

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)

SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

CHAPTER 35.

The Prevention of Contagious Diseases Among Animals.

Sec. 1. Live stock sanitary commissioner, appointment; bond; tenure. 1911, c. 195, §§ 1, 21. For the purpose of facilitating and encouraging the live stock interests of the state, and for extirpating all insidious, infectious and contagious diseases among cattle, horses, sheep and swine, and especially tuberculosis, the governor shall appoint one person of known ability, who shall be charged with the execution of the provisions of this chapter and shall be known and designated as the live stock sanitary commissioner. Before entering upon the duties of the office, he shall give bond to the state in such sum as the governor and council may designate, with sureties, or with a surety company authorized to do business in the state, as surety, to be approved by them, for the faithful performance of all duties of his office. He shall hold office for the term of four years unless sooner removed by the governor, and shall cooperate with, and perform the duties of his office under the general direction of the commissioner of agriculture.

Sec. 2. Commissioner shall investigate as to existence of diseases. 1911, c. 195, § 2. The live stock sanitary commissioner shall cause investigation to be made as to the existence of tuberculosis, pleuro-pneumonia, foot and mouth disease, glanders, hog-cholera and other infectious and contagious disease, among cattle, horses, sheep and swine; and he, or his duly constituted agent, may enter any premises or places including stockyards, cars and vessels, within any county or part of the state, in or at which he has reason to believe there exists any such disease, and make search, investigation and inquiry in regard to the existence thereof.

Note. Notice to live stock sanitary commissioner of case of tuberculosis or glanders in domestic animals, c. 19, § 108.

Non-graduate veterinarian, in service of state, to submit to examination as to his fitness to render professional services, c. 18, § 60.

Sec. 3. Notice, by publication, of existence of diseases; quarantine of animals and places; appraisal of animals affected. 1911, c. 195, § 2. 1913, c. 210, § 1. 1915, c. 304, § 1. Upon the discovery of any disease mentioned in the preceding section, the live stock sanitary commissioner shall give notice of the existence and the locality thereof, by publication in such newspapers as he may select, and shall 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; he shall establish and maintain such quarantine of animals, places, premises or localities, as he may deem necessary to prevent the spread of any such disease; he shall cause the animal or animals affected with the said disease, to be appraised in accordance with the rules and regulations made by him, as hereinafter authorized and provided, and shall cause the same to be destroyed, and a proper disposition of the carcass made, according to the rules and regulations aforesaid; he shall pay to the owner or owners thereof their value, as determined at the time of the appraisal, 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 cattle, with a pedigree recorded, or recordable in the recognized herd books of the breed in which the cattle destroyed may belong, nor more than seventy-five dollars, for the cattle which have no recordable pedigree; and all other animals so destroyed shall be paid for at the rate of one-half their cash value; provided, that no appraised value shall exceed one hundred dollars for any horse condemned; provided, further, that in no case shall compensation be allowed for any animal destroyed under the provisions of this chapter, 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 one year previous to such animal showing evidence of such disease, and the owner or owners thereof shall furnish satisfactory evidence as to the time during which 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 in part owner.

Sec. 4. Commissioner required to publish rules and regulations, which shall be approved by the governor. 1911, c. 195, § 3. The live stock sanitary commissioner shall make, record, and publish rules and regulations, providing for and regulating the agencies, methods and manner of conducting the investigation 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 said animals so diseased, exposed and destroyed and for appraising the same, and for making payment therefor; and shall make all other needful rules and regulations, which may in his judgment be deemed requisite, to the full and due execution of the provisions of this chapter. 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 in such rules and regulations; 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 this state, or the United States.

Sec. 5. Penalty for obstructing commissioner in the performance of his duties. 1911, c. 195, § 4. Any person who knowingly and wilfully refuses permission to the live stock sanitary commissioner, or his duly constituted agent, to make, or who knowingly or wilfully, obstructs said live stock sanitary commissioner, or his duly constituted agent, in making necessary examination of, and as to animals, supposed by the live stock sanitary commissioner or his agent to be diseased as aforesaid, or in destroying the same, or who knowingly attempts to prevent the live stock sanitary commissioner or his duly constituted agent, from entering upon the premises and other places hereinbefore specified, where any of said diseases are by the live stock sanitary commissioner supposed to exist, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment, not exceeding ninety days, or by both at the discretion of the court.

