

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIFTH REVISION.

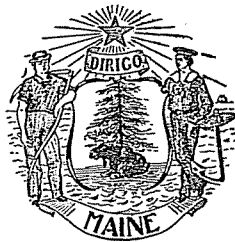
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAPTER 19.

THE PREVENTION OF CONTAGIOUS DISEASES AMONG ANIMALS. THE STATE OF MAINE CATTLE COMMISSION.

STATE OF MAINE CATTLE COMMISSION.

Purposes.
1889, c. 177, § 1.
1893, c. 194, § 1.

—board of cattle commissioners, appointment of.

—title.

—tenure.

—compensation.

—president.

Powers and duties.
1889, c. 177, § 2.
1893, c. 194, § 2.

—may give notice of existence of contagious disease.

—quarantine of animals and places.

—appraisal of diseased animals.

—destruction of, and payment for diseased animals.

—limitation of appraisal.

—when compensation not allowed.

SEC. 1. For the purpose of facilitating and encouraging the live stock interests of the state, and for extirpating all insidious and contagious diseases among cattle, horses and sheep, and especially tuberculosis, the governor shall appoint a board of cattle commissioners consisting of three persons of known executive ability, who shall be charged with the execution of the provisions of the ten following sections, shall be known and designated as the State of Maine Cattle Commission, and shall hold office during the pleasure of the governor. The compensation of said commissioners shall be at the rate of three dollars a day during the time they are actually engaged in the discharge of their duties as commissioners. The said commissioners shall elect one of their number as president.

SEC. 2. The said commissioners shall cause investigation to be made as to the existence of tuberculosis, pleuro-pneumonia, foot and mouth disease, and any other infectious or contagious diseases. They or their duly constituted agent may enter any premises or places, including stock-yards, cars and vessels, within any county or part of the state in or at which they have reason to believe there exists any such diseases, and make search, investigation and inquiry, in regard to the existence thereof. Upon the discovery of the existence of any of the said diseases, the said commissioners may give notice, by publication, of the existence of such disease, and the locality thereof, in such newspapers as they may select, and may notify in writing, the officials or agents of any railroad, steamboat, or other transportation company doing business in or through such infected locality, of the existence of such disease; they shall establish and maintain such quarantine of animals, places, premises or localities, as they may deem necessary to prevent the spread of any such disease, shall cause the appraisal of the animal or animals affected with the said disease, in accordance with the rules and regulations by them adopted as herein-after authorized and provided, shall cause the same to be destroyed, and shall pay the owner or owners thereof one-half of their value, as determined upon the basis of health before infection, out of any moneys appropriated by the legislature for that purpose; *provided, however,* that no appraised value shall be more than one hundred dollars for an animal with pedigree recorded or recordable in the recognized herd books of the breed in which the animal destroyed may belong, nor more than fifty dollars for an animal which has no recordable pedigree; *provided, further,* that in no case shall compensation be allowed for an animal destroyed under the provisions of this section, which may have contracted or been exposed to such disease in a foreign country, or on the high seas, or that may have been brought into this state within three years previous to such animal's showing evidence of such disease; and the owner or owners shall furnish satisfactory evidence as to the time such animal or animals shall have been owned in the state; nor shall compensation be allowed to any owner who in person, or by agent, knowingly and wilfully conceals the existence of such disease, or the fact of exposure thereto in animals of

which the person making such concealment by himself or agent, is in whole or part owner.

SEC. 3. The said commissioners shall make, record and publish rules and regulations providing for and regulating the agencies, methods and manner of conducting, and the investigations aforesaid, regarding the existence of said contagious diseases; for ascertaining, entering and searching places where such diseased animals are supposed to exist; for ascertaining what animals are so diseased; or have been exposed to contagious diseases; for making, reporting and recording descriptions of the said animals so diseased or exposed and destroyed, and for appraising the same, and for making payment therefor; and to make all other needful rules and regulations which may, in the judgment of the commissioners be deemed requisite to the full and due execution of the provisions of sections one to eleven each inclusive. All such rules and regulations, before they shall become operative, shall be approved by the governor, and thereafter published in such manner as may be provided for in such regulations; and after such publication said rules and regulations shall have the force and effect of law, so far as the same are not inconsistent with the laws of the state, or United States.

Shall make, record and publish rules and regulations subject to approval by the governor. 1889, c. 177, § 3.

SEC. 4. Whoever knowingly and wilfully refuses permission to said commissioners, or either of them or their duly constituted agent to make, or knowingly and wilfully obstructs said commissioners, or either of them, or their duly constituted agent in making all necessary examinations of, and as to animals supposed by said commissioners to be diseased as aforesaid, or in destroying the same, or knowingly attempts to prevent said commissioners, or either of them, or their duly constituted agent from entering upon the premises and other places herein before specified where any of said diseases are by said commissioners supposed to exist, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding ninety days, or by both fine and imprisonment.

Penalty for obstructing commissioners. 1889, c. 177, § 4.

