

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 259

House of Representatives, February 2, 1911.

Introduced by Mr. Thompson of Skowhegan, who moved its reference to the Committee on Agriculture. In Senate February 3, so referred in concurrence.

C. C. HARVEY, Clerk.

House of Representatives Feb. 16, 1911.

On motion of Mr. Pollard of Solon,

Ordered, That the Clerk of the House have printed 500 copies of An Act introduced by Mr. Thompson of Skowhegan for the better protection of cattle, horses and other domestic animals against contagious diseases, which act has been referred to the Committee on Agriculture.

Read and passed.

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT for the better protection of cattle, horses, and other
domestic animals against contagious diseases.

Be it enacted by the People of the State of Maine, as follows:

Section 1. In order to aid and encourage farmers and
2 others interested in the breeding and raising of live-stock in

3 the State of Maine, and to extirpate all infectious, contagious
4 and spreading diseases among cattle, horses, swine, and
5 other live-stock and domestic animals, and especially the dis-
6 ease known as tuberculosis, the Governor is hereby author-
7 ized and required, immediately after the passage of this act,
8 to appoint a State Veterinarian, who shall be a graduate of
9 some veterinary college of acknowledged reputation in the
10 United States, Canada, or Europe, and who shall hold said
11 office for the term of four years, or until his successor may
12 be appointed. The compensation of said State Veterinarian
13 shall be two thousand dollars per annum, to be paid from the
14 state treasury as in cases of other state officers, and five hun-
15 dred dollars for clerk hire, under the provisions of section
16 one of chapter one hundred sixteen of the Revised Stat-
17 utes, and acts amendatory thereof and additional thereto.
18 Before entering upon the discharge of his duties under this
19 act, said State Veterinarian shall take an oath to faithfully
20 and impartially perform the duties of his office.

Sect. 2. Said State Veterinarian shall be attached to and
2 be a part of the agricultural department of this state, and
3 shall be under the supervision and direction of the Commis-
4 sioner of Agriculture, as hereinafter set forth.

Sect. 3. It shall be the duty of said State Veterinarian to
2 cause investigation to be made as to the existence of tuber-
3 culosis, pleuro-pneumonia, foot and mouth disease, glanders,
4 hog-cholera, and any and all other infectious or contagious
5 diseases among cattle, horses, sheep and swine, at any and

6 all places within the state. Said State Veterinarian and his
7 duly constituted agent or agents are hereby authorized to en-
8 ter any premises or places, including stock-yards, cars, and
9 vessels, within any county or part of the state, in or at
11 which they have reason to believe any such disease exists,
12 and to make search, investigation and inquiry as to the exist-
13 ence thereof. Upon the discovery of the existence of any of
14 the said diseases, the said State Veterinarian is hereby au-
15 thorized to give notice, by publication of the existence of
16 such disease, and the locality thereof, in such newspapers as
17 he may select, and to notify in writing the official or agent
18 of any railroad, steamboat, or other transportation company,
19 doing business in or through such infected locality, of the
20 existence of such disease; and is hereby further authorized
21 and required to establish and maintain such quarantine of
22 such animals, places, premises or localities as he may deem
23 necessary to prevent the spread of any such disease. He
24 shall also cause to be made as hereinafter provided the ap-
25 praisal of any such animal or animals found to be infected
26 with said disease, and cause said animal or animals to be de-
27 stroyed, and a proper disposition made of the carcass or car-
28 casses thereof, in accordance with such rules and regulations
29 as the Commissioner of Agriculture shall establish, and shall
30 pay the owner or owners thereof out of any moneys appro-
31 priated by the Legislature for that purpose, as hereinafter
32 provided; except that in cases where said owner or owners
33 shall refuse to accept such sum as hereinafter provided, said

34 State Veterinarian shall have the option of destroying said
35 animal or animals or of establishing against said owner or
36 owners the quarantine hereinafter provided.

