

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

HOUSE.

No. 108.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-SEVEN.

AN ACT to extirpate Tuberculosis, Foot-and-Mouth Disease,
Pleuro-Pneumonia, and all other insidious and contagious
diseases that are now or may appear among Domestic
Animals, and to Facilitate and Encourage the Production of
Live-stock and their Products.

*Be it enacted by the Senate and House of Representatives
of the State of Maine assembled :*

SECTION 1. That for the purpose of facilitating and
2 encouraging the live-stock interests of the State of Maine,
3 and for extirpating all insidious, infectious and contagious
4 diseases, now or that may be among cattle and other live-
5 stock, and especially tuberculosis, the Governor of the
6 State is hereby authorized and required, immediately
7 after the passage of this act, to appoint a board of cattle
8 commissioners, consisting of three persons of known

9 executive ability, who shall be charged with the execu-
10 tion of the provisions of this act, and who shall be known
11 and designated as the "State of Maine Cattle Commis-
12 sion," and whose powers and duties shall be those pro-
13 vided for in this act. The Governor may, when in his
14 judgment the public interests will permit, suspend the
15 functions and pay of said commissioners; and, when in his
16 judgment the public interests may require, he shall restore
17 such functions and pay, of which suspension and restoration
18 he shall make public proclamation. The salaries of said
19 commissioners shall be at the rate of three dollars per day
20 during the time they are actually engaged in the discharge
21 of their duties as commissioners. The said commissioners
22 shall respectively take an oath to faithfully perform the du-
23 ties of their office, and shall immediately organize as such
24 commission by the election of one of their number as presi-
25 dent thereof, and proceed forthwith to the discharge of
26 their duties upon them by the provisions of this act.

SECT. 2. That it shall be the duties of the said com-
2 missioners to cause investigation to be made as to the
3 existence of tuberculosis, pleuro-pneumonia, foot-and-
4 mouth disease, and any other infectious or contagious dis-
5 ease. And such commissioners are hereby authorized to
6 enter any premises, or places, including stock-yards, cars,
7 and vessels within any county, or part of the State in or
8 at which they have reason to believe there exists any such
9 disease, and to make search, investigation and inquiry in re-
10 gard to the existence thereof. Upon the discovery of the ex-
11 istence of any of the said diseases, the said commissioners
12 are hereby authorized to give notice, by publication, of the
13 existence of such disease, and the locality thereof, in such

14 newspapers as they may select, and to notify, in writing, the
15 officials, or agents of any railroad, steamboat, or other
16 transportation company doing business in or through such
17 infected locality, of the existence of such disease; and
18 are hereby authorized and required to establish and main-
19 tain such quarantine of animals, places, premises, or
20 location as they may deem necessary to prevent the
21 spread of any such disease, and also to cause the ap-
22 praisal of the animal or animals affected with, or that have
23 been exposed to the said diseases, in accordance with such
24 rules and regulations by them, as hereinafter authorized
25 and provided, and also to cause the same to be destroyed,
26 except as hereinafter provided, and to pay, in case of
27 diseased animals, the owner, or owners thereof three-
28 fourths of their value, as determined upon the basis of
29 health before infection, and the full appraised value in
30 case of animals exposed to either of such diseases, but
31 not themselves actually diseased, out of any moneys ap-
32 propriated by the Legislature for that purpose; *provided,*
33 *however,* that they shall not pay more than two hundred
34 dollars for an animal with pedigree recorded or record-
35 able in the recognized herd-books of the breed in which
36 the animal destroyed may belong, nor more than one
37 hundred dollars for an animal not pedigreed; *provided,*
38 *further,* that in no case shall compensation be allowed for
39 an animal destroyed under the provisions of this act which
40 may have contracted or been exposed to such disease in a
41 foreign country, or on the high seas; nor shall compensa-
42 tion be allowed to any owner who in person, or by agent,
43 knowingly and wilfully conceals the existence of such dis-
44 ease, or the fact of exposure thereto in animals of which

45 the person making such concealment by himself or agent
46 is in whole or part owner.

