

# 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)

---

---

# Sixty - Third Legislature.

---

---

SENATE.

No. 14.

---

---

## 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  
in Legislature assembled, as follows:*

SECTION 1. That for the purpose of facilitating and encouraging the live stock interests of the State of Maine, and for extirpating all insidious, infectious and contagious diseases now or that may be among cattle and other live stock, and especially tuberculosis, the Governor of the State is hereby authorized and required immediately after the passage of this act, to 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 this act, and who shall be known and designated as the "State of Maine Cattle Commission," and whose powers and duties shall be those provided for in

13 this act. The Governor may, when in his judgment the  
14 public interests will permit, suspend the functions and  
15 pay of said commissioners, and, when in his judgment the  
16 public interests may require, he shall restore such func-  
17 tions and pay, of which suspension and restoration he  
18 shall make public proclamation. The salaries of said com-  
19 missioners shall be at the rate of three dollars per day dur-  
20 ing the time they are actually engaged in the discharge  
21 of their duties as commissioners. The said commission-  
22 ers shall respectively take an oath to faithfully perform  
23 the duties of their office, and shall immediately or-  
24 ganize as such commission by the election of one of their  
25 number as president thereof, and proceed forthwith to the  
26 discharge of their duties upon them by the provis-  
27 ions of this act.

SECT. 2. That it shall be the duties of the said commis-  
2 sioners to cause investigation to be made as to the exist-  
3 ence of tuberculosis, pleuro-pneumonia, foot-and-mouth  
4 disease, and any other infectious or contagious disease, and  
5 such commissioners are hereby authorized to enter any  
6 premises or places, including stock-yards, cars and vessels  
7 within any county, or part of the State, in or at which  
8 they have reason to believe there exists any such diseases,  
9 and to make search, investigation and inquiry in regard to  
10 the existence thereof. Upon the discovery of the exist-  
11 ence of any the said diseases the said commissioners are  
12 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,  
15 the 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 are  
18 hereby authorized and required to establish and maintain  
19 such quarantine of animals, places, premises, or location,  
20 as they may deem necessary to prevent the spread of any  
21 such disease and also to cause the appraisal of the animal  
22 or animals affected with or that have been exposed to the

23 said diseases in accordance with such rules and regulations  
24 by them, as hereinafter authorized and provided, and also  
25 to cause the same to be destroyed, except as hereinafter  
26 provided, and to pay, in case of diseased animals, the  
27 owner or owners thereof, three-fourths of their value, as  
28 determined upon the basis of health before infection, and  
29 the full appraised value in case of animals exposed to either  
30 of such diseases but not themselves actually diseased, out  
31 of any moneys appropriated by the Legislature for that  
32 purpose; *provided, however*, that they shall not pay more  
33 than two hundred dollars for an animal with pedigree  
34 recorded or recordable in the recognized herd-books of  
35 the breed in which the animal destroyed may belong, nor  
36 more than one hundred dollars for an animal not pedigreed;  
37 *provided, further*, that in no case shall compensation be  
38 allowed for animals destroyed under the provisions of this  
39 act which may have contracted or been exposed to such  
40 disease in a foreign country, or on the high seas; nor shall  
41 compensation be allowed to any owner who in person, or  
42 by agent, knowingly and wilfully conceals the existence of  
43 such disease, or the fact of exposure thereto in animals of  
44 which the person making such concealment by himself or  
45 agent 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 investigations  
5 aforesaid regarding the existence of said contagious dis-  
6 eases; for ascertaining, entering, and searching places  
7 where such diseases 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 thereafter  
18 published in such manner as may be provided for in such  
19 regulations; and after such publication said rules and reg-  
20 ulations shall have the force and effect of law, so far as  
21 the same are not inconsistent with this act and other laws  
22 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 at-  
8 tempts 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  
16 and 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 ani-  
6 mal so diseased, or exposed to the contagion of such dis-  
7 ease, or any officer or agent charged with any duties under  
8 the provisions of this act, who shall knowingly conceal  
9 the existence of such contagious diseases or the fact of  
10 such exposure to said contagion and who shall fail within  
11 a reasonable time, to report to the said commissioners or  
12 to the their knowledge or their information in regard to  
13 the existence and location of said disease or of such ex-

14 posure thereto, shall be deemed guilty of a misdemeanor,  
15 and shall be punishable as provided in section four of this  
16 act.

SECT. 6. That when the owner of animals decided un-  
2 der the provisions of this act, by the proper authority, to  
3 be diseased, or to have been exposed to contagion, refuses  
4 to accept the sum authorized to be paid under the ap-  
5 praisement provided for in this act, it shall be the duty of  
6 the commissioners to declare and maintain a rigid quaran-  
7 tine as to the animals decided as aforesaid to be dis-  
8 eased or to have been exposed to any contagious or infec-  
9 tious disease, and of the premises or places where said  
10 cattle may be found, according to the rules and regula-  
11 tions to be prescribed by said commissioners, approved  
12 by the Governor and published as provided in the third  
13 section of 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  
13 or 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 another 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 of  
23 two hundred dollars, or by imprisonment not exceeding  
24 six months, or by both fine and imprisonment.

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

SECT. 9. That the said commissioners are hereby author-  
2 ized to appoint or elect one of their number as secretary  
3 of said board, who shall receive a reasonable compensation  
4 for his services during the time in which, under the provis-  
5 ions 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 transactions  
10 performed by said commissioners in the discharge of  
11 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 conclusive to the public  
15 interests, or as they may be required so to do by the Gov-  
16 ernor of the State, report to full and accurate accounts of  
17 their expenditures and other proceedings under the pro-  
18 visions of this act, and of the condition of said diseases,  
19 if any, in the State to be communicated by him to the  
20 Legislature. Whenever the functions of said commission  
21 shall be suspended or terminated it shall turn over to the  
22 Secretary of State all its books, papers, records and other  
23 effects, taking his receipt therefor, and he shall remain the  
24 custodian of the same until such time as the functions of  
25 said commission may be restored.

SECT. 10. That the commissioners shall have power  
2 and are hereby authorized to employ skilled veterinarians,

3 and such other agents and employes as they may deem  
4 necessary to carry into effect the provisions of this act,  
5 and to fix the compensation of the person or persons so  
6 employed, and to terminate such employment at their dis-  
7 cretion; and they are authorized out of the moneys by  
8 this act appropriated to make such expenditures as may  
9 be needed for the actual and necessary travelling expenses  
10 of themselves and their said employes, stationery, ex-  
11 penses of disinfecting premises, cars, and other places,  
12 destroying diseased and exposed animals and paying for  
13 the same, and such other expenses and expenditures as  
14 they may find to be necessary to properly carry into effect  
15 the provisions of this act.

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



STATE OF MAINE.

---

IN SENATE, January 26, 1887.

Reported by Mr. FLINT, and on his motion laid on table to be printed.

Read and passed.

CHARLES W. TILDEN, *Secretary.*