

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1887.

ACTS AND RESOLVES

OF THE

SIXTY-FOURTH LEGISLATURE

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1889.

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February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1889.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1889.

except real estate conveyed to her as security, or in payment of a bona fide debt actually due to her from her husband. When payment was made for property conveyed to her from the property of her husband, or it was conveyed by him to her without a valuable consideration, it may be taken as the property of her husband, to pay his debts contracted before such purchase.'

Approved February 12, 1889.

Chapter 177.

An Act to extirpate contagious Diseases among Cattle.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. That for the purpose of facilitating and encouraging the live stock interests of the state of Maine, and for extirpating all insidious, infectious and contagious diseases, now or that may be among cattle and other live stock, and especially tuberculosis, the governor of the state is hereby authorized and required, immediately after the passage of this act, to appoint a board of cattle commissioners consisting of three persons of known executive ability, who shall be charged with the execution of the provisions of this act, and who shall be known and designated as the State of Maine Cattle Commission, and whose powers and duties shall be those provided for in this act, and whose tenure of office shall be at the option of the governor. The compensation of said commissioners shall be at the rate of three dollars per day during the time they are actually engaged in the discharge of their duties as commissioners. The said commissioners shall respectively take an oath to faithfully perform the duties of their office, and shall immediately organize as such commission by the election of one of their number as president thereof, and proceed forthwith to the discharge of the duties devolved upon them by the provisions of this act.

SECT. 2. That it shall be the duties of the said commissioners to cause investigation to be made as to the existence of tuberculosis, pleuro-pneumonia, foot and mouth disease, and any other infectious or contagious diseases. And such commissioners or their duly constituted agent, are hereby

Purposes.

Board of cattle
commission:
appointment of.

Title.

—tenure of
office.

—compensation.

—oath.

—organization.

Powers and
duties.

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authorized to enter any premises or places, including stock yards, cars and vessels within any county or part of the state in or at which they have reason to believe there exists any such diseases, and to make search, investigation and inquiry in regard to the existence thereof. Upon the discovery of the existence of any of the said diseases, the said commissioners are hereby authorized to give notice, by publication, of the existence of such disease, and the locality thereof, in such newspapers as they may select, and to 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; and are hereby authorized and required to establish and maintain such quarantine of animals, places, premises or localities as they may deem necessary to prevent the spread of any such disease, and also to cause the appraisal of the animal or animals affected with the said disease, in accordance with such rules and regulations by them as hereinafter authorized and provided, and also to cause the same to be destroyed, and to pay the owner or owners thereof one-half of their value, as determined upon the basis of health before infection, out of any moneys appropriated by the legislature for that purpose; provided, however, that no appraised value shall be more than two hundred dollars for an animal with pedigree recorded or recordable in the recognized herd-books of the breed in which the animal destroyed may belong, nor more than one hundred dollars for an animal which has no recordable pedigree; provided, further, that in no case shall compensation be allowed for an animal destroyed under the provisions of this act, 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 one year previous to such animal's showing evidence of such disease; nor shall compensation be allowed to any owner who in person, or by agent, knowingly and wilfully conceals 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 part owner.

SECT. 3. That the said commissioners are hereby authorized and required to make record, and publish rules and regulations providing for and regulating the agencies, methods and manner of conducting, and the investigations aforesaid,

Required to make, record and publish rules and regulations subject to approval by the governor.

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 the said animals so diseased or exposed and destroyed, and for appraising the same, and for making payment therefor : and to make all other needful rules and regulations which may, in the judgment of the commissioners, be deemed requisite to the full and due execution of the provisions of this act. All such rules and regulations, before they shall become operative, shall be approved by the governor of Maine, and thereafter published in such manner as may be provided for in such regulations ; and after such publication said rules and regulations shall have the force and effect of law, so far as the same are not inconsistent with this act and other laws of the state, or United States.

SECT. 4. That any person or persons who shall knowingly and wilfully refuse permission to said commissioners, or either of them or their duly constituted agent to make, or who knowingly and wilfully obstructs said commissioners, or either of them, or their duly constituted agent in making all necessary examinations of, and as to animals supposed by said commissioners to be diseased as aforesaid, or in destroying the same, or who knowingly attempts to prevent said commissioners, or either of them, or their duly constituted agent from entering upon the premises and other places herein before specified where any of said diseases are by said commissioners supposed to exist, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, or of either of the acts in this section prohibited, shall be punished by fine not exceeding one hundred dollars, or by imprisonment, not exceeding ninety days, or by both fine and imprisonment, at the discretion of the court.

Penalty for obstructing commissioners.

SECT. 5. That any person who is the owner of, or who is possessed of any interest in any animals affected with any of the diseases named in section two of this act, or any person who is agent, common carrier, consignee, or otherwise is charged with any duty in regard to any animal so diseased, or exposed to the contagion of such disease, or any officer or agent charged with any duties under the provisions of this act, who shall knowingly conceal the existence of such con-

Penalty for concealing existence of any contagious disease.

