

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Prohibit Horse Slaughter for Human Consumption

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

Sec. 1. 17 MRSA §3967 is enacted to read:

§ 3967. Equine slaughter for human consumption

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Agriculture, Food and Rural Resources.

B. "Horse" includes all members of the genus Equus, including horses, ponies, donkeys, mules, asses and burros.

C. "Horseflesh" means the flesh of a dead horse, including the animal's viscera, skin, hair, hide, hooves and bones.

D. "Person" means an individual, corporation, partnership, trust, association or other legal entity.

2. Prohibition against horse slaughter. A person may not slaughter or otherwise cause or procure the death of, or have another person slaughter or otherwise cause or procure the death of, a horse if that person knows or should know that any of the horseflesh is intended for human consumption.

3. Prohibition against possession of horse for slaughter. A person may not sell, barter, give away or purchase or offer to sell, barter or purchase or possess, transport, deliver or receive a horse with the intent of slaughtering or otherwise causing or procuring the death of, or having another person slaughter or otherwise cause or procure the death of, the horse if that person knows or should know that any of the horseflesh is intended for human consumption.

4. Prohibition against export or import of horse for slaughter. A person may not import into or export from this State a live horse when that person knows or should know that the horse is intended for slaughter for human consumption.

5. Prohibition against sale, purchase, possession, import or export of horseflesh. A person may not sell, barter, give away or purchase or offer to sell, barter or purchase or possess, transport, deliver, receive or import into or export from this State horseflesh if that person knows or should know that any of the horseflesh is intended for human consumption.

6. Registration of horses for export. A person who intends to export a horse outside this State first shall obtain a certificate of ownership and export from the Department of Agriculture, Food and Rural Resources as described in subsection 7. A person may not:

A. Possess, ship, transport, purchase, sell, deliver or receive a horse with the intent to export the horse from the State without evidence of ownership as described in subsection 7;

B. Acquire, possess or deliver a false statement of ownership of a horse; or

C. Acquire, possess or deliver a false statement of the destination of a horse to be exported or that has been exported from the State.

7. Registry of ownership for purposes of export; certificate. The commissioner shall establish and maintain a registry of ownership of horses intended to be exported from this State as described in this subsection.

A. Ownership of a horse may be evidenced by:

(1) A recorded brand registered in the name of the person in possession of the horse;

(2) A brand inspection certificate;

(3) A bill of sale from the owner of the brand on the horse;

(4) In the case of an unbranded horse, a bill of sale that gives a description of the breed, sex, color and natural markings, if any, of the horse; or

(5) Any other record as determined to be appropriate by the commissioner.

B. The commissioner shall issue a certificate of ownership and export upon the application and sworn statement of a person exporting a horse from this State. The person must attest, under penalty of perjury, to the ownership of the horse and the destination of the horse and that, to the person's knowledge, the horse is not being exported for slaughter for human consumption. Certificates issued pursuant to this subsection are public records and must be made available to a state agency, a law enforcement agency or an animal control agency.

C. The commissioner shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2A to carry out the provisions of this subsection.

8. Penalty. The following penalties apply to a violation of this section.

A. A person who violates subsection 2, 3, 4 or 5 commits a Class C crime. A court may also order any person convicted under subsection 2, 3, 4 or 5 to submit to a mental health evaluation as determined by the court and undergo any recommended counseling or treatment. In addition to any other penalty provided by law, a person convicted under subsection 2, 3, 4 or 5 may be barred

from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time considered appropriate by the court and required to take humane education classes as ordered by the court.

B. A person who violates subsection 6 commits a civil violation for which a penalty of up to \$5,000 may be imposed.

Sec. 2. 22 MRSA §2163 is repealed.

Sec. 3. 22 MRSA §2511, sub-§25, as enacted by PL 1999, c. 771, §1, is amended to read:

25. Livestock. "Livestock" means cattle, domesticated deer, sheep, swine, goats, domestic rabbits; horses, mules, other equines or other designated animals, whether live or dead.

Sec. 4. 22 MRSA §2511, sub-§27, as enacted by PL 1999, c. 771, §1, is amended to read:

27. Meat. "Meat" means the part of the muscle of cattle, domesticated deer, sheep, swine, goats; horses, mules, other equines or other designated animals that is skeletal or that is found in the tongue, diaphragm, heart or esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels that normally accompany the muscle tissue but does not include the muscle found in the lips, snout or ears.

Sec. 5. 22 MRSA §2523, sub-§3, as enacted by PL 1999, c. 777, §1, is repealed.

SUMMARY

This bill prohibits the slaughter of horses for human consumption and:

1. Bans the possession, sale, purchase, transportation and import into or export out of this State of a horse if the person knows or should know that the horse is meant to be slaughtered for human consumption;
2. Bans the possession, sale, purchase, transportation, import or export of horseflesh if the person knows or should know that the horseflesh is for human consumption;
3. Requires a person exporting a horse from this State to obtain a certificate of ownership and export from the Department of Agriculture, Food and Rural Resources, after attesting that the horse is not being exported for slaughter for human consumption. The Commissioner of Agriculture, Food and Rural Resources is required to establish a registry of ownership of horses intended for export from this State; and
4. Repeals current law that allows horsemeat to be sold in this State as long as it is plainly and conspicuously labeled as such.