



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JAN 11 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>[Signature]</i>
Time	3:47 p.m.
Date	11 Jan 2001

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 404 (COR), "AN ACT TO ADD §§62104.1 – 62104.6, TO REPEAL §§63126 AND 63126.1; TO REPEAL AND REENACT §§63101(e), 63121, 63122, 63127(h), 63127(i) AND 63127(j), AND TO AMEND ARTICLE 4 OF CHAPTER 61 OF TITLE 5, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO LIVESTOCK STANDARDS AND DOMESTICATION OF ANIMALS ON GUAM," which I have signed into law as Public Law No. 25-186.

This legislation updates the law relative to the treatment of domesticated animals. It allows certain animals found in the wild to be domesticated, such as Guam deer, pigs, and carabao. It provides standards for the care of domesticated animals, namely proper provision of food and liquid, freedom of movement, safe transportation, protection from the environment, and so forth.

This legislation also amends the branding laws of Guam, to update them and provide for a "Livestock Fund" to administer the requirements of the law.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

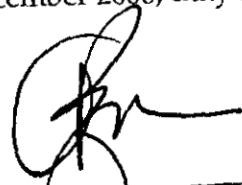
cc: The Honorable Antonio R. Unpingco
Speaker

0043

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 404 (COR) AN ACT TO ADD §§62104.1 - 62104.6, TO REPEAL §§63126 AND 63126.1; TO REPEAL AND REENACT §§63101(e), 63121, 63122, 63127(h), 63127(i) AND 63127(j), AND TO AMEND ARTICLE 4 OF CHAPTER 61 OF TITLE 5, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO LIVESTOCK STANDARDS AND DOMESTICATION OF ANIMALS ON GUAM," was on the 20th day of December 2000, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 22 day of December, 2000,
at 5:20 o'clock P.M.


PCC KSC Balajadia
Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 1-11-01

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 404 (COR)

As substituted by the Committee on
Land, Agriculture, Military Affairs and the Arts,
and as amended.

Introduced by:

L. F. Kasperbauer

M. G. Camacho

A. R. Unpingco

E.C. Bermudes

F. B. Aguon, Jr.

A. C. Blaz

J. M.S. Brown

E. B. Calvo

Mark Forbes

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

J. C. Salas

S. A. Sanchez, II

AN ACT TO ADD §§62104.1 - 62104.6, TO REPEAL §§63126 AND 63126.1; TO REPEAL AND REENACT §§63101(e), 63121, 63122, 63127(h), 63127(i) AND 63127(j), AND TO AMEND ARTICLE 4 OF CHAPTER 61 OF TITLE 5, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO LIVESTOCK STANDARDS AND DOMESTICATION OF ANIMALS ON GUAM.

1 **Section 7.** Section 62104.6 is hereby *added* to Article 1, Chapter 62,
2 Division 6 of Title 5 of the Guam Code Annotated to read as follows:

3 **“Section 62104.6. Penalties.** Any violation of the provisions
4 of §62104.3, or subsequent rules and regulations promulgated under
5 §62104.4, shall be a misdemeanor. Subsequent violations may result in
6 the forfeiture of the livestock involved.”

7 **Section 8.** Sections 63126 and 63126.1 of Article 1, Chapter 63, Division
8 6 of Title 5 of the Guam Code Annotated are hereby *repealed*.

9 **Section 9.** Section 63101(e) of Article 1, Chapter 63, Division 6 of Title 5
10 of the Guam Code Annotated is hereby *repealed and reneacted* to read as
11 follows:

12 “(e) ‘*Game*’ means all native or introduced species of wild birds
13 or wild or feral animals;”

14 **Section 10.** Section 63121 of Article 1, Chapter 63, Division 6 of Title 5 of
15 the Guam Code Annotated is hereby *repealed and reneacted* to read as follows:

16 **“Section 63121. Protection of Wild Animals.**It shall be unlawful
17 for any person to take, buy, sell, transport or possess any wild or feral
18 animal, or any part thereof, *except* as authorized in this Article or as
19 authorized by regulations made under §§62104 and 63127.”

20 **Section 11.** Section 63122 of Article 1, Chapter 63, Division 6 of Title 5 of
21 the Guam Code Annotated is hereby *repealed and reneacted* to read as follows:

22 **“Section 63122. License to Take Wild Birds and Wild and Feral**
23 **Animals.** Any owner or tenant of land or property that is being
24 damaged or destroyed, or is in danger of being damaged or destroyed

1 by any protected wild bird or wild or feral animal, may apply to the
2 Director for a license to take such wild bird, or wild or feral animal. The
3 Director, upon satisfactory evidence of such damage or destruction,
4 actual or threatened, may issue a revocable license for the taking of such
5 bird or wild or feral animal. It shall be unlawful for any person to
6 violate the conditions of any license issued under the provisions of this
7 Section."

8 **Section 12.** Section 63127(h) of Article 1, Chapter 63, Division 6 of Title 5
9 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
10 follows:

11 "(h) To regulate the trapping and capture of wild and feral
12 animals for the purposes of domestication under §62104.1."

13 **Section 13.** Section 63127(i) of Article 1, Chapter 63, Division 6 of Title 5
14 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
15 follows:

16 "(i) To set a fee for any licensed issued; *however, in no event shall*
17 *such fee exceed the sum of Five Hundred Dollars (\$500.00); and"*

18 **Section 14.** Section 63127(j) of Article 1, Chapter 63, Division 6 of Title 5
19 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
20 follows:

21 "(j) To otherwise implement or carry out the purposes of this
22 Article."

23 **Section 15.** Article 4 of Chapter 61, Division 6 of Title 5 of the Guam
24 Code Annotated is hereby *amended* to read as follows:

1 **Section 61407. Denial of Registration.** The Department
2 shall deny the registration of any brand which is identical to any brand
3 previously registered, or which is easily altered from the brand of
4 another. No brand shall be registered which is formed by
5 representation of any letter, number or figure which has been
6 previously registered, or which is a solid brand, or which is described as
7 being on either side of an animal, or composed of single letters or
8 figures, or of more than three (3) letters or figures. The location of the
9 brand on the animal shall be considered as part of the brand, and no
10 brand shall be registered which does *not* describe such location.

11 **Section 61408. Procedure After Denial.** Upon denial
12 of any application for registration of brand, the application shall be
13 returned to the applicant, together with a statement of the reason(s) for
14 rejection. Another application may then be filed for a different brand.

15 **Section 61409. Use of Brand.**

16 (a) No person shall apply any brand to any livestock or
17 other animal without the permission of the owner of the brand.

18 (b) No person shall apply any brand to any livestock or
19 other animal *not* owned by that person without the permission of
20 the owner of such animal.

21 (c) No person shall apply a brand to any livestock or
22 other animal *unless* Guam Veterinarian, or his authorized agent is
23 present.
24

1 **Section 61410. Transfer of Brand.** A registered brand may
2 be transferred to another person by application of the owner of the
3 brand and the proposed transferee, and surrender of the original
4 certificate of brand registration to the Department. The Department
5 shall thereupon issue a new certificate of brand registration upon
6 payment of a fee of Ten (\$10.00) Dollars.

7 **Section 61411. Transfer/Sale of Livestock.** Any person who
8 purchases or acquires livestock must brand such animals *no later than*
9 *thirty (30) calendar days* after acquisition. Previously branded animals
10 *not* intended for slaughter within *thirty (30) calendar days* of acquisition
11 must be reregistered with the Department. An affidavit of livestock
12 transfer indicating the transaction will be issued to the buyer. All
13 brands must be registered with the Department.

14 **Section 61412. Chief Brand Inspector.** The Director
15 of Agriculture shall designate one (1) or more employees of the
16 Department to serve as Chief Brand Inspector and Deputy Brand
17 Inspector, *respectively*, who will enforce the laws and regulations
18 pertaining to branding of livestock and undertake any other related
19 duties assigned by the Director. Nothing herein shall be construed,
20 *however*, to limit the authority and responsibility of the Guam Police
21 Department in regard to criminal enforcement.

