

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 32

In Senate, Jan. 24, 1911.

Laid on table for printing on motion by Mr. Hill of Penobscot pending reference to a committee.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to extirpate contagious diseases among cattle, horses,
sheep and swine.

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

Section 1. That for the purpose of facilitating and encour-
2 aging the live stock interests of Maine, and for extirpating
3 all insidious, infectious, and contagious diseases, now or that
4 may be among cattle, horses, sheep and swine, and especially
5 tuberculosis, the Governor of the state is hereby authorized
6 and required, immediately after the passage of this act, to
7 appoint three persons of known ability, one of whom shall
8 be a graduate of a recognized veterinary college, who shall
9 be charged with the execution of the provisions of this act,
10 and who shall be known and designated as the Live Stock

11 Sanitary Board, and whose powers and duties shall be those
12 provided for in this act, and whose tenure of office shall be
13 six years, unless sooner removed by the Governor. In the
14 beginning, one shall be appointed for two years, one for four
15 years and one for six years, and thereafter one shall be ap-
16 pointed every two years.

The compensation of said members shall be five dollars per
18 day of actual service in the performance of their duties.

They shall take oath, respectively, to faithfully perform
20 the duties of their office, and shall immediately organize as
21 such, Live Stock Sanitary Board by the election of one of
22 their number as President thereof and proceed forthwith
23 to the discharge of the duties devolved upon them by the
24 provisions of this act.

Sect. 2. That it shall be the duty of the Live Stock Sani-
2 tary Board to cause investigation to be made as to the exist-
3 ence of tuberculosis, pleuro-pneumonia, foot and mouth dis-
4 ease, glanders, hog-cholera and any other infectious and con-
5 tagious disease, among cattle, horses, sheep and swine; and
6 such Live Stock Sanitary Board or their duly constituted
7 agent, are hereby authorized to enter any premises or places
8 including stock-yards, cars and vessels, within any county or
9 part of the state, in or at which they have reason to believe,
10 there exists any such diseases, and to make search, investi-
11 gation and inquiry in regard to the existence thereof.

Upon the discovery of the existence of any of the said dis-
13 eases, the Live Stock Sanitary Board are authorized to give

14 notice, by publication of the existence of such disease, and
15 the locality thereof, in such newspapers as they may select,
16 and to notify in writing the officials or agents of any rail-
17 road, steamboat or other transportation company, doing
18 business in or through such infected locality, of the exist-
19 ence of such disease; and are hereby authorized and re-
20 quired to establish and maintain such quarantine of animals,
21 places, premises or localities, as they may deem necessary to
22 prevent the spread of any such disease, and also to cause the
23 appraisal of the animal or animals affected with the said dis-
24 ease, in accordance with such rules and regulations, made by
25 them, as hereinafter authorized and provided, and also to
26 cause the same to be destroyed, and a proper disposition of
27 the carcass made, according to rule and regulation as afore-
28 said, and to pay the owner or owners thereof their value,
29 as determined upon a basis of health before infection, out
30 of any moneys appropriated by the Legislature for that
31 purpose; provided however, that no appraised value shall
32 be more than one hundred dollars for an animal with a pedi-
33 gree recorded or recordable in the recognized herd books of
34 the breed in which the animal destroyed may belong, nor
35 more than fifty dollars for an animal which has no recordable
36 pedigree; provided further, that in no case shall compensa-
37 tion be allowed for an animal destroyed under the provisions
38 of this act, which may have contracted or been exposed, to
39 such disease in a foreign country, or on the high seas, or that
40 may have been brought into this state within one year previ-

41 ous to such animal showing evidence of such disease, and the
42 owner or owners thereof shall furnish satisfactory evidence
43 as to the time such animal or animals shall have been owned
44 in the state; nor shall compensation be allowed to any owner
45 who in person, or by agent, knowingly and wilfully conceals,
46 the existence of such disease, or the fact of exposure thereto
47 in animals of which the person making such concealment,
48 by himself or agent, is in whole or part owner.

