

**§1757. Poultry Disease Control Fund**

The commissioner shall establish a Poultry Disease Control Fund to be used to detect, prevent, control or eradicate any contagious or infectious poultry disease or pathogen within the State, which may be funded through a legislative appropriation or through money received from other public and private sources, including an assessment on commercial poultry owners. [PL 2001, c. 572, §29 (AMD).]

**1. Authority of the commissioner.** Whenever the commissioner has sufficient reason to believe that a contagious or infectious poultry disease or pathogen has been or may be introduced into the State, the commissioner may:

A. Inspect, cause to be disinfected or require evidence of disinfection of:

(1) All incoming or outgoing vehicles being used to convey poultry, poultry products or materials related to the poultry industry; and

(2) All incoming vehicles that, while carrying other domestic animals during the 30 days immediately prior to their arrival in Maine, stopped within or passed through an area declared quarantined by the United States Department of Agriculture, Animal and Plant Health Inspection Service, due to the outbreak of a contagious or infectious poultry disease or pathogen.

Incoming vehicles may be refused entry into the State and outgoing vehicles may be detained within the State until any necessary inspection or disinfection has been performed or any required evidence of inspection or disinfection has been received. [PL 2001, c. 572, §30 (AMD).]

B. Immediately eradicate poultry flocks in which disease or pathogen is found to exist; and [PL 2001, c. 572, §30 (AMD).]

C. After consultation with appropriate industry organizations, indemnify owners of poultry destroyed under paragraph B. The amount of the indemnity must be established by rule adopted in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, provided that the amount of any federal indemnity for the same flock is considered in setting the amount of indemnity under this paragraph. [PL 2001, c. 572, §30 (AMD).]

[PL 2001, c. 572, §30 (AMD).]

**2. Assessment.** The commissioner may, when necessary to carry out the purposes of this section and after consultation with appropriate industry organizations, levy an assessment upon owners of commercial poultry flocks located within the State. The levy shall be made and the amount of the assessment shall be established by rule, adopted in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375. In determining the amount of the assessment, the commissioner shall consider flock size, age and type of bird and the financial requirements of the fund provided that the total assessment levied upon the industry shall not exceed \$100,000, and further provided that the assessment levied upon any single owner shall not exceed 25% of the total industry assessment or \$25,000, whichever is smaller.

[PL 1983, c. 747, §2 (NEW).]

**3. Use of fund.** All moneys appropriated and otherwise received under this section shall be credited to the Poultry Disease Control Fund account and shall be nonlapsing. Moneys in the fund may be used for the purposes contained in subsection 1.

[PL 1983, c. 747, §2 (NEW).]

**4. Reversion.** When, in the judgment of the commissioner, the immediate threat of the introduction of a contagious or infectious poultry disease into the State no longer exists and no federal poultry quarantine is in effect in the State, the commissioner may direct that money remaining in the Poultry Disease Control Fund revert to contributors on a pro rata basis according to the amount of contributions

made since the establishment of the fund or since the most recent reversion of the fund, whichever has last occurred.

[RR 2021, c. 1, Pt. B, §127 (COR).]

**5. Penalties.** Assessments authorized under subsection 2 may be recovered in a civil action. Any person who violates any provision or any rules adopted under this section shall be subject to a civil penalty not to exceed \$1,000 to be recovered in a civil action.

[PL 1983, c. 747, §2 (NEW).]

#### SECTION HISTORY

PL 1983, c. 747, §2 (NEW). PL 2001, c. 572, §§29,30 (AMD). RR 2021, c. 1, Pt. B, §127 (COR).

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