22 **Section 61413. Assistance by Department.** The Department
23 shall disseminate information to interested persons relative to branding
24 requirements and procedure, and may assist owners in the branding of

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 404 (COR) AN ACT TO ADD §§62104.1 - 62104.6, TO REPEAL §§63126 AND 63126.1; TO REPEAL AND REENACT §§63101(e), 63121, 63122, 63127(h), 63127(i) AND 63127(j), AND TO AMEND ARTICLE 4 OF CHAPTER 61 OF TITLE 5, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO LIVESTOCK STANDARDS AND DOMESTICATION OF ANIMALS ON GUAM," was on the 20th day of December 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this _____ day of _____, 2000,
at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that
3 the enactment of Public Law Number 25-30 that authorized the raising of deer
4 as livestock also preserved the provisions of Guam law that allowed residents
5 to keep deer as pets. Since the enactment of Public Law Number 25-30, *I*
6 *Liheslaturan Guåhan* has found that the raising of deer both as pets and as
7 livestock have identical standards and regulations regarding human and
8 sanitary treatment of the animals. Therefore, provisions of law relating to
9 raising of deer as pets are no longer needed.

10 It is the intent of *I Liheslaturan Guåhan* to repeal the laws that allow
11 residents to raise deer as pets in favor of those provisions enacted by Public
12 Law Number 25-30 pertaining to raising deer as livestock. It is also the intent
13 of *I Liheslaturan Guåhan* to amend and add regulations to authorize the
14 domestication of Guam deer, wild and feral pigs, and feral Asiatic water
15 buffalo (carabao).

16 It is also the intent of *I Liheslaturan Guåhan* to amend and add
17 regulations to authorize the trapping of Guam deer, wild and feral pigs, and
18 feral Asiatic water buffalo (carabao) for the purposes of domestication.

19 **Section 2.** Section 62104.1 is hereby *added* to Article 1, Chapter 62,
20 Division 6 of Title 5 of the Guam Code Annotated to read as follows:

21 **"Section 62104.1. Domestication of Guam Deer, Wild and**
22 **Feral Pigs and Feral Asiatic Water Buffalo (carabao) as Livestock.**

23 Residents of Guam are authorized to raise Guam deer, wild and
24 feral pigs, and feral Asiatic water buffalo (carabao) as livestock.

1 Nothing herein shall prevent residents of Guam from raising Guam
2 deer, wild and feral pigs, and feral Asiatic water buffalo (carabao) as
3 pets; *however*, all laws, rules and regulations that apply to raising game
4 as livestock shall apply to raising Guam deer, wild and feral pigs, and
5 feral Asiatic water buffalo (carabao) as pets.”

6 **Section 3.** Section 62104.2 is hereby *added* to Article 1, Chapter 62,
7 Division 6 of Title 5 of the Guam Code Annotated to read as follows:

8 **“Section 62104.2. Standards of Care for Livestock. Definitions.**

9 (a) ‘*Care*’ to look after; to provide for.

10 (b) ‘*Health*’ a state of complete physical, mental, and social
11 well being and *not* merely the absence of disease or infirmity,
12 relative to each individual.

13 (c) ‘*Livestock*’ cattle, carabao, swine, deer, sheep, goats,
14 equine and poultry raised for labor, food or other purposes.”

15 **Section 4.** Section 62104.3 is hereby *added* to Article 1, Chapter 62,
16 Division 6 of Title 5 of the Guam Code Annotated to read as follows:

17 **“Section 62104.3. Standards of Care for Livestock.** The following
18 general standards of care apply to the keeping of all livestock and
19 poultry:

20 (a) **Care in General.** Animals shall be housed or kept and
21 provided with food, water and care, in a manner which, having regard
22 to their species and to their degree of development, adaptation and
23 domestication is appropriate to their physiological and ethological

1 needs in accordance with established experience and scientific
2 knowledge.

3 **(b) Specific Elements of Care.** In addition to Subsection (a),
4 the lighting, temperature, humidity, air circulation, ventilation and
5 other environmental conditions, such as gas concentration or noise
6 intensity, shall conform to the animals physiological and ethological
7 needs in accordance with established experience and scientific
8 knowledge.

9 **(c) Provision of Food and Liquid.** No animal shall be
10 provided with food or liquid in a manner which may cause unnecessary
11 suffering or injury.

12 **(d) Freedom of Movement.** The freedom of
13 movement appropriate to an animal, having regard to its species and in
14 accordance with established experience and scientific knowledge, shall
15 *not* be restricted in such a manner as to cause it unnecessary suffering or
16 injury.

17 **(e) Transportation and Movement.** No animal shall be
18 moved or transported in a manner which may cause unnecessary
19 suffering or injury.

20 **(f) Protection from the Environment.** Where an animal is
21 continuously or regularly tethered or confined, it shall be given
22 protection from environmental hazards and space appropriate to its
23 physiological and ethological needs in accordance with established
24 experience and scientific knowledge.

1 **(g) Capture of Wild, Feral and Stray Animals.** No wild, feral
2 or stray animal shall be captured in a manner which may cause
3 unnecessary suffering or injury.

4 **(h) Inspections.** The condition and state of health of
5 animals shall be thoroughly inspected by the Department of Agriculture
6 at necessary intervals sufficient to avoid unnecessary suffering.”

7 **Section 5.** Section 62104.4 is hereby *added* to Article 1, Chapter 62,
8 Division 6 of Title 5 of the Guam Code Annotated to read as follows:

9 **“Section 62104.4. Regulations.** The Department of
10 Agriculture may promulgate additional rules and regulations pursuant
11 to the provisions of the Administrative Adjudication Law as necessary
12 or appropriate to address specific concerns regarding standards of care
13 for livestock.”

14 **Section 6.** Section 62104.5 is hereby *added* to Article 1, Chapter 62,
15 Division 6 of Title 5 of the Guam Code Annotated to read as follows:

16 **“Section 62104.5. Enforcement.** The standards of care for
17 livestock contained in §62104.3, and any subsequent rules and
18 regulations promulgated under §62104.4, shall be enforced by the
19 Department of Agriculture Veterinarian, Plant Protection and
20 Quarantine Officers, Conservation Officers, and any other officer or
21 agent of the Department authorized by the Director in accordance with
22 §60105 of Title 5 of the Guam Code Annotated. The standards and any
23 subsequent regulations may also be enforced by all peace officers
24 identified in §5.55 of Title 8 of the Guam Code Annotated.”

1 **Section 7.** Section 62104.6 is hereby *added* to Article 1, Chapter 62,
2 Division 6 of Title 5 of the Guam Code Annotated to read as follows:

3 **“Section 62104.6. Penalties.** Any violation of the provisions
4 of §62104.3, or subsequent rules and regulations promulgated under
5 §62104.4, shall be a misdemeanor. Subsequent violations may result in
6 the forfeiture of the livestock involved.”

7 **Section 8.** Sections 63126 and 63126.1 of Article 1, Chapter 63, Division
8 6 of Title 5 of the Guam Code Annotated are hereby *repealed*.

9 **Section 9.** Section 63101(e) of Article 1, Chapter 63, Division 6 of Title 5
10 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
11 follows:

12 “(e) ‘*Game*’ means all native or introduced species of wild birds
13 or wild or feral animals;”

14 **Section 10.** Section 63121 of Article 1, Chapter 63, Division 6 of Title 5 of
15 the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

16 **“Section 63121. Protection of Wild Animals.**It shall be unlawful
17 for any person to take, buy, sell, transport or possess any wild or feral
18 animal, or any part thereof, *except* as authorized in this Article or as
19 authorized by regulations made under §§62104 and 63127.”

20 **Section 11.** Section 63122 of Article 1, Chapter 63, Division 6 of Title 5 of
21 the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

22 **“Section 63122. License to Take Wild Birds and Wild and Feral**
23 **Animals.** Any owner or tenant of land or property that is being
24 damaged or destroyed, or is in danger of being damaged or destroyed

1 by any protected wild bird or wild or feral animal, may apply to the
2 Director for a license to take such wild bird, or wild or feral animal. The
3 Director, upon satisfactory evidence of such damage or destruction,
4 actual or threatened, may issue a revocable license for the taking of such
5 bird or wild or feral animal. It shall be unlawful for any person to
6 violate the conditions of any license issued under the provisions of this
7 Section."

