

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1078

H. P. 1462

House of Representatives, March 2, 1951.

Referred to the 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
FIFTY-ONE

AN ACT to Clarify Laws of Division of Animal Husbandry.

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

Sec. 1. R. S., c. 27, § 52, amended. Section 52 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 52. Commissioner to investigate as to existence of diseases. The commissioner shall cause investigation to be made as to the existence of tuberculosis, Bang's disease, pleuro pneumonia, foot and mouth disease, glanders, hog cholera, fowl pox, infectious laryngo, tracheitis, (infectious bronchitis) and other infectious contagious and contagious infectious diseases among cattle, horses, sheep, swine, and poultry domestic animals; and he, or his duly constituted agent, may enter any premises or places, including stockyards, cars and vessels, within any county or part of the state, in or at which he has reason to believe there exists any such disease, and make search, investigation and inquiry in regard to the existence thereof.'

Sec. 2. R. S., c. 27, § 53, amended. Section 53 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 53. Notice, by publication, of existence of diseases; quarantine of animals and places; appraisal of animals affected. Upon the discovery of

any contagious or infectious disease mentioned in the preceding section among livestock or poultry, the commissioner or his agent in charge of live stock sanitary work shall give notice of the existence and the locality thereof, by publication in such newspapers as he may select, and shall notify in writing the officials or agents of any railroad, steamboat, or other transportation company, doing business in or through such infected locality, of the existence of such disease; he shall establish and maintain such quarantine of animals, places, premises or localities as he may deem necessary to prevent the spread of any such disease; he shall cause the animal or animals affected with the said disease any contagious or infectious disease to be appraised in accordance with the rules and regulations made by him, as hereinafter authorized and provided, and shall cause the same to be destroyed, and a proper disposition of the carcass made, according to the rules and regulations aforesaid; he. He or his approved agent shall appraise each animal at its true market value at the time it is condemned, and shall pay out of any moneys money appropriated by the legislature for that purpose, an indemnity, but such indemnity paid by the state shall not exceed \$200 for cattle, with a pedigree recorded, or recordable, in the recognized herd book of the breed in which the cattle destroyed may belong, nor more than \$100 for the cattle which have no recordable pedigree; and all other animals so destroyed shall be paid for at the rate of $\frac{1}{2}$ their cash value; provided that no. No appraised value shall exceed \$100 for any horse condemned; provided further, that in. In no case shall compensation be allowed for any animal destroyed under the provisions of this chapter, which may have contracted or been exposed to such disease in a foreign country or on the high seas, or that may have been brought into this state within 1 year previous to such animal showing evidence of such disease, except cattle that are accompanied by tuberculin test papers showing that they are from an accredited herd or a herd under supervision of the state or country from which they come, tested within 1 year and no disease found; and the owner or owners thereof shall furnish satisfactory evidence as to the time during which such animal or animals shall have been owned in the state; nor shall. No compensation be allowed for any cattle condemned that have been illegally brought into any modified accredited area, nor to any owner who in person or by agent knowingly or wilfully conceals animals that should be tested, the existence of such disease, or the fact of exposure thereto in animals of which the person making such concealment, by himself or agent, is in whole or in part owner. In addition to the appraisal value paid to the owner of cattle as above provided, such owner shall also be entitled to the proceeds derived from the sale of any carcass in excess of \$50.'

Sec. 3. R. S., c. 27, § 54, amended. Section 54 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 54. Commissioner required to publish rules and regulations; to be approved by the governor. The commissioner shall make, record and publish rules and regulations, providing for and regulating the agencies, methods and manner of conducting the investigation provided for in section 52, regarding the existence of said contagious diseases; for ascertaining, entering and searching places where such diseased animals are supposed to exist; for ascertaining what animals are so diseased, or have been exposed to contagious diseases; for making, reporting and recording descriptions of said animals so diseased, exposed and destroyed and for appraising the same, and for making payment therefor; and shall make all other needful rules and regulations, which may in his judgment be deemed requisite, to the full and due execution of the provisions of sections 52 to ~~72~~ 76, inclusive, and section 123. All such rules and regulations before they shall become operative shall be approved by the governor, and thereafter published in such manner as may be provided in such rules and regulations; after such publication, said rules and regulations shall have the force and effect of law, so far as the same are not inconsistent with the laws of this state, or of the United States.'

