

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 413

H. P. 971

House of Representatives, February 8, 1949.

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Boothby of Livermore.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relative to Licensing Dealers in Livestock.

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

R. S., c. 27, §§ 123-A-123-G, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto 7 new sections to be numbered 123-A to 123-G, inclusive, to read as follows:

'Dealers in Livestock

Sec. 123-A. Intent of §§ 123-A-123-G. The purposes of sections 123-A to 123-G, inclusive, are to maintain fair and equitable practices in the buying and selling of livestock within this state, and to suppress practices in such transactions which tend against the elimination of diseased and unfit livestock. In respect to dealers in livestock the provisions of sections 123-A to 123-G, inclusive, supplement and do not supersede other provisions of the laws relating to the control of livestock diseases under the provisions of this chapter. Said sections shall not apply to farmers occasionally selling or buying livestock for the purposes of disposing of or restocking their own herds or flocks.

Sec. 123-B. Livestock dealers to be licensed; agent to be designated. No person, firm, partnership or corporation shall act as a dealer of livestock unless duly licensed as hereinafter provided; and no agent shall act for any

dealer unless the dealer is duly licensed and has designated such agent to act in his behalf. A dealer shall be accountable and responsible for the acts of his agents.

Sec. 123-C. Applications and license fees. Application for a license as a dealer in livestock shall be made upon a form prescribed by the commissioner, or his duly constituted agent. The commissioner, or his duly constituted agent, if satisfied with the applicant's qualifications, shall issue to such applicant, on payment of a \$5 license fee, a license entitling the applicant to act as a dealer for a period of 1 year from July 1 of the year in which the application was made.

Sec. 123-D. Refusing, revoking and suspending licenses; appeals; hearing. The commissioner, or his duly constituted agent, shall have the power to revoke or suspend any license issued under the provisions of sections 123-A to 123-G, inclusive, whenever it is determined by himself or any of his deputies that any of the provisions of this chapter and rules and regulations have been violated. Before any license shall be revoked, the commissioner, or his duly constituted agent, shall give the licensee 10 days' notice, personally or by mail, of the time and place of hearing. At such hearing the commissioner, or his duly constituted agent, shall receive evidence and hear the licensee and shall thereafter file an order either dismissing the proceeding or revoking such license. Any licensee who feels aggrieved or dissatisfied with the decision of the said commission may appeal from said decision within 10 days to the superior court in the county where the licensee resides, or in the case of a non-resident, to the superior court in the county of Kennebec.

Sec. 123-E. Definitions.

I. The term "livestock" shall include all cattle (dairy, feeding, beef or breeding animals), sheep, goats, swine and horses.

II. The term "dealer" means any person, copartnership, association, or corporation engaged in the business of buying or selling livestock, whether such purchase or sale be completed by cash, delayed payment, transfer, exchange, barter, or shipment on commission. A person who receives livestock exclusively for slaughter on his own premises shall not be termed a dealer.

III. The term "agent" means any person acting for or in behalf of another in any of the transactions which constitute being a dealer as above defined.

Sec. 123-F. Commissioner to make rules and regulations. The commissioner shall make uniform rules and regulations for carrying out the provisions of sections 123-A to 123-G, inclusive, which shall be consistent with the rules and regulations for livestock disease control provided for under this chapter.

Sec. 123-G. Penalties. Any person, copartnership, association or corporation engaged in the business of buying or selling livestock as defined in sections 123-A to 123-G, inclusive, without a license provided for in section 123-B, or who shall violate any of the provisions of sections 123-B to 123-F, inclusive, or neglect or refuse to comply with any of the provisions thereof, shall be punished by a fine of not more than \$200 for the 1st offense, and not more than \$500 for each subsequent offense.'