

MAINE STATE LEGISLATURE

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CHAPTER 40.

Prevention of Contagious Diseases Among Animals.

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Prevention of Diseases.

Sec. 1. Commissioner to investigate as to existence of diseases. R. S. c. 35, § 2. The commissioner of agriculture 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.

Notice to commissioner of agriculture of case of tuberculosis or glanders in domestic animals, c. 22, § 117.

Non-graduate veterinarian, in service of state, to submit to examination as to his fitness to render professional services, c. 21, § 87.

1921, c. 54 abolishes office of live stock sanitary commissioner and transfers duties to commissioner of agriculture.

See P. L. 1917, c. 160, § 3.

Sec. 2. Notice, by publication, of existence of diseases; quarantine of animals and places; appraisal of animals affected. R. S. c. 35, § 3. 1921, c. 188, § 1. 1929, c. 87. Upon the discovery of any disease mentioned in the preceding section, the commissioner of agriculture or his agent in charge of live stock sanitary work 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 or his approved agent shall appraise each animal at its true market value at the time it is condemned, and shall pay out of any moneys appropriated by the legislature for that purpose, an indemnity, but such indemnity paid by the state shall not exceed two hundred dollars for cattle, with a pedigree recorded, or recordable, in the recognized herd book of the breed in which the cattle destroyed may belong, nor more than one hundred 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, except cattle that are accompanied by tuberculin test papers showing that they are from an accredited herd or a herd under supervision of the state or country from which they come, tested within one year and no disease found; 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 for any cattle condemned that have been illegally brought into any modified accredited area, nor to any owner who in person or by agent knowingly or wilfully conceals animals that should be tested, 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. In addition to the appraisal value paid to the owner of cattle as above provided, such owner shall also be entitled to the proceeds derived from the sale of any carcass in excess of fifty dollars.

Sec. 3. Commissioner required to publish rules and regulations; to be approved by the governor. R. S. c. 35, § 4. The commissioner of agriculture 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. 4. Penalty for obstructing commissioner in the performance of his duties. R. S. c. 35, § 5. 1925, c. 24, § 1. Any person who knowingly and wilfully refuses permission to the commissioner of agriculture, or his duly constituted agent, to make, or who knowingly or wilfully obstructs said commissioner of agriculture, or his duly constituted agent, in making necessary examination of, and as to animals, supposed by the commissioner of agriculture or his agent to be diseased as aforesaid, or in destroying the same, or who knowingly attempts to prevent the commissioner of agriculture or his duly constituted agent, from entering upon the premises and other places hereinbefore specified, where any of said diseases are by the commissioner of agriculture supposed to exist, and any person who shall knowingly or wilfully change, remove, conceal, or substitute any tag, brand, label, or mark, fixed, fastened, or set by the chief of the division of animal industry or his agent or by any of the duly authorized inspectors, agents, or representatives of the commissioner of agriculture of this state or by any duly authorized inspector or official of any other state, upon any animal, place, or premises in this state shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than ninety days, or by both said fine and imprisonment.

Sec. 5. Penalty for knowingly concealing the existence of disease. R. S. c. 35, § 6. 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 one, 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 commissioner of agriculture 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 four.

Sec. 6. Quarantine declared when owner refuses to accept sum to be paid under appraisal. R. S. c. 35, § 7. 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 commissioner of agriculture 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 commissioner of agriculture, approved by the governor, and published as provided in section three.

Sec. 7. Penalty for transporting any animal affected, or that has been exposed to contagious diseases. R. S. c. 35, § 8. 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 one, 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 commissioner of agriculture for purposes of slaughter and disposal, excepted. Any person or persons violating any provision of this section shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months, or by both fine and imprisonment.

