

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

smg
R. 05.

L.D. 320

Date: 4/14/11

(Filing No. H- 98)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 253, L.D. 320, Bill, "An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 7 MRSA §4015, sub-§2, ¶B, as amended by PL 2007, c. 439, §27, is further amended to read:

B. Except as provided in subsections 5, 5-A and 6, shelter from inclement weather must be as follows.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions and for the species and breed of the animal must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter must be provided in accordance with subsection 6, paragraph A to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog.'

Amend the bill in section 2 by striking out all of subsection 5-A (page 1, lines 14 to 19 in L.D.) and inserting the following:

'5-A. Livestock maintained under a rotational grazing system. Notwithstanding subsection 5, a person is not required to provide shelter for livestock while the animals are maintained under a rotational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition. For the purposes of this subsection, "rotational grazing system" means the practice of dividing up available pasture into multiple smaller areas during grazing season when pasture is available to meet the dietary requirements of the animals and subsequently moving the animals from one area to another after a number of days or weeks as determined by forage production and quality.'

1 Amend the bill by inserting after section 2 the following:

2 'Sec. 3. 17 MRSA §1037, sub-§2, ¶B, as amended by PL 2007, c. 702, §49, is
3 further amended to read:

4 B. Except as provided in subsections 5, 5-A and 7, shelter from inclement weather
5 must be provided according to this paragraph.

6 (1) An artificial shelter, with a minimum of 3 sides and a waterproof roof,
7 appropriate to the local climatic conditions for the species and breed of the
8 animal must be provided as necessary for the health of the animal.

9 (2) If a dog is tied or confined unattended outdoors under weather conditions that
10 adversely affect the health of the dog, a shelter must be provided in accordance
11 with subsection 7, paragraph A to accommodate the dog and protect it from the
12 weather and, in particular, from severe cold. Inadequate shelter may be indicated
13 by the shivering of the dog due to cold weather for a continuous period of 10
14 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not
15 adequate shelter for a dog.'

16 Amend the bill in section 4 by striking out all of subsection 5-A (page 1, lines 32 to
17 37 in L.D.) and inserting the following:

18 '5-A. Livestock maintained under a rotational grazing system. Notwithstanding
19 subsection 5, a person is not required to provide shelter for livestock while the animals
20 are maintained under a rotational grazing system as long as the animals do not have
21 injuries or infirmities that prevent them from accessing food and water and are in good
22 body condition. For the purposes of this subsection, "rotational grazing system" means
23 the practice of dividing up available pasture into multiple smaller areas during grazing
24 season when pasture is available to meet the dietary requirements of the animals and
25 subsequently moving the animals from one area to another after a number of days or
26 weeks as determined by forage production and quality.'

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
28 section number to read consecutively.

29 SUMMARY

30 This amendment clarifies that livestock kept under a rotational grazing system are
31 exempt from shelter requirements only when the animals are in good body condition and
32 physically able to access food and water.