

NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 214

In Senate, March 20, 1911.

Reported by Mr. Hill from Committee on Agriculture and ordered printed under joint rules.

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 encouraging the live stock interests of Maine, and for extirpating all insidious, infectious, and contagious diseases, now or that may be among cattle, horses, sheep and swine, and especially tuberculosis, the governor of the state is hereby authorized and required, immediately after the passage of this act, to appoint one person of known ability, who shall be charged with the execution of the provisions of this act, and who shall be known and designated as the live stock sanitary commissioner and whose powers and duties shall

11 be those provided for in this act, and whose tenure of office
12 shall be four years, unless sooner removed by the governor.

The compensation of said commissioner shall be fifteen
14 hundred dollars per year and actual traveling expenses and
15 five hundred dollars for clerk hire.

He shall take oath to faithfully perform the duties of his
17 office devolving upon him by the provisions of this act.

Sect. 2. That it shall be the duty of the live stock sani-
2 tary commissioner to cause investigation to be made as to
3 the existence of tuberculosis, pleuro-pneumonia, foot and
4 mouth disease, glanders, hog-cholera and other infectious
5 and contagious disease, among cattle, horses, sheep and
6 swine; and such live stock sanitary commissioner or his duly
7 constituted agent, is hereby authorized to enter any premises
8 or places including stock-yards, cars and vessels, within any
9 county or part of the state, in or at which he has reason to
10 believe there exists any such disease, and to make search,
11 investigation 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 commissioner is authorized to
14 give notice, by publication of the existence of such disease,
15 and the locality thereof, in such newspapers as he may
16 select, and to notify in writing the officials or agents of any
17 railroad, steamboat or other transportation company, doing
18 business in or through such infected locality, of the exist-
19 ence of such disease; and is hereby authorized and required
20 to establish and maintain such quarantine of animals, places,

21 premises or localities, as he may deem necessary to prevent
22 the spread of any such disease, and also to cause the ap-
23 praisal of the animal or animals affected with the said dis-
24 ease, in accordance with such rules and regulations, made
25 by him, as hereinafter authorized and provided, and also
26 to cause the same to be destroyed, and a proper disposition
27 of the carcass made, according to rule and regulation as
28 aforesaid, and to pay to the owner or owners thereof their
29 value, as determined upon at the time of appraisal, out of
30 any moneys appropriated by the Legislature for that pur-
31 pose; provided, however, that no appraised value shall be
32 more than one hundred dollars for cattle, with a pedigree
33 recorded, or recordable in the recognized herd books, of
34 the breed in which the cattle destroyed may belong, nor
35 more than fifty dollars, for cattle which has no recordable
36 pedigree; provided further, that in no case shall compen-
37 sation be allowed for an animal destroyed under the pro-
38 visions of this act, which may have contracted or been ex-
39 posed, to such disease in a foreign country, or on the high
40 seas, or that may have been brought into this state, within
41 one year previous to such animal showing evidence of such
42 disease, and the owner or owners thereof shall furnish sat-
43 isfactory evidence as to the time such animal or animals
44 shall have been owned in the state; nor shall compensation
45 be allowed to any owner who in person, or by agent, know-
46 ingly and wilfully conceals the existence of such disease,
47 or the fact of exposure thereto in animals of which the per-

48 son making such concealment, by himself or agent, is in
49 whole or part owner.

Sect. 3. That the live stock sanitary commissioner is here-
2 by authorized and required to make record, and publish
3 rules and regulations, providing for and regulating the agen-
4 cies, methods and manners of conducting the investigation
5 aforesaid, regarding the existence of said contagious dis-
6 cases; for ascertaining, entering and searching places where
7 such diseased animals are supposed to exist; for ascertain-
8 ing what animals are so diseased, or have been exposed to
9 contagious diseases; for making, reporting and recording
10 descriptions of the said animals so diseased, exposed and
11 destroyed 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 his judgment be deemed requisite,
14 to the full and due execution of the provisions of this act.