SECT. 3. That the said commissioners are hereby
2 authorized and required to make record, and publish rules
3 and regulations providing for and regulating the agencies,
4 methods, and manner of conducting, and the investiga-
5 tions aforesaid regarding the existence of said contagious
6 diseases; for ascertaining, entering and searching places
7 where such diseased animals are supposed to exist; for
8 ascertaining what animals are so diseased or have been
9 exposed to contagious diseases; for making, reporting
10 and recording descriptions of the said animals so diseased
11 or exposed and destroyed, and for appraising the same,
12 and for making payment therefor; and to make all other
13 needful rules and regulations which may, in the judgment
14 of the commissioners be deemed requisite to the full and
15 due execution of the provisions of this act. All such
16 rules and regulations before they shall become operative,
17 shall be approved by the Governor of Maine, and there-
18 after published in such manner as may be provided for in
19 such regulations; and after such publication said rules
20 and regulations shall have the force and effect of law, so
21 far as the same are not inconsistent with this act and other
22 laws of the State, or United States.

SECT. 4. That any person or persons who shall know-
2 ingly and wilfully refuse permission to said commission-
3 ers, or either of them, to make, or who knowingly and
4 wilfully obstruct said commissioners or either of them in
5 making all necessary examinations of, and as to animals
6 supposed by said commissioners to be diseased as afore-
7 said, or in destroying the same, or who knowingly

8 attempts to prevent said commissioners, or either of them
9 from entering upon the premises and other places herein-
10 before specified where any of said diseases are by said
11 commissioners supposed to exist, shall be deemed guilty
12 of a misdemeanor, and, upon conviction thereof, or of
13 either of the acts in this section prohibited, shall be pun-
14 ished by fine not exceeding one hundred dollars or by im-
15 prisonment not exceeding ninety days, or by both fine and
16 imprisonment at the discretion of the court.

SECT. 5. That any person who is the owner of or who
2 is possessed of any interest in any animals affected with
3 any of the diseases named in section two of this act, or
4 any person who is agent, common carrier, consignee, or
5 otherwise is charged with any duty in regard to any
6 animal so diseased, or exposed to the contagion of such
7 disease, or any officer or agent charged with any duties
8 under the provisions of this act, who shall knowingly
9 conceal the existence of such contagious disease or the
10 fact of such exposure to said contagion, and who shall
11 fail within a reasonable time to report to the said com-
12 missioners their knowledge or their information in regard
13 to the existence and location of said disease or of such
14 exposure thereto, shall be deemed guilty of a misde-
15 meanor, and shall be punishable as provided in section
16 four of this act.

SECT. 6. That when the owner of animals decided
2 under the provisions of this act, by the proper authority,
3 to be diseased, or to have been exposed to contagion,
4 refuses to accept the sum authorized to be paid under the
5 appraisement provided for in this act, it shall be the duty
6 of the commissioners to declare and maintain a rigid

7 quarantine as to the animals decided, as aforesaid, to be
8 diseased or to have been exposed to any contagious or
9 infectious disease, and of the premises or places where said
10 cattle may be found, according to the rules and regulations
11 to be prescribed by said commissioners, approved by the
12 governor and published as provided in the third section of
13 this act.

SECT. 7. That no person or persons owning or operat-
2 ing any railroad, nor the owner or owners or masters of
3 any steam, sailing, or other vessels within the State, shall
4 receive for transportation or transport from one part of
5 the State to another part of the State, or to bring from
6 any other State or foreign country any cattle affected with
7 any of the diseases named in section two of this act, or
8 that have been exposed to such diseases, especially the
9 disease known as tuberculosis knowing such cattle to be
10 affected, or to have been so exposed; nor shall any per-
11 son, or persons, company or corporation deliver for such
12 transportation to any railroad company or to the master or
13 owner of any vessel any cattle knowing them to be
14 affected with or to have been exposed to any of the said
15 diseases; nor shall any person or persons, company or
16 corporation, drive on foot or transport in private convey-
17 ance from one part of the State to an other part of the
18 State any cattle knowing the same to be affected with or
19 to have been exposed to any of said diseases. Any per-
20 son or persons violating the provisions of this section shall
21 be deemed guilty of a misdemeanor, and upon conviction
22 thereof shall be punished by fine not exceeding the sum
23 of two hundred dollars, or by imprisonment not exceed-
24 ing six months, or by both fine and imprisonment.

