

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1862.

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1862.

FORTY-FIRST LEGISLATURE.

SENATE.

No. 24.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO.

AN ACT concerning contagious diseases among cattle.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. The selectmen of towns and the mayor
2 and aldermen of cities, in case of the existence in this
3 state of the disease called lung murrain or pleuro-
4 pneumonia, or any other contagious disease among cat-
5 tle, shall cause the cattle in their respective towns and
6 cities, which are infected, or which have been exposed
7 to infection, to be secured or collected in some suitable
8 place or places, within such city or town, and kept is-
9 olated ; and when taken from the possession of their
10 owners, to be maintained, one-fifth of the expense
11 thereof to be paid by the town or city wherein the

12 animal is kept, and four-fifths at the expense of the
13 state, such isolation to continue so long as the existence
14 of such disease or other circumstances renders the same
15 necessary ; or they may, at their discretion, direct the
16 owners thereof to isolate such cattle upon their own
17 premises, and to fatten and kill them, and any damage
18 or loss sustained thereby shall be paid as aforesaid.

SECT. 2. The selectmen of towns and mayor and
2 aldermen of cities shall, within twenty-four hours af-
3 ter they have notice of the existence of such disease,
4 or have reason to believe that it exists, cause the sus-
5 pected animals to be examined by a veterinary surgeon
6 or physician by them selected, and if the same be ad-
7 judged to be diseased, they may at their discretion or-
8 der such diseased animals to be forthwith killed and
9 buried at the expense of such town or city.

SECT. 3. Such selectmen, mayor and aldermen shall
2 cause all cattle which they shall so order to be killed,
3 to be appraised by three competent and disinterested
4 men, under oath, at the value thereof at the time of
5 the appraisal, and the amount of the appraisal shall be
6 paid as provided in the first section.

SECT. 4. Said selectmen and mayor and aldermen
2 are hereby authorized to prohibit the departure of cat-
3 tle from any enclosure, or to exclude cattle therefrom.

SECT. 5. Said selectmen and mayor and aldermen
2 may make regulations in writing to regulate or prohibit
3 the passage from, to, or through their respective towns
4 or cities, or from place to place within the same, of any
5 neat cattle, and may arrest and detain, at the cost of
6 the owners thereof, all cattle found passing in violation
7 of such regulations, and may take all other necessary
8 measures for the enforcement of such prohibition, and
9 also for preventing the spread of any such disease
10 among the cattle in their respective towns and cities
11 and the immediate vicinity thereof.

SECT. 6. The regulations made by selectmen and
2 mayor and aldermen, in pursuance of the foregoing sec-
3 tion, shall be recorded upon the records of their towns
4 and cities respectively, and shall be published in such
5 towns and cities in such manner as may be provided in
6 such regulations.

SECT. 7. Any person who shall sell or dispose of any
2 animal which is infected or known to have been exposed
3 to infection within one year after such exposure, with-
4 out the knowledge and consent of said selectmen, or
5 mayor and aldermen, shall be punished by fine not ex-
6 ceeding five hundred dollars, or by imprisonment not
7 exceeding one year.

SECT. 8. Any person disobeying the orders of the

2 selectmen or mayor and aldermen, made in conformity
3 with the fourth section of this act, or driving or trans-
4 porting any neat cattle contrary to the regulations made,
5 recorded, and published as aforesaid, shall be punished
6 by fine not exceeding five hundred dollars, or by im-
7 prisonment not exceeding one year.

SECT. 9. Whoever knows or has reason to suspect
2 the existence of any fatal, contagious disease among
3 the cattle in his possession or under his care, shall forth-
4 with give notice to the selectmen of the town, or mayor
5 and aldermen of the city where such cattle may be
6 kept, and for failure so to do, shall be punished by a
7 fine not exceeding five hundred dollars, or by impris-
8 onment not exceeding one year.

SECT. 10. Any town or city whose officers shall neg-
2 lect or refuse to carry into effect the provisions of sec-
3 tions one, two, three, four, five, six, and seven, shall
4 forfeit a sum not exceeding five hundred dollars for
5 each day's neglect.

SECT. 11. All appraisals made under the provisions
2 of this act shall be in writing, and signed by the ap-
3 praisers, and the same shall be certified to the governor
4 and council, and to the treasurer of the several towns
5 and cities wherein the cattle appraised belong, by the
6 selectmen and mayors and aldermen respectively.