8 **Section 12.** Section 63127(h) of Article 1, Chapter 63, Division 6 of Title 5
9 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
10 follows:

11 "(h) To regulate the trapping and capture of wild and feral
12 animals for the purposes of domestication under §62104.1."

13 **Section 13.** Section 63127(i) of Article 1, Chapter 63, Division 6 of Title 5
14 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
15 follows:

16 "(i) To set a fee for any licensed issued; *however*, in no event shall
17 such fee exceed the sum of Five Hundred Dollars (\$500.00); *and*"

18 **Section 14.** Section 63127(j) of Article 1, Chapter 63, Division 6 of Title 5
19 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
20 follows:

21 "(j) To otherwise implement or carry out the purposes of this
22 Article."

23 **Section 15.** Article 4 of Chapter 61, Division 6 of Title 5 of the Guam
24 Code Annotated is hereby *amended* to read as follows:

1 **"BRANDING LAW OF 2000.**

2 **Section 61401. Definitions.**

3 **Section 61402. Name.**

4 **Section 61403. Branding Mandatory.**

5 **Section 61404. Time Limit for Branding.**

6 **Section 61405. Brand to be Registered.**

7 **Section 61406. Registration.**

8 **Section 61407. Denial of Registration.**

9 **Section 61408. Procedure *After Denial*.**

10 **Section 61409. Use of Brand.**

11 **Section 61410. Transfer of Brand.**

12 **Section 61411. Disposition of Fees.**

13 **Section 61412. Transfer/Sale of Livestock.**

14 **Section 61413. Chief Brand Inspector.**

15 **Section 61414. Assistance by Department.**

16 **Section 61415. Implementing Regulations.**

17 **Section 61416. Penalty.**

18 **Section 61417. Livestock Fund.**

19
20 **Section 61401. Definitions.** As used in this Article:

21 (a) '*Livestock*' means any cattle, carabao, horse, deer, mule
22 or donkey.

1 (b) 'Brand' means any permanent tag, mark, sign, or
2 symbol placed upon or implanted in livestock for the purpose of
3 identifying the owner thereof.

4 **Section 61402. Name.** This Article may be cited as the
5 '*Branding Law of 2000.*'

6 **Section 61403. Branding Mandatory.** No person shall own any
7 livestock which does *not* carry the registered brand of such owner as
8 required by this Article.

9 **Section 61404. Time Limit for Branding.** All livestock shall
10 be branded within ninety (90) calendar days of the date of birth, or one
11 (1) month after acquisition, whichever is later.

12 **Section 61405. Brand to be Registered.** No person
13 shall use any brand which has not been registered with the Department
14 of Agriculture.

15 **Section 61406. Registration.** Application for registration of
16 brands shall be made on a form furnished by the Department. *If* said
17 application is approved, the Department shall forthwith issue to the
18 applicant a certificate of brand registration upon payment of a fee of Ten
19 (\$10.00) Dollars. Brands registered with the Department *prior to* the
20 Year 2000 must be re-registered with the Department to be valid. Upon
21 receipt of the certificate of brand registration, the applicant is
22 responsible for making the applicant's own brand, or having one made
23 for that person.

1 **Section 61407. Denial of Registration.** The Department
2 shall deny the registration of any brand which is identical to any brand
3 previously registered, or which is easily altered from the brand of
4 another. No brand shall be registered which is formed by
5 representation of any letter, number or figure which has been
6 previously registered, or which is a solid brand, or which is described as
7 being on either side of an animal, or composed of single letters or
8 figures, or of more than three (3) letters or figures. The location of the
9 brand on the animal shall be considered as part of the brand, and no
10 brand shall be registered which does *not* describe such location.

11 **Section 61408. Procedure After Denial.** Upon denial
12 of any application for registration of brand, the application shall be
13 returned to the applicant, together with a statement of the reason(s) for
14 rejection. Another application may then be filed for a different brand.

15 **Section 61409. Use of Brand.**

16 (a) No person shall apply any brand to any livestock or
17 other animal without the permission of the owner of the brand.

18 (b) No person shall apply any brand to any livestock or
19 other animal *not* owned by that person without the permission of
20 the owner of such animal.

21 (c) No person shall apply a brand to any livestock or
22 other animal *unless* Guam Veterinarian, or his authorized agent is
23 present.
24

1 **Section 61410. Transfer of Brand.** A registered brand may
2 be transferred to another person by application of the owner of the
3 brand and the proposed transferee, and surrender of the original
4 certificate of brand registration to the Department. The Department
5 shall thereupon issue a new certificate of brand registration upon
6 payment of a fee of Ten (\$10.00) Dollars.

7 **Section 61411. Transfer/Sale of Livestock.** Any person who
8 purchases or acquires livestock must brand such animals *no later than*
9 *thirty (30) calendar days* after acquisition. Previously branded animals
10 *not* intended for slaughter within *thirty (30) calendar days* of acquisition
11 must be reregistered with the Department. An affidavit of livestock
12 transfer indicating the transaction will be issued to the buyer. All
13 brands must be registered with the Department.

14 **Section 61412. Chief Brand Inspector.** The Director
15 of Agriculture shall designate one (1) or more employees of the
16 Department to serve as Chief Brand Inspector and Deputy Brand
17 Inspector, *respectively*, who will enforce the laws and regulations
18 pertaining to branding of livestock and undertake any other related
19 duties assigned by the Director. Nothing herein shall be construed,
20 *however*, to limit the authority and responsibility of the Guam Police
21 Department in regard to criminal enforcement.

22 **Section 61413. Assistance by Department.** The Department
23 shall disseminate information to interested persons relative to branding
24 requirements and procedure, and may assist owners in the branding of

1 their livestock and charge a reasonable fee thereof as prescribed by
2 regulations.

3 **Section 61414. Regulations.** Regulations implementing this
4 Article shall be formulated, approved and issued in accordance with the
5 Administrative Adjudication Act to carry out the purposes of this
6 Article.

7 **Section 61415. Penalty.** Any person violating any Section of
8 this Article is guilty of a misdemeanor, and upon conviction thereof,
9 shall be punishable by a fine of *not less than* Fifty Dollars (\$50.00), nor
10 more than Five Hundred Dollars (\$500.00), or by imprisonment of *not*
11 *more than* ninety (90) days, or by both fine and imprisonment.

12 **Section 61416. Livestock Fund.** (a) There is hereby
13 established a fund to be known as the '*Livestock Fund*,' which shall
14 be maintained separate and apart from any other funds of the
15 government of Guam, and independent records and accounts
16 shall be maintained in connection herewith. All license fees
17 collected under this Article shall be deposited into said Fund.

18 (b) The Livestock Fund shall be used exclusively for the
19 purpose of the administration of this Article. Said Fund shall be
20 examined and reported upon by the Director of Administration as
21 required by law."

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

Date: 12/22/00

VOTING SHEET

S Bill No. 404
 Resolution No. _____
 Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V ///		* ✓			
LEON GUERRERO, Carlotta A.					✓
MOYLAN, Kaleo Scott ///		* ✓			
PANGELINAN, Vicente C.	✓				
SALAS, John C. ///		* ✓			
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL 11 3 0 0 1

CERTIFIED TRUE AND CORRECT:

 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

October 3, 2000

The Honorable Antonio Unpingco, Speaker
I Mina' Bente Singko na Liheslaturan Guahan
155 Hesler St.
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, wishes to report out its committee report on Bill No. 404, *as substituted by the Committee*, with the recommendation **TO DO PASS**.

Committee Voting Record:

To do Pass: 6

To not Pass:

Abstain:

A copy of the Committee Report is attached for your consideration.