Sect. 3. That the Live Stock Sanitary Board is hereby
2 authorized and required to make record, and publish rules
3 and regulations, providing for and regarding the agencies,
4 methods, and manners of conducting, and the investigations
5 aforesaid, regarding the existence of said contagious dis-
6 eases; for ascertaining, entering and searching places where
7 such diseased animals are supposed to exist; for ascertaining
8 what animals are so diseased, or have been exposed to con-
9 tagious diseases; for making, reporting and recording de-
10 scriptions of the said animals so diseased, exposed and de-
11 stroyed and for appraising the same, and for making pay-
12 ment therefor; and to make all other needful rules and reg-
13 ulations, which may in the judgment of the Live Stock Sani-
14 tary Board be deemed requisite, to the full and due execu-
15 tion of the provisions of this act.

All such rules, and regulations before they shall become
17 operative, shall be approved by the Governor of Maine, and
18 thereafter published in such manner as may be provided for
19 in such rules and regulations and after such publication, said

20 rules and regulations shall have the force and effect of law,
21 so far as the same are not inconsistent with this act and
22 other laws of the state, or the United States.

Sect. 4. That any person or persons who shall knowingly
2 and wilfully refuse permission to the Live Stock Sanitary
3 Board, or either of them, or their duly constituted agent, to
4 make, or who knowingly or wilfully, obstructs said Live
5 Stock Sanitary Board, or either of them, or their duly con-
6 stituted agent, in making all necessary examinations of, and
7 as to animals supposed by the Live Stock Sanitary Board
8 to be diseased as aforesaid, or in destroying the same, or
9 who knowingly attempts to prevent such Live Stock Sanitary
10 Board, or either of them or their duly constituted agent,
11 from entering upon the premises and other places herein
12 before specified, where any of said diseases are by the Live
13 Stock Sanitary Board supposed to exist, shall be deemed
14 guilty of a misdemeanor, and upon conviction thereof or of
15 either of the acts in this section prohibited, shall be punished
16 by fine, not exceeding one hundred dollars, or by imprison-
17 ment, not exceeding ninety days, or by both at the discretion
18 of the court.

Sect. 5. That any person who is the owner of, or who is
2 possessed of any interest in any animal effected with any
3 of the diseases named in section two of this act, or any per-
4 son who is agent, common carrier, consignee or is otherwise
5 charged with any duty in regard to any animal so diseased,
6 or exposed to the contagion of such disease, or any officer or

7 agent, charged with any duties under the provisions of this
8 act, who shall knowingly conceal the existence of such con-
9 tagious disease, or the fact of such exposure to contagion,
10 and who shall knowingly and wilfully fail within a reason-
11 able time, to report to the Live Stock Sanitary Board their
12 knowledge or their information in regard to the existence
13 and location of such disease, or of exposure thereto, shall
14 be deemed guilty of a misdemeanor, and shall be punished
15 as provided in section four of this act.

Sect. 6. That when the owner of animals decided under
2 the provisions of this act, by the proper authority, to be
3 diseased, or to have been exposed to contagion, refuses to
4 accept the sum authorized to be paid under the appraise-
5 ment provided for in this act, it shall be the duty of the Live
6 Stock Sanitary Board, to declare and maintain a rigid quar-
7 antine as to the animals decided as aforesaid, to be diseased,
8 or exposed to any contagious or infectious disease, and of the
9 premises or places where said cattle, horses, sheep or swine
10 may be found, according to the rules and regulations to be
11 prescribed by said Live Stock Sanitary Board, approved by
12 the Governor, and published as provided in the third section
13 of this act.

Sect. 7. That no person or persons owning or operating a
2 railroad, nor the owner or owners or masters, of any steam,
3 sailing or other vessels, within the state, shall receive for
4 transportation, or transport from one part of the state to
5 another part of the state, or to bring from any other state

6 or foreign country, any animal affected with any of the dis-
7 eases named in section two of this act, or that have been
8 exposed to such diseases, especially the disease known as
9 tuberculosis, knowing such animals to be affected, or to have
10 been so exposed; nor shall any person or persons, company
11 or corporation, drive on foot, or transport in private con-
12 veyance, from one part of the state to another part of the
13 state, any animal, knowing the same to be affected with, or
14 to have been exposed to, any of said diseases; the proper
15 movement of these animals under the direction of the Live
16 Stock Sanitary Board for purposes of slaughter and dis-
17 posal, excepted. Any person or persons violating the pro-
18 visions of this section, shall be deemed guilty of a misde-
19 meanor, and upon conviction thereof, shall be punished by
20 fine not exceeding two hundred dollars, or by imprisonment
21 not exceeding six months, or by both.

