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CH. 61 PLANTS & ANIMALS

CHAPTER 61
PLANTS & ANIMALS

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ARTICLE 1
PLANT & ANIMAL QUARANTINE

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§ 61101. Definitions.

As used in this Chapter:

(a) *Pest* means insect, fungus, bacterium, virus and other forms of animal and plant life known or suspected to be injurious to Guam crops and livestock or poisonous to fish.

(b) *Host* means plant or animal or part thereof, soil, container, vehicles, or other article known or suspected to be infested or contaminated with agricultural pests.

(c) *Regulated article* means any pest or host designated as such in this Chapter or in any plant and animal quarantine or control regulation.

(d) *Crop* means plants and plant products collectively grown or cared for and used for food and other useful purpose.

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

SOURCE: GC § 12100 added by P.L. 3-103; subpart (a) amended by P.L. 7-16. All sections in this Chapter are "added by P.L. 3-103" unless noted otherwise. Subsection (e) amended by P.L. 25-030:1.

§ 61102. Regulations.

Regulations shall be promulgated, in accordance with 60108 of this Division, to protect Guam agriculture from new plant and animal diseases. Such regulations may establish quarantines at the border of or within Guam, prohibiting or restricting the entry and movement of designated pests and hosts and prescribing methods for inspection, safeguard, treatment and destruction of such regulated articles, and for related work. The Director is authorized to modify, by making less stringent, any prohibitions or restrictions made by such regulations.

SOURCE: GC § 12101.

§ 61103. Authority to Inspect.

The Director is hereby authorized and empowered to enter upon any air or sea craft arriving at Guam whether off-port, at pier or wharf, or at an airfield; to enter any pier, wharf, depot, warehouse or other places where any regulated article exists or is believed to exist; and to inspect cargo, stores, quarters, baggage and any other thing for regulated articles.

SOURCE: GC § 12102.

§ 61104. Safeguard or Confinement.

The Director shall have the power to safeguard any animal, plant, or other regulated article when, in his opinion, such confinement is necessary to prevent the spread of a pest from such article.

SOURCE: GC § 12103.

§ 61105. Treatment.

Regulated articles which can be safely and effectively treated to destroy associated pests, may be treated in a manner deemed necessary and adequate by the Director. Surfaces, areas and things

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actually or possibly contaminated with imported pests may be so treated.

SOURCE: GC § 12104.

§ 61106. Treatment at Risk & Expense of Owner.

Any treatment which may be required under the provisions of this Article shall be at the risk and at the expense of the owner or person in charge or in possession thereof at the time of treatment unless otherwise provided in supporting regulations.

SOURCE: GC § 12105.

§ 61107. Destruction.

Regulated articles and things exposed to contamination therefrom, which cannot be made pest free by any treatment approved by the Director, shall be destroyed or shipped out of Guam, as ordered by the Director.

SOURCE: GC § 12106.

§ 61108. Liabilities.

Exception the salary and transportation of any inspector, the costs of plant and animal quarantine activities shall, as determined by the Director, be borne by the owner or person in charge or in possession of any regulated article involved in such costs. The government of Guam, the Department, Director or inspector shall in no manner be liable for loss, destruction, or damage to property or persons resulting from activities authorized by this Article.

SOURCE: GC § 12107.

§ 61109. Egg Labeling.

[Repealed.]

SOURCE: GC § 12108; repealed by P.L. 11-205.

CROSS-REFERENCE: See 5 GCA Title 10, Health & Safety, for labeling and regulation of food.

§ 61110. Violations.

It shall be unlawful and punishable upon conviction as a petty misdemeanor, for any person to violate any provisions of this Article and supporting regulations, including but not limited to (a) concealment from an inspector of any regulated article or failure to present the same for inspection and (b) failure to safeguard, dispose

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of, or otherwise handle regulated articles in accordance with this Division and instructions from an inspector.

SOURCE: GC § 12109; amended by P.L. 13-187:101.

