

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 84.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-NINE.

AN ACT to extirpate Contagious Diseases among Cattle.

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

SECTION 1. That for the purpose of facilitating and
2 encouraging the live-stock interests of the State of Maine,
3 and for extirpating all insidious, infectious and conta-
4 gious diseases, now or that may be among cattle and other
5 live stock, and especially tuberculosis, the Governor of
6 the State is hereby authorized and required, immediately
7 after the passage of this act, to appoint a board of cattle
8 commissioners, consisting of three persons of known exec-
9 utive ability, who shall be charged with the execution of
10 the provisions of this act, and who shall be known and
11 designated as the "State of Maine Cattle Commission,"
12 and whose powers and duties shall be those provided for
13 in this act, and whose tenure of office shall be at the option

14 of the Governor. The compensation of said commissioners
15 shall be at the rate of three dollars per day, during the
16 time they are actually engaged in the discharge of their
17 duties as commissioners. The said commissioners shall
18 respectively take an oath to faithfully perform the duties
19 of their office, and shall immediately organize as such
20 commission, by the election of one of their number as
21 president thereof, and proceed, forthwith, to the discharge
22 of the duties devolved upon them by the provisions of
23 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
3 existence of tuberculosis, pleuro-pneumonia, foot and
4 mouth disease, and any other infectious or contagious
5 diseases. And such commissioners, or their duly
6 constituted agent, are hereby authorized to enter any
7 premises or places, including stock-yards, cars, and
8 vessels within any county, or part of the State in or at
9 which they have reason to believe there exists any such
10 diseases, and to make search, investigation and inquiry,
11 in regard to the existence thereof. Upon the discovery
12 of the existence of any of the said diseases, the said
13 commissioners are hereby authorized to give notice, by
14 publication, of the existence of such disease, and the
15 locality thereof, in such newspapers as they may select,
16 and to notify, in writing, the officials or agents of any
17 railroad, steamboat, or other transportation company
18 doing business in or through such infected locality, of
19 the existence of such disease; and are hereby authorized
20 and required to establish and maintain such quarantine
21 of animals, places, premises, or localities, as they may

22 deem necessary to prevent the spread of any such disease,
23 and also to cause the appraisal of the animal or animals
24 affected with the said disease, in accordance with such
25 rules and regulations by them, as hereinafter authorized
26 and provided, and also to cause the same to be destroyed,
27 and to pay the owner or owners thereof one-half of their
28 value, as determined upon the basis of health before
29 infection, out of any moneys appropriated by the
30 legislature for that purpose; provided, however, that no
31 appraised value shall be more than two hundred dollars
32 for an animal with pedigree recorded or recordable in the
33 recognized herd-books of the breed in which the animal
34 destroyed may belong, nor more than one hundred dollars
35 for an animal which has no recordable pedigree; provided,
36 further, that in no case shall compensation be allowed for
37 an animal destroyed under the provisions of this act,
38 which may have contracted or been exposed to such
39 disease in a foreign country, or on the high seas, or that
40 may have been brought into this State within one year
41 previous to such animal's showing evidence of such
42 disease; nor shall compensation be allowed to any owner
43 who in person, or by agent, knowingly and wilfully
44 conceals the existence of such disease, or the fact of
45 exposure thereto in animals of which the person making
46 such concealment, by himself or agent, is in whole or
47 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 investiga-
5 tions aforesaid, regarding the existence of said contagious

6 diseases; for ascertaining, entering and searching places
7 where such diseased 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 there-
18 after published in such manner as may be provided for in
19 such regulations; and after such publication said rules
20 and regulations shall have the force and effect of law, so
21 far as the same are not inconsistent with this act and
22 other laws of the State, or United States.

SECT. 4. That any person or persons who shall know-
2 ingly and wilfully refuse permission to said commis-
3 sioners, or either of them or their duly constituted agent
4 to make, or who knowingly and wilfully obstructs said
5 commissioners, or either of them, or their duly constituted
6 agent in making all necessary examinations of, and as to
7 animals supposed by said commissioners to be diseased as
8 aforesaid, or in destroying the same, or who knowingly
9 attempts to prevent said commissioners, or either of them,
10 or their duly constituted agent from entering upon the
11 premises and other places herein before specified where
12 any of said diseases are by said commissioners supposed
13 to exist, shall be deemed guilty of a misdemeanor, and,
14 upon conviction thereof, or of either of the acts in this

15 section prohibited, shall be punished by fine not exceeding
16 one hundred dollars, or by imprisonment not exceeding
17 ninety days, or by both fine and imprisonment, at the
18 discretion of the court.