CHAP. 35

Sec. 6. Penalty for knowingly concealing the existence of disease. 1911, c. 195, § 5. Any person who is the owner of, or who is possessed of any interest in any animal affected with any of the diseases named in section two, or any person who is agent, common carrier, consignee or is otherwise 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 this chapter, who shall knowingly conceal the existence of such contagious disease, or the fact of such exposure to contagion, and who shall knowingly and wilfully fail within a reasonable time to report to the live stock sanitary commissioner the knowledge of their information in regard to the existence and location of such disease, or of exposure thereto, shall be punished as provided in section five.

Sec. 7. Quarantine declared when owner refuses to accept sum to be paid under appraisal. 1911, c. 195, § 6. When the owner of animals adjudged under the provisions of this chapter, 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 appraisal provided for in this chapter, the live stock sanitary commissioner shall declare and maintain a rigid quarantine for thirty days as to the animals adjudged as aforesaid, to be diseased, or exposed to any contagious or infectious disease and of the premises or places where said cattle, horses, sheep or swine may be found, according to the rules and regulations prescribed by said live stock sanitary commissioner, approved by the governor, and published as provided in section four.

Sec. 8. Penalty for transporting any animal affected, or that has been exposed to contagious diseases. 1911, c. 195, § 7. No person owning or operating a railroad, nor the owner or owners or masters, of any steam, sailing or other vessel, 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 animal 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 animal to be affected or to have been so exposed; 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; the proper movement of these animals under the direction of the live stock sanitary commissioner for purposes of slaughter and disposal, excepted. Any person or persons violating any provision of this section shall be punished by fine of not exceeding one hundred dollars, or by imprisonment not exceeding three months, or by both fine and imprisonment.

Sec. 9. Conditions under which owner of condemned cattle may receive compensation therefor; cattle reacting to tuberculin test may be killed. 1911, c. 195, § 8. 1913, c. 74. 1915, c. 304, § 2. When cattle shipped from Maine to the quarantine station at Brighton, Massachusetts, are subjected to the tuberculin test, and respond to such test, and the inspector for the

"Cattle Bureau of Massachusetts" shall find upon post-mortem examination that such cattle were diseased with tuberculosis, and shall so state in writing to the live stock sanitary commissioner within thirty days from shipment from the state, and shall also give in writing a description of such animal, the name of the owner, the shipper, the date and name of place from which same was shipped, the name of the party of whom it was bought and the fair cash value of such animal when condemned, and shall also comply with any other rule or regulation that the live stock sanitary commissioner may require, the owner shall be entitled to receive a fair market value, not to exceed seventy-five dollars for grade and one hundred dollars for thoroughbred cattle, with a pedigree recorded or recordable; but in no case shall the owner be paid for any animal condemned under the provisions of this section, until he has filed with the live stock sanitary commissioner a claim, stating the name of the owner, the shipper, his post-office address, place and date of shipment, a fair market value for such animal, name of the person from whom said animal was purchased or consigned and such other information as the live stock sanitary commissioner may require; such claim shall be accompanied in every instance with a "sale ticket" for such part of the animal as may have been sold, and the amount of such sale shall be deducted from the appraised value due the owner of the condemned animal. Cattle reacting to the tuberculin test may be sent to establishments maintaining a United States government meat inspection service, and be killed under federal government inspection, and be disposed of according to the requirements of the Government Meat Inspection Act.

Sec. 10. Persons bringing horses into this state must have permit; penalty. 1911, c. 195, § 9. 1913, c. 210, § 2. Any person or persons bringing horses into the state must have a permit and shall notify the live stock sanitary commissioner within forty-eight hours after their arrival; the commissioner shall at once cause the same to be examined by a physical examination or to be tested with mallein, or cause the blood test to be used, at the expense of the owner; if an animal is found to be glandered no compensation shall be allowed. No permit or examination will be required for horses used in circuses and to perform on the stage. Whoever violates this section shall be punished by a fine as provided in section seventeen.