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tagious disease, or the fact of such exposure to said contagion, and who shall knowingly and wilfully fail, within a reasonable time, to report to the said commissioners their knowledge or their information in regard to the existence and location of said disease, or of such exposure thereto, shall be deemed guilty of a misdemeanor, and shall be punishable as provided in section four of this act.

How animals shall be disposed of, whose owner refuses terms of appraisement.

SECT. 6. That when the owner of animals, decided under the provisions of this act, 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 appraisement provided for in this act, it shall be the duty of the commissioners to declare and maintain a rigid quarantine as to the animals decided, as aforesaid, to be diseased or to have been exposed to any contagious or infectious disease, and of the premises or places where said cattle may be found, according to the rules and regulations to be prescribed by said commissioners, approved by the governor, and published as provided in the third section of this act.

Transportation of diseased or suspected cattle forbidden.

SECT. 7. That no person or persons owning or operating any railroad, nor the owner or owners, or masters, of any steam, sailing, or other vessels, within the state, shall receive for transportation, or transport from one part of the state to another part of the state, or to bring from any other state or foreign country any animals affected with any of the diseases named in section two of this act, or that have been exposed to such diseases, especially the disease known as tuberculosis, knowing such animals to be affected, or to have been so exposed; nor shall any person or persons, company or corporation, deliver for such transportation to any railroad company, or to the master or owner of any vessel, any animals, knowing them to be affected with, or to have been exposed to, any of said diseases; 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. Any person or persons violating the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding the sum of two hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment.

—penalty.

SECT. 8. That it shall be the duty of the several county attorneys to prosecute all violations of this act, which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard in any supreme judicial court having jurisdiction in the county in which the violation of this act has been committed.

How act shall
be enforced.

SECT. 9. That the said commissioners are hereby authorized to appoint or elect one of their number as secretary of said board, who shall receive a reasonable compensation for his services during the time in which, under the provisions of this act, the services of the said commissioners shall be required. The said commissioners shall make and preserve a full record of all rules and regulations promulgated under the provisions of this act, of all payments and expenses hereunder incurred, and all other transactions performed by said commissioners in the discharge of their duties as herein provided; and the said commissioners shall, on the or before the first Wednesday in January of each year, during their continuance in service, and at other times as they may deem conducive to the public interests, or as they may be required so to do by the governor of state, report to said governor full and accurate accounts of their expenditures, and other proceedings under the provisions of this act, and of the condition of said diseases, if any, in the state, to be communicated by him to the legislature. Whenever the functions of said commission shall be suspended or terminated, it shall turn over to the secretary of state all its books, papers, records, and other effects, taking his receipt therefor, and he shall remain the custodian of the same until such time as the functions of said commission may be restored.

Secretary,
election, com-
pensation and
duties.

—report.

SECT. 10. That the commissioners shall have power, and are hereby authorized to employ skilled veterinarians, and such other agents and employes as they may deem necessary to carry into effect the provisions of this act, and to fix the compensation of the person or persons so employed, and to terminate such employment at their discretion; and they are authorized out of the moneys by this act appropriated, to make such expenditures as may be needed for the actual and necessary traveling expenses of themselves and their said employes, stationery, expenses of disinfecting premises, cars and other places, destroying diseased and exposed animals,

Authorized to
employ skilled
veterinarians.

—expenditures.

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and paying for the same, and such other expenses and expenditures as they may find to be actually necessary to properly carry into effect the provisions of this act.

How money shall be drawn from treasury and disbursed.

SECT. 11. That the moneys appropriated by this act shall be paid over to the secretary of said commission, from time to time, as the same may be found to be needed, upon requisition made by the said commissioners, and shall be disbursed by the said secretary of said commission only upon vouchers approved by said commissioners or a majority of them. The said secretary shall before entering upon the duties of his office, take an oath to faithfully discharge the duties thereof, and shall enter into a bond to the state of Maine, with sureties to be approved by the treasurer of state, in such sum as he may designate, for the faithful accounting of all moneys received by the said secretary of the commission, under the provisions of this act.

—secretary shall be sworn and give bond.

Appropriation.

SECT. 12. That for the purpose of carrying into effect the provisions of this act, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated.

Inconsistent acts repealed.

SECT. 13. That all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved February 14, 1889.

Chapter 178.

An Act to amend Section one hundred and fifty-six of Chapter two hundred and twenty-five of the Public Laws of eighteen hundred and eighty, as amended by Chapter forty of the Public Laws of eighteen hundred and eighty-one, in relation to the Militia.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Sec. 156, ch. 225, Public Laws of 1880 as amended by ch. 40 of Laws of 1881, further amended.

SECT. 1. Section one hundred and fifty-six of chapter two hundred and twenty-five of the public laws of eighteen hundred and eighty, as amended by chapter forty of the public laws of eighteen hundred and eighty-one, is hereby amended by striking out the word "sixteen" in the seventh line and inserting in its place the word 'twenty,' so that said section as amended, shall read :

Rules and regulations to be prescribed by commander-in-chief.

SECT. 156. The commander-in-chief is hereby authorized to establish and prescribe such rules, regulations, forms and precedents as he may deem proper for the use, government