Sincerely yours,

MARCEL G. CAMACHO
Chairman

Attachments



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

September 29, 2000

MEMORANDUM

**TO: Members,
Committee on Land, Agriculture, Military Affairs and the
Arts**

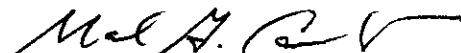
FR: Chairman

RE: Bill No. 404

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report of **Bill No.404**, *as substituted by the Committee. (See attached for details).*

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,


MARCEL G. CAMACHO
Chairman

Attachments







**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS
and the ARTS**

**I Mina'Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature**

VOTING SHEET

September 29, 2000

RE: Bill No. 404 (COR): AN ACT TO REPEAL §63126 AND 63126.1 OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD NEW §§62104.1, 62104.2, 62104.3, 62104.4, 62104.5, AND 62104.6 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO DOMESTICATION OF DEER AS LIVESTOCK AND STANDARDS OF CARE FOR LIVESTOCK., as substituted by the Committee..

COMMITTEE MEMBERS:	SIGNATURE	TO DO PASS	TO NOT PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Marcel G. Camacho Chairman		✓			
Senator Lawrence F. Kasperbauer, Vice-Chairman		X			
Senator Joanne M.S. Brown		✓			
Senator Eduardo B. Calvo		✓			
Senator Kaleo S. Moylan		✓			
Senator Simon A. Sanchez, II		✓			
Senator Frank B. Aguon, Jr.					
Speaker Antonio "Tony" R. Unpingco, Ex Officio					

Committee on Land, Agriculture, Military Affairs & the Arts

Committee Report July 18, 2000

The Committee on Land, Agriculture, Military Affairs & the Arts held a public hearing on July 18, 2000 at the Public Hearing Room in the Legislative Building. The hearing was called to order at 9:00 a.m., by the Chairman, Senator Marcel G. Camacho.

Present for the hearing were Senators Lawrence Kasperbauer and Senator Ben Pangelinan.

Bill No. 404 (COR): AN ACT TO REPEAL §63126 AND 63126.1 OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD NEW §§62104.1, 62104.2, 62104.3, 62104.4, 62104.5, AND 62104.6 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO DOMESTICATION OF DEER AS LIVESTOCK AND STANDARDS OF CARE FOR LIVESTOCK.

Testimony Submitted by:

Dana T. Lujan
Dr. Steve Nusbaum

Oral/Written
Oral

Summary of Testimonies:

The Chairman deferred to Senator Kasperbauer, the author of the Bill, for a brief summary.

Senator Kasperbauer stated that the Legislature passed a bill into law, that would allow for the domestication of deer along with other animals defined as livestock. The legislation called for the Department of Agriculture to develop the rules and regulations for the care of the deer that would be raised as livestock. Also, in the process of interacting with the Department of Agriculture personnel, it was felt that there is no longer any need to have the previous requirements for raising deer as pets. The provisions in the law that provide for caring for the deer as livestock more than adequately covers the raising of deer as pets.

The Chairman recognized Dana Lujan and Dr. Steve Nusbaum from the Division of Aquatic & Wildlife Resources for the Department of Agriculture.

Dana Lujan stated that in working with Senator Kasperbauer's office and consulting with Dr. Nusbaum and the Chief Conservation Officer, they came up with some changes, deletions, and additions to the bill that they felt were necessary. He submitted a list of their recommendations for a substitute bill.

Dana highlighted the main changes to the bill. 1) Changing domestication of deer as livestock to game. This would cover all wild animals and birds and any future species that may be feral and get back into the wild. He noted that there is a definition of game in the statute that exists today. 2) Including the word feral because there are a lot of people who are unclear of the difference between wild and feral. Wild is something that's been in a wild state and feral is something that was previously domesticated and then returned to its wild state. 3) Adding regulating the trapping and capture of game for the purposes of domestication. This would authorize the department to promulgate regulations concerning the trapping of game. Dana stated that they fully support the bill.

Dr. Steve Nusbaum stated that his reason for supporting the bill is from a different perspective. That being incorporating standards of care for livestock. He noted that as the government veterinarian, he receives a fair number of calls involving animal negligence. Animals are not being cared for properly as far as simple husbandry practices and veterinary care. He noted that if this bill is passed it would give them the ability to go out and talk to the people with more force than they've had in the past. Dr. Nusbaum then commented on his concern regarding the method that would be used to capture deer. He has witnessed all types of inhumane things that have gone wrong in the past. He noted that box traps would be one option which is fairly humane, but other ways such as snare, netting, and the practice of shooting the doe and the fawn before it has been weaned disturbs him. He doesn't have the answers at this point, but stated he will be able to go out and by observing will come up with some suggestions for the future that he thinks will be helpful for all concerned.

The Chairman asked for clarification on section 7 which adds subsection I to set a fee for any license issued; however, in no event shall such fee exceed the sum of \$500. In what case would you charge a \$500 license fee and has it ever gotten that high?

Dana explained that the reason this was underlined as a change was because the lettering was shifted, however nothing was changed, it is already existing in the law. This allows us to charge up to \$500, but doubt that amount would every be charged.

Dana noted that he has been talking to AAFB officials regarding trapping. There are areas where the animal populations are skyrocketing out of control. This bill will allow for trapping which would help alleviate some of the problems.

There being no other testimony, the Chairman stated that Bill No. 404 (COR) has been publicly heard.

Committee Findings and Recommendation: The Committee finds that the standards covering the domestication of deer as a pet and as livestock are identical. Bill 404 will incorporate both pet and livestock under a more defined and detailed standard of care for livestock. The Committee also incorporated the testimony of Dr. Steve Nusbaum's, relative to the trapping or capturing of wild animals. In the process of updating the law it was clear to the Committee that Guam's Branding law should also be amended to be consistent with the new standard for livestock.

The Committee on Land, Agriculture, Military Affairs and the Arts to which was referred Bill No. 404 (COR) wishes to report back its **recommendation to do pass** Bill No. 404 (COR) as substituted by the Committee.

MINA' BENTE SING'KO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 404 (COR)

As Substituted by the Committee on
Land, Agriculture, Military Affairs and the Arts

Introduced by:

L.F. Kasperbauer

M.G. Camacho

A.R. Unpingco

E.C. Bermudes

AN ACT TO REPEAL §§ 63126 AND 63126.1 OF TITLE 5, GUAM CODE ANNOTATED, TO ADD NEW §§ 62104.1, 62104.2, 62104.3, 62104.4, 62104.5, 62104.6 AND 63127 (j) OF TITLE 5, GUAM CODE ANNOTATED, AND TO AMEND §§63101 (e), 63121, 63122 AND 63127 (h) and (i) OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DOMESTICATION OF GAME AS LIVESTOCK AND STANDARDS OF CARE FOR LIVESTOCK AND TO AMEND ARTICLE 4 OF CHAPTER 61, GUAM CODE ANNOTATED RELATIVE TO CHANGES TO GUAM'S BRANDING LAWS AS A RESULT OF SUCH CHANGES TO DOMESTICATION STANDARDS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative intent.** I Liheslaturan Guåhan finds that the
3 enactment of Public Law No. 25-30 that authorized the raising of deer as livestock
4 also preserved the provisions of Guam Law that allowed residents to keep deer as
5 pets. Since the enactment of Public Law No. 25-30, I Liheslaturan Guåhan has
6 found that the raising of deer both as pets and as livestock have identical standards
7 and regulations regarding human and sanitary treatment of the animals. Therefore,
8 provisions of law relating to raising of deer as pets are no longer needed.

1 It is the intent of I Liheslaturan Guåhan to repeal the laws that allow
2 residents to raise deer as pets in favor of those provisions enacted by Public Law
3 25-30 pertaining to raising deer as livestock. It is also the intent of I Liheslaturan
4 Guåhan to amend and add regulations to authorize the domestication of Guam
5 deer, wild and feral pigs, and feral Asiatic water buffalo (carabao). It is also the
6 intent of I Liheslaturan Guåhan to amend and add regulations to authorize the
7 trapping of Guam deer, wild and feral pigs, and feral Asiatic water buffalo
8 (carabao) for the purposes of domestication.