Sec. 11. Vaccination provided for. 1911, c. 195, § 10. Such sum as the live stock sanitary commissioner may deem necessary, shall be used for the vaccination of cattle against tuberculosis, under the rules and regulations made for the control of such work.

Sec. 12. Dairy, breeding, and show cattle shall be tested. 1911, c. 195, § 11. Cattle used for dairy purposes or for breeding purposes, that are to be shown in competition for prizes, in any state agricultural show, shall be tested with tuberculin, within twelve months of the opening date of the exhibition where they are to be shown. Such test shall be made under the direction of the live stock sanitary commissioner, who shall furnish a certificate of such test, to the owner or owners of such animals. State agricultural associations that receive any aid from the state, shall demand a certificate of test, duly authorized by the live stock sanitary commissioner, from owners of cattle that are to compete for prizes in accordance with the

CHAP. 35

above, under penalty of forfeiture of such aid; but this provision shall not apply to calves less than one year old.

Sec. 13. Commissioner shall make rules and regulations for investigation of tuberculosis; use of tuberculin test by veterinarian. 1911, c. 195, § 12. 1913, c. 210, § 3. The live stock sanitary commissioner shall make all needful rules and regulations as to the manner in which application shall be made to him for the investigation of tuberculosis in the herds of the state; provided, however, that he employ regular skilled veterinarians and shall regulate the way and manner in which the test shall be applied and the state shall not be held responsible for any private test made. Any registered veterinarian in good standing may use the tuberculin test by filing with the commissioner of agriculture evidence of his registration and that he is in good standing; upon receipt of such evidence the commissioner of agriculture shall issue a permit granting him the right to practice for the department. The live stock sanitary commissioner having sufficient evidence that any veterinarian to whom a permit has been issued, is incompetent or has been engaged in fraudulent practices in the use of the tuberculin test, shall suspend him from practicing by written notice, which notice shall state the reason for his suspension. The live stock sanitary commissioner shall immediately file with the governor and commissioner of agriculture the evidence of incompetency or of fraudulent practice in the use of the tuberculin test. The governor and commissioner of agriculture shall give the person accused a hearing, and if they find he is incompetent or has been engaged in fraudulent practice in the use of the tuberculin test, they shall strike his name from the list; but if found competent, and not guilty of fraudulent practice in the use of the tuberculin test, they shall notify the live stock sanitary commissioner of their finding, and he shall notify the party that he may resume practice for the department.

Sec. 14. Certificate shall be left with owner of condemned cattle. 1911, c. 195, § 13. There shall be left with the owner of all condemned animals a proper certificate, duly authenticated, showing the number condemned and the value at which they are appraised, which shall be transferable only with the consent and acceptance of the commissioner.

Sec. 15. Stables where condemned animals were found shall be disinfected. 1911, c. 195, § 14. The live stock sanitary commissioner shall thoroughly disinfect all stables and premises where condemned animals were found, or cause the same to be done by a competent agent in the employ of such commissioner, and the expense incurred on account of such disinfectant shall be paid one-half from the appropriation allowed for the use of such commissioner, and one-half by the owner or person in control of such stable and premises.

Sec. 16. Assessors' return of pure-blood cattle, filed with commissioner. 1911, c. 195, § 15. All assessors of taxes shall keep a record of all pure-blooded cattle kept for breeding purposes, and shall make a report of the same to the live stock sanitary commissioner on or before the first day of July of each year, showing the name of the owner, number in the herd, age and sex; such reports shall be made upon blanks furnished by the commissioner.

Sec. 17. Certificate of health upon sale of pure-blooded cattle for breeding purposes. 1911, c. 195, § 16. All persons selling pure-blooded cattle, or cattle represented to be pure blooded, for breeding purposes, shall before delivery, make a report to the live stock sanitary commissioner, upon blanks furnished by him upon application, stating the number of cattle sold, the age and sex, and to whom sold; before delivery, such cattle shall be tested with tuberculin under the direction of, and a certificate of health given by, the live stock sanitary commissioner, unless such a test has been carried out under his direction within one year; but this provision shall not apply to calves less than one year old. Such certificate of health shall be delivered to the buyer by the seller. Whoever violates any provision of this section, shall be punished by a fine of not less than twenty-five, or more than fifty dollars for each offense.