Sect. 4. In all cases in which animals are condemned as
2 diseased by said State Veterinarian or person employed by
3 him to examine the same, and in which his appraisal is agreed
4 to by the owner thereof, said appraisal shall be final; but in
5 case the owner thereof does not consent to said appraisal,
6 then it shall be made by a member of the board of assessors
7 of the city, town or plantation within which such diseased
8 animals are found, or in case such diseased animals are
9 found in an unorganized township by a member of the board
10 of assessors of some adjoining or neighboring (if no adjoin-
11 ing) town, city or plantation, which member shall be selected
12 by said State Veterinarian or his duly constituted agent, and
13 whose services shall be paid for by the State; or, upon re-
14 quest of the owner or owners of said diseased animal or
15 animals a second appraiser may be selected by him from
16 said board of assessors, the services and expenses of said
17 second appraiser, however, to be paid by the owner. Said
18 assessors are hereby required, when called upon as aforesaid
19 by notice in writing, to make such appraisal, and shall be
20 entitled to receive as compensation therefor the sum of two
21 dollars per day, and six cents per mile each way for actual
22 travel. Said appraisal shall be based upon the value of the
23 animal in the condition it is found at the time of appraisal,
24 except that no deduction or allowance shall be made for the

25 existence of any of the aforementioned diseases, and the
26 appraised value of any animal shall not exceed its market
27 value at that time. Said State Veterinarian may cause such
28 animal so infected or diseased to be destroyed, and shall pay
29 the owner thereof out of any moneys appropriated for that
30 purpose, as follows :

For horses, a sum not to exceed one-half of the appraised
32 value, and in no case a sum exceeding one hundred dollars.

For cattle that are registered, a sum not to exceed one-half
34 of the appraised value, and in no case a sum exceeding fifty
35 dollars for any animal so destroyed.

For cattle not registered, a sum not to exceed one-half of
37 the appraised value, and in no case a sum exceeding twenty-
38 five dollars for any animal so destroyed.

For sheep, registered, a sum not to exceed one-half of the
40 appraised value, and in no case a sum exceeding six dollars
41 for any animal so destroyed, and in like manner for sheep
42 not registered, but in no case a sum exceeding two dollars
43 for any sheep so destroyed.

All other animals so destroyed shall be paid for at the rate
45 of one-half their appraised value.

Provided, however, that in no case shall compensation be
47 allowed or paid for any animal so destroyed which may have
48 been brought into this state within one year previous to such
49 animal's showing evidence of such disease; nor shall com-
50 pensation be allowed or paid to any owner who in person or
51 by agent knowingly or wilfully conceals the existence of

52 such disease, or the fact of exposure thereto of such con-
53 demned animal, whether such person be sole or part owner.

But any animal so condemned and destroyed by order of
55 said State Veterinarian without the consent of the owner or
56 person in charge, which proves upon examination to be free
57 from the disease for which it was condemned, shall be paid
58 for by the state at the full appraised value, and a written
59 report of the condemnation and post-mortem examination,
60 giving a description of the animal or animals, the name of
61 the owner or person in charge, the place where found, the
62 name of the veterinarian under whose certificate it was de-
63 stroyed, the condition in which it was found at said post-
64 mortem examination, and whether affected with the disease
65 for which it was condemned or not, shall be forthwith filed
66 with the Commissioner of Agriculture at Augusta.

Whenever an examination has been made by the State Vet-
68 erinarian or person employed by him of any animal or ani-
69 mals, and they are found by him to be affected with any in-
70 fectious, contagious, or spreading disease, and condemned
71 by him to be destroyed, he shall give to the owner or keeper
72 thereof a notice in writing that such animal or animals are
73 to be appraised and destroyed, and shall keep the original, of
74 which the notice given to the owner or keeper shall be an
75 attested copy. If such owner or keeper objects to such
76 proceeding, he shall note such objection on the back of the
77 original copy in the hands of the State Veterinarian or per-
78 son employed by him as aforesaid, which original notice in

79 every case shall be presented to such owner or keeper, who
80 shall in all cases be instructed how to note his objection or
81 consent thereon. Said owner or keeper of each condemned
82 animal shall then have the right to select any veterinarian
83 who is a graduate of any reputable college in the United
84 States, Canada or Europe, to inspect such animal or animals
85 at the time they are killed. If said owner or keeper has
86 entered his objection as aforesaid, and the animal or animals
87 are found after they are killed to be infected with the dis-
88 ease for which they were condemned, such owner or keeper
89 shall pay the expense of such inspection, but if not so infect-
90 ed then such expense shall be paid by the state.