All such rules and regulations before they shall become
16 operative, shall be approved by the governor of Maine, and
17 thereafter published in such manner as may be provided for
18 in such rules and regulations and after such publication,
19 said rules and regulations shall have the force and effect
20 of the law, so far as the same are not inconsistent with this
21 act and other laws of the state, or the United States.

Sect. 4. That any person or persons who shall know-
2 ingly and wilfully refuse permission to the live stock sani-
3 tary commissioner, or his duly constituted agent, to make,
4 or who knowingly or wilfully obstructs said live stock sani-

5 tary commissioner, or his duly constituted agent, in making
6 necessary examination of, and as to animals supposed by
7 the live stock sanitary commissioner or his agent to be dis-
8 eased as aforesaid, or in destroying the same, or who know-
9 ingly attempts to prevent such live stock sanitary commis-
10 sioner or his duly constituted agent, from entering upon the
11 premises and other places herein before specified, where any
12 of said diseases are by the live stock sanitary commissioner
13 supposed to exist, shall be punished by fine, not exceeding
14 one hundred dollars, or by imprisonment, not exceeding
15 ninety days, or by both 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 animal affected with any
3 of the diseases named in section two of this act, or any
4 person who is agent, common carrier, consignee or is other-
5 wise charged with any duty in regard to any animal so dis-
6 eased, or exposed to the contagion of such disease, or any
7 officer or agent, charged with any duties under the pro-
8 visions of this act, who shall knowingly conceal the exist-
9 ence of such contagious diseases, or the fact of such ex-
10 posure to contagion, and who shall knowingly and wilfully
11 fail within a reasonable time to report to the live stock sani-
12 tary commissioner the knowledge of their information in
13 regard to the existence and location of such disease, or
14 exposure thereto (shall be deemed guilty of a misdemeanor)
15 and shall be punished as provided in section four of this
16 act.

Sect. 6. That when the owner of animals adjudged 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
6 live stock sanitary commissioner to declare and maintain a
7 rigid quarantine for thirty days as to the animals adjudged
8 as aforesaid, to be diseased, or exposed to any contagious
9 or infectious disease and of the premises or places where
10 said cattle, horses, sheep or swine may be found, according
11 to the rules and regulations to be prescribed by said live
12 stock sanitary commissioner, approved by the governor, and
13 published as provided in the third section of this act.

Sect. 7. That no person owning or operating a railroad,
2 nor the owner or owners or masters, of any steam, sailing
3 or other vessel, within the state, shall receive for transpor-
4 tation, or transport from one part of the state to another
5 part of the state, or to bring from any other state or foreign
6 country, any animal affected with any of the diseases named
7 in section two of this act, or that have been exposed to
8 such diseases, especially the disease known as tuberculosis,
9 knowing such animals to be affected or to have been so ex-
10 posed; nor shall any person or persons, company or corpo-
11 ration, drive on foot, or transport in private conveyance,
12 from one part of the state to another part of the state, any
13 animal knowing the same to be affected with, or to have
14 been exposed to, any of said diseases; the proper move-

15 ment of these animals under the direction of the live stock
16 sanitary commissioner for purposes of slaughter and dis-
17 posal, excepted. Any person or persons violating the pro-
18 visions of this section shall be punished by fine not exceed-
19 ing one hundred dollars, or by imprisonment not exceed-
20 ing three months, or by both.

