

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 299**

H. P. 286

House of Representatives, February 1, 1955.

Referred to the Committee on Agriculture, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Fuller of New Sharon.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT to Clarify Laws Relating to Bang's Disease.**

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

**Sec. 1. R. S., c. 32, § 60, amended.** Section 60 of chapter 32 of the revised statutes is hereby amended to read as follows :

~~'Sec. 60. Bond. The operator shall furnish bond of sufficient size to protect the consignors of the sale; provided, however, the aggregate liability of the surety to all such consignors shall in no event exceed the sum of said bond. The operator shall keep complete records of all sales transactions which shall be available for inspection by the Commissioner or his agent.'~~

**Sec. 2. R. S., c. 32, § 74, repealed and replaced.** Section 74 of chapter 32 of the revised statutes is hereby repealed and the following enacted in place thereof :

**'Sec. 74. Cattle tested.** For the eradication of brucellosis (Bang's disease) the Commissioner or his agent in charge of livestock sanitary work shall continue to conduct recognized tests on all the herds in the State. Such tests shall be conducted by regularly employed federal or state veterinarians or technicians or authorized veterinarians and tested by the State Laboratory. All animals showing a positive reaction to the test shall be identified by a "reactor" eartag and brand and shall be slaughtered, except vaccinated animals under 36 months of age. The Commissioner or his agent may by written consent allow the retention of reactors and such herds shall be quarantined and handled under direct supervision of the Commissioner or his agent as provided under Plan "C". Animals not officially vaccinated, showing a suspicious reaction to the blood agglutination test, must be held on premises where found and retested, or

sold for slaughter only. The movement of officially vaccinated animals between the ages of 24 and 36 months shall be restricted if the agglutination is higher than incomplete in 1-100.'

Sec. 3. R. S., c. 32, § 75, repealed and replaced. Section 75 of chapter 32 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 75. Control and eradication. The Commissioner shall formulate methods of procedure for controlling and eradicating brucellosis (Bang's disease).

Plan A. These methods shall include Plan A which embraces test and slaughter of reactors. Calfhood vaccination may or may not be used under this plan.

Certificates for certification as brucellosis-free herds shall be issued to owners of herds who qualify under the cooperative State-Federal program.

Officially vaccinated calves shall be female calves vaccinated at the age of 6 to 8 months inclusive with vaccine approved by the Commissioner or his agent and by persons approved by him.

Officially vaccinated calves shall be properly identified by eartag or registration papers and tattoo number if purebred. Grade animals shall be tagged and tattooed.

Interpretation of blood titers as to suspects and reactors shall be in compliance with the National Brucellosis Eradication Program. The quarantining and restricting of infected herds or animals shall be at the discretion of the Commissioner or his agent.

Plan C. Calfhood Vaccination in Reactor Herds under Official Supervision and Quarantine.

This is a plan of control by quarantine and calfhood vaccination for herds which in the opinion of the Commissioner or his agent are not in a position to meet the requirements of Plan A.

The herd owner shall receive written permission from the Commissioner or his agent authorizing him to operate under Plan C.

The herd shall be tested at least 2 times a year or as often as the State and Federal officials deem necessary by an approved veterinarian or technician without expense to the owner, and reported to the Commissioner or his agent.

All calves shall be vaccinated between the age of 6 to 8 months inclusive. Such vaccinations may be taken care of at the owner's discretion when a State or Federal veterinarian is on the premises in connection with this program. Calves not so vaccinated must be vaccinated at the proper age at the expense of the owner. All replacements shall be officially vaccinated and under 6 years of age.

All reactors in this herd must be tagged and branded. If the reactor tag is lost, the Division of Animal Industry must be notified so that the tag can be replaced.

This reactor herd shall be under official quarantine and must be satisfactorily and carefully managed so that it will in no way menace human health or the health of other herds and the fact of quarantine must be conspicuously posted on the outside of the barn and milk room with at least 2 signs supplied by the Commissioner or his agent.

No milk or milk products shall be distributed from this herd unless the milk has been properly pasteurized at the farm or at the milk plant.

The owner is personally responsible for keeping the cattle in this "C" Plan herd away from all physical contact with other cattle and is required to construct a double fence 6 feet apart where the pasture of this reactor herd is adjacent to a pasture harboring cattle of another herd.

No cattle shall be removed from this herd, except veal calves for immediate slaughter, without permission from the Commissioner or his agent. All reactor animals removed from the herd must be slaughtered and their slaughter must be witnessed and reported by a State or Federal official or other authorized agent. No indemnity shall be paid for cattle slaughtered from such Plan C herd unless, at the time of slaughter, the herd shall have had a clean test at least 60 days prior thereto.

No herd owner shall be allowed to operate under Plan C. for a longer period than 36 months, at the end of which time the owner of such herd shall cause all natural reactors and all officially vaccinated reactors over 36 months of age to be removed and slaughtered. The owner then must continue under Plan A. If the owner does not so continue the Commissioner or his agent is authorized to remove and cause to be slaughtered the reactor animals in the herd without payment of indemnity.

The owner or operator of a herd under Plan C who willfully or deliberately violates any of the above provisions shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 60 days, or by both such fine and imprisonment.'

Sec. 4. R. S., c. 32, § 76, amended. Section 76 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Sec. 76. Vaccination of cattle over 270 days of age. Vaccination of cattle over ~~8 months~~ 270 days of age with brucellosis vaccine is prohibited, except by special written ~~permit~~ permission from the ~~chief of the division of animal industry~~ Commissioner or his agent, and shall be identified as directed by him. Any person, partnership, association or corporation which shall violate the provisions of this section shall be punished by a fine of not more than \$25 for the 1st offense and not more than \$50 for each subsequent offense.'

Sec. 5. R. S., c. 32, § 76-A, additional. Chapter 32 of the revised statutes is hereby amended by adding thereto a new section to be numbered 76-A, to read as follows:

'Sec. 76-A. Sale of certain biologics. No biological product, containing living organisms, primarily used in veterinary medicine for livestock or poultry, shall be used or be in the possession of any person within the State or shall be

sold within, or shipped into the State of Maine, without the approval of the Commissioner or his agent. No brucellosis antigen shall be shipped into the State without the approval of the Commissioner or his agent.'

Sec. 6. R. S., c. 32, § 77, amended. Section 77 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 77. Cattle to be tested for brucellosis (Bang's Disease) before sale; penalty for violation.** It shall be unlawful for any person, firm, partnership or corporation to sell, bargain or convey any bulls or female cattle 6 or more months of age, to any person, firm, partnership or corporation within the State, except to a licensed livestock dealer or to a recognized slaughtering establishment for immediate slaughter, unless such cattle have been tested for **brucellosis** (Bang's disease) within 30 days and are accompanied by a health certificate to be issued by the Commissioner **or his agent**, except that the provisions of this section shall not apply to certified ~~(accredited) or certified vaccinated~~ **brucellosis-free herds, nor to officially vaccinated animals under 24 months of age from clean herds not under quarantine.** Any person, partnership, association or corporation which shall violate the provisions of this section shall be punished by a fine of not more than \$200 for the 1st offense and not more than \$500 for each subsequent offense.'