Sect. 5. Any person who is the owner of, or who is pos-
2 sessed of any interest in, any animal affected with any of the
3 diseases named in section two of this act, or any person who
4 is agent, common carrier, consignee, or is otherwise charged
5 with any duty in regard to any animal so diseased, or ex-
6 posed to the contagion of such disease, or any officer or agent
7 charged with any duties under the provisions of this act,
8 who shall knowingly conceal the existence of such contagious
9 disease, or the fact of such exposure to said contagion, and
10 who shall knowingly and wilfully fail, within a reasonable
11 time, to report to the said State Veterinarian his knowledge
12 of his information in regard to the existence and location of
13 said disease, or of such exposure thereto, shall be deemed
14 guilty of a misdemeanor, and shall be punished by a fine not

15 exceeding fifty dollars, or by imprisonment not exceeding
16 days.

Sect. 6. When the owner of animals decided by the proper
2 authority under the provisions of this act to be diseased, or
3 to have been exposed to contagion, refuses to accept the sum
4 authorized to be paid under the appraisement provided for
5 in this act, it shall be the duty of the State Veterinarian to
6 declare and maintain a rigid quarantine as to the animals de-
7 cided as aforesaid to be diseased or to have been exposed to
8 any contagious or infectious disease, and of the premises or
9 places where said cattle, horses, sheep or swine may be
10 found, according to the rules and regulations to be prescribed
11 by said State Veterinarian and approved by the Commission-
12 er of Agriculture and by the Governor.

Sect. 7. No person or persons owning or operating a rail-
2 road, nor the owner or owners or masters of any steam, sail-
3 ing or other vessels within the state, shall receive for trans-
4 portation, or transport from one part of the state to another
5 part of the state, or bring from any other state or foreign
6 country any animals affected with any of the diseases named
7 in section two of this act, or that have been exposed to such
8 diseases, especially the disease known as tuberculosis, know-
9 ing such animals to be so affected or exposed; nor shall any
10 person or persons, company or corporation drive on foot or
11 transport in private conveyance from one part of the state
12 to another part of the state any animal, knowing the same
13 to be affected with, or to have been exposed to any of the

14 said diseases. Any person or persons violating the pro-
15 visions of this section shall be deemed guilty of a misde-
16 meanor, and upon conviction thereof shall be punished by a
17 fine not exceeding the sum of two hundred dollars, or by
18 imprisonment not exceeding six months, or by both; the
19 proper movement of these animals under the direction of the
20 State Veterinarian for purposes of slaughter and disposal
21 excepted.

Sect. 8. When cattle shipped from Maine to the quarantine
2 station at Brighton, Massachusetts, are subjected to the tu-
3 berculin test and respond to such test, and the inspector of
4 the cattle bureau of Massachusetts shall find upon post-
5 mortem examination that such cattle were diseased from
6 tuberculosis, and will so state in writing within twenty days
7 from shipment from the state, to the Commissioner of Ag-
8 riculture, and shall also give in writing a description of such
9 animal, the name of the owner, the shipper, the date and
10 place from which the same was shipped, the name of the
11 party from whom it was bought, and the fair cash value of
12 said animal at the time condemned, not to exceed fifty dol-
13 lars, and shall also comply with any other rule or regulation
14 that the Commissioner of Agriculture may require, the own-
15 er shall be entitled to receive one-half the appraised value,
16 not to exceed twenty-five dollars for such animal; but in no
17 case shall he be paid for any animal condemned under the
18 provisions of this section until he has filed with the Commis-
19 sioner of Agriculture a claim stating the name of the own-

er, shipper, his post-office address, place and date of shipment, price paid for said animal, name of person from whom said animal was purchased, 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 parts of the animal as may have been sold, and the amount received from such sale shall be deducted from the amount due the owner of the condemned animal. In no case, however, shall the owner be paid more than the purchase price of such condemned animal.

Sect. 9. Cattle reacting to the tuberculin test may be sent to the establishments maintaining a United States Government Meat Inspection Service, and be killed under Federal Government inspection, and be disposed of in accordance with the requirements of the Government Meat Inspection Act.

Sect. 10. Such sum as may be deemed necessary by the State Veterinarian shall be used from the appropriation for the purpose of vaccination of cattle against tuberculosis, under such rules and regulations as shall be made for the control of such work.