**ARTICLE 2
PLANT & ANIMAL PEST CONTROL**

- § 61201. Authority to Perform or Require Control Work.
- § 61202. Regulations.
- § 61203. Indemnities and Costs.
- § 61204. Bovine Tuberculosis.
- § 61205. Rabid Dogs. [Repealed]
- § 61206. Unlawful Acts.
- § 61207. Penalties.

§ 61201. Authority to Perform or Require Control Work.

The Department is authorized to perform or participate in pest control or eradication work when, in the opinion of the Director, such work by the Department is of general benefit to Guam agriculture and not largely for the benefit of one or few individuals. Any owner may be required to perform control work and to safeguard or destroy designated regulated articles when, in the opinion of the Director, such action is necessary to protect the agricultural economy of Guam.

SOURCE: GC § 12125.

§ 61202. Regulations.

Regulations shall be promulgated, in accordance with § 60108 of this Chapter, to protect plants, fish and animals from destructive and injurious pests.

SOURCE: GC § 12126.

§ 61203. Indemnities and Costs.

No indemnity shall be paid to the owner or any person for property destroyed or damaged by activities authorized herein, unless specifically provided for in this Division or supporting regulations. Unless otherwise indicated, the costs of work done,

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material consumed, and equipment used on such activities, including the salaries of the veterinarian and any inspector, shall be borne by the government of Guam.

SOURCE: GC § 12127.

§ 61204. Bovine Tuberculosis.

All cattle within Guam shall be tuberculin tested by the government veterinarian as often as in his judgment, with the approval of the Director, such testing is desirable in order to detect, suppress and eradicate bovine tuberculosis. The veterinarians and agent of the Department may, for the purpose of making such tests, go upon any property where such cattle are kept or found. If bovine tuberculosis is detected in any animal, the Director shall recommend control and eradication procedures, provisions for indemnification, and penalties, to be promulgated as regulations as authorized in § 60108 of this Chapter.

SOURCE: GC § 12128.

§ 61205. Rabid Dogs.

[Repealed.]

SOURCE: GC § 12130 added by P.L. 3-103; repealed by P.L. 5-62.

CROSS-REFERENCE: For dog control laws, see 10 GCA Chapter 34.

§ 61206. Unlawful Acts.

It shall be unlawful for any person (a) to conceal, plant, harvest, dry, or process any pest or host which is subject to a Department control or eradication program and (b) fail to safeguard, dispose of, or otherwise handle such pests and hosts as instructed by an inspector or agent of the Department, in accordance with the provisions of this Article.

SOURCE: GC § 12150; amended by P.L. 7-16.

§ 61207. Penalties.

Any violation of the provisions of § 61206, above, shall be a petty misdemeanor.

SOURCE: GC § 12131; amended by P.L. 13-187:102.

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ARTICLE 3
SLAUGHTERHOUSES AND SLAUGHTERED ANIMALS

- § 61301. Slaughterhouse Defined.
- § 61302. Cognizance over Slaughterhouses.
- § 61303. Permits and Health Certificates.
- § 61304. Requirements for Slaughterhouses.
- § 61305. Slaughtering of Animals.
- § 61306. Inspection of Animals: Private Use.
- § 61307. Inspection of Animals for Meat: Commercial Use.
- § 61308. Sale, Offer for Sale, or Possession of Uninspected Meat: Unlawful.
- § 61309. Unlawful Possession of Mark, Stamp or Brand.
- § 61310. Cattle Slaughtering for Food: Notice.
- § 61311. Regulations.
- § 61312. Violation: Penalties.

§ 61301. Slaughterhouse Defined.

Slaughterhouse means and includes any commercial establishment where cattle, swine, carabaos, deer, sheep, goats, horses or other livestock are killed for the purpose of obtaining the meat therefrom for human consumption.

SOURCE: GC § 12140. Amended by P.L.25-030:2.

§ 61302. Cognizance over Slaughterhouses.