SEC. 5. Any person who is the owner of, or who is possessed of any interest in any animals affected with any of the diseases named in section two, or any person who is agent, common carrier, consignee, or otherwise is charged with any duty in regard to any animal so diseased, or exposed to the contagion of such disease, or any officer or agent charged with any duties under the provisions of sections one to eleven each inclusive, who shall knowingly conceal the existence of such contagious disease, or the fact of such exposure to said contagion, and who shall knowingly and wilfully fail, within a reasonable time, to report to the said commissioners his knowledge or information in regard to the existence and location of said disease, or of such exposure thereto, shall be punishable as provided in section four.

Penalty for concealing existence of any contagious disease. 1889, c. 177, § 5.

SEC. 6. When the owner of animals, adjudged under the provisions hereof, by the proper authority, to be diseased, or to have been exposed to contagion, refuses to accept the sum authorized to be paid under the appraisement provided for in section two, the commissioners shall declare and maintain a rigid quarantine as to the animals adjudged, as aforesaid, to be diseased or to have been exposed to any contagious or infectious disease, and of the premises or places where said cattle may be found, according to the rules and regulations prescribed by said commissioners, approved by the governor, and published as provided in section three.

How animals shall be disposed of, whose owner refuses terms of appraisement. 1889, c. 177, § 6.

CHAP. 19.

Transportation of diseased or suspected cattle forbidden.
1889, c. 177, § 7

SEC. 7. No person or persons owning or operating any railroad, nor the owner or owners or masters, of any steam, sailing or other vessels, within the state, shall receive for transportation, or transport from one part of the state to another part of the state, or bring from any other state or foreign country any animals affected with any of the diseases named in section two, or that have been exposed to such diseases, especially the disease known as tuberculosis, knowing such animals to be affected, or to have been so exposed; nor shall any person or persons, company or corporation, deliver for such transportation to any railroad company, or to the master or owner of any vessel, any animals, knowing them to be affected with, or to have been exposed to, any of said diseases; nor shall any person or persons, company or corporation, drive on foot, or transport in private conveyance, from one part of the state to another part of the state, any animal, knowing the same to be affected with, or to have been exposed to, any of said diseases. Whoever violates the provisions of this section shall be punished by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment.

—penalty.

Enforcement of §§ 4-7.
1889, c. 177, § 8.

SEC. 8. The several county attorneys shall prosecute all violations of the four preceding sections which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard in the supreme judicial court in the county in which such violation has been committed.

Secretary, election, compensation and duties.
1889, c. 177, § 9.

SEC. 9. The said commissioners may appoint or elect one of their number as secretary of said board, who shall receive a reasonable compensation for his services during the time in which, under the provisions hereof, the services of the said commissioners shall be required. They shall make and preserve a full record of all rules and regulations promulgated under the provisions of section three, of all payments and expenses hereunder incurred, and all other transactions performed by them in the discharge of their duties as herein provided; and they shall, on or before the first Wednesday in January of each year, during their continuance in service, and at other times as they may deem conducive to the public interests, or as they may be required by the governor, report to the governor full and accurate accounts of their expenditures, and other proceedings under the provisions of this chapter, and of the condition of said diseases, if any, in the state, to be communicated by him to the legislature. Whenever the functions of said commission shall be suspended or terminated, it shall turn over to the secretary of state all its books, papers and other effects, taking his receipt therefor, and he shall remain the custodian of the same until such time as the functions of said commission may be restored.

—report.
See c. 60, § 7.

May employ skilled veterinarians.
1889, c. 177, § 10.

SEC. 10. The commissioners may employ skilled veterinarians, and such other agents and employees as they may deem necessary to carry into effect the provisions of the nine preceding sections, and may fix the compensation of the person or persons so employed, and may terminate such employment at their discretion; and they may out of the moneys appropriated for carrying into effect said sections make such expenditures as may be needed for the actual and necessary traveling expenses of themselves and their said employees, stationery, expenses of disinfecting premises, cars and other places, destroying diseased and exposed animals, and paying for the same, and such other expenses and expenditures as they may find to be actually necessary to properly carry into effect the provisions of said sections.

—expenditures.

CHAP. 19.

SEC. 11. The moneys so appropriated shall be paid over to the secretary of said commission, from time to time, as the same may be found to be needed, upon requisition made by the said commissioners and shall be disbursed by the said secretary of said commission only upon vouchers approved by said commissioners or a majority of them. The said secretary shall before entering upon the duties of his office, take an oath to faithfully discharge the duties thereof, and shall enter into a bond to the state, with sureties to be approved by the treasurer of state, in such sum as he may designate, for the faithful accounting of all moneys received by the said secretary of the commission under the provisions hereof.

How money shall be drawn from treasury and disbursed. 1889, c. 177, § 11.

—secretary shall be sworn and give bond.

SEC. 12. The state cattle commissioners and all other persons having in charge the killing of any diseased cattle, sheep or any other diseased domestic animals, as soon as such animal is killed, shall inject, or cause to be injected into the carotid artery of each animal so killed, kerosene oil in sufficient quantity to thoroughly penetrate and permeate the entire fleshy part of the carcass of each such animal killed as aforesaid.

