

## CHAPTER 201

### LIVESTOCK AND POULTRY

#### §1301. Purpose

The purposes of this chapter are to maintain fair and equitable practices in the buying and selling of livestock and poultry within this State, and to encourage practices that promote the sale of healthy livestock and poultry. In respect to dealers in livestock and poultry this chapter supplements and does not supersede other provisions of the laws relating to the control of livestock and poultry diseases under this Title. [PL 2001, c. 572, §1 (AMD).]

#### SECTION HISTORY

PL 1967, c. 227, §1 (AMD). PL 2001, c. 572, §1 (AMD).

#### §1302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 541, Pt. A, §67 (AMD).]

**1. Agent.** "Agent" means any person acting for or in behalf of another in any of the transactions which constitute being a dealer.

**1-A. Commissioner.** "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or the commissioner's duly authorized agent.  
[PL 2001, c. 572, §2 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

**2. Dealer.** "Dealer" means any person or entity engaged in the business of buying livestock or poultry primarily for resale, whether the purchase or sale is completed by cash, delayed payment, transfer, exchange, barter or shipment on commission. A person who receives livestock and poultry exclusively for slaughter on the person's own premises is not a dealer.  
[PL 2001, c. 572, §3 (RPR).]

**3. Livestock and poultry.** "Livestock and poultry" includes all cattle, sheep, goats, swine, equines, members of the genus lama, bison, ratites, poultry, domesticated cervids and other animals raised for food or fiber.  
[PL 2003, c. 334, §1 (AMD).]

#### SECTION HISTORY

PL 1967, c. 227, §1 (AMD). PL 1979, c. 541, §A67 (AMD). PL 2001, c. 572, §§2-4 (AMD). PL 2003, c. 334, §1 (AMD). PL 2011, c. 657, Pt. W, §6 (REV).

#### §1303. Rules and regulations

The commissioner shall, in a manner consistent with the Maine Administrative Procedure Act, make uniform rules and regulations for carrying out this chapter, which shall be consistent with the rules and regulations for livestock and poultry disease control provided for under this Title. [PL 1977, c. 694, §115 (AMD).]

#### SECTION HISTORY

PL 1967, c. 227, §1 (AMD). PL 1977, c. 694, §115 (AMD).

#### §1304. License; agents

A person, firm, partnership or corporation may not act as a dealer of livestock and poultry unless licensed by the department. An agent may not act for any dealer unless that agent and the dealer are

licensed by the department and the dealer has designated such agent to act in the dealer's behalf. A dealer is accountable and responsible for acts of the dealer's agents. [PL 2001, c. 572, §5 (AMD).]

#### SECTION HISTORY

PL 1967, c. 227, §1 (AMD). PL 2001, c. 572, §5 (AMD).

#### **§1305. Application for license**

Application for a license as a dealer or as an agent must be made upon a form prescribed by the commissioner. The commissioner, if satisfied with the applicant's qualifications, shall issue a license entitling the applicant to act as a dealer or as an agent. An initial license may be issued for a period of less than one year or more than one year but not more than 2 years. All licenses expire on July 1st. All license renewals are for a period of one year. The annual license fee for a dealer is \$25 and for each agent, \$10. The fee for an initial license is prorated based on the number of months for which the license is valid. The commissioner shall issue a certificate of licensure to each licensed dealer and agent. The certificate must be carried in the motor vehicle used by the licensed dealer or agent when acting as a dealer or agent. The commissioner shall issue dealer plates to be attached to each motor vehicle or trailer used by a dealer for transporting livestock or poultry. Upon renewal of a license, the commissioner shall issue stickers bearing the year of licensure to be attached to the dealer plates. [PL 2001, c. 572, §6 (RPR).]

#### SECTION HISTORY

PL 1967, c. 227, §2 (AMD). PL 2001, c. 572, §6 (RPR).

#### **§1306. Revocation and suspension of licenses**

Any license issued under this chapter may be suspended or revoked by the commissioner in a manner consistent with the Maine Administrative Procedure Act. [PL 2001, c. 572, §7 (AMD).]

#### SECTION HISTORY

PL 1977, c. 694, §116 (RPR). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 572, §7 (AMD).

#### **§1307. Records**

The commissioner may require licensed livestock and poultry dealers to keep certain records of transactions in any or all classes of livestock and poultry. The department may establish by rule the length of time that records kept by persons engaging in dealing livestock and poultry must be retained. [PL 2001, c. 572, §8 (AMD).]

#### SECTION HISTORY

PL 1967, c. 227, §3 (AMD). PL 2001, c. 572, §8 (AMD).

#### **§1308. Violations**

Any person or entity who violates any of the provisions of this chapter or any rule adopted under section 1303 commits a civil violation for which a forfeiture not to exceed \$100 per day for each violation may be adjudged, except that the total of the forfeitures may not exceed \$25,000. [PL 2001, c. 572, §9 (RPR).]

#### SECTION HISTORY

PL 1965, c. 47 (AMD). PL 1967, c. 227, §3 (AMD). PL 1977, c. 696, §88 (RPR). PL 1979, c. 541, §A68 (AMD). PL 2001, c. 572, §9 (RPR).

#### **§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. [PL 2003, c. 386, §2 (NEW).]

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. [PL 2003, c. 386, §2 (NEW).]

#### SECTION HISTORY

PL 2003, c. 386, §2 (NEW).

#### **§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. [PL 2003, c. 386, §2 (NEW).]

#### SECTION HISTORY

PL 2003, c. 386, §2 (NEW).

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