SECT. 5. That any person who is the owner of, or who
12 is possessed of any interest in any animals affected
3 with any of the diseases named in section two of this act,
4 or any person who is agent, common carrier, consignee,
5 or otherwise is charged with any duty in regard to any
6 animal so diseased, or exposed to the contagion of such
7 disease, or any officer or agent charged with any duties
8 under the provisions of this act, who shall knowingly
9 conceal the existence of such contagious disease, or the
10 fact of such exposure to said contagion, and who shall
11 knowingly and wilfully fail, within a reasonable time,
12 to report to the said commissioners their knowledge or
13 their information in regard to the existence and location
14 of said disease, or of such exposure thereto, shall be
15 deemed guilty of a misdemeanor, and shall be punishable
16 as provided in section four of this act.

SECT. 6. That when the owner of animals, decided
2 under the provisions of this act, by the proper authority,
3 to be diseased, or to have been exposed to contagion,
4 refuses to accept the sum authorized to be paid under the
5 appraisement provided for in this act, it shall be the
6 duty of the commissioners to declare and maintain a rigid
7 quarantine as to the animals decided, as aforesaid, to be
8 diseased or to have been exposed to any contagious or
9 infectious disease, and of the premises or places where
10 said cattle may be found, according to the rules and
11 regulations to be prescribed by said commissioners,

12 approved by the Governor, and published as provided in
13 the third 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,
4 shall receive for transportation, or transport from one
5 part of the State to another part of the State, or to bring
6 from any other State or foreign country any animals
7 affected with any of the diseases named in section two
8 of this act, or that have been exposed to such diseases,
9 especially the disease known as tuberculosis, knowing
10 such animals to be affected, or to have been so exposed;
11 nor shall any person or persons, company or corporation,
12 deliver for such transportation to any railroad company,
13 or to the master or owner of any vessel, any animals,
14 knowing them to be affected with, or to have been ex-
15 posed to, any of said diseases; nor shall any person or
16 persons, company or corporation, drive on foot, or trans-
17 port in private conveyance, from one part of the State to
18 another part of the State, any animal, knowing the same
19 to be affected with, or to have been exposed to, any of
20 said diseases. Any person or persons violating the pro-
21 visions of this section, shall be deemed guilty of a misde-
22 meanor, and upon conviction thereof shall be punished
23 by fine not exceeding the sum of two hundred dollars, or
24 by imprisonment not exceeding six months, or by both
25 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
3 shall be brought to their notice or knowledge by any
4 person making the complaint under oath; and the same

5 shall be heard in any supreme judicial court having juris-
6 diction in the county in which the violation of this act has
7 been committed.

SECT. 9. That the said commissioners are hereby
2 authorized to appoint or elect one of their number as
3 secretary of said board, who shall receive a reasonable
4 compensation for his services during the time in which,
5 under the provisions of this act, the services of the said
6 commissioners shall be required. The said commissioners
7 shall make and preserve a full record of all rules and
8 regulations promulgated under the provisions of this act,
9 of all payments and expenses hereunder incurred, and all
10 other transactions performed by said commissioners in
11 the discharge of their duties as herein provided; and the
12 said commissioners shall, on or before the first Wednesday
13 in January of each year, during their continuance in
14 service, and at other times as they may deem conducive
15 to the public interests, or as they may be required so to
16 do by the Governor of the State, report to said Governor
17 full and accurate accounts of their expenditures, and
18 other proceedings under the provisions of this act, and of
19 the condition of said diseases, if any, in the State, to be
20 communicated by him to the legislature. Whenever the
21 functions of said commission shall be suspended or
22 terminated, it shall turn over to the secretary of state all
23 its books, papers, records, and other effects, taking his
25 receipt therefor, and he shall remain the custodian of the
26 same until such time as the functions of said commission
27 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
7 discretion ; 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 traveling 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 actually necessary to properly carry
15 into effect 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,
3 from time to time, as the same may be found to be needed,
4 upon requisition made by the said commissioners, and shall
5 be disbursed by the said secretary of said commission
6 only upon vouchers approved by said commissioners or a
7 majority of them. The said secretary shall before enter-
8 ing upon the duties of his office, take an oath to faithfully
9 discharge the duties thereof and shall enter into a bond
10 to the State of Maine, with sureties to be approved by
11 the treasurer of State, in such sum as he may designate,
12 for the faithful accounting of all moneys received by the
13 said secretary of the commission, under the provisions of
14 this 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
2 or in conflict with the provisions of this act, be, and the
3 same are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 1, 1889. }

Ordered printed to accompany private bill. An act to amend sections 2 and 4, chapter 138, Public Laws of 1887, relating to contagious disease among cattle, on motion of Mr. BURLEIGH of Vassalboro'.

NICHOLAS FESSENDEN, *Clerk.*