

**5 GCA GOVERNMENT OPERATIONS
CH. 62 FARMS & EXTENSION SERVICES**

**CHAPTER 62
FARMS & EXTENSION SERVICES**

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**ARTICLE 1
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§ 62101. Experimental Farms Authorized.

The Department shall maintain and operate experimental farms at such places in Guam as it shall deem desirable for the purpose of developing, testing and demonstrating crops and livestock, soil and water usage and conservation, and methods and equipment to improve and promote the agricultural economy of Guam. The type, scope and manner of such work shall be determined by the Director in accordance with the provisions of this Article.

The Director is hereby authorized to sell at prevailing market prices crops and livestock and other products which are surplus to the needs of the Department.

SOURCE: GC § 12200 added by P.L. 3-103. All SOURCE references in this Article will be to P.L. 3-103 unless otherwise noted.

§ 62102. Soil & Water.

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The Department shall make studies of ways and means to reduce the erosion and wastage of soil of all areas of Guam and to improve the physical nature and fertility of crop and pasture soils. It shall give attention to ways and means of retaining and supplying soil water for crops during drought periods and to the drainage of wet soil.

SOURCE: GC § 12201.

§ 62103. Crop Plants & Their Care.

The Department shall develop and test new and improved fruit, vegetable, forage and other plants as to their growth and productivity under conditions existing in Guam. It shall propagate plants and collect seeds and shall make them available for planting by farmers and public agencies at a price fixed by the Director.

SOURCE: GC § 12202.

§ 62104. Breeding & Care of Livestock.

In order to improve the quality of livestock on Guam, the Department is authorized to select animals from among island livestock, and, when necessary, it may import such animals. Improved breeding stock shall be kept by the Department for use by farmers upon payment of a reasonable stud mating fee to be determined by the Director. The Director shall have the authority to require that progeny of such breeding shall be used by farmers to improve their stock.

SOURCE: GC § 12203.

§ 62104.1. Domestication of Guam Deer, Wild and Feral Pigs and Feral Asiatic Water Buffalo (Carabao) as Livestock.

Residents of Guam are authorized to raise Guam deer, wild and feral pigs, and feral Asiatic water buffalo (carabao) as livestock. Nothing herein shall prevent residents of Guam from raising Guam deer, wild and feral pigs, and feral Asiatic water buffalo (carabao) as pets; however, all laws, rules and regulations that apply to raising game as livestock shall apply to raising Guam deer, wild and feral pigs, and feral Asiatic water buffalo (carabao) as pets.

SOURCE: Added by P.L. 25-186:2.

§ 62104.2. Standards of Care for Livestock. Definitions.

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

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

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

SOURCE: Added by P.L. 25-186:3.

§ 62104.3. Standards of Care for Livestock.

The following general standards of care apply to the keeping of all livestock and poultry:

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

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

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

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

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

(f) Protection from the Environment. Where an animal is continuously or regularly tethered or confined, it shall be given protection from environmental hazards and space appropriate to its

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physiological and ethological needs in accordance with established experience and scientific knowledge.

(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.

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

SOURCE: Added by P.L. 25-186:4.

§ 62104.4. Regulations.

The Department of Agriculture may promulgate additional rules and regulations pursuant to the provisions of the Administrative Adjudication Law as necessary or appropriate to address specific concerns regarding standards of care for livestock.

SOURCE: Added by P.L. 25-186:5.

§ 62104.5. Enforcement.

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

SOURCE: Added by P.L. 25-186:6.

§ 62104.6. Penalties.

Any violation of the provisions of § 62104.3, or subsequent rules and regulations promulgated under § 62104.4, shall be a misdemeanor. Subsequent violations may result in the forfeiture of the livestock involved.

SOURCE: Added by P.L. 25-186:7.

NOTE: Legislative Intent, found in P.L. 25-186:1 for §§ 62104.1 - .7 is:

I Liheslaturan Guåhan finds that the enactment of P.L. 25-30 that authorized the raising of deer as livestock also preserved the provisions

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of Guam law that allowed residents to keep deer as pets. Since the enactment of P.L. 25-30, *I Liheslaturan Guåhan* has found that the raising of deer both as pets and as livestock have identical standards and regulations regarding human and sanitary treatment of the animals. Therefore, provisions of law relating to raising of deer as pets are no longer needed.

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

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

§ 62105. Agricultural Equipment & Methods.

As a part of the experimental farms' operations, and in cooperation with individual farmers, the Department shall give attention to the introduction and testing of improved farm tools and machinery to increase the productivity of Guam farmers. Various methods of planting crops, controlling pests and weeds, fencing, sheltering and feeding livestock, and other farm practices may be tested.

SOURCE: GC § 12204.

§ 62106. Harvesting and Marketing.

The Department shall make certain tests as to the best manner and time of harvesting various crops and slaughtering livestock, and of handling and storing such products to assure good quality produce and home use and market. The Department may assist farmers in the development of sales for crop and livestock products.