Sect. 8. When cattle shipped from Maine, to the quaran-
2 tine station at Brighton, Massachusetts, are subjected to the
3 tuberculin test, and respond to such test, and the inspector
4 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 commissioner, and shall also give in writing a description
9 of such animal, the name of the owner, the shipper, the
10 date and name of place from which the same was shipped,
11 the name of the party of whom it was bought and the fair
12 cash value at time condemned of such animal, and shall
13 also comply with any other rule or regulation that the live
14 stock sanitary commissioner may require, the owner shall
15 be entitled to receive a fair market value, not to exceed
16 fifty dollars for grade and one hundred dollars for thor-
17 oughbred cattle, with a pedigree recorded or recordable.
18 All other animals so destroyed shall be paid for at the rate
19 of one-half their appraised value, but in no case shall he be
20 paid for any animal condemned under the provisions of
21 this section, until he has filed with the live stock sanitary

22 commissioner a claim, stating the name of the owner, the
23 shipper, his post-office address, place and date of shipment,
24 price paid for such animal, name of the person from whom
25 said animal was purchased and such other information as
26 the live stock sanitary commissioner may require; such
27 claim shall be accompanied in every instance with a "sale
28 ticket" for such part of the animal as may have been sold,
29 and the amount received for such sale shall be deducted
30 from the appraised value due the owner of the condemned
31 animal.

Sect. 9. Cattle reacting to the tuberculin test, may be sent
2 to establishments maintaining a United States government
3 meat inspection service, and be killed under federal govern-
4 ment inspection, and be disposed of according to the require-
5 ments of the federal government meat inspection act. The
6 proceeds of the sale of such animal shall be paid to the state
7 treasurer by the live stock sanitary commissioner, and added
8 to such appropriation as shall be made under this act.

Sect. 10. Such sum as may be deemed necessary by the
2 live stock sanitary commissioner shall be used from their
3 appropriation for the purpose of vaccination of cattle against
4 tuberculosis, under the rules and regulations as shall be
5 made 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 state agricultural shows, Bangor, Waterville and Lewiston,
4 shall be tested with tuberculin, within twelve months of the

5 opening date of the exhibition where they are to be shown.

Such test shall be made under the direction of the live
7 stock sanitary commissioner, who shall furnish a certificate
8 of such test, to the owner or owners of such animals. State
9 agricultural associations who receive any aid from the state,
10 shall demand a certificate of test, duly authorized by the
11 live stock sanitary commissioner, from owners of cattle that
12 are to compete for prizes in accordance with the above,
13 under penalty of forfeiture of such aid; calves under one
14 year old excepted.

Sect. 12. The live stock sanitary commissioner shall make
2 all needful rules and regulations as to the manner in which
3 application shall be made to them for the investigation of
4 tuberculosis in the herds of the state, provided, however,
5 they employ regular skilled veterinaries; he shall regulate
6 the way and manner in which the test shall be applied and
7 shall not be held responsible 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 they
4 are appraised, which shall be transferable only with the
5 consent and acceptance of the commissioner.

Sect. 14. That the live stock sanitary commissioner shall
2 thoroughly disinfect all stables and premises where con-
3 demned animals were found, or cause the same to be done
4 by a competent agent in the employ of such commissioner
5 and the expense incurred on account of such disinfectant

6 one-half shall be paid from the appropriation allowed for
7 the use of such commissioner and one-half by owner or per-
8 son in control of such stable and premises.

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 to make a
4 report of the same to the live stock sanitary commissioner
5 on or before the first day of July of each year, showing the
6 name of the owner, number in the herd, age and sex; such
7 reports to be made upon blanks furnished by the live stock
8 sanitary commissioner.

Sect. 16. That all persons selling pure blood cattle, or
2 cattle represented to be pure blooded, for breeding purposes,
3 shall before delivery, make a report to the live stock sani-
4 tary commissioner, upon blanks furnished by them upon
5 application, stating the number of cattle sold, the age and
6 sex and to whom sold, and before delivery thereof, such
7 cattle shall be tested with tuberculin under the direction of,
8 and a certificate of health given by, the live stock sanitary
9 commissioner, unless such a test has been carried out under
10 the direction within one year; calves under one year ex-
11 cepted. Such certificate of health shall be delivered to the
12 buyer by the seller.