SECT. 12. The selectmen of the towns and mayor
2 and aldermen of the cities, are hereby authorized, when
3 in their judgment it shall be necessary to carry into
4 effect the purposes of this act, to take and hold posses-
5 sion, for a term not exceeding one year, within their
6 respective towns and cities, of any land, without build-
7 ings other than barns thereon, upon which it may be
8 necessary to enclose and isolate any cattle, and they
9 shall cause the damages sustained by the owners in con-
10 sequence of such taking and holding, to be appraised
11 by the assessors of the town or city wherein the lands
12 so taken are situated, and they shall further cause a
13 description of such land, setting forth the boundaries
14 thereof, and the area as nearly as may be estimated,
15 together with said appraisal by the assessors, to be en-
16 tered upon the records of the town or city. The amount
17 of said appraisal shall be paid as provided in the first
18 section, in such sums and at such times as the select-
19 men or mayor and aldermen respectively may order.
20 If the owner of any land so taken shall be dissatisfied
21 with the appraisal of said assessors he may, by action
22 of contract, recover of the town or city wherein the
23 lands lie, a fair compensation for the damages sustained
24 by him ; but no costs shall be taxed, unless the dama-
25 ges recovered in such action, exclusive of interest, ex-

26 ceed the appraisal of the assessors. And the state shall
27 reimburse any town or city four-fifths of any sum re-
28 covered of such town or city in any such action.

SECT. 13. Whenever such disease shall exist in any
2 town or city in this state, it shall be the duty of the
3 selectmen of such town or mayor and aldermen of such
4 city, forthwith to give notice thereof to the governor
5 and secretary of the board of agriculture ; *provi ded*
6 *however*, that if commissioners shall have been appoint-
7 ed as hereinafter provided, such notice shall be given
8 forthwith to said commissioners.

SECT. 14. The governor is hereby authorized, when-
2 ever in his opinion the public good requires, to appoint
3 commissioners who shall have full power to make all
4 necessary regulations, and to issue summary orders
5 relative thereto, for the treatment and extirpation of
6 any contagious disease among cattle, and may direct
7 the selectmen of towns and mayor and aldermen of cit-
8 ies to enforce and carry into effect all such regulations
9 as may, from time to time, be made for that end ; and
10 any such officer or other person refusing or neglecting
11 to enforce, carry out and comply with any regulation
12 of the commissioners, shall be punished by fine not ex-
13 ceeding five hundred dollars, or by imprisonment not
14 exceeding one year, for every such offence.

SECT. 15. When said commissioners shall make and
2 publish any regulations concerning the extirpation
3 or treatment of cattle infected with, or which have
4 been exposed to, the disease known as lung mur-
5 rain or pleuro-pneumonia, or other contagious disease,
6 such regulations shall supersede the regulations made
7 by the selectmen of towns and mayors and aldermen
8 of cities, upon the same subject matter, and the opera-
9 tion of the regulations made by such selectmen and
10 mayors and aldermen shall be suspended during the
11 time those made by the commissioners as aforesaid shall
12 be in force. And said selectmen and mayors and al-
13 dermen shall carry out and enforce all orders and di-
14 rections of said commissioners, to them directed, as
15 they shall from time to time issue.

SECT. 16. All losses and damages sustained in con-
2 sequence of the execution of the orders of said commis-
3 sioners, shall be appraised as provided in the third
4 section of this act, and paid as provided in the first
5 section, and such necessary expenses as may be in-
6 curred by reason of said orders, shall be paid in the
7 same manner.

SECT. 17. The commissioners shall keep a full record
2 of their doings, and make report of the same to the
3 next annual session of the legislature, on or before the

4 tenth day of January, unless sooner required by the
5 governor; and the said record, or an abstract of the
6 same, shall be printed in the annual volume of transac-
7 tions of the state board of agriculture.

SECT. 18. The governor, with the advice and consent
2 of the council, shall have power to terminate the com-
3 mission whenever in his judgment the public safety may
4 permit.

STATE OF MAINE.

IN SENATE, March 11, 1862.

On motion of Mr. WARREN of Somerset, bill "an act concern-
ing contagious diseases among cattle," was tabled, and ordered to
be printed for the use of the Legislature.

JAMES M. LINCOLN, *Secretary.*