Sec. 18. Permit required for cattle entering the state. 1911, c. 195, § 17. No neat stock, (calves, cows, steers, oxen or bulls), or stags of any age, shall be allowed to enter this state, from any other state or country, either for dairying purposes, breeding purposes or for slaughter, except cattle in transit under the control of the federal government, without a permit duly authorized by the live stock sanitary commissioner, which permit shall accompany the shipment. Such animals shall be tested with tuberculin within thirty days of arrival, regardless of any other test made, and shall be held in quarantine upon the premises of the owner, until released by the live stock sanitary commissioner. Whoever violates any provision of this section shall be punished as provided in section seventeen.

Sec. 19. County attorneys shall prosecute violations. 1911, c. 195, § 18. The several county attorneys shall prosecute all violations of this chapter, which shall be brought to their notice or knowledge by any person making the complaint under oath; the supreme judicial court and superior courts shall have jurisdiction of such offenses.

Sec. 20. Commissioner shall keep a record; report; when duties are suspended, records turned over to commissioner of agriculture. 1911, c. 195, § 19. The live stock sanitary commissioner shall make and preserve a full record of all rules and regulations promulgated under the provisions of this chapter, and all payments and expenses incurred hereunder, and all other transactions performed by him, in the discharge of his duties as herein provided; and he shall on or before the first Wednesday in January of each year, and at other times as he may deem conducive to the public interest, or whenever required by the governor, report to the governor full and accurate accounts of his expenditures and other proceedings under the provisions hereof, and of the condition of any infectious or contagious disease among animals in the state; said report shall be communicated by the governor to the legislature. Whenever the functions of said live stock sanitary commissioner shall be suspended or terminated, he shall turn over to the commissioner of agriculture all his books, papers, records, and other effects, taking his receipt therefor; and the commissioner of agriculture shall remain the custodian of the same until such time as the functions of said live stock sanitary commissioner may be restored.

Sec. 21. Commissioner may employ agents and fix compensation. 1911, c. 195, § 20. The live stock sanitary commissioner may employ skilled

CHAP. 36

veterinarians in all tuberculin tests and such other agents and employees as he may deem necessary to carry into effect the provisions of this chapter, and may fix the compensation of the person or persons so employed, and terminate such employment at his discretion.

Sec. 22. Payment of expenses. 1911, c. 195, §§ 20, 22. The actual and necessary traveling expenses of the commissioner and his employees, the expense of disinfecting premises, cars, vessels and other places, destroying diseased animals and those exposed to disease, and paying for the same, and all other expenses necessary to properly carry out the provisions of this chapter, shall be paid by the treasurer of state upon vouchers approved by the live stock sanitary commissioner, after the same have been audited by the state auditor. All money received from the sale of hides and carcasses of condemned animals shall be expended for the purposes of this chapter.

CHAPTER 36.

Protection Against Adulterated or Misbranded Goods. Packing of Food. Packing of Apples.

Adulterated or Misbranded Goods.

Sec. 1. Sale of certain adulterated articles prohibited. 1911, c. 119, § 1. No person shall, within this state, manufacture, sell, distribute, transport, offer or expose for sale, distribution, or transportation, any article of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide or insecticide which is adulterated or misbranded within the meaning of this chapter.

Sec. 2. Definitions. 1911, c. 119, § 2. The term "agricultural seed" as used in this chapter shall be held to include the seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, brome grass, buckwheat, alsike clover, crimson clover, red clover, medium clover, white clover, field corn, Kaffir corn, meadow fescue flax, Hungarian, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy and wheat.

The term "commercial feeding stuff" as used herein shall be held to include all articles of food used for feeding live stock, and poultry, except hays and straws, the whole seeds, and the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, flaxseed and broom corn.

The term "commercial fertilizer" as used herein shall be held to include all materials used for fertilizing purposes, the price of which exceeds ten dollars a ton.

The term "drug" as used herein shall be held to include all medicines and preparations recognized in the United States pharmacopœia or national formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of man or other animals.