian licensed in this State may sell rabies
10 vaccine to a person who owns cattle, sheep, goats or ~~domesticated~~
11 ~~deer~~ cervids as defined in section ~~1331~~ 1333. A veterinarian
12 who sells rabies vaccine in accordance with this section is not,
13 as a result of selling the vaccine, liable for claims arising
14 from the administration of the vaccine by the purchaser.

15 **Sec. 17. 7 MRSA §1820-A, sub-§2, ¶A,** as enacted by PL 2001, c.
16 572, §49, is amended to read:

17
18 A. Require a negative Coggins test, taken within 36 months,
19 on all equines raced on, exhibited at or stabled at
20 racetracks or fairgrounds. The commissioner shall require a
21 negative test from all equines entering this State within 6
22 12 months before the date of entry and may require any
23 equines to be tested prior to entering the State. Any
24 equine not tested or required by the commissioner to be
25 tested prior to entering this State must be quarantined
26 until tested at the owner's expense;

27
28 **Sec. 18. 7 MRSA §1821,** as enacted by PL 1999, c. 765, §8, is
29 amended to read:

30
31 **§1821. Maine chronic wasting disease surveillance program**

32
33 **1. Definitions.** As used in this section, unless the
34 context otherwise indicates, the following terms have the
35 following meanings.

36
37 A. "Chronic wasting disease" means any ~~form~~ of
38 transmissible spongiform encephalopathy member of the family
39 of transmissible spongiform encephalopathies that affects
40 all cervids, as defined in section 1333.

41
42 B. ~~"Susceptible animal" means any animal, whether domestic~~
43 ~~or wild, belonging to a species that is capable or believed~~
44 ~~to be capable of contracting chronic wasting disease.~~

45
46 **2. Powers of commissioner.** The commissioner may prohibit
47 the importation of any a susceptible animal from a region, state
48 or country where ~~infection by~~ chronic wasting disease has been
49 ~~documented~~ confirmed. The commissioner shall monitor and make
50

2 known confirmed cases of chronic wasting disease reported to the
3 commissioner from any region, state or country. The commissioner
4 shall make known the availability of diagnostic tests and
5 vaccination.

6 ~~3.-- Prevention of chronic wasting disease.--The commissioner~~
7 ~~shall monitor reports of infection by chronic wasting disease and~~
8 ~~progress in developing diagnostic tests and vaccinations for the~~
9 ~~disease.--The commissioner shall develop a program to prevent, so~~
10 ~~far as possible, the introduction of chronic wasting disease in~~
11 ~~the State.~~

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

19 **Sec. 19. 7 MRSA §3907, sub-§18-A,** as amended by PL 1997, c.
20 456, §1, is further amended to read:

21 **18-A. Livestock.** "Livestock" means cattle, equines, sheep,
22 goats, swine, ~~and domesticated deer,~~ cervids, ostriches, bison,
23 members of the genus Lama and domesticated fowl and rabbits.

24 **Sec. 20. 17 MRSA §1011, sub-§18-A,** as enacted by PL 1997, c.
25 456, §11, is amended to read:

26 **18-A. Livestock.** "Livestock" means cattle, equines, sheep,
27 goats, swine, ~~and domesticated deer,~~ cervids, ostriches, bison,
28 members of the genus Lama and domesticated fowl and rabbits.

29 **Sec. 21. 22 MRSA §2511, sub-§13,** as enacted by PL 1999, c.
30 771, §1, is amended to read:

31 **13. Domesticated deer.** "Domesticated deer" means fallow
32 deer, family Cervidae, subfamily Cervinae, genus Dama; red deer,
33 family Cervidae, subfamily Cervinae, genus Cervus, species
34 Elaphus; and any other species specified under Title 7, section
35 ~~1331, subsection 1-A 1333, subsection 1~~ kept as domestic animals
36 for the purpose of either breeding stock or for sale as food.

37 **Sec. 22. 22 MRSA §2823-B, sub-§6,** as enacted by PL 2001, c.
38 308, §2, is amended to read:

39 **6. Lawful possession of hypodermic apparatuses by livestock**
40 **owners.** A person who owns livestock is authorized to possess and
41 have control of hypodermic apparatuses for the purpose of
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2 administering antibiotics, vitamins and vaccines to treat medical
conditions or promote the health of that person's livestock. For
4 the purposes of this subsection, "livestock" means cattle,
equines, sheep, goats, swine, llamas members of the genus Lama,
6 poultry, rabbits and ~~domesticated--deer~~ cervids as defined in
Title 7, section ~~1331~~ 1333, subsection 1.

8

SUMMARY

10

12 This bill makes administrative and technical changes to
importation requirements for certain livestock. It updates and
14 clarifies standards for the licensing of deer and elk (cervid)
farms. It establishes cervid importation requirements and
16 outlines provisions for a chronic wasting disease surveillance
program. It also outlines provisions for a cattle health
18 assurance program.