9

10 **Section 2.** New sections 62104.1, 62104.2, 62104.3, 62104.4, 62104.5, and
11 62104.6 of Title 5, Guam Code Annotated, are added to read:

12

13 **"§62104.1 Domestication of Guam deer, wild and feral pigs, and feral**
14 **Asiatic water buffalo (carabao) as livestock.** Residents of Guam are authorized
15 to raise Guam deer, wild and feral pigs, and feral Asiatic water buffalo (carabao)
16 as livestock. Nothing herein shall prevent residents of Guam from raising Guam
17 deer, wild and feral pigs, and feral Asiatic water buffalo (carabao) as pets,
18 however, all laws, rules and regulations that apply to raising game as livestock
19 shall apply to raising Guam deer, wild and feral pigs, and feral Asiatic water
20 buffalo (carabao) as pets.

21

22 **§62104.2. Standards of care for livestock.** Definitions.

23 (a) Care: to look after; to provide for.

24 (b) Health: a state of complete physical, mental, and social well being and
25 not merely the absence of disease or infirmity, relative to each individual.

1 (c) Livestock: cattle, carabao, swine, deer, sheep, goats, equine and poultry
2 raised for labor, food, or other purposes.

3
4 **§62104.3. Standards of care for livestock.** The following general
5 standards of care apply to the keeping of all livestock and poultry:

6 (a) Care in general. Animals shall be housed or kept and provided with
7 food, water, and care, in a manner which, having regard to their species and to
8 their degree of development, adaptation, and domestication, is appropriate to their
9 physiological and ethological needs in accordance with established experience and
10 scientific knowledge.

11 (b) Specific elements of care. In addition to Subsection (a), the lighting,
12 temperature, humidity, air circulation, ventilation, and other environmental
13 conditions, such as gas concentration or noise intensity, shall conform to the
14 animals physiological and ethological needs in accordance with established
15 experience and scientific knowledge.

16 (c) Provision of food and liquid. No animal shall be provided with food or
17 liquid in a manner which may cause unnecessary suffering or injury.

18 (d) Freedom of movement. The freedom of movement appropriate to an
19 animal, having regard to its species and in accordance with established experience
20 and scientific knowledge, shall not be restricted in such a manner as to cause it
21 unnecessary suffering or injury.

22 (e) Transportation and movement. No animal shall be moved or transported
23 in a manner which may cause unnecessary suffering or injury.

24 (f) Protection from the environment. Where an animal is continuously or
25 regularly tethered or confined, it shall be given protection from environmental

1 hazards and space appropriate to its physiological and ethological needs in
2 accordance with established experience and scientific knowledge.

3 (g) Capture of wild, feral and stray animals. No wild, feral or stray animal
4 shall be captured in a manner which may cause unnecessary suffering or injury.

5 (h) Inspections. The condition and state of health of animals shall be
6 thoroughly inspected by the Department of Agriculture at necessary intervals
7 sufficient to avoid unnecessary suffering.

8 **§62104.4. Regulations.** The Department of Agriculture may promulgate
9 additional rules and regulations pursuant to the provisions of the Administrative
10 Adjudication Law as necessary or appropriate to address specific concerns
11 regarding standards of care for livestock.

12 **§62104.5. Enforcement.** The standards of care for livestock contained in
13 §62104.3 and any subsequent rules and regulations promulgated under Section
14 §62104.4 shall be enforced by the Department of Agriculture Veterinarian, Plant
15 Protection and Quarantine Officers, Conservation Officers, and any other officer
16 or agent of the Department authorized by the Director in accordance with §60105
17 of Title 5, Guam Code Annotated. The standards and any subsequent regulations
18 may also be enforced by all peace officers identified in §5.55 of Title 8, Guam
19 Code Annotated.

20

21 **§62104.6. Penalties.** Any violation of the provisions of §62104.3 or
22 subsequent rules and regulations promulgated under §62104.4 shall be a
23 misdemeanor. Subsequent violations may result in the forfeiture of the livestock
24 involved."

25

1 **Section 3. Repeal of conflicting statutes relative to domestication of**
2 **deer as livestock.** Sections 63126 and 63126.1 of Title 5, Guam Code Annotated,
3 are repealed.

4
5 **Section 4.** Section 63101(e) of Chapter 63 of Title 5 of the Guam Code
6 Annotated is hereby *repealed and reenacted* to read::

7 “(e) *Game* means all native or introduced species of wild birds or wild or
8 feral animals;”

9
10 **Section 5.** Section 63121 of Chapter 63 of Title 5 of the Guam Code
11 Annotated is hereby *repealed and reenacted* to read:

12 “**Section 63121. Protection of Wild Animals.** It shall be unlawful for any
13 person to take, buy, sell, transport or possess any wild or feral animal, or any part
14 thereof, except as authorized in this Article or as authorized by regulations made
15 under §62104 and §63127.”

16
17 **Section 6.** Section 63122 of Chapter 63 of Title 5 of the Guam Code
18 Annotated is hereby *repealed and reenacted* to read:

19 “**Section 63122. License to Take Wild Birds and Wild and Feral**
20 **Animals.** Any owner or tenant of land or property that is being damaged or
21 destroyed or is in danger of being damaged or destroyed by any protected wild
22 bird or wild or feral animal may apply to the Director for a license to take such
23 wild bird or wild or feral animal. The director, upon satisfactory evidence of such
24 damage or destruction, actual or threatened, may issue a revocable license for the
25 taking of such bird or wild or feral animal. It shall be unlawful for any person to
26 violate the conditions of any license issued under the provisions of this Section.”

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Section 7. Items (h), (i) and (j) of Section 63127 of Chapter 63 of Title 5 of the Guam Code Annotated are hereby *repealed and reenacted* to read:

“(h) To regulate the trapping and capture of wild and feral animals for the purposes of domestication under §62104.1.

(i) To set a fee for any licensed issued; however, in no event shall such fee exceed the sum of Five Hundred Dollars (\$500); and

(j) To otherwise implement or carry out the purposes of this Article.”

Section 8. Article 4 of Chapter 61 of Title 5, Guam Code Annotated is hereby amended to read:

"BRANDING LAW OF 2000"

- §61401. Definitions.**
- §61402. Name.**
- §61403. Branding Mandatory.**
- §61404. Time Limit for Branding.**
- §61405. Brand to be Registered.**
- §61406. Registration.**
- §61407. Denial of Registration.**
- §61408. Procedure after Denial.**
- §61409. Use of Brand.**
- §61410. Transfer of Brand.**
- §61411. Transfer/Sale of Livestock.**
- §61412. Chief Brand Inspector.**

1 **§61413. Assistance by Department.**

2 **§61414. Implementing Regulations.**

3 **§61415. Penalty**

4 **§61416. Livestock Fund.**

5

6

7 **§61401. Definitions.** As used in this Article,

8 (a) Livestock means any cattle, carabao, horse, deer, mule or donkey;

9 (b) Brand means any permanent tag, mark, sign, or symbol placed upon or
10 implanted in livestock for the purpose of identifying the owner thereof.

11

12 **§61402. Name.** This Article may be cited as the Branding Law of
13 2000.

14

15 **§61403. Branding Mandatory.** No person shall own any livestock
16 which does not carry the registered brand of such owner as required by this
17 Article. ~~Any person violating this Section shall be guilty of a violation and subject~~
18 ~~to a fine of not more than Twenty five Dollars.~~

19

20 **§61404. Time Limit for Branding.** All ~~cattle~~ livestock shall be
21 branded within ~~six~~ ninety calendar days of the date of birth, or one month after
22 acquisition, whichever is later.

23

24 **§61405. Brand to be Registered.** No person shall use any brand which
25 has not been registered with the Department of Agriculture. ~~Any person violating~~

1 ~~this Section shall be guilty of a violation and shall be subject to a fine of not more~~
2 ~~than Twenty five Dollars.~~

3
4 **§61406. Registration.** Application for registration of brands shall be
5 made on a form furnished by the Department. If said application is approved, the
6 Department shall forthwith issue to the applicant a certificate of brand registration
7 upon payment of a fee of ~~Two~~ Ten (\$10) Dollars. Brands registered with the
8 Department prior to the year 2000 must be re-registered with the Department to be
9 valid. Upon receipt of the certificate of brand registration, the applicant is
10 responsible for making his/her own brand or having one made for him/her.