SECT. 8. That it shall be the duty of the several
2 county attorneys to prosecute all violations of this act
3 which shall be brought to their notice or knowledge by
4 any person making the complaint under oath; and the
5 same shall be heard in any supreme judicial court having
6 jurisdiction in the county in which the violation of this
7 act has been committed.

SECT. 9. That the said commissioners are hereby author-
2 ized to appoint or elect one of their number as secretary of
3 said board, who shall receive a reasonable compensation
4 for his services during the time in which under the pro-
5 visions of this act, the services of the said commissioners
6 shall be required. The said commissioners shall make and
7 preserve a full record of all rules and regulations promul-
8 gated under the provisions of this act of all payments
9 and expenses hereunder incurred, and all other transac-
10 tions performed by said commissioners in the discharge
11 of their duties as herein provided: and the said commis-
12 sioners shall, on or before the first Wednesday in January
13 of each year during their continuance in service, and at
14 other times as they may deem conducive to the public
15 interests, or as they may be required so to do by the
16 governor of the State, report to, full and accurate accounts
17 of their expenditures and other proceedings under the
18 provisions of this act, and of the condition of said dis-
19 eases, if any, in the State to be communicated by him to
20 the legislature. Whenever the functions of said commis-
21 sion shall be suspended or terminated it shall turn over
22 to the secretary of State all its books, papers, records,
23 and other effects taking his receipt therefor, and he shall

24 remain the custodian of the same until such time as the
25 functions of said commission may be restored.

SECT. 10. That the commissioners shall have power and
2 are hereby authorized to employ skilled veterinarians, and
3 such other agents and employes as they may deem neces-
4 sary to carry into effect the provisions of this act, and to
5 fix the compensation of the person or persons so employed,
6 and to terminate such employment at their discretion ; and
7 they are authorized out of the moneys by this act appro-
8 priated to make such expenditures as may be needed for
9 the actual and necessary travelling expenses of themselves
10 and their said employes, stationery, expenses of disinfect-
11 ing premises, cars and other places, destroying diseased
12 and exposed animals and paying for the same, and such
13 other expenses and expenditures as they may find to be
14 actually necessary to properly carry into effect the pro-
15 visions of this act.

SECT. 11. That the moneys appropriated by this act
2 shall be paid over to the secretary of said commission
3 from time to time as the same may be found to be needed,
4 upon requisition made by the said commissioners, and
5 shall be disbursed by the said secretary of said commis-
6 sion only upon vouchers approved by said commissioners
7 or a majority of them. The said secretary shall before
8 entering upon the duties of his office, take an oath to
9 faithfully discharge the duties thereof, and shall enter into
10 a bond to the State of Maine, with sureties to be approved
11 by the Treasurer of State in such sum as he may designate
12 for the faithful accounting of all moneys received by the
13 said secretary of the commission under the provisions of
14 this act.

SECT. 12. That for the purpose of carrying into effect
2 the provisions of this act the sum of five thousand dollars,
3 or so much thereof as may be necessary, is hereby appro-
4 priated out of any moneys in the treasury not otherwise
5 appropriated.

SECT. 13. That all acts and parts of acts inconsistent
2 or in conflict with the provisions of this act be, and
3 the same are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 11, 1887. }

Reported from Committee on Agriculture by Mr. WAUGH of Levant;
ordered printed under joint rule.

NICHOLAS FESSENDEN, Clerk.