All matters concerning sanitation relative to the operation of slaughterhouses, the inspection of livestock, procedures for slaughtering and inspection of carcasses and meat shall be under the cognizance of the Director.

SOURCE: GC § 12141.

§ 61303. Permits and Health Certificates.

(a) It shall be unlawful for any person to open a business, operate or continue to operate any slaughterhouse without a permit from the Director.

(b) A person employed in the operation of a slaughterhouse shall have a valid health certificate from the Department of Public

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Health and Social services. Every owner, employer, manager, or person in charge or in control of any slaughterhouse, together with the person employed, is responsible that such person so employed has a valid health certificate.

SOURCE: GC § 12142; amended by P.L. 7-101 and P.L. 9-147.

§ 61304. Requirements for Slaughterhouses.

Every slaughterhouse hereafter established shall comply with the following:

(a) Every slaughterhouse shall be kept clean and sanitary. All offal, blood, fat, manure or other refuse shall be removed therefrom immediately after completion of the slaughtering operations.

(b) There shall be abundant light, both natural and artificial, and sufficient ventilation to insure sanitary conditions.

(c) The water supply shall be ample, clean and potable with adequate facilities for the distribution in the plant. Both hot and cold water shall be available during operation of the slaughterhouse.

(d) The floors shall be of concrete constructed in such a way that all blood, water and liquid refuse will drain into a cesspool properly constructed and well kept. The walls may be of concrete, lumber, or other suitable materials, to a height of at least five feet from the floor. The space above five feet from the floor may be of screen but shall be kept in good repair. The ceiling must be of sufficient height to permit carcasses to hang so that they do not contact the floor.

(e) Every precaution shall be taken to keep the establishment free from insects and rodents.

(f) No animal or fowl, except animal or fowl for slaughter, shall be permitted in any slaughterhouse. No animal or fowl shall be kept permanently on the premises of the slaughterhouse or within 150 feet thereof.

(g) Properly located facilities for cleaning, disinfecting and sterilizing utensils and hands of all persons handling meat or meat food products shall be provided.

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SOURCE: GC § 12143.

§ 61305. Slaughtering of Animals.

All livestock, except poultry, intended to be slaughtered for commercial purposes must be slaughtered in a slaughterhouse in a manner approved by the Department.

SOURCE: GC § 12144.

§ 61306. Inspection of Animals: Private Use.

An owner of livestock, except poultry, desiring to slaughter such livestock for meat for private human consumption may request the services of an inspector from the Director for the purpose of inspecting such livestock. Such inspection shall be made without charge, and the recommendations of the inspection shall not be binding on the owner, except that if an animal is found to have a communicable disease, it shall be condemned for human consumption.

SOURCE: GC § 12145.

§ 61307. Inspection of Animals for Meat: Commercial Use.

An animal to be slaughtered in the Territory of Guam for the purpose of processing or manufacturing meat, meat products, or by-products therefrom for sale for human consumption, the carcass of such animal after slaughter, and any meat, meat product, or by-products processed or manufactured therefrom in Guam for sale for human consumption, must be inspected and approved as fit for human consumption by a qualified veterinarian of the Department of Agriculture or his duly authorized representative. The veterinarian shall condemn any such animal found by him to be incurably diseased, and such meat, meat products, or by-products found by him to be unfit for human consumption. The veterinarian's approval of meat found fit for human consumption shall be indicated by impressing upon each primal part of such meat or carcass a form of stamp approved by the Director. All animals, carcasses, or meat condemned under this Section shall be disposed of under the direction and supervision of the veterinarian. When an animal is condemned under this Section, or the carcass or meat therefrom, the owner of the animal shall be entitled to indemnification in such amount as determined by the

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Director in accordance with regulations promulgated pursuant to § 60108 of this Division.

SOURCE: GC § 12146; amended by P.L. 4-70.

§ 61308. Sale, Offer for Sale, or Possession of Uninspected Meat: Unlawful.

