

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1042

S. P. 359

In Senate, March 4, 1959.

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Hillman of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Revising Laws Relating to Animal Industry.

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

Sec. 1. R. S., c. 32, §§ 48-A - 49-G, additional. Chapter 32 of the Revised Statutes is amended by adding 33 new sections to be numbered 48-A to 49-G, to read as follows:

‘Control of Diseases.

Sec. 48-A. Definitions. As used in sections 48-A to 49-G and sections 127 to 140, the following words shall have the following meanings:

“Commissioner” shall mean the commissioner or his duly authorized agent.

“Domestic animals” shall mean cattle, horses, mules, asses, goats, sheep, swine or other domesticated animals, and poultry.

“Poultry” means all domesticated birds.

“Duly authorized agent” means the Chief of the Division of Animal Industry, other employees of the State within the Division of Animal Industry, veterinarians licensed by the State to practice veterinary medicine while performing official duties for the Division of Animal Industry, employees of the Agricultural Research Service of the United States Department of Agriculture, or other persons designated by the commissioner or Chief of the Division of Animal Industry.

“Person” shall mean the State, any municipality, political subdivision, institution, public or private corporation, individual, partnership or other entity.

Sec. 48-B. Duties of commissioner and right of entry. The commissioner shall, so far as possible, prevent the introduction and spread of contagious, infectious and parasitic diseases, and exposure thereto, among domestic animals in the State, especially those diseases transmitted to man, either directly or indirectly, and those of greatest economic importance.

The commissioner shall cause investigation and diagnosis to be made by approved methods as to the existence of contagious, infectious and parasitic diseases among domestic animals in the State, and he or his duly authorized agent may enter any premises, buildings or places, including stockyards, cars, trucks, planes 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 such investigation, diagnosis or diagnostic tests as to the existence of disease that he may consider necessary.

He shall, so far as possible, control and eradicate the diseases of domestic animals. He shall formulate and apply programs for the control and eradication of tuberculosis, brucellosis and such other diseases as he deems necessary or practicable so far as funds are available.

Sec. 48-C. Responsibility of chief. The Chief of the Division of Animal Industry shall be responsible to the commissioner for the prevention, control and eradication of contagious and infectious diseases among domestic animals of the State. He shall administer the provisions of chapter 32, sections 48-A to 49-G, sections 127 to 140; chapter 100, sections 9 to 28 and chapter 140, section 18. He shall perform such other duties as may be designated by the commissioner.

Sec. 48-D. Quarantine. The commissioner may, upon discovery or upon suspicion of the existence of any disease among domestic animals or poultry in the State, take whatever action he deems necessary to prevent possible spread and to eradicate such disease. Such action may include quarantine of domestic animals, birds, products derived from them, also quarantine of articles, materials and premises, or areas, for such time and under such conditions as he may deem necessary.

Any positive diagnosis of a disease made by recognized procedures by recognized diagnostic laboratories, or by recognized qualified persons, shall be considered as official diagnosis until proved otherwise.

Quarantine may be made by registered mail or in person by an authorized agent of the commissioner, or by any other person authorized to do so.

The commissioner may use placards or any other methods he may deem necessary to give notice or warning of such quarantine.

It shall be illegal to violate the provisions of any quarantine by any person, and such violation shall be punishable by penalties as outlined in section 49-G.

Sec. 48-E. Appraisal and indemnity. Upon discovery of any contagious or infectious disease among domestic animals, the commissioner may cause the affected or exposed animals to be appraised and destroyed, and a proper disposition of the carcasses made in accordance with rules and regulations made by him, as herein authorized and provided. The commissioner shall appraise each

domestic animal at its true market value at the time it is condemned, and shall pay indemnity out of any money appropriated for that purpose.

Indemnity in the case of cattle condemned for tuberculosis shall not exceed \$200 per head for purebred registered cattle, or \$100 per head for grade cattle; nor shall it exceed \$50 for purebred registered cattle or \$20 for grade cattle condemned for brucellosis. Indemnity shall not exceed \$100 for any horse condemned.

Whenever an owner refuses to accept the appraisal established by the commissioner, he and the commissioner shall agree on one or more persons to make an appraisal, and such appraisal shall be final. Any expense involved on a re-appraisal shall be borne by the owner.

Any salvage received from condemned animals shall in all cases revert to the owner. In no case shall the combined amount received from salvage and state and federal indemnity exceed the amount of appraisal.

No indemnity shall be paid on any domestic animals imported into the State of Maine, the importation of which was not in compliance with the laws of the State or rules and regulations in effect at the time of importation.

Sec. 48-F. Rules and regulations; approval by Governor. The commissioner shall make all needful rules and regulations which may in his judgment be deemed requisite to the full and due execution of the provisions of sections 48-A to 49-G and sections 127 to 140. 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.

