

# 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

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**Legislative Document**

**No. 1598**

H. P. 2106

House of Representatives, April 30, 1949

Reported by Mr. Boothby from the Committee on Agriculture; on motion of Mr. Boothby of Livermore report was tabled pending acceptance and May 2, 1949 assigned.

HARVEY R. PEASE, Clerk

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Relative to Licensing Dealers in Livestock.**

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

**R. S., c. 27, §§ 123-A - 123-H, additional.** Chapter 27 of the revised statutes is hereby amended by adding thereto 8 new sections to be numbered 123-A to 123-H, inclusive, to read as follows:

**'Dealers in Livestock**

**Sec. 123-A. Intent of §§ 123-A - 123-H.** The purposes of sections 123-A to 123-H, 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-H, 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. Definitions.** As used in sections 123-A to 123-H, inclusive:  
**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. The term "dealer" shall also apply to non-residents of the state who carry on business of buying and selling livestock in the state, whether such dealer is licensed in the state of his residence or not.

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-C. Livestock dealers and agents 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 he and the dealer are duly licensed and the dealer has designated such agent to act in his behalf. A dealer shall be accountable and responsible for the acts of his agents.

Sec. 123-D. Applications and license fees; certificates; dealer license plates. Application for a license as a dealer in livestock or as an agent 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 a license entitling the applicant to act as a dealer or as an agent for a period of 1 year from July 1 of the year in which the application was made. The license fee for a dealer shall be \$5 and for an agent, 50c. Each dealer and agent shall also receive from the commissioner certificates as such which certificates shall be carried in the motor vehicle or truck owned or used by such dealer or agent. Each dealer shall also receive from the commissioner dealer license plates to be attached to each motor vehicle or truck owned or used by such dealer.

Sec. 123-E. 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-H, 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-F. Records; health certificates; sanitation of trucks and premises. Licensed livestock dealers shall keep records of transactions of cattle over 6 months of age by eartag number, or if not eartagged, by description; or by both eartag and description. They shall furnish a health certificate on all cattle over 6 months of age sold to any person in the state except to recognized slaughtering establishments for immediate slaughter.

Licensed dealers selling cattle over 6 months of age to other than recognized slaughtering establishments for immediate slaughter shall furnish the purchaser with a health certificate showing the date of the last known test for Bang's disease and tuberculosis. If the last Bang's disease test was made over 30 days previously he shall cause the cattle to be retested. If the last tuberculosis test is unknown or was made before 3 years previous to the time of the transaction he shall cause the cattle to be retested by an accredited veterinarian. The form of health certificate and the issuance of the same shall be at the direction of the commissioner or his duly authorized agent.

A licensed dealer shall at all times keep his motor vehicles or trucks and premises in a sanitary condition. No cattle known to be affected with tuberculosis or Bang's disease shall be transported in any vehicle with other cattle except those going directly for slaughter.

All motor vehicles, trucks or other conveyances used to transport known reactors to tuberculosis and Bang's disease shall be cleaned and disinfected before being used for the transportation of any other livestock.

Sec. 123-G. 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-H, inclusive, which shall be consistent with the rules and regulations for livestock disease control provided for under this chapter.

Sec. 123-H. Penalties. Any person, copartnership, association or corporation engaged in the business of buying or selling livestock as defined in sections 123-A to 123-H, inclusive, without a license provided for in section 123-C, or who shall violate any of the provisions of sections 123-B to 123-G,

**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.'**