Carcasses of diseased, domestic animals to be treated by injection with kerosene oil. 1897, c. 311, § 1.

SEC. 13. Every carcass treated as provided in the preceding section, shall, within twenty-four hours thereafter be buried to a depth of at least four feet, or within forty-eight hours thereafter be reduced by the process of manufacturing the same for fertilizers.

Such carcasses shall be buried or made into fertilizers. 1897, c. 311, § 2.

SEC. 14. Whoever violates any provision of the two preceding sections shall be fined not exceeding one hundred dollars for each offense or imprisoned for a period not exceeding ninety days.

Punishment for violation. 1897, c. 311, § 3.

DUTIES OF MUNICIPAL OFFICERS.

SEC. 15. The municipal officers of towns, shall cause all cattle, swine and sheep therein infected with lung-murrain or pleuro-pneumonia, or any other contagious disease, or which have been exposed to infection, to be secured or collected in some suitable place or places therein, and kept isolated; and when taken from the possession of their owners, one-fifth of the expense thereof shall be paid by the town, and four-fifths by the state, such isolation to continue so long as the existence of such disease or other circumstances render it necessary: or they may direct the owners thereof to isolate such cattle, swine and sheep, upon their own premises, and any damage or loss sustained thereby shall be paid as aforesaid.

Cattle infected with contagious diseases to be isolated by town officers. R. S., c. 14, § 37. 1885, c. 302.

—their maintenance.

—when owners must isolate their cattle.

SEC. 16. They may prohibit the departure of cattle from any enclosure, and exclude cattle therefrom.

Further powers of town officers. R. S., c. 14, § 40.

SEC. 17. They may in writing regulate or prohibit the passage from, to or through their towns, or from place to place therein, of any neat cattle, and may arrest and detain, at the cost of the owners, all cattle found passing in violation of such regulations, and may take all other necessary measures for the enforcement of such prohibition, and for preventing the spread of such disease in their towns, and the immediate vicinity thereof.

Passage of animals, how regulated. R. S., c. 14, § 41. See c. 4, § 93, ¶ 3.

SEC. 18. Such regulations shall be recorded in the records of their towns, and shall be published in said towns in such manner as said regulations provide.

Regulations, recorded and published. R. S., c. 14, § 42.

SEC. 19. Whoever sells or disposes of any animal infected or known to have been exposed to infection, within one year after such exposure, without the knowledge and consent of the municipal officers, shall be fined not exceeding five hundred dollars or be imprisoned not exceeding one year.

Sale of infected animals prohibited. R. S., c. 14, § 43.

—penalty.

CHAP. 19.

Disobedience of town officers' orders, punished.
R. S., c. 14, § 44.

Knowledge or suspicion of disease, to be reported.
R. S., c. 14, § 45.
1885, c. 144, § 2.
See c. 18, § 89.

Neglect of town officers, punished.
R. S., c. 14, § 46.

Further powers of municipal officers.
R. S., c. 14, § 48.

—damage to owners to be appraised.

—description of land and appraisal to be recorded.

—amount of appraisal, how paid.

—owners dissatisfied may maintain action.

—amount to be re-imbursed.

Notice of contagious disease.
R. S., c. 14, § 49.
Sec's 15 to 24 apply to diseased horses.
R. S., c. 14, § 55.

SEC. 20. Whoever disobeys the orders of said municipal officers, made in conformity with sections sixteen and seventeen, or drives or transports any neat cattle contrary to the regulations so made, recorded and published, shall be punished as provided in section nineteen.

SEC. 21. Whoever knows or has reason to suspect the existence of any fatal contagious disease among the domestic animals in his possession or under his care, shall forthwith give notice thereof to the local board of health, and for failure to do so, shall be punished as provided in section nineteen.

SEC. 22. Any town whose officers neglect or refuse to carry into effect the provisions of sections fifteen to nineteen inclusive, forfeits not exceeding five hundred dollars for each day's neglect.

SEC. 23. The municipal officers of towns may, when they deem it necessary to carry into effect the purposes of sections fifteen to eighteen inclusive, take and hold possession for a term not exceeding one year, of any land within their towns without buildings other than barns thereon. for enclosing and isolating any cattle, and they shall cause the damages sustained by the owners in consequence thereof, to be appraised by the assessors thereof, and they shall further cause a description of such land, setting forth the boundaries thereof, and the area as nearly as may be estimated, together with said appraisal, to be entered in the records of the town. The amount of said appraisal shall be paid as provided in section fifteen in such sums and at such times as they may order. If such owner is dissatisfied with the appraisal, he may, in an action on the case, recover from the town a fair compensation for the damages sustained by him; but no costs shall be taxed, unless the damages recovered in such action, exclusive of interest, exceed the appraisal of the assessors. The state shall re-imburse the town four-fifths of any sum so recovered.

SEC. 24. Whenever such disease exists in a town, the municipal officers shall forthwith give notice to the State of Maine Cattle Commission.

SEC. 25. Sections fifteen to twenty-four, inclusive, apply to horses infected with glanders, or any other contagious disease.