Eradication of Diseases. Miscellaneous Provisions.

Sec. 48-G. Reportable diseases. The commissioner shall determine which diseases shall be classified as "reportable diseases" of domestic animals. It shall be illegal for any owner, agent of any owner, veterinarian or other person having knowledge of their existence or exposure thereto not to properly report the existence of such disease or exposure thereto to the commissioner or Chief of the Division of Animal Industry immediately after knowledge of or exposure to such disease.

It shall be unlawful for any person to drive, truck or otherwise move intra or interstate domestic animals known to be infected with or exposed to any reportable disease, or domestic animals treated with any vaccine or other substance that might make them capable of spreading a disease among susceptible domestic animals. Any domestic animals infected with or exposed to any reportable disease shall be moved only under the direction of the commissioner.

Sec. 48-H. Condemning and taking possession of diseased animals. The commissioner may, when he deems it necessary, condemn and take possession of diseased or exposed domestic animals, or domestic animals suspected of being

diseased or exposed, for diagnostic purposes, and may pay the owner for the same, health, condition and market value being considered.

Sec. 48-I. Transportation of diseased animals. It shall be illegal to haul, drive, truck or otherwise move into the State any domestic animals known to be infected with or exposed to any contagious or infectious disease.

Sec. 48-J. Securing and restraining domestic animals. It shall be unlawful for an owner of domestic animals or his agent to refuse or neglect to secure and restrain domestic animals to be tested, vaccinated, branded or tattooed, or otherwise treated, as to make it possible for the commissioner, or his agent in charge of livestock sanitary work, or his representative to apply in an expeditious manner the test or other treatment that is deemed necessary.

The commissioner or his duly authorized agent may require proper disinfecting of stables and premises by the owner, where condemned diseased domestic animals are found, and may withhold indemnity until he is satisfied that proper cleaning and disinfecting of premises have been completed.

Sec. 48-K. Owner's responsibility. It shall be unlawful to tamper with, remove or alter cartags, labels, placards or notices affixed or posted by the commissioner or his agent.

No milk or dairy products shall be sold or offered for sale in the State of Maine from any herd retaining known brucellosis reactors.

Sec. 48-L. Illegal to vaccinate cattle over 270 days of age. It shall be illegal for any person, partnership, association or corporation to vaccinate any cattle with brucellosis vaccine that are over 270 days of age, unless special written permission is received from the commissioner or his agent previous to any such vaccination.

Sec. 48-M. Sale of certain biologics. No biological product containing living organisms or viruses offered for use in the treatment or prevention of diseases of domestic animals shall be sold, distributed, imported or used within the State of Maine, or imported into the State for sale, distribution or use unless approval and written permission has first been obtained from the commissioner, or his agent in charge of livestock sanitary work, for the distribution and use of such product. The commissioner or his agent has the right to refuse permission for such distribution, sale, importation or use of any such product within the State of Maine, and may require reporting of sale, distribution, importation or use of any such product within the State, if permission is granted.

No brucellosis antigen shall be shipped into the State without the approval of the commissioner or his agent.

Sec. 48-N. Permits for bringing domestic animals into the State. Any person or persons bringing horses, cattle, mules, asses, sheep, goats, swine or domestic poultry into the State may be required by the commissioner to obtain a permit previous to the time of entry, said permit to accompany shipment. If the health status of the animals offered for entry does not meet the health requirements of the State, as established by law or by rules and regulations made by the commissioner, the commissioner may refuse to grant a permit, or may

issue one subject to quarantine at destination. The commissioner may require the owner to have such animals tested or examined by a veterinarian at the owner's expense. The commissioner shall release such animals from quarantine only after he is satisfied that such animals are not a disease menace to other domestic animals of the State. Diseased domestic animals brought into the State without a permit may be condemned by the commissioner and slaughtered without indemnity.

Whoever violates the provisions of this section shall be punished by a fine or imprisonment as provided in section 49-G.

Sec. 48-O. Agreements with the United States Department of Agriculture and other states. The commissioner or his agent is authorized to enter into agreements of cooperation in the name of the State of Maine with the United States Department of Agriculture and other states for the prevention, control and eradication of diseases among domestic animals.

Sec. 48-P. Dairy, breeding and show cattle to meet certain health requirements. All domestic animals that are to be shown or exhibited in any agricultural show within the State shall meet the health requirements of the rules and regulations of the commissioner.

Livestock Community or Commission Auctions.

Sec. 48-Q. Purpose. Whereas community or commission auctions are increasing throughout the country, and if properly controlled are a benefit to the livestock industry, it is desirable to set up legislation to prohibit the spread of disease and protect the public.