Sec. 8. Conditions under which owner of condemned cattle may receive compensation therefor; cattle reacting to tuberculin test may be killed. R. S. c. 35, § 9. 1921, c. 188, § 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 commissioner of agriculture 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 the 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 commissioner of agriculture may require, the owner shall be entitled to receive a fair market

value, not to exceed seventy-five dollars for grade, and one hundred and fifty dollars for pure bred 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 commissioner of agriculture 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 commissioner of agriculture 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 proceeds of such sale in excess of fifty dollars shall be added to the appraised value to be paid the owner of any condemned animal under the foregoing provisions. 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. 9. Persons bringing horses into this state must have permit; penalty. R. S. c. 35, § 10. 1917, c. 235. Any person or persons bringing horses into the state must have a permit and shall notify the commissioner of agriculture within forty-eight hours after their arrival; the said 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, or the commissioner of agriculture may accept a certificate of health showing satisfactory mallein test or physical examination made by an inspector of the bureau of animal industry of the United States or by a veterinarian whose certificate is approved by the state official having authority to approve same under the laws of the state from which the animal is shipped. 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 sixteen.

Sec. 10. Vaccination provided for. R. S. c. 35, § 11. Such sum as the commissioner of agriculture 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. 11. Dairy, breeding, and show cattle to be tested. R. S. c. 35, § 12. 1925, c. 24, § 2. All cattle that are to be shown or exhibited, in any state agricultural show, shall be tested with tuberculin, within three years of the opening date of the exhibition where they are to be shown. Such test shall be made under the direction of the commissioner of agriculture, 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 commissioner of agriculture, from owners of cattle that are to compete for prizes in accordance with the above, under penalty of forfeiture of such aid; but this provision shall not apply to calves less than one year old.

Sec. 12. Commissioner to make rules and regulations for investigation of tuberculosis. R. S. c. 35, § 13. 1917, c. 160, § 2. The commissioner of agriculture 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 made responsible for any private test made.

Sec. 13. Certificate to be left with owner of condemned cattle. R. S. c. 35, § 14. 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. 14. Stables where condemned animals are found to be disinfected. R. S. c. 35, § 15. The commissioner of agriculture shall thoroughly disinfect all stables and premises where condemned animals are 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 the division of animal industry and one-half by the owner or person in control of such stable and premises.

Sec. 15. Assessors' return of pure-blood cattle filed with commissioner. R. S. c. 35, § 16. 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 commissioner of agriculture 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 said commissioner.

Sec. 16. Certificate of health upon sale of pure-blooded cattle for breeding purposes; penalty. R. S. c. 35, § 17. 1917, c. 235, § 2. All persons selling pure-blooded cattle, or cattle represented to be pure blooded, for breeding purposes, shall before delivery, make a report to the commissioner of agriculture 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 commissioner of agriculture, unless such a test has been carried out under his direction within one year; but this provision shall not apply to calves less than six months 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 dollars, or more than fifty dollars for each offense.

Sec. 17. Permit required for cattle entering the state; tuberculin tests; exceptions; penalty. R. S. c. 35, § 18. 1917, c. 235, § 3. 1923, c. 48. No neat stock, (calves, cows, steers, oxen, 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 commissioner of agriculture, which permit shall accompany the shipment. Such animals may be tested with tuberculin within sixty days of their arrival within the state whenever such test is deemed necessary by the commissioner of agriculture or his duly authorized agent in charge of the live stock sanitary work, and whenever such animal or animals are so held for a retest they shall be considered as being in quarantine upon the premises of the owner. All persons bringing animals into the state must conform to the regulations of the United States department of agriculture requiring that such animals be tuberculin tested within a reasonable time prior to shipment, such test being administered by an inspector of the United States department of agriculture, or by a veterinary authorized by said United States department of agriculture to test for interstate shipment, and a copy of the tuberculin test chart of such test must also accompany the animal or animals so tested whether brought into the state by steamship, railroad, truck, or any other conveyance, or driven on foot. This ruling shall not, however, apply to calves under one year of age from a fully accredited herd or to cattle

designed for immediate slaughter, but the latter must be slaughtered within ten days after being brought into the state under inspection that shall be acceptable to the commissioner of agriculture or his duly authorized agent in charge of the live stock sanitary work. Whoever violates any provision of this section shall be punished as provided in section sixteen.

