

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1238

H.P. 857

House of Representatives, March 30, 2009

An Act Concerning the National Animal Identification System

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HAMPER of Oxford.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: CRAY of Palmyra, CURTIS of Madison, EBERLE of South Portland,
EDGECOMB of Caribou, GIFFORD of Lincoln, McCABE of Skowhegan, SMITH of
Monmouth.

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

2 Sec. 1. 7 MRSA §1708 is enacted to read:

3 **§1708. National animal identification system**

4 **1. Mandatory system.** The commissioner may adopt rules to carry out the
5 provisions of a national animal identification system, referred to in this section as "the
6 system," if the system becomes mandatory through final federal action pursuant to the
7 Administrative Procedure Act, 5 United States Code, Section 500 et seq., as amended. If
8 the system becomes mandatory but allows a farmer to opt out of the system, then the
9 commissioner must inform the farmer of the farmer's right to opt out of the system. Rules
10 adopted pursuant to this subsection may be no more stringent than federal law or
11 regulation and are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

12 **2. Voluntary system.** If the system is voluntary, the commissioner may not:

13 **A. Mandate or force participation in the system that regulates livestock or poultry as**
14 **defined in section 1302, subsection 3, including premises registration, animal**
15 **identification or the tracking or surveillance of livestock or poultry;**

16 **B. Withhold indemnity under section 1756 or 1757 based solely on nonparticipation**
17 **in the system; or**

18 **C. Deny, revoke or limit a service, license, permit, grant or another benefit or**
19 **incentive to a person if that person does not participate in the system.**

20 **3. Municipal ordinance.** A municipality, county or other political subdivision may
21 not adopt or maintain an ordinance, rule or regulation that requires participation in the
22 system, including premises registration, animal identification or the tracking or
23 surveillance of livestock or poultry as defined in section 1302, subsection 3, except in
24 conformance with a program of the department. An ordinance, rule or regulation in
25 violation of this subsection is void and unenforceable.

26 **4. Confidentiality.** The commissioner may not release any confidential record, data
27 or information to the system but may release a record, data or information to another
28 governmental entity as determined necessary to prevent or control disease or to protect
29 public health, safety or welfare.

30 **5. Allowable acts.** This section does not prohibit:

31 **A. The commissioner from establishing or participating in a disease control program**
32 **specifically designed to address a known disease in a specific species of livestock;**

33 **B. The commissioner from implementing an animal identification, brand registration**
34 **or inspection system or program authorized under state law; or**

35 **C. A private agricultural industry organization from establishing a voluntary source**
36 **verification program for its own members or another person who elects to participate.**

SUMMARY

1
2 This bill requires the Commissioner of Agriculture, Food and Rural Resources to
3 adopt rules to implement a national animal identification system if federal law makes the
4 system mandatory including informing farmers of their right to opt out of the system if
5 the system has an opt-out provision. If the national identification system is voluntary, this
6 bill prohibits the commissioner from forcing participation in the system, withholding
7 indemnity from a person who does not participate in the system or denying or revoking
8 permits, licenses, services, grants or other benefits or incentives to a person who does not
9 participate in the system. The bill prohibits a municipality or political subdivision from
10 enacting or maintaining an ordinance requiring participation in an animal identification
11 system except to conform to a state requirement and the commissioner from
12 disseminating any confidential information to the national animal identification system
13 unless to prevent or control a disease or to protect the public health, safety or welfare.
14 This bill does not prohibit the Commissioner of Agriculture, Food and Rural Resources
15 from participating in a disease control program or implementing an animal identification
16 system or prohibit a private agricultural industry organization from establishing a
17 voluntary source verification program.