Sect. 11. Cattle used for dairy purposes or for breeding purposes that are to be shown in competition for prizes at the state and county agricultural shows shall be tested with tuberculin within twelve months of the opening date of the exhibition where they are to be shown. Such tests shall

6 be made under the direction of the State Veterinarian, who
7 shall furnish a certificate of such test to the owner or own-
8 ers of such animals.

State Agricultural Associations who receive any aid from
10 the state shall demand this certificate of the test, duly au-
11 thorized by the State Veterinarian, from owners of cattle
12 that are to compete for prizes, in accordance with the above,
13 under penalty or forfeiture of such aid, calves under four
14 years excepted.

Sect. 12. The Commissioner of Agriculture shall make
2 all needful rules and regulations as to the manner in which
3 the application shall be made to the State Veterinarian for
4 the investigation of tuberculosis in the herds of the state, but
5 the State Veterinarian shall determine the way and manner
6 in which the test shall be made to apply, and shall not be held
7 responsible for any private tests made.

Sect. 13. There shall be left with the owner of all con-
2 demned cattle or other animals a proper certificate, duly
3 authenticated, showing the number condemned, the value
4 at which they were appraised, which shall be transferable
5 only with the consent of the State Veterinarian.

Sect. 14. The State Veterinarian shall thoroughly disin-
2 fect all stables and premises where condemned animals are
3 found, or cause the same to be done by a competent agent
4 in his employ, and the expense incurred on account of such
5 disinfection shall be paid one-half from the appropriation
6 for the extirpation of contagious diseases in cattle and other

7 live-stock, and one-half by the owner or person in control of
8 such stables and premises.

Sect. 15. It shall be the duty of the assessors of all cities,
2 towns and plantations to keep a record of all pure-blooded
3 cattle kept for breeding purposes, and make a report of the
4 same to the Commissioner of Agriculture on or before the
5 first day of July of each year, showing the name of the
6 owner, number in each herd, age and sex, such reports to
7 be made upon blanks furnished by the Commissioner of
8 Agriculture.

Sect. 16. All persons selling pure-blooded cattle, or cattle
2 represented to be pure-blooded, for breeding purposes, shall
3 before delivery make a report to the Commissioner of Agri-
4 culture upon blanks furnished by him on application, stating
5 the number of cattle sold, the age and sex, and to whom sold,
6 and before delivery thereof such cattle shall be tested with
7 tuberculin under the direction of the State Veterinarian, and
8 a certificate of health shall be given by him, unless such a
9 test has been carried out under his direction within one year,
10 excepting in case of calves under four months. Such cer-
11 tificate of health shall be delivered to the buyer by the seller.

Whoever violates any provision of this section shall be pun-
13 ished by a fine of not less than twenty-five dollars, nor more
14 than fifty dollars for each offense.

Sect. 17. No horses or neat stock, (cows, calves, steers,
2 bulls, or oxen), of any age, shall be allowed to enter the
3 State of Maine from any other state or county, either for

4 dairy purposes or breeding purposes, or for slaughter, (ex-
5 cept cattle in transit under the control of the Federal Gov-
6 ernment) without a permit duly authorized by the State Vet-
7 erinarian, said permit to accompany the shipment.

Said neat stock shall be tested with tuberculin within thirty
9 days of arrival, regardless of any other test made, and shall
10 be held in quarantine on the premises of the owner until re-
11 leased by the State Veterinarian. Whoever violates any
12 provision of this section shall be punished by a fine as pro-
13 vided in section sixteen.

Sect. 18. For the purpose of carrying into effect the pro-
2 visions of this act, said State Veterinarian is hereby author-
3 ized and empowered to appoint agents, to serve under him
4 and by his direction, in the performance of the various du-
5 ties heretofore enumerated, which agents, for the perform-
6 ance of their said duties are invested with all the powers con-
7 ferred by this act upon said State Veterinarian; said agents
8 to be paid from the legislative appropriations made for the
9 purpose of maintaining this branch of the Department of
10 Agriculture, such compensation to be fixed by the State Vet-
11 erinarian, with the approval of the Commissioner of Agri-
12 culture, but in no case to exceed the sum of five dollars for
13 each day of actual service, in addition to expenses actually
14 incurred.

Sect. 19. Chapter nineteen of the Revised Statutes, and
2 chapter one hundred thirty-three of the Public Laws of nine-
3 teen hundred and nine are hereby repealed.