

1, DEFINITIONS:

The following terms have the following meanings:

- A. **Department:** The Department of Agriculture, Conservation and Forestry.
- B. **Cervids:** All members of the cervidae family and hybrids including but not limited to elk, caribou, reindeer, and related species as specified by the Commissioner in accordance with 7 M.R.S.A. §1333(1)(A).
- C. **License:** A license means a certificate issued by the Department of Conservation and Forestry, Division of Animal Health and Industry authorizing the holder to propagate, possess, purchase or sell cervids. Licenses are issued for a 12-month period.
- D. **Livestock Dealer's License:** A certificate issued by the Department of Agriculture, Conservation and Forestry, Division of Animal Health & Industry, authorizing the holder to resell domestic livestock or act as an agent for the sale of domestic livestock in the State of Maine.
- E. **Established License Holder:** An established license holder means an individual, who as of June 30, 2006, held a valid license to propagate, possess, purchase or sell cervids.

2. INSPECTIONS:

- A. An initial inspection of the premises by the Department is required prior to the issuance of an initial license. Such inspection will, to the extent practicable, be conducted within 30 days of the receipt of the application for licensure. The applicant must be present. The Department shall contact the applicant in advance to arrange a suitable date and time for the inspection to take place. During the initial inspection the Department shall review all applicable rules with the applicant, including, without limitation, this rule, Chapter 206 *Prevention and Control of Certain Diseases of Domestic Animals and Poultry*, and Chapter 211 *Rules for the Disposal of Animal Carcasses*.
 - 1. During the initial inspection the applicant will be provided with a Department contact list. A Departmental inspection form will be used for the inspection, which must be signed by both the Department and the applicant at the conclusion of the inspection.
- B. An annual inspection of the premises is required prior to the issuance of any license renewal. Such inspection will, to the extent practicable, be conducted within 30 days of the receipt of an application for license renewal. The applicant may be present at the inspection. A Departmental inspection form will be used for the inspection and will be signed by the Department at the conclusion of the inspection.

- C. The Department may conduct additional inspections whenever the Department believes that deficiencies may exist at a premises. Such inspections shall occur upon reasonable prior notice and shall be of such frequency as the Department deems necessary to assure that all deficiencies have been properly corrected. A Departmental inspection form will be used for such inspections and will be signed by the Department at the conclusion of the inspection.
- D. The premises must comply with all laws and rules regarding the importation, propagation and farming of cervids, including, without limitation, this rule, Chapter 206, *Prevention and Control of Certain Diseases of Domestic Animals and Poultry*, and Chapter 211 *Rules for the Disposal of Animal Carcasses*.

3. **TEMPORARY LICENSE:**

If deficiencies are found by the Department during the initial license inspection, or during an annual inspection for license renewal, the Department may, in its discretion, issue a temporary license conditioned upon the correction of the deficiencies. A temporary license issued by the Department pursuant to this rule shall be of such duration, as determined by the Department, to be reasonable and necessary for the correction of the deficiencies as noted on the Departmental inspection form. The failure to correct the deficiencies by the end of the temporary license term shall be grounds for the Department to deny an initial license, or for the Department to refuse to renew a license. Any person that the Department has denied a license renewal may request a hearing before the Department in accordance with the *Maine Administrative Procedure Act*.

4. **RECORDS:**

- A. License holders must maintain accurate records documenting all purchases, sales, escapes, births and deaths of all cervids residing at the licensed premises. Documentation shall be made available to the Department during normal business hours.

5. **IDENTIFICATION:**

Farmed cervids must be identified with a minimum of two state and federally approved identifiers.

- A. Identification must include at least one of the following: permanent tattoo; microchip; or official state ear tag;
- B. Identification may include one or more of the following: herd ear tag; leg tag; collar tag; or other identification approved by the Department.
- C. The identification must enable the trace-back of cervids to herd of origin.

6. CONFINEMENT, HANDLING, AND HERD MANAGEMENT:**A. Confinement**

1. Cervids must be confined in such a manner as to prevent escape and to prevent wild deer and other wild animals from entering the enclosure.
2. Established License Holder's shall construct and maintain perimeter fencing a minimum of 6 feet high. All other license holders shall construct and maintain perimeter fencing a minimum of 8 feet. Barbed wire is prohibited in any area where cervids may have contact with that wire.

B. Handling

1. Handling facilities must be adequate to allow cervids to be handled humanely and safely.
2. Each access lane and catch pen must be designed and constructed of materials adequate for the safe containment of cervids for inspection, identification and testing.
3. No nails, barbed wire or other potential hazards may protrude from any facility, lane or pen.
4. Where no handling facilities exist, the license holder must use adequate immobilization methods as outlined in a written plan approved by the Department. Such plan shall outline a humane and safe method to handle the cervids.
5. Any needles, syringes, tranquilizers or other dangerous medications must be maintained in a secure storage area.

C. Herd Management

Cervids must have free access to the following:

1. Clean water
2. Adequate feed to maintain weight during any stage of production
3. Adequate shelter, which may be either natural or constructed
 1. Natural shelter: A well-drained area consisting of trees or brush that affords protection from direct sun, wind, rain and other inclement weather that is large enough to accommodate all cervids comfortably at one time.
 2. Constructed Shelter: A well-drained structure that has a roof and affords protection from direct sun, wind, rain and other inclement weather that is

large enough to accommodate all cervids comfortably at one time. No nails or other potential hazards may be exposed.

4. Cervids must be grouped in a way that will allow all cervids to receive an adequate amount of water, feed and shelter.

D. **Carcass Disposal.** All carcasses shall be managed in accordance with Chapter 211, *Rules for the Disposal of Animal Carcasses*.

7. RECOVERY OR DISPOSITION OF ESCAPED CERVIDS:

- A. The license holder shall report any escaped cervids to the Department within 24-hours of the known escape. The license holder shall be responsible for monitoring the movement of the escaped cervids and for recovering the cervids as authorized by the Department. If a cervid has been at large for longer than 72 hours, but has been returned to the owner's premises alive, the escaped cervid must be identified and tested for CWD when it ultimately dies.
- B. The Department may euthanize any captured cervid that is relinquished to the Department by its owner, if known, for the purpose of diagnostic testing for the presence of CWD. The Department may, in accordance with 7 M.R.S.A. §1802, condemn any captured cervid that is suspected of being infected with, or exposed to, CWD, and order that cervid euthanized for the purpose of diagnostic testing.

In the event that capture of the escaped cervid is not practical, the Department will consult with the owner, if known, to determine whether the owner will relinquish the cervid to the Department. If the owner agrees to relinquish the cervid, or if the owner does not agree but the commissioner of the Department condemns the cervid in accordance with 7 M.R.S.A. §1802, the representatives of the Department, with cooperation from the representatives of the Maine Department of Inland Fisheries and Wildlife, may destroy the escaped cervid, and samples may be taken for the purpose of diagnostic testing. The license holder shall be responsible for reasonable and appropriate costs associated with the capture, euthanasia, or destruction of escaped cervids.

8. SUSPENSIONS AND REVOCATION:

- A. The Department may, in a manner consistent with the *Maine Administrative Procedure Act*, suspend or revoke a license at any time a person is determined to be in violation of 7 M.R.S.A. Chapter 202, Chapter 206, *Prevention and Control of Certain Diseases of Domestic Animals and Poultry*, Chapter 211, *Rules for the Disposal of Animal Carcasses* or of this rule.

STATUTORY AUTHORITY: 7 M.R.S.A. §1333

EFFECTIVE DATE:

June 27, 2006 – filing 2006-275

CORRECTIONS:

February, 2014 – agency names, formatting