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Public Law
124th Legislature
Second Regular Session

Chapter 544
H.P. 857 - L.D. 1238

An Act Concerning the National Animal Identification System

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

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

§ 1708. National animal identification system

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

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

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

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

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

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

4. Confidentiality. Information provided to the commissioner for participation in the system, whether the system is mandatory or voluntary, is confidential and may not be disclosed, except that the commissioner may release a record, data or information collected under this section to another governmental entity as the commissioner determines necessary to prevent or control disease or to protect public health, safety or welfare. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm.

5. Allowable acts. This section does not prohibit:

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

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

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

6. Repeal. This section is repealed January 1, 2013.

Effective July 12, 2010