Sect. 8. When cattle shipped from Maine, to the quar-
2 antine station at Brighton, Massachusetts, are subjected to
3 the tuberculin test, and respond to such test, and the inspec-
4 tor for the "Cattle Bureau" of Massachusetts shall find upon
5 post-mortem examination that such cattle were diseased with
6 tuberculosis, and will so state in writing within twenty days,
7 from shipment from the state, to the Live Stock Sanitary
8 Board, and shall also give in writing a description of such
9 animal, the name of the owner, the shipper, the date and
10 name of place from which the same was shipped, the name
11 of the party of whom it was bought and the fair cash value

12 at time condemned of such animal, not to exceed fifty dollars,
13 and shall also comply with any other rule or regulation that
14 the Live Stock Sanitary Board may require, the owner shall
15 be entitled to receive a fair market value, not to exceed
16 fifty dollars, for said animal; but in no case shall he be paid
17 for any animal condemned under the provisions of this sec-
18 tion, until he has filed with the Live Stock Sanitary Board,
19 a claim, stating the name of the owner, the shipper, his post
20 office address, place and date of shipment, price paid for
21 said animal, name of person from whom said animal was
22 purchased and such other information as the Live Stock
23 Sanitary Board may require; such claim shall be accompa-
24 nied in every instance with a "sale ticket" for such part of
25 the animal, as may have been sold, and the amount received
26 from such sale, shall be deducted from the appraised value
27 due the owner of the condemned animal.

Sect. 9. Cattle re-acting to the tuberculin test, may be sent
2 to establishments maintaining a United States Government
3 Meat Inspection service, and be killed under Federal Gov-
4 ernment Inspection, and be disposed of according to the re-
5 quirements of the Federal Government Meat Inspection Act.

Sect. 10. Such sum as may be deemed necessary by the
2 Live Stock Sanitary Board shall be used from their appro-
3 priation for the purpose of vaccination of cattle against tu-
4 berculosis, under the rules and regulations as shall be made
5 for the control of such work.

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

Such test shall be under the direction of the Live Stock
7 Sanitary Board, who shall furnish a certificate of such test,
8 to the owner or owners of such animals. Agricultural as-
9 sociations who receive any aid from the state, shall demand
10 this certificate of test, duly authorized by the Live Stock
11 Sanitary Board, from owners of cattle that are to compete
12 for prizes, in accordance with the above, under penalty of
13 forfeiture of such aid; calves under one year old, excepted.

Sect. 12. The Live Stock Sanitary Board shall make all
2 needful rules and regulations as to the manner in which ap-
3 plication shall be made to them for the investigation of
4 tuberculosis in the herds of the state, the way and manner in
5 which the test shall be applied and shall not be held respon-
6 sible for any private test made.

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

Sect. 14. That the Live Stock Sanitary Board shall thor-
2 oughly disinfect all stables and premises where condemned
3 animals were found, or cause the same to be done by a com-

4 petent agent in the employ of such Board, and the expense
5 incurred on account of such disinfection shall be paid from
6 the appropriation allowed for the use of such Board.

Sect. 15. That it shall be the duty of the Assessors of all
2 cities, towns and plantations, to keep a record of all pure
3 blood cattle, kept for breeding purposes, and make a report
4 of the same, to the Live Stock Sanitary Board, on or before
5 the 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 Live Stock Sanitary
8 Board.

Sect. 16. That all persons selling pure blood cattle, or cat-
2 tle represented to be pure blooded, for breeding purposes,
3 shall before delivery, make a report to the Live Stock Sani-
4 tary Board, upon blanks furnished by them upon applica-
5 tion, stating the number of cattle sold, the age and sex and
6 to whom sold, and before delivery thereof, such cattle shall
7 be tested with tuberculin under the direction of, and a cer-
8 tificate of health given by, the Live Stock Sanitary Board,
9 unless such a test has been carried out under their direction,
10 within one year; calves under four months old, excepted.
11 Such certificate of health shall be delivered to the buyer by
12 the seller.

Whoever violates any provision of this section, shall be
14 punished by fine of not less than twenty-five dollars nor more
15 than fifty dollars for each offence.