No person shall sell, or offer for sale, any meat not bearing a valid approval stamp as required under § 61307 of this Article, and no wholesaler or retailer shall have in his possession or on his business premises any meat not bearing a valid approval stamp as required under § 61307 of this Division.

SOURCE: GC § 12147.

§ 61309. Unlawful Possession of Mark, Stamp or Brand.

It shall be unlawful for any person, except authorized employees or deputies of the Department, to possess, keep, or use any mark, stamp, or brand provided for use for marking, stamping, or branding the carcass of animals, parts thereof, meats, or meat food products.

SOURCE: GC § 12148.

§ 61310. Cattle Slaughtering for Food: Notice.

No person shall slaughter or kill any cattle for food purposes unless he has secured a written permit from the Commissioner or Assistant Commissioner of the respective districts in Guam where the slaughtering occurs, within 24 hours of such slaughtering. Any person violating the provisions of this Section shall be guilty of a petty misdemeanor; Provided, however, that the provisions of this Section shall not apply to the slaughtering or killing of cattle to prevent waste, but notice of such slaughtering or killing must be made by the person doing so to the Commissioner or Assistant Commissioner of such district within 24 hours after such slaughtering or killing.

SOURCE: GC § 12150 added by P.L. 5-120; amended by P.L. 7-25 and P.L. 13-187:103.

NOTE: *Commissioner and Assistant Commissioner* changed to *Mayor and Vice Mayor*, respectively, pursuant to P.L. 20-33:1.

§ 61311. Regulations.

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Regulations shall be promulgated in accordance with § 60108 of this Division to implement this Article.

SOURCE: GC § 12155; renumbered from § 12149 by P.L. 5-120.

§ 61312. Violation: Penalties.

Any violation of this Article or supporting regulations is a petty misdemeanor and punishable as such.

SOURCE: GC § 12156; renumbered from § 12150 by P.L. 5-120; amended by P.L. 13-187:104.

**ARTICLE 4
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. Disposition of Fees.
- § 61412. Transfer/Sale of Livestock.
- § 61413. Chief Brand Inspector.
- § 61414. Assistance by Department.
- § 61415. Implementing Regulations.
- § 61416. Penalty.
- § 61417. Livestock Fund.

SOURCE: This Article, the *Branding Law of 1970*, was repealed/reenacted from the former Article 4 on the same subject by P.L. 25-186:15.

§ 61401. Definitions.

As used in this Article:

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

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

§ 61402. Name.

This Article may be cited as the *Branding Law of 2000*.

§ 61403. Branding Mandatory.

No person shall own any livestock which does not carry the registered brand of such owner as required by this Article.

§ 61404. Time Limit for Branding.

All livestock shall be branded within ninety calendar days of the date of birth, or one month after acquisition, whichever is later.

§ 61405. Brand to be Registered.

No person shall use any brand which has not been registered with the Department of Agriculture.

§ 61406. Registration.

Application for registration of brands shall be made on a form furnished by the Department. If said application is approved, the Department shall forthwith issue to the applicant a certificate of brand registration upon payment of a fee of \$10.00. Brands registered with the Department prior to the Year 2000 must be re-registered with the Department to be valid. Upon receipt of the certificate of brand registration, the applicant is responsible for making the applicant's own brand, or having one made for that person.

§ 61407. Denial of Registration.

The Department shall deny the registration of any brand which is identical to any brand previously registered, or which is easily altered from the brand of another. No brand shall be registered which is formed by representation of any letter, number or figure which has been previously registered, or which is a solid brand, or which is described as being on either side of an animal,

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or composed of single letters or figures, or of more than three letters or figures. The location of the brand on the animal shall be considered as part of the brand, and no brand shall be registered which does not describe such location.

§ 61408. Procedure After Denial.

Upon denial of any application for registration of brand, the application shall be returned to the applicant, together with a statement of the reason(s) for rejection. Another application may then be filed for a different brand.