Sec. 48-R. Permit. No person, partnership, association or corporation shall hold or conduct community and commission livestock auctions or sales rings without obtaining a permit from the commissioner or his duly authorized agent previous to such community and commission livestock auctions or sales rings.

Sec. 48-S. Records. The operator shall keep complete records of all sales transactions, which shall be available for inspection by the commissioner or his agent.

Sec. 48-T. Rules and Regulations. The commissioner shall make rules and regulations necessary to protect the health of animals going through such sales rings, which shall have the power of law as outlined under section 48-F.

Sec. 48-U. Permit canceled. The permit to operate such sales rings can be canceled by the commissioner or his agent upon due cause after notice and hearing.

Sec. 48-V. Definition. Any place where cattle are offered for private or public auction, the health status of which has not been previously checked and approved by the commissioner, would be deemed to be a community or commission auction.

Sec. 48-W. Certificate. There shall be left with the owner of all condemned animals a proper certificate, duly authenticated, showing the number condemned

and the value at which they are appraised, which shall be transferable only with the consent and acceptance of the commissioner.

Sec. 48-X. County attorneys to prosecute violations. The several county attorneys shall prosecute all violations of the provisions of sections 48-A to 49-G and sections 127 to 140, 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 under the provisions of said sections.

Sec. 48-Y. Agents employed. The commissioner may employ skilled veterinarians and such other agents and employees as he may deem necessary to carry into effect the provisions of sections 48-A to 49-G and sections 127 to 140 subject to the provisions of the Personnel Law.

Sec. 48-Z. Expenses. The actual and necessary traveling expenses of the commissioner and his employees, any and all expense of prevention, control and eradication of disease, 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 48-A to 49-G and sections 127 to 140 shall be paid out of such amounts as the Legislature may appropriate.

Sec. 49-A. Brucellosis; prevention, control and eradication. The commissioner shall formulate methods of procedure generally adopted for the prevention, control and eradication of brucellosis.

For the prevention, control and eradication of brucellosis, 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 30 months of age.

Officially vaccinated calves, if purebred, shall be properly identified by eartag or registration papers or tattoo number. Grade animals shall be tagged. All officially vaccinated calves must be tattooed with the official state tattoo mark.

Vesicular Exanthema.

Sec. 49-B. Definitions. As used in sections 49-B to 49-D the following words shall have the following meanings:

"Garbage" shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods, including animal carcasses or parts thereof. This does not include fruits and vegetables which have not come in contact with any other products.

"Person" shall mean the State, any municipality, political subdivision, institution, public or private corporation, individual, partnership or other entity.

Sec. 49-C. License to feed garbage; heating; inspection. No person shall feed garbage to swine without first procuring a license therefor from the commissioner or his duly authorized agent. Such licenses shall be procured annually for a fee of \$1 and shall be renewed on the first day of June of each succeeding year. This section shall not apply to any person who feeds his own household garbage only to swine which are raised for such person's own use.

Garbage, regardless of previous processing, shall, before being fed to swine, be thoroughly heated to at least 212° F. for at least 30 minutes, unless treated in some other manner which shall be approved in writing by the commissioner or his duly authorized agent.

The commissioner or his duly authorized agent shall have the power to enter at reasonable times any private or public property for the purpose of investigating conditions relating to the treating or feeding of garbage.

Sec. 49-D. Animals infected. Any animal infected with or exposed to foot and mouth disease shall be killed, buried, destroyed, rendered, processed or otherwise disposed of under the direct supervision of the commissioner or his duly authorized agent.

Sec. 49-E. Suppression and eradication. The commissioner or his agent is authorized to conduct approved diagnostic tests, procure necessary animals, personnel, equipment and facilities and take other necessary precautions for the suppression and eradication of any disease among domestic animals.

Sec. 49-F. Disposition of carcasses. The commissioner may cause the owner to make proper disposition of carcasses of domestic animals that have died of, or been condemned for certain contagious or infectious diseases, or carcasses of domestic animals from farms, herds, flocks or areas where certain contagious or infectious diseases are or have been present. Proper disposition means burning, burying, rendering or other disposition prescribed by the commissioner.

Sec. 49-G. Penalty. Whoever violates any provisions of sections 48-A to 49-F, or any rule and regulation promulgated thereunder, shall be punished by a fine of not more than \$500, or by imprisonment, or by both.

Sec. 2. R. S., c. 32, §§ 49-87, repealed. Sections 49 to 76 of chapter 32 of the Revised Statutes, as amended, sections 76-A and 76-B of chapter 32 of the Revised Statutes, as enacted by section 5 of chapter 320 of the public laws of 1955, and sections 77 to 87 of chapter 32 of the Revised Statutes, as amended, are repealed.