Sect. 17. That no neat stock, (calves, cows, steers, oxen or
2 bulls) of any age, shall be allowed to enter the state of
3 Maine, from any other state or country, neither for dairy
4 purposes, breeding purposes nor for slaughter, (except cat-
5 tle in transit under the control of the Federal Government)
6 without a permit, duly authorized by the Live Stock Sanitary
7 Board, said permit to accompany the shipment. Such ani-
8 mals shall be tested with tuberculin within thirty days of
9 arrival, regardless of any other test made, and shall be held
10 in quarantine upon the premises of the owner, until released
11 by the Live Stock Sanitary Board.

Whoever violates any provision of this section, shall be
13 punished by fine as provided in section sixteen.

Sect. 18. It shall be the duty of the several county attor-
2 neys, to prosecute all violations of this act, which shall be
3 brought to their notice or knowledge by any person making
4 the complaint under oath; and the same shall be heard in
5 any supreme judicial court having jurisdiction in the county
6 in which the violation of this act has been committed.

Sect. 19. That the said Live Stock Sanitary Board is
2 hereby authorized to appoint, or elect one of their number,
3 a secretary of said board, who shall receive a reasonable
4 sum for his services during the time in which under the pro-
5 visions of this act, the services of the said Live Stock Sani-
6 tary Board shall be required. They shall make and pre-
7 serve a full record of all rules and regulations promulgated
8 under the provisions of this act, of all payments and ex-

9 penses, hereunder incurred, and all other transactions per-
10 formed by them in the discharge of their duties as herein
11 provided; and they shall on or before the first Wednesday
12 in January, of each year, during their continuance in service,
13 and at other times as they may deem conducive to the pub-
14 lic interests, or as they may be required so to do by the
15 Governor of the state, report to said Governor, full and
16 accurate accounts of their expenditures, and other proceed-
17 ings under the provisions of this act, and of the condition
18 of said diseases, if any in the state, to be communicated by
19 him to the Legislature. Whenever the functions of said
20 Live Stock Sanitary Board shall be suspended or terminated,
21 it shall turn over to the Secretary of State, all of its books,
22 papers, records, and other effects, taking his receipt therefor,
23 and he shall remain the custodian of the same until such time
24 as the functions of said Live Stock Sanitary Board may be
25 restored.

Sect. 20. That the Live Stock Sanitary Board shall have
2 power, and are hereby authorized, to employ skilled veterina-
3 rians, and such other agents and employes as they may
4 deem necessary to carry into effect the provisions of this act,
5 and to fix the compensation of the person or persons so em-
6 ployed, and to terminate such employment at their discretion;
7 and they are authorized out of the moneys by this act appro-
8 priated, to make such expenditures as may be needed for the
9 actual and necessary traveling expenses of themselves and
10 their said employes, stationery, expense of disinfecting prem-

11 ises, cars, and other places, destroying diseased and exposed
12 animals, and paying for the same and such other expenses
13 and expenditures as they may find to be annually necessary
14 to properly carry into effect the provisions of this act.

Sect. 21. That the moneys appropriated by this act shall
2 be paid over to the Secretary of the Live Stock Sanitary
3 Board from time to time, as the same may be found to be
4 needed, upon requisition made by the said Secretary, and
5 shall be disbursed by him only upon vouchers approved by
6 said Live Stock Sanitary Board or a majority of them. The
7 said Secretary shall, before entering upon the duties of his
8 office, take an oath to faithfully discharge the duties thereof,
9 and shall enter into a bond with the state of Maine, with
10 sureties to be approved by the Treasurer of the state in such
11 sums as he may designate, for the faithful accounting of all
12 moneys received by the said secretary, under the provisions
13 of this act.

Sect. 22. That for the purpose of carrying into effect the
2 provisions of this act, the sum of one hundred thousand dol-
3 lars for the year nineteen hundred and eleven and a like
4 amount for nineteen hundred and twelve, or as much thereof
5 as may be necessary, is hereby appropriated out of any mon-
6 eys in the treasury not otherwise appropriated.

Chapter nineteen of the Revised Statutes of 1903, together
8 with Chapter 133 of the Laws, Acts and Resolves of 1909,
9 are hereby repealed.