

MAINE STATE LEGISLATURE

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M
H. O. S.

L.D. 1853

DATE: 3/30/06

(Filing No. H-919)

AGRICULTURE, CONSERVATION AND FORESTRY

MINORITY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "C" to H.P. 1293, L.D. 1853, Bill, "An Act To Amend Certain Animal Health Laws"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish a Maine Livestock and Poultry Identification Program'

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

'Sec. 1. 7 MRSA §1760 is enacted to read:

§1760. Maine livestock and poultry identification program

The commissioner shall develop an identification program in accordance with this section to facilitate the tracking of livestock and poultry that have been exposed to diseases or pathogens.

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

A. "Livestock" means cattle, sheep, goats, swine, equines, members of the genus lama, bison, ratites, domesticated cervids or other animals raised for food or fiber.

2 B. "Lot" means a group of animals raised, transported or
3 sold as a unit.

4 C. "Poultry" means domesticated birds kept for food or
5 fiber.

6
7 2. Rulemaking. The commissioner shall adopt rules to
8 establish a system for:

9 A. The identification and registration of premises where
10 livestock or poultry are kept, slaughtered or exhibited; and

11 B. The identification of individual animals and lots.

12 Rules adopted pursuant to this subsection are major substantive
13 rules as defined in Title 5, chapter 375, subchapter 2-A. Except
14 as provided in subsection 4, amendments to rules adopted under
15 this subsection are major substantive rules as defined in Title
16 5, chapter 375, subchapter 2-A.

17 3. Considerations during rulemaking. Rules adopted under
18 subsection 2 must:

19 A. Regard livestock registered in a nationally recognized
20 animal identification system as in compliance with
21 identification requirements;

22 B. Define circumstances in which premises registration only
23 is necessary;

24 C. Define circumstances in which premises registration and
25 lot identification are necessary without identification of
26 individual animals;

27 D. Allow more than one type of animal identification,
28 including, but not limited to, ear tags, tattoos, microchips
29 and branding, as long as each animal is uniquely identified
30 and the identification meets criteria established in rule;

31 E. Consider exemptions for livestock and poultry that are
32 kept for noncommercial purposes; and

33 F. Provide an exemption from the identification
34 requirements to owners of livestock or poultry who object to
35 identification on religious grounds.

36 4. Consistency with federal regulations. If the United
37 States Department of Agriculture or any other federal agency
38 takes action to require registration of premises where livestock
39 is kept, the commissioner shall adopt rules to require
40 registration of premises where livestock is kept.

2 or poultry are kept or identification of livestock or poultry,
3 the commissioner shall amend the rules adopted under subsection 2
4 to be in compliance with federal law or regulation. Amendments
5 adopted in accordance with this subsection are routine technical
6 rules as defined in Title 5, chapter 375, subchapter 2-A.

7 5. Information held by department. The commissioner shall
8 designate information provided to the department in accordance
9 with this section or rules adopted pursuant to this section as
10 confidential in accordance with section 20.

11 **Sec. 2. Commissioner of Agriculture, Food and Rural Resources to**
12 **conduct outreach activities about animal identification proposals.** The
13 Commissioner of Agriculture, Food and Rural Resources or the
14 commissioner's designee shall conduct outreach activities to
15 inform the agricultural community and the general public of any
16 federal or state initiatives being developed to require the
17 identification of animals for the purpose of tracking disease.
18 The outreach activities must include regional meetings to gain
19 input from the agricultural community. Each meeting must allow
20 time for public comment on and discussion of issues pertaining to
21 animal identification.
22

23 **Sec. 3. Reporting date established.** The Commissioner of
24 Agriculture, Food and Rural Resources or the commissioner's
25 designee shall report to the joint standing committee of the
26 Legislature having jurisdiction over agriculture matters by
27 January 15, 2007 on the result of the outreach activities
28 conducted by the Department of Agriculture, Food and Rural
29 Resources pursuant to section 2 and the status of any federal
30 initiative or action to require or promote animal
31 identification. The report must include the location and date of
32 each meeting held within the State, the number of people
33 attending and a summary of public comments and concerns.'
34

SUMMARY

35
36
37 This amendment is the minority report of the Joint Standing
38 Committee on Agriculture, Conservation and Forestry. This
39 amendment replaces the bill. It directs the Commissioner of
40 Agriculture, Food and Rural Resources to develop an animal
41 identification program and requires rulemaking to establish a
42 system for registering premises where livestock and poultry are
43 kept and for the identification of individual animals and lots of
44 animals. It specifies certain elements to be included in the
45 rules and directs the commissioner to amend the rules to be
46 consistent with any future federal requirements for premises
47 registration and animal identification.
48
49
50

H. or S.

COMMITTEE AMENDMENT 'C' to H.P. 1293, L.D. 1853

2 This amendment also directs the Commissioner of Agriculture,
Food and Rural Resources to conduct outreach activities to inform
4 members of the agricultural community and the general public
about initiatives at the federal and state levels to require
6 animal identification. Meetings must allow time for public
comment. The commissioner is required to report to the joint
8 standing committee of the Legislature having jurisdiction over
agriculture matters by January 15, 2007 on meetings held and the
status of federal initiatives.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1853

LR 2728(04)

An Act To Amend Certain Animal Health Laws

Fiscal Note for Bill as Amended by Committee Amendment 'C'

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Minor cost increase - General Fund