11
12 **§61407. Denial of Registration.** The Department shall deny the
13 registration of any brand which is identical to any brand previously registered, or
14 which is easily altered from the brand of another. No brand shall be registered
15 which is formed by representation of any letter, number or figure which has been
16 previously registered or which is a solid brand, or which is described as being on
17 either side of an animal, or composed of single letters or figures, or of more than
18 three letters or figures. The location of the brand on the animal shall be
19 considered as part of the brand, and no brand shall be registered which does not
20 describe such location.

21
22 **§61408. Procedure after Denial.** Upon denial of any application for
23 registration of brand, the application shall be returned to the applicant, together
24 with a statement of the reason for rejection. Another application may then be filed
25 for a different brand.

1 **§61409. Use of Brand.**

2 (a) No person shall apply any brand to any livestock or other animal
3 without the permission of the owner of the brand;

4 (b) No person shall apply any brand to any livestock or other animal
5 not owned by him without the permission of the owner of such animal;

6 (c) No person shall apply a brand to any livestock or other animal
7 unless the ~~Commissioner or Assistant Commissioner of the respective district of~~
8 ~~Guam where the branding occurs~~ Territorial Veterinarian or his authorized agent is
9 present.

10 ~~(d) Any person violating subsection (a), subsection (b), or subsection~~
11 ~~(c) of this Section shall be guilty of a misdemeanor.~~

12
13 **§61410. Transfer of Brand.** A registered brand may be transferred to
14 another person by application of the owner of the brand and the proposed
15 transferee, and surrender of the original certificate of brand registration to the
16 Department. The Department shall thereupon issue a new certificate of brand
17 registration upon payment of a fee of ~~Two~~ Ten (\$10) Dollars.

18
19 ~~§61411. Disposition of Fees.~~ ~~All fees received under this Article shall~~
20 ~~be paid into the Treasury of Guam as part of the General Fund.~~ Transfer/Sale of
21 Livestock. Any person who purchases or acquires livestock must brand such
22 animals no later than 30 calendar days after acquisition. Previously branded
23 animals not intended for slaughter within 30 calendar days of acquisition must be
24 re-registered with the Department. An affidavit of livestock transfer indicating the
25 transaction will be issued to the buyer. All brands must be registered with the
26 Department.

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§61412. Chief Brand Inspector. The Director of Agriculture shall designate one or more employees of the Department to serve as Chief Brand Inspector and Deputy Brand Inspector, respectively, who will enforce the laws and regulations pertaining to branding of livestock and undertake any other related duties assigned by the Director. Nothing herein shall be construed, however, to limit the authority and responsibility of the Guam Police Department in regard to criminal enforcement.

§61413. Assistance by Department. The Department shall disseminate information to interested persons relative to branding requirements and procedure, and may assist owners in the branding of their livestock, ~~including the furnishing of a branding iron,~~ and charge a reasonable fee thereof as prescribed by regulations.

§61414. Implementing Regulations. Regulations implementing this article ~~shall be made and adopted in accordance with §60108 of this Division.~~ shall be formulated, approved and issued in accordance with the Administrative Adjudication Act to carry out the purposes of this article.

§61415. Penalty. Any person violating any section of this Article is guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500), or by imprisonment of not more than ninety (90) days, or by both fine and imprisonment.

1 **§61416. Livestock Fund.** (a) There is hereby established a fund to be
2 known as the *Livestock Fund* which shall be maintained separate and apart from
3 any other funds of the government of Guam and independent records and accounts
4 shall be maintained in connection herewith. All license fees collected under this
5 Article shall be deposited in said Fund.

6
7 (b) The Livestock Fund shall be used exclusively for the purpose of
8 the administration of this Article. Said Fund shall be examined and reported upon
9 by the Director of Administration as required by law.



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senator Mark Forbes, Chairman
Kabisiyon Mayurát*

04 APR 2000

MEMORANDUM

TO: Chairman
Committee on Land, Agriculture, Military Affairs and Arts

FROM: Chairman ~~Mark Forbes~~
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 404

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

OFFICE OF
Marcel G. Camacho
SENATOR
Date: 4-4-00 Time: 3:00 pm
Received By: Emg

MAR 21 2000

MINA' BENTE SING'KO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 404 (2000)

Introduced by:

L.F. Kasperbauer *LFK*
M.G. Camacho *MG*
A.R. Unpingco
E.C. Bermudes *ECB*

AN ACT TO REPEAL §§63126 AND 63126.1 OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD NEW §§62104.1, 62104.2, 62104.3, 62104.4, 62104.5, AND 62104.6 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO DOMESTICATION OF DEER AS LIVESTOCK AND STANDARDS OF CARE FOR LIVESTOCK.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative intent. I Liheslaturan Guåhan finds that the
3 enactment of Public Law No. 25-30 that authorized the raising of deer as livestock
4 also preserved the provisions of Guam Law that allowed residents to keep deer as
5 pets. Since the enactment of Public Law No. 25-30, I Liheslaturan Guåhan has
6 found that the raising of deer both as pets and as livestock have identical standards
7 and regulations regarding human and sanitary treatment of the animals. Therefore,
8 provisions of law relating to raising of deer as pets are no longer needed and there
9 continued existence in Guam Law will perpetuate a need for redundant rules and
10 regulations along with livestock rules.

11 It is the intent of I Liheslaturan Guåhan to repeal the laws that allow
12 residents to raise deer as pets in favor of those provisions enacted by Public Law
13 25-30 pertaining to raising deer as livestock. It is also the intent of I Liheslaturan

1 Guåhan to add needed regulations and penalties to ensure that in the domestication
2 of the animals, proper care and sanitary conditions are maintained.

3
4 **Section 2.** New sections 62104.1, 62104.2, 62104.3, 62104.4, 62104.5, and
5 62104.6 of Title 5, Guam Code Annotated, are added to read:

6
7 **"§62104.1 Domestication of Guam deer as livestock.** Residents of Guam
8 are authorized to raise deer as livestock. Nothing herein shall prevent residents of
9 Guam from raising deer as pets, however, all laws, rules and regulations that apply
10 to raising deer as livestock shall apply to raising deer as pets.

11
12 **§62104.2. Standards of care for livestock.** Definitions.

13 (a) Care: to look after; to provide for.

14 (b) Health: a state of complete physical, mental, and social well being and
15 not merely the absence of disease or infirmity, relative to each individual.

16 (c) Livestock: cattle, carabao, swine, deer, sheep, goats, equine and poultry
17 raised for labor, food, or other purposes.

18
19 **§62104.3. Standards of care for livestock.** The following general
20 standards of care apply to the keeping of all livestock and poultry:

21 (a) Care in general. Animals shall be housed or kept and provided with
22 food, water, and care, in a manner, which having regard to their species and to
23 their degree of development, adaptation, and domestication, is appropriate to their
24 physiological and ethological needs in accordance with established experience and
25 scientific knowledge.

1 (b) Specific elements of care. In addition to Subsection (a), the lighting,
2 temperature, humidity, air circulation, ventilation, and other environmental
3 conditions, such as gas concentration or noise intensity, shall, conform to the
4 animals physiological and ethological needs in accordance with established
5 experience and scientific knowledge.

6 (c) Provision of food and liquid. No animal shall be provided with food or
7 liquid in a manner which may cause unnecessary suffering or injury.

8 (d) Freedom of movement. The freedom of movement appropriate to an
9 animal, having regard to its species and in accordance with established experience
10 and scientific knowledge, shall not be restricted in such a manner as to cause it
11 unnecessary suffering or injury.

12 (e) Transportation and movement. No animal shall be moved or transported
13 in a manner which may cause unnecessary suffering or injury.

14 (f) Protection from the environment. Where an animal is continuously or
15 regularly tethered or confined, it shall be given protection from environmental
16 hazards and space appropriate to its physiological and ethnological needs in
17 accordance with established experience and scientific knowledge.