Sec. 4. R. S., c. 27, § 56, amended. Section 56 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 56. Penalty for knowingly concealing the existence of disease. Any person who is the owner of, or who is possessed of any interest in any animal affected with any ~~of the diseases named in section 52~~ **contagious or infectious disease**, or any person who is agent, common carrier, or consignee or is otherwise charged with any duty in regard to any animal so diseased or exposed to the contagion of such disease, or any officer or ~~76~~, inclusive, and section 123, who shall knowingly conceal the existence of agent charged with any duties under the provisions of sections 52 to ~~72~~ such contagious disease or the fact of such exposure to contagion, and who shall knowingly and wilfully fail within a reasonable time to report to the commissioner the knowledge of their information in regard to the existence and location of such disease, or of exposure thereto, shall be punished as provided in section 55.'

Sec. 5. R. S., c. 27, § 57, amended. Section 57 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 57. Quarantine declared when owner refuses to accept sum to be paid under appraisal. When the owner of animals adjudged under the pro-

visions of sections 52 to ~~72~~ 76, inclusive, and section 123, by the proper authority, to be diseased or to have been exposed to contagion, refuses to accept the sum authorized to be paid under the appraisal provided for in sections 52 to ~~72~~ 76, inclusive, and section 123, the commissioner shall declare and maintain a rigid quarantine for 30 days as to the animals adjudged as aforesaid to be diseased or exposed to any contagious or infectious disease, and of the premises or places where said ~~cattle, horses, sheep or swine~~ **domestic animals or poultry** may be found, according to the rules and regulations prescribed by said commissioner, approved by the governor and published as provided in section 54.'

Sec. 6. R. S., c. 27, § 58, amended. Section 58 of chapter 27 of the revised statutes is hereby amended to read as follows:

'**Sec. 58. Penalty for transporting any animal affected, or that has been exposed to contagious diseases.** No person owning or operating a railroad, nor the owner or owners or masters of any steam, sailing or other vessel, within the state, shall receive for transportation, or transport from one part of the state to another part of the state, or bring from any other state or foreign country, any animal affected with any ~~of the diseases named in section 52~~ **contagious or infectious disease**, or that have been exposed to such diseases, especially the disease known as tuberculosis, knowing such animal to be affected or to have been so exposed; nor shall any person or persons, company or corporation, drive on foot or transport in private conveyance, from one part of the state to another part of the state, any animal knowing the same to be affected with, or to have been exposed to, any ~~of said diseases~~ **contagious or infectious disease**; the proper movement of these animals under the direction of the commissioner for purposes of slaughter and disposal, excepted. Any person or persons violating any provision of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.'

Sec. 7. R. S., c. 27, § 65, repealed. Section 65 of chapter 27 of the revised statutes is hereby repealed.

Sec. 8. R. S., c. 27, § 67, amended. Section 67 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'**Sec. 67. County attorneys to prosecute violations.** The several county attorneys shall prosecute all violations of the provisions of sections 52 to ~~72~~ 76, inclusive, and section 123, which shall be brought to their notice or knowledge by any person making the complaint under oath; trial justices within their counties shall have, upon complaint, original and concurrent

jurisdiction with municipal courts and the superior court in all prosecutions arising under the provisions of said sections.'

Sec. 9. R. S., c. 27, § 68, amended. Section 68 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 68. Commissioner may employ agents. The commissioner may employ skilled veterinarians in all tuberculin tests and such other agents and employees as he may deem necessary to carry into effect the provisions of sections 52 to ~~72~~ 76, inclusive, and section 123, subject to the provisions of the personnel law.'

Sec. 10. R. S., c. 27, § 69, amended. Section 69 of chapter 27 of the revised statutes, as amended, as hereby further amended to read as follows:

'Sec. 69. Payment of expenses. The actual and necessary traveling expenses of the commissioner and his employees, the expense of disinfecting premises, cars, vessels and other places, destroying diseased animals and those exposed to disease, and paying for the same, and all other expenses necessary to properly carry out the provisions of sections 52 to ~~72~~ 76, inclusive, and section 123 shall be paid out of such amounts as the legislature may appropriate. All money received from the sale of hides and carcasses of condemned animals shall be credited to the general fund.'

Sec. 11. R. S., c. 27, § 70, amended. Section 70 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 70. Commissioner authorized to enter premises to make tests; to quarantine animals and premises; to require slaughter of animals. For the protection of the public health and to prevent the infection of the ~~live stock~~ **livestock** of the state with contagious disease, the commissioner, the chief of the division of animal industry, or any of their duly authorized agents are empowered to enter upon any premises at any time where ~~live stock is~~ **domestic animals are** or may be kept and may test for tuberculosis or other contagious disease, by any reputable method, any animal found thereon; and should any such animal be found to be infected with tuberculosis or other contagious disease, the commissioner or his agent shall have power to quarantine such animal and all premises and such other animals as the commissioner or his agent may deem necessary in order to prevent the spread of the disease. The commissioner or his agent is empowered to require the slaughter and disposal of any animals found to be infected with tuberculosis or other contagious disease as provided in section 53.'