Sec. 18. County attorneys to prosecute violations. R. S. c. 35, § 19. 1929, c. 81. 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; trial justices, police and municipal courts within their counties shall have, upon complaint, original and concurrent jurisdiction with the superior court in all prosecutions arising under this chapter.

Sec. 19. Commissioner may employ agents and fix compensation. R. S. c. 35, § 21. The commissioner of agriculture may employ skilled 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. 20. Payment of expenses. R. S. c. 35, § 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 commissioner of agriculture, or his agent in charge of live stock sanitary work, 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.

Quarantine Powers.

Sec. 21. Commissioner of agriculture authorized to enter premises to make tests; to quarantine animals and premises; to require slaughter of animals. 1925, c. 24. For the protection of the public health and to prevent the infection of the live stock of the state with contagious disease, the commissioner of agriculture, the chief of the division of animal industry or any of their duly authorized agents are hereby empowered to enter upon any premises at any time and test for tuberculosis or other contagious disease, by any reputable method, any animal found thereon; and should any such animal be found to be infected with tuberculosis or other contagious disease, the commissioner of agriculture or his agent shall have power to quarantine such animal and all premises and such other animals as the commissioner or his agent may deem necessary in order to prevent the spread of the disease. The commissioner of agriculture or his agent is empowered to require the slaughter and disposal of any animals found to be infected with tuberculosis or other contagious disease as provided in section two of this chapter.

Sec. 22. Commissioner of agriculture authorized to prohibit moving of cattle to and from quarantined areas; animals brought into said area may be quarantined. 1925, c. 24. 1929, c. 85. The commissioner of agriculture or his agent in charge of live stock sanitary work is hereby empowered to prohibit the movement of cattle of every description into or from any area where bovine tuberculosis or other contagious disease is known to exist and where the commissioner of agriculture or his agent has assumed charge of such disease eradication. If any animals are brought into any such area in violation of this regula-

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tion, the commissioner of agriculture or his agent shall be further empowered to quarantine such animals until they shall be tested by an accredited veterinarian at the expense of the owner.

Sec. 23. Owner of animals or his agent to secure animals to be tested. 1925, c. 24. The owner or his agent shall so secure animals to be tested as to make it possible for the inspector of the commissioner of agriculture or his agent in charge of live stock sanitary work to apply the test that is deemed necessary in an expeditious manner.

Sec. 24. Penalty for violation of provisions of three preceding sections. 1925, c. 24. Any owner or owners of cattle who shall refuse or neglect to comply with the provisions of the three preceding sections or who shall violate any of the provisions of the said sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section four.

Marking Sheep.

Sec. 25. Owner of sheep to have mark to be recorded. R. S. c. 38, § 16. All owners of sheep shall mark them with some distinctive mark, by a cut in the ears, or a brand on some part of the animal, and cause such mark to be recorded by the clerk of their town in a book kept for that purpose.

Record of Stallions.

Sec. 26. Record of advertised stallions to be filed and recorded in registry. R. S. c. 38, § 17. The owner or keeper of any stallion for breeding purposes, before advertising, by written or printed notices, the service thereof, shall file a certificate with the register of deeds in the county where said stallion is owned or kept, stating the name, color, age, and size of the same, together with the pedigree of said stallion as fully as attainable, and the name of the person by whom he was bred; and such register shall record such certificate in a book kept for that purpose. Copies of such certificate, duly certified by such register, may be used in evidence, the same as the original, in any court in the state. Whoever neglects to make and file such certificate shall recover no compensation for said services, and, if he knowingly and wilfully makes and files a false certificate of the statements aforesaid, he forfeits one hundred dollars, to be recovered by complaint, indictment, or action of debt, to the county where the offense is committed.

Penalty for false registration of blooded animal, c. 138, § 16; 87 Me. 150; 89 Me. 264; 97 Me. 38.