18 (g) Capture of feral and stray animals. No feral or stray animal shall be
19 captured in a manner which may cause unnecessary suffering or injury.

20 (h) Inspections. The condition and state of health of animals shall be
21 thoroughly inspected by the Department of Agriculture at necessary intervals
22 sufficient to avoid unnecessary suffering.

23 **§62104.4. Regulations.** The Department of Agriculture may promulgate
24 additional rules and regulations pursuant to the provisions of the Administrative
25 Adjudication Law as necessary or appropriate to address specific concerns
26 regarding standards of care for livestock.

1 **§62104.5. Enforcement.** The standards of care for livestock contained in
2 §62104.3 and any subsequent rules and regulations promulgated under Section
3 §62104.4 shall be enforced by the Department of Agriculture Veterinarian, Plant
4 Protection and Quarantine Officers, Conservation Officers, and any other officer
5 or agent of the Department authorized by the Director in accordance with §60105
6 of Title 5, Guam Code Annotated. The standards and any subsequent regulations
7 may also be enforced by all peace officers identified in §5.55 of Title 8, Guam
8 Code Annotated.

9
10 **§62104.6. Penalties.** Any violation of the provisions of §62104.3 or
11 subsequent rules and regulations promulgated under §62104.4 shall be a
12 misdemeanor. Subsequent violations may result in the forfeiture of the livestock
13 involved."

14
15 **Section 3. Repeal of conflicting statutes relative to domestication of**
16 **deer as livestock.** Sections 63126 and 63126.1 of Title 5, Guam Code Annotated,
17 are repealed.

--
RAFT II (6/23/00)
Brackets [example] indicate deletions;
Underlined sections indicate additions.

**MINA'BENTE SING'KO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session**

Bill No. 404

Introduced by:

L.F. Kasperbauer
M.G. Camacho
A.R. Unpingco
E.C. Bermudes

AN ACT TO REPEAL §§ 63126 AND 63126.1 OF TITLE 5, GUAM CODE ANNOTATED, [AND] TO ADD NEW §§ 62104.1, 62104.2, 62104.3, 62104.4, 62104.5,[AND] 62104.6 AND 63127 (j) OF TITLE 5, GUAM CODE ANNOTATED, AND TO AMMEND §§63101 (e), 63121, 63122 AND 63127 (h) and (i) OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DOMESTICATION OF GAME AS LIVESTOCK AND STANDARDS OF CARE FOR LIVESTOCK.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative intent. I Liheslaturan Guahan findswith livestock rules.

It is the intent of I Liheslaturan Guahan proper care and sanitary conditions are maintained.

It is the intent of I Liheslaturan Guahan to amend and add regulations to authorize the domestication of game. It is also the intent of I Liheslaturan Guahan to amend and add regulations to authorize the trapping of game for the purposes of domestication.

Section 2. New sections....are added to read:

“§62104.1 Domestication of game as livestock. Residents of Guam are authorized to raise [deer] game as livestock. Nothing herein shall prevent residents of Guam from raising [deer] game as pets, however, all laws, rules and regulations that apply to raising [deer] game as livestock shall apply to raising [deer] game as pets.

§62104.2 Standards of care for livestock. Definitions....

§62104.3 Standards of care for livestock. The following....

(g) Capture of wild, feral and stray animals. No wild, feral or stray animal shall be captured in a manner which may cause unnecessary suffering or injury.

§62104.4 Regulations. The Department....standards of care for livestock.

§62104.5 Enforcement. The standards....Guam Code Annotated.

§62104.6 Penalties. Any violation....of the livestock involved.”

Section 3. Repeal of continuing statutes....are repealed.

Section 4. Section 63101(e) of Chapter 63 of Title 5 of the Guam Code Annotated is hereby amended to read as follows:

“(e) Game means all native or introduced species of wild birds or wild or feral animals;”

Section 5. Section 63121 of Chapter 63 of Title 5 of the Guam Code Annotated is hereby amended to read as follows:

“Section 63121. Protection of Game. It shall be unlawful for any person to take, buy, sell, transport or possess any game or any part thereof, except as authorized in this Article or as authorized by regulations made under §62104 and §63127.”

Section 6. Section 63122 of Chapter 63 of Title 5 of the Guam Code Annotated is hereby amended to read as follows:

“Section 63122. License to Take Certain Game. Any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by any protected game may apply to the Director for a license to take such game. The director, upon satisfactory evidence of such damage or destruction, actual or threatened, may issue a revocable license for the taking of such game. It shall be unlawful for any person to violate the conditions of any license issued under the provisions of this Section.”

Section 7. Section 63127 of Chapter 63 of Title 5 of the Guam Code Annotated is hereby amended to read as follows:

“(h) To regulate the trapping and capture of game for the purposes of domestication under §62104.1.

(i) To set a fee for any licensed issued; however, in no event shall such fee exceed the sum of Five Hundred Dollars (\$500); and

(j) To otherwise implement or carry out the purposes of this Article.



Carl T. C. Gutierrez
Governor

Madeleine Z. Bordallo
Lt. Governor

Department of Agriculture Dipattamenton Agrikottura

192 Dairy Road, Mangilao, Guam 96923

Director's Office	734-3942/43; Fax 734-6569
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Joseph G. Sablan
Acting Director

July 17, 2000

Memorandum

To: Legislature

From: Game Management Biologist, Division of Aquatic & Wildlife Resources

Subject: Testimony in support of Bill No. 404

Public Law 25-30 regarding the domestication of deer as livestock has created many problems concerning keeping deer as pets, acquisition of deer, livestock care and conflicting laws and/or regulations. Section 63126 of Title 5, Guam Code Annotated authorizes residents to keep deer as pets; however, there is no prohibition against people making pets out of their livestock. Therefore, the retention of §63126 is somewhat redundant and will create an unnecessary burden on the Department as well as the public.

Since the enactment of 25-30, the Department has received numerous inquiries regarding the acquisition of deer for the purposes of livestock. Section 63121 of 5 GCA makes it unlawful for any person to take, buy, sell, transport or possess any wild animal. An amendment to this section is needed to allow residents to obtain deer in the wild for the purposes of domestication. In addition, the amendment of §63127 5 GCA to authorize the Department to promulgate regulations for the trapping of wild animals is required.


Public Law 25-30 lacked regulations concerning the standards of care for livestock. Regulations in this regard are needed to safeguard the welfare of all livestock and reduce the potential for animal abuse. Animal welfare regulations have been lacking in Guam Law for much too long.

Discussions with the Territorial Veterinarian and Chief Conservation Officer have led to the rational that the Territory of Guam should authorize the domestication of all wild and feral animals unless prohibited

by Territorial and Federal laws and statutes. The Department will regulate what species can be trapped and the appropriate methods for trapping. This would allow the public to trap and domesticate feral Asiatic water buffalo (carabao) and feral pigs. The Department occasionally receives requests concerning the capture of feral carabao for the purposes of domestication. In addition, residents continue to trap and keep feral pigs without the proper permits. These animals, as well as deer, heavily contribute to the habitat degradation occurring in Guam's native forests. A reduction in population levels is needed to abate further destruction. Although public hunting is the primary tool used to manage such populations, trapping for the purposes of domestication will allow residents to utilize these resources for livestock. Authorizing the domestication of such animals will benefit the public, as well as the Department because of the habitat degradation issues attributed to these animals. Therefore, the domestication of "game" is warranted.

Bill No. 404 will resolve the conflicts created when 25-30 was enacted. The passage of this bill will indeed assist the Department in clarifying issues regarding the domestication of deer and other wild animals.