SOURCE: GC § 12205.

ARTICLE 2
AGRICULTURAL EXTENSION SERVICE

- § 62201. Farm Advisors.
- § 62202. Seeds, Fertilizers & Pesticides.

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- § 62202.1. Plant Nursery Revolving Fund
- § 62203. Rentals of Farm Equipment.
- § 62204. Rental from Private Companies.
- § 62205. Subsidy to Farmers.
- § 62206. License for Equipment Rental.
- § 62207. Rules.
- § 62208. Agricultural Clubs & Meetings.
- § 62209. Publications.

§ 62201. Farm Advisors.

The Department shall employ one or more Farm Advisors who shall work directly with individual persons to disseminate information on improved practices, developed at the experimental farms, or obtained from other sources. The Advisors shall observe soil, crop, and livestock conditions and shall report such conditions to the experimental farm staff as a guide to its program.

SOURCE: GC § 12225 added by P.L. 3-103. All SOURCE references in this Article are to P.L. 3-103 unless otherwise noted.

NOTE: P.L. 17-55:11, 12 established, pursuant to Federal law relating to the University of Guam's status as a Land Grant College, an Agricultural Experiment Station.

The laws governing it can be found in 17 GCA §§ 16130-16132.

§ 62202. Seeds, Fertilizers & Pesticides.

The Department is hereby authorized to procure and distribute, at cost, seeds, fertilizers, pesticides and other agricultural supplies and equipment, not readily available to farmers from other sources in Guam.

SOURCE: GC § 12226.

§ 62202.1. Plant Nursery Revolving Fund.

(a) Notwithstanding any other provisions of law, there is hereby established the Plant Nursery Revolving Fund which shall be maintained separate and apart from any other funds of the government of Guam, and independent records and accounts shall be maintained in connection therewith. All fees collected under the Department of Agriculture's Fee Schedule for plant nursery services and activities shall be deposited into said Fund. Deposits shall include, but are not limited to, proceeds from the sale of vegetable, fruit and other tree seedlings, and fees for grafting, air layering and seed propagation services provided to farmers and interested parties.

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(b) The Plant Nursery Revolving Fund shall be used exclusively for plant nursery expenditures, including, but not limited to, the purchasing of nursery stocks, materials and supplies for grafting, air layering and seed propagation services provided to farmers and interested parties. The certifying officer for the Fund shall be the Director of the Department of Agriculture.

SOURCE: Added by P.L. 26-140:7.

§ 62203. Rentals of Farm Equipment.

Heavy duty tractors, plows, and other such equipment may be owned and maintained by the Department, and may be used by or for individual persons for agricultural land clearing and other agricultural purposes. The Director shall establish the rental fee to be paid for each use, and the procedure for assigning, operating and maintaining such equipment.

SOURCE: GC § 12227.

§ 62204. Rental from Private Companies.

Heavy duty tractors, plows, and other such equipment may be leased from private companies licensed by the Director of Agriculture so long as the lessee shall use such heavy equipment for agricultural land clearing and other agricultural purposes only.

SOURCE: GC § 12227.1 added by P.L. 15-107:1.

COMMENT: From both the section above and the section following, it seems that the lessee referred to in this section is the sub-lessee from the Department, not the Department, itself.

§ 62205. Subsidy to Farmers.

The rental provided in § 62204, above, shall be subsidized at the rate of fifty percent (50%) in accordance with rules and regulations promulgated by the Director.

SOURCE: GC § 12227.2 added by P.L. 15-107:1.

§ 62206. License for Equipment Rental.

The Director shall, in accordance with rules and regulations to be issued [by] him, license such private companies to rent equipment in accordance with the provisions of § 62204 through § 62207 and rules promulgated thereto.

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SOURCE: GC § 12227.3 added by P.L. 15-107:1.

COMMENT: While the original public law omits by, the Compiler sees this omission as a mere typographical error. The Director of Agriculture is the one who issues the Regulations. They are not issued to him by some outside source.

§ 62207. Rules.

The Director shall promulgate and disseminate printed rules and regulations dealing with the subject matter of § 62204 through § 62207.

SOURCE: GC § 12227.4 added by P.L. 15-107:1.

§ 62208. Agricultural Clubs & Meetings.

Organization and growth of 4-H Clubs and other agricultural youth organizations shall be promoted by the Department. The Department is authorized to conduct and participate in agricultural exhibits, former institutes and other similar programs which will increase the interest and ability of the people of Guam in agriculture.

SOURCE: GC § 12228.

§ 62209. Publications.

The issuance of agricultural information through publications, as approved by the Director, either by free distribution or at a price to be determined by the Director, is hereby authorized.

SOURCE: GC § 12229.

NOTE: Section 12230 (added by P.L. 3-103) and §§ 12230.1 - .2 (added by P.L. 12-169), all relative to the Farmers' Market, were repealed by P.L. 14-154 which established the Public Market, thus rendering the Farmers' Market, as established in the earlier laws, obsolete.
