# **01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**Chapter 703: RULES FOR THE CARE AND TREATMENT OF ELEPHANTS**

**Summary:** This Chapter establishes and implements rules regarding the Care and Treatment of Elephants in the State of Maine.

**1. Attending Veterinarian and Adequate Veterinary Care**

(a) Each dealer or exhibitor shall have an attending veterinarian who shall provide adequate veterinary care to its elephants in compliance with this section.

(1) Each dealer and exhibitor shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the dealer or exhibitor; and

(2) Each dealer and exhibitor shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of elephant care and use.

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter;

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

(3) Daily observation of all elephants to assess their health and well-being; provided, however, that daily observation of elephants may be accomplished by someone other than the attending veterinarian; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of elephant health, behavior, and well-being is conveyed to the attending veterinarian;

(4) Adequate guidance to personnel involved in the care and use of elephants regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and

(5) Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

**2. Stolen Elephants** - **Prohibition on the purchase, sale, use, or transportation of stolen elephants**

No person shall buy, sell, exhibit, use for research, transport, or offer for transportation, any stolen elephant.

**3. Miscellaneous**

(a) Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow Department of Agriculture – Animal Welfare officials:

(1) To enter its place of business;

(2) To examine records required to be kept by these rules and the regulations in this part;

(3) To make copies of the records;

(4) To inspect and photograph the facilities, property and elephants, as the Department officials consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter; and

(5) To document, by the taking of photographs and other means, conditions and areas of noncompliance.

(b) The use of a room, table, or other facilities necessary for the proper examination of the records and inspection of the property or elephants must be extended to Department officials by the dealer, exhibitor, intermediate handler or carrier, and a responsible adult shall be made available to accompany Department officials during the inspection process.

**4. Inspection for missing elephants**

Each dealer, exhibitor, intermediate handler and carrier shall allow, upon request and during business hours, police, officers of other law enforcement agencies with general law enforcement authority (excluding municipal agencies whose duties are limited to enforcement of local animal control regulations) or Department officials to enter his or her place of business to inspect elephants and records for the purpose of seeking elephants that are missing, under the following conditions:

(a) The police, other law officer or Department official shall furnish to the dealer, exhibitor, intermediate handler or carrier a written description of the missing elephant and the name and address of its owner before making a search.

(b) The police, other law officer or Department official shall abide by all security measures required by the dealer, exhibitor, intermediate handler or carrier to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required, or to prevent the escape of an animal.

**5. Handling of elephants**

(a) All persons who maintain elephants must demonstrate adequate experience and knowledge of the species they maintain.

(b) (1) Handling of all elephants shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

(2) (i) Physical abuse shall not be used to train, work, or otherwise handle elephants.

(ii) Deprivation of food or water shall not be used to train, work, or otherwise handle elephants; provided, however, that the short-term withholding of food or water from elephants by handlers is allowed by these regulations as long as each of the elephants affected receives its full dietary and nutrition requirements each day.

(c) (1) During public exhibition, any elephant must be handled so there is minimal risk of harm to the elephant and to the public, with sufficient distance and/or barriers between the elephant and the general viewing public so as to assure the safety of elephants and the public.

(2) Performing elephants shall be allowed a rest period between performances at least equal to the time for one performance.

(3) Young or immature elephants shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being.

(4) Drugs, such as tranquilizers, shall not be used to facilitate, allow, or provide for public handling of the elephants.

(d) (1) Elephants shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.

(2) A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact.

(3) During public exhibition, elephants must be under the direct control and supervision of a knowledgeable and experienced elephant handler.

(4) If public feeding of elephants is allowed, the food must be provided by the elephant facility and shall be appropriate to the type of elephant and its nutritional needs and diet.

(e) When climatic conditions present a threat to an elephant’s health or well being, appropriate measures must be taken to alleviate the impact of those conditions. An elephant may never be subjected to any combination of temperature, humidity, and time that is detrimental to the elephant’s health or well being, taking into consideration such factors as the elephant’s age, species, breed, overall health status, and acclimation.

**6. Facilities, general**

(a) **Structural strength**. The facility must be constructed of such material and of such strength as appropriate for the elephants involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the elephants from injury and to contain the elephants.

(b) **Water and power**. Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.

(c) **Storage**. Supplies of food and bedding shall be stored in facilities, which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) **Waste disposal**. Provision shall be made for the removal and disposal of elephant and food wastes, bedding, dead elephants, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of elephant and food wastes, bedding, dead elephants, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(e) **Washroom and sinks**. Facilities, such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among elephant caretakers.

**7. Facilities, indoor**

(a) **Ambient temperatures**. Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the elephants from the extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(b) **Ventilation**. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the elephants at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(c) **Lighting**. Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the elephants from excessive illumination.

(d) **Drainage**. A suitable sanitary method shall be provided to rapidly eliminate, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

**8. Facilities, outdoor**

(a) **Shelter from sunlight**. When sunlight is likely to cause overheating or discomfort of the elephants, sufficient shade by natural or artificial means shall be provided to allow all elephants kept outdoors to protect themselves from direct sunlight.

(b) **Shelter from inclement weather**. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all elephants kept outdoors to afford them protection and to prevent discomfort to such elephants. Individual elephants shall be acclimated before they are exposed to the extremes of the individual climate.

(c) **Drainage**. A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(d) **Perimeter fence**. All outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep unauthorized persons out. Fences less than 8 feet high must be approved in writing by the Department. The fence must be constructed so that it protects the elephants in the facility by restricting the elephants and unauthorized persons from going through it or under it and having contact with the elephants in the facility.

A perimeter fence is not required:

(1) Where the outside walls of the primary enclosure are made of sturdy, durable material, which may include certain types of concrete, wood, plastic, metal, or glass, and which are high enough and constructed in a manner that restricts the elephants to the facility and restricts entry by unauthorized persons as approved by the Department in writing; or

(2) Where an effective natural barrier is in place that restricts the elephants to the facility; protects the outdoor housing facility and restricts entry by unauthorized persons as approved by the Department in writing;

(3) Where appropriate alternative security measures are employed as approved by the Department in writing; or

(4) For traveling facilities where appropriate alternative security measures are employed.

**9. Space requirements**

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each elephant to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

**10. Feeding**

(a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all elephants in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Elephants shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(b) Food, and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all elephants in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

**11. Watering**

If potable water is not accessible to the elephants at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

**12. Sanitation**

(a) **Cleaning of enclosures**. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the elephants contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the elephants confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

(b) **Sanitation of enclosures**. Subsequent to the presence of an elephant with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180° F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(c) **Housekeeping**. Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the elephants from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the elephants.

(d) **Pest control**. A safe and effective program for the control of insects, ectoparasites and mammalian pests shall be established and maintained.

**13. Employees**

A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has a background in elephant care.

**14. Separation**

Elephants housed in the same primary enclosure must be compatible. Elephants shall not be housed near elephants that interfere with their health or cause them discomfort.

**15. Transportation of elephants**

Exhibitors must comply with all requirements applicable under 9 CFR Part 3 regarding the transportation of elephants.

STATUTORY AUTHORITY: Resolves 2003, Chapter 41 - Requiring the Department of Agriculture, Food, and Rural Resources to adopt rules regarding the care and treatment of elephants.

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