Sincerely,



DANA T. LUJAN

Game Management Biologist

Attachment(s)



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

Public Hearing

Tuesday, July 18, 2000

9:00 am

Legislature's Public Hearing Room

AGENDA

- I. Opening Remarks**
- II. Confirmation: Mr. Joseph G. Sablan, Director, Department of Agriculture**
- III. Bill No. 404(COR): AN ACT TO REPEAL §§63126 AND 63126.1 OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD NEW §§62104.1, 62104.2, 62104.3, 62104.4, 62104.5, AND 62104.6 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO DOMESTICATION OF DEER AS LIVESTOCK AND STANDARDS OF CARE FOR LIVESTOCK.**
- IV. Bill No. 433(COR): AN ACT TO AMEND SECTION 2 AND SECTION 3 OF PUBLIC LAW 24-316, RELATIVE TO CORRECTING TECHNICAL ERRORS IN THE REFERENCE OF APPROPRIATE LOT NUMBERS.**
- V. ADJOURNMENT**



WITNESS SHEET
COMMITTEE ON LAND, AGRICULTURE, MIL

TESTIMONY RELATIVE TO THE PU

Tuesday, July 18, 200
Public Hearing Room, Legislature Building

Bill No. 404 (COR)

NAME	AGENCY / BUSINESS/ SELF / ORGANIZATION	TOPIC
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PUBLIC HEARING

Tuesday, July 18, 2000 - 9:00 a.m.
Legislative Public Hearing Room
AGENDA

CONFIRMATION: Mr. Joseph G. Sablan, Director, Department of Agriculture.
BILL NO. 404(COR): AN ACT TO REPEAL §63126 AND 63126.1 OF TITLE 5,
GUAM CODE ANNOTATED, AND TO ADD NEW §§62104.1, 62104.2, 62104.3,
62104.4, 62104.5, AND 62104.6 OF TITLE 5, GUAM CODE ANNOTATED, RELA-
TIVE TO DOMESTICATION OF DEER AS LIVESTOCK AND STANDARDS OF CARE
FOR LIVESTOCK.
BILL NO. 433(COR): AN ACT TO AMEND SECTION 2 AND SECTION 3 OF
PUBLIC LAW 24-316, RELATIVE TO CORRECTING TECHNICAL ERRORS IN THE
REFERENCE OF APPROPRIATE LOT NUMBERS.

The public is encouraged to attend.



The Office of

Senator Marcel G. Camacho

**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Twenty-Fifth Guam Legislature**

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
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Facsimile (671) **472 8223**

July 10, 2000

Mr. Joseph E. Rivera
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96932

Dear Mr. Rivera:

I am requesting Fiscal Notes or Waiver of Fiscal Notes pursuant to 2GCA §9101 on Bill No. 404, and Bill No. 433.

We have scheduled a public hearing on the above bills on Tuesday, July 18, 2000 at 9:00 am at the Legislature's Public Hearing room.

Should you require any additional information, please contact my Chief of Staff, Mr. Alfred F. Duenas, at 479-8261.

Sincerely,

Marcel G. Camacho
Senator

/lbd

Attachments

MAR 21 2000

**MINA' BENTE SING'KO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session**

Bill No. 404 (cof)

Introduced by:

L.F. Kasperbauer *LFK*
M.G. Camacho *MC*
A.R. Unpingco
E.C. Bermudes *EB*

**AN ACT TO REPEAL §§63126 AND 63126.1 OF TITLE 5,
GUAM CODE ANNOTATED, AND TO ADD NEW
§§62104.1, 62104.2, 62104.3, 62104.4, 62104.5, AND 62104.6
OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
DOMESTICATION OF DEER AS LIVESTOCK AND
STANDARDS OF CARE FOR LIVESTOCK.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative intent.** I Liheslaturan Guåhan finds that the
3 enactment of Public Law No. 25-30 that authorized the raising of deer as livestock
4 also preserved the provisions of Guam Law that allowed residents to keep deer as
5 pets. Since the enactment of Public Law No. 25-30, I Liheslaturan Guåhan has
6 found that the raising of deer both as pets and as livestock have identical standards
7 and regulations regarding human and sanitary treatment of the animals. Therefore,
8 provisions of law relating to raising of deer as pets are no longer needed and there
9 continued existence in Guam Law will perpetuate a need for redundant rules and
10 regulations along with livestock rules.

11 It is the intent of I Liheslaturan Guåhan to repeal the laws that allow
12 residents to raise deer as pets in favor of those provisions enacted by Public Law
13 25-30 pertaining to raising deer as livestock. It is also the intent of I Liheslaturan

1 Guåhan to add needed regulations and penalties to ensure that in the domestication
2 of the animals, proper care and sanitary conditions are maintained.

3
4 **Section 2.** New sections 62104.1, 62104.2, 62104.3, 62104.4, 62104.5, and
5 62104.6 of Title 5, Guam Code Annotated, are added to read:

6
7 **"§62104.1 Domestication of Guam deer as livestock.** Residents of Guam
8 are authorized to raise deer as livestock. Nothing herein shall prevent residents of
9 Guam from raising deer as pets, however, all laws, rules and regulations that apply
10 to raising deer as livestock shall apply to raising deer as pets.

11
12 **§62104.2. Standards of care for livestock.** Definitions.

13 (a) Care: to look after; to provide for.

14 (b) Health: a state of complete physical, mental, and social well being and
15 not merely the absence of disease or infirmity, relative to each individual.

16 (c) Livestock: cattle, carabao, swine, deer, sheep, goats, equine and poultry
17 raised for labor, food, or other purposes.

18
19 **§62104.3. Standards of care for livestock.** The following general
20 standards of care apply to the keeping of all livestock and poultry:

21 (a) Care in general. Animals shall be housed or kept and provided with
22 food, water, and care, in a manner, which having regard to their species and to
23 their degree of development, adaptation, and domestication, is appropriate to their
24 physiological and ethological needs in accordance with established experience and
25 scientific knowledge.

1 (b) Specific elements of care. In addition to Subsection (a), the lighting,
2 temperature, humidity, air circulation, ventilation, and other environmental
3 conditions, such as gas concentration or noise intensity, shall, conform to the
4 animals physiological and ethological needs in accordance with established
5 experience and scientific knowledge.

6 (c) Provision of food and liquid. No animal shall be provided with food or
7 liquid in a manner which may cause unnecessary suffering or injury.

8 (d) Freedom of movement. The freedom of movement appropriate to an
9 animal, having regard to its species and in accordance with established experience
10 and scientific knowledge, shall not be restricted in such a manner as to cause it
11 unnecessary suffering or injury.

12 (e) Transportation and movement. No animal shall be moved or transported
13 in a manner which may cause unnecessary suffering or injury.

14 (f) Protection from the environment. Where an animal is continuously or
15 regularly tethered or confined, it shall be given protection from environmental
16 hazards and space appropriate to its physiological and ethnological needs in
17 accordance with established experience and scientific knowledge.

18 (g) Capture of feral and stray animals. No feral or stray animal shall be
19 captured in a manner which may cause unnecessary suffering or injury.

20 (h) Inspections. The condition and state of health of animals shall be
21 thoroughly inspected by the Department of Agriculture at necessary intervals
22 sufficient to avoid unnecessary suffering.

23 **§62104.4. Regulations.** The Department of Agriculture may promulgate
24 additional rules and regulations pursuant to the provisions of the Administrative
25 Adjudication Law as necessary or appropriate to address specific concerns
26 regarding standards of care for livestock.

1 **§62104.5. Enforcement.** The standards of care for livestock contained in
2 §62104.3 and any subsequent rules and regulations promulgated under Section
3 §62104.4 shall be enforced by the Department of Agriculture Veterinarian, Plant
4 Protection and Quarantine Officers, Conservation Officers, and any other officer
5 or agent of the Department authorized by the Director in accordance with §60105
6 of Title 5, Guam Code Annotated. The standards and any subsequent regulations
7 may also be enforced by all peace officers identified in §5.55 of Title 8, Guam
8 Code Annotated.

9
10 **§62104.6. Penalties.** Any violation of the provisions of §62104.3 or
11 subsequent rules and regulations promulgated under §62104.4 shall be a
12 misdemeanor. Subsequent violations may result in the forfeiture of the livestock
13 involved."

14
15 **Section 3. Repeal of conflicting statutes relative to domestication of**
16 **deer as livestock.** Sections 63126 and 63126.1 of Title 5, Guam Code Annotated,
17 are repealed.