§ 61409. Use of Brand.

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

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

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

§ 61410. Transfer of Brand.

A registered brand may be transferred to another person by application of the owner of the brand and the proposed transferee, and surrender of the original certificate of brand registration to the Department. The Department shall thereupon issue a new certificate of brand registration upon payment of a fee of \$10.00.

§ 61411. Transfer/Sale of Livestock.

Any person who purchases or acquires livestock must brand such animals no later than 30 calendar days after acquisition. Previously branded animals not intended for slaughter within 30 calendar days of acquisition must be reregistered with the Department. An affidavit of livestock transfer indicating the transaction will be issued to the buyer. All brands must be registered with the Department.

§ 61412. Chief Brand Inspector.

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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 and charge a reasonable fee thereof as prescribed by regulations.

§ 61414. Regulations.

Regulations implementing this Article 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 \$50.00, nor more than \$500.00, or by imprisonment of not more than 90 days, or by both fine and imprisonment.

§ 61416. Livestock Fund.

[Repealed.] (

SOURCE: Repealed by P.L. 36-071:18 (Dec. 27, 2021).

**ARTICLE 5
ESTRAYS**

- § 61501. Definitions.
- § 61502. Confinement of Animals.
- § 61503. Grazing Prohibited.

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- § 61504. Impounding of Estrays.
- § 61505. Estray Animal Control Unit.
- § 61506. Seizure of Estrays by Private Persons: Lien.
- § 61507. Notice of Seizure.
- § 61508. Fees.
- § 61509. Recovery by Owner.
- § 61510. Disposition of Unclaimed Estrays.
- § 61511. Disposition of Sale Proceeds.
- § 61512. Liability.
- § 61513. Penalty.

§ 61501. Definitions.

As used in this Article, the following definitions shall apply:

(a) *Domestic animal* means any sheep, pig, goat, horse, mule, deer, cattle or carabao.

(b) *Estray* means any domestic animal found at large, or trespassing on public or private property. It includes, but is not limited to, any domestic animal found within any public right-of-way whether such domestic animal is at large, staked, or tied.

(c) *Owner* means any person in possession of or harboring a domestic animal.

SOURCE: GC § 12180 added by P.L. 5-47. All SOURCE references in this Article are to P.L. 5-47 unless another Public Law is stated. Subsection (a) amended by P.L. 25-030:4.

CROSS-REFERENCE: The control of dogs is found in 10 GCA Chapter 34.

§ 61502. Confinement of Animals.

All domestic animals must be confined by the owner thereof by adequate fencing, or be kept securely staked or tied, except where otherwise subjected to direct control by the presence of the owner or his authorized representative.

SOURCE: GC § 12161.

§ 61503. Grazing Prohibited.

It shall be unlawful for an owner of a domestic animal, willfully, to allow such animal to graze, or be at large, whether or

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not staked or tied, within any public right-of-way, school, park, or recreation area, or, except when duly authorized according to law, on any other public property.

SOURCE: GC § 12182.

§ 61504. Impoundment of Estrays.

The Department of Agriculture shall seize and impound all estrays. The Commissioners of Guam shall have the concurrent responsibility with their respective jurisdictions of collecting any estrays and turning them over to the Department of Agriculture.

SOURCE: GC § 12183; amended by P.L. 11-68.

NOTE: *Commissioner* has been changed to *Mayor* pursuant to P.L. 20-33:1.

§ 61505. Estray Animal Control Unit.

The Department of Agriculture shall maintain an estray animal control unit. The estray animal control unit shall provide for the care and keep of any estrays impounded as provided by this Article.

SOURCE: GC § 12184; amended by P.L. 11-68.

§ 61506. Seizure of Estrays by Private Persons: Lien.