Whoever violates any provision of this section, shall be
14 punished by fine of not less than twenty-five dollars or more
15 than fifty dollars for each offense.

Sect. 17. That no neat stock (calves, cows, steers, oxen

2 or bulls), or stags of any age, shall be allowed to enter the
3 state of Maine, from any other state or country, neither for
4 dairy purposes, breeding purposes nor for slaughter, (ex-
5 cept cattle in transit under the control of the federal gov-
6 ernment) without a permit duly authorized by the live stock
7 sanitary commissioner, said permit to accompany the ship-
8 ment. Such animals shall be tested with tuberculin within
9 thirty days of arrival, regardless of any other test made,
10 and shall be held in quarantine upon the premises of the
11 owner, until released by the live stock sanitary commis-
12 sioner.

Whoever violates any provision of this section, shall be
14 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 live stock sanitary commissioner shall
2 make and preserve a full record of all rules and regulations
3 promulgated under the provisions of this act, and all pay-
4 ments and expenses hereunder incurred, and all other
5 transactions performed by him in the discharge of his du-
6 ties as herein provided; and he shall on or before the first
7 Wednesday in January, of each year, under his continuance
8 in service, and at other times as he may deem conducive to

9 the public interests, or as he may be required so to do by
10 the governor of the state, report to said governor, full and
11 accurate accounts of his expenditures and other proceed-
12 ings under the provisions of this act, and of the condition
13 of said disease, if any in the state, to be communicated by
14 him to the Legislature. Whenever the functions of said live
15 stock sanitary commissioner shall be suspended or termi-
16 nated, it shall turn over to the secretary of state, all of its
17 books, papers, records, and other effects, taking his receipt
18 therefor, and he shall remain the custodian of the same
19 until such time as the functions of said live stock sanitary
20 commissioner may be restored.

Sect. 20. That the live stock sanitary commissioner shall
2 have power, and is hereby authorized to employ skilled
3 veterinarians in all tuberculin tests and such other agents
4 and employees as they may deem necessary to carry into
5 effect the provisions of this act, and to fix the compensa-
6 tion of the person or persons so employed, and to termi-
7 nate such employment at his discretion; and he is author-
8 ized out of the moneys by this act appropriated, to make
9 such expenditures as may be needed for the actual and nec-
10 essary traveling expenses of himself and said employees,
11 stationery, expense of disinfecting the premises, cars and
12 other places, destroying diseased and exposed animals, and
13 paying for the same and such other expenses and expendi-
14 tures that he may find to be actually necessary to properly
15 carry into effect the provisions of this act.

Sect. 21. That the moneys appropriated by this act shall
2 be paid by the treasurer of the state of Maine upon requi-
3 sition, upon vouchers approved by said live stock sanitary
4 commissioner. The said live stock sanitary commissioner
5 before entering upon his duties of the office, shall take an
6 oath to faithfully discharge the duties of said commissioner,
7 and shall enter upon a bond with the state of Maine, with
8 sureties to be approved by the governor and council in such
9 a sum as they may designate, for the faithful performing
10 and discharging of all duties devolving upon said commis-
11 sioner under the provisions of this act.

Sect. 22. That for the purpose of carrying into effect the
2 provisions of this act the sum of twenty-five thousand dol-
3 lars for the year nineteen hundred and eleven, and a like
4 amount for the year nineteen hundred and twelve, or as
5 much thereof as may be necessary, together with all moneys
6 received or that may be received from the sale of hides and
7 carcasses of condemned animals, is hereby appropriated out
8 of all moneys in the treasury, not otherwise appropriated.

Sect. 23. Chapter nineteen of the Revised Statutes of
2 nineteen hundred and three, together with chapter one hun-
3 dred and thirty-three of the Public Laws of nineteen hun-
4 dred and nine, are hereby repealed.

All acts and parts of acts inconsistent herewith are hereby
6 repealed.