Notwithstanding § 61505, any person finding any estray upon premises in his possession, or upon highways and streets adjacent thereto, may seize such estray and shall have a lien thereon for all costs incurred in seizing, keeping and caring for such estray and also for any damages in, on, or to such person's premises or other property caused by such estray. Any person seizing an estray shall notify the Department of Agriculture of such seizure within 24 hours and the Department of Agriculture shall remove the seized estray and impound the same, subject to the amount of the claim of such person for seizing and any damages caused by such estray. The amount so claimed shall be declared at the time of impounding to the Department of Agriculture.

SOURCE: GC § 12185; amended by P.L. 11-68.

§ 61507. Notice of Seizure.

The Director of Agriculture shall, within five days, after notification of impoundment of an estray, cause public notice to

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be given that the estray, if not reclaimed, will be sold at public sale at the Department of Agriculture by the Director on a date specified which shall be not less than 15 days after the date of the notice. The notice shall also state the number and description of the estrays impounded, the brands if any, the date and place of impounding, the name of the private person, if any, who made the seizure, and the amount claimed by such person as costs and damages, the amount per day charged for care and keep of estrays by the Department of Agriculture and that the estray may be claimed by the owner at any time prior to the sale from the Director in accordance with § 61509. Such notice shall be delivered to the owner, if the owner is known. The notice shall be published two times in a newspaper of general circulation in Guam prior to the date of sale.

SOURCE: GC § 12186; amended by P.L. 11-68.

§ 61508. Fees.

The charge per day for care and keep for each estray seized and impounded by the Department of Agriculture shall be Two Dollars for each horse, mule, cattle, or carabao and One Dollar per day for each sheep, pig, or goat.

SOURCE: GC § 12187; amended by P.L. 11-68.

§ 61509. Recovery by Owner.

The owner of any impounded estray may obtain the release thereof, prior to sale, by producing evidence of ownership and paying all costs for care and keep, notice of sale, and any claim for costs and damages of the private person, if any, who made the seizure. If the owner refuses to pay the claim of any such damaged person, he may obtain the release of an estray by posting a bond in the amount of such claim, but not to exceed the value of the estray as appraised by the Director. Such lien shall remain in effect for one year to satisfy any judgment obtained by the claimant against the owner.

SOURCE: GC § 12188.

§ 61510. Disposition of Unclaimed Estrays.

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(a) Any estray remaining unclaimed at the time fixed for the date of sale in the notice required by § 61507 shall be sold at public sale by the Director.

(b) The minimum acceptable bid at the sale on each estray shall not be less than the charged for care and keep, impounding, and costs of sale.

(c) The sale shall be to the highest bidder and the terms of sale shall be cash.

(d) If no acceptable bid is received, the Director shall declare the estray sold to the government of Guam in payment for the charges for care and keep, impounding, and costs of sale. Any estray sold to the Government of Guam shall be delivered to the Department of Agriculture.

(e) All sales shall be final and bar any right of recovery.

(f) The Director shall issue a proper bill of sale for the estray sold to the highest bidder after completion of the sale. All sales made under the provisions of this Article convey a good and valid title to the purchaser.

SOURCE: GC § 12189; amended by P.L. 11-68.

§ 61511. Disposition of Sale Proceeds.

The proceeds, if any, from the sale of estrays shall be paid into the General Fund. A private person claiming a lien against the estray shall file written proof of such amount of lien, under oath, with the Director. If the Director shall be satisfied of the validity of the amount claimed, he shall authorize payment thereof from any proceeds of the sale of the estray on which the lien is claimed, after deducting charged for care and keep, impounding, and costs of sale allowed by this Article.

SOURCE: GC § 12190; amended by P.L. 11-68.

§ 61512. Liability.

No liability shall be incurred by the government of Guam or any of its officers or employees in carrying out the provisions of this Article.

SOURCE: GC § 12191.

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§ 61513. Penalty.

Any owner who violates any provision of this Article shall be published by a fine not to exceed Ten Dollars for the first violation, and a fine not to exceed Twenty-five Dollars for the second violation and any violation thereafter.

SOURCE: GC § 12192; amended by P.L. 11-68.
