

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 195**Chapter 195.**

An Act to extirpate contagious diseases among cattle, horses, sheep and swine.

Preamble.

Whereas the term of office of the present state of Maine cattle commissioners expires May first, nineteen hundred and eleven, and whereas it is necessary for the live stock interests in Maine that this act should take effect on the first day of May, in the year of our Lord nineteen hundred and eleven, therefore in the judgment of the legislature, the measure herein proposed is immediately necessary for the preservation of the public peace, health and safety.

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

Live stock sanitary commissioner, appointment of, and duties.

Section 1. That for the purpose of facilitating and encouraging the live stock interests of Maine, and for extirpating all insidious, infectious and contagious diseases, now or that may be among cattle, horses, sheep and swine, and especially tuberculosis, the governor of the state is hereby authorized and required, immediately after the passage of this act, to appoint one person of known ability, who shall be charged with the execution of the provisions of this act, and who shall be known and designated as the live stock sanitary commissioner and whose powers and duties shall be those provided for in this act, and whose tenure of office shall be four years, unless sooner removed by the governor. Said live stock sanitary commissioner shall work in conjunction with and under the general direction of the commissioner of agriculture.

—compensation.

The compensation of said commissioner shall be fifteen hundred dollars per year and actual traveling expenses and five hundred dollars for clerk hire.

—oath.

He shall take oath to faithfully perform the duties of his office devolving upon him by the provisions of this act.

Commissioner shall investigate as to existence of diseases.

Section 2. That it shall be the duty of the live stock sanitary commissioner to cause investigation to be made as to the existence of tuberculosis, pleuro-pneumonia, foot and mouth disease, glanders, hog-cholera and other infectious and contagious disease, among cattle, horses, sheep and swine; and such live stock sanitary commissioner or his duly constituted agent, is hereby 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 he has reason to believe there exists any such disease, and to make search, investigation and inquiry in regard to the existence thereof.

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Upon the discovery of the existence of any of the said diseases, the live stock sanitary commissioner is authorized to give notice, by publication of the existence of such diseases, and the locality thereof, in such newspapers as he may select, and to notify in writing the officials or agents of any railroad, steamboats or other transportation company, doing business in or through such infected locality, of the existence of such disease; and is hereby authorized and required to establish and maintain such quarantine of animals, places, premises or localities, as he 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, made by him, as hereinafter authorized and provided, and also to cause the same to be destroyed, and a proper disposition of the carcass made, according to rule and regulation as aforesaid, and to pay to the owner or owners thereof their value, as determined upon at the time of the appraisal, out of any moneys appropriated by the legislature for that purpose; provided, however, that no appraised value shall be more than one hundred dollars for cattle, with a pedigree recorded, or recordable in the recognized herd books, of the breed in which the cattle destroyed may belong, nor more than fifty dollars, for the cattle which has no recordable pedigree; and all other animals so destroyed shall be paid for at the rate of one-half their cash value; provided, further, that in no case shall compensation be allowed for any 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 showing evidence of such disease, and the owner or owners thereof shall furnish satisfactory evidence as to the time such animal or animals shall have been owned in the state; 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.

Section 3. That the live stock sanitary commissioner is hereby authorized and required to make record, and publish rules and regulations, providing for and regulating the agencies, methods and manners of conducting the investigation aforesaid, 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

—shall give notice, by publication of existence of diseases.

—quarantine of animals and places.

—appraisal of animals affected.

—proviso.

—further provided.

Commissioner required to publish rules and regulations.

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—rules and regulations shall be approved by the governor.

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 to 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 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 rules and regulations and, after such publication, said rules and regulations shall have the force and effect of the law, so far as the same are not inconsistent with this act and other laws of the state, or the United States.

Penalty for obstructing commissioner in the performance of his duties.

Section 4. That any person or persons who shall knowingly and wilfully refuse permission to the live stock sanitary commissioner, or his duly constituted agent, to make, or who knowingly or wilfully, obstruct said live stock sanitary commissioner, or his duly constituted agent, in making necessary examination of, and as to animals supposed by the live stock sanitary commissioner or his agent to be diseased as aforesaid, or in destroying the same, or who knowingly attempts to prevent such live stock sanitary commissioner or his duly constituted agent, from entering upon the premises and other places hereinbefore specified, where any of said diseases are by the live stock sanitary commissioner supposed to exist, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment, not exceeding ninety days, or by both at the discretion of the court.

Penalty for knowingly concealing the existence of disease.

Section 5. That 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 two of this act, or any person who is agent, common carrier, consignee or is otherwise charged with any duty in regard to any animal so diseased, or exposed to the contagion of such disease, or an officer or agent, charged with any duties under the provisions of this act, who shall knowingly conceal the existence of 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 live stock sanitary commissioner the knowledge of their information in regard to the existence and location of such disease, or of exposure thereto (shall be deemed guilty of a misdemeanor) and shall be punished as provided in section four of this act.

Quarantine shall be declared when owner refuses to ac-

Section 6. That when the owner of animals adjudged under the provisions of this act, by the proper authority, to be diseased, or to have been exposed to contagion, refuses to accept

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the sum authorized to be paid under the appraisement provided for in this act, it shall be the duty of the live stock sanitary commissioner to declare and maintain a rigid quarantine for thirty days as to the animals adjudged as aforesaid, to be diseased, or exposed to any contagious or infectious diseases and of the premises or places where said cattle, horses, sheep or swine may be found, according to the rules and regulations to be prescribed by said live stock sanitary commissioner, approved by the governor, and published as provided in the third section of this act.

Section 7. That 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 to bring from any other state or foreign country, any animal 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 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; the proper movement of these animals under the direction of the live stock sanitary commissioner for purposes of slaughter and disposal, excepted. Any person or persons violating the provisions of this section shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or by both.

Section 8. When cattle shipped from Maine to the quarantine station at Brighton, Massachusetts, are subjected to tuberculin test, and respond to such test, and the inspector for the "Cattle Bureau of Massachusetts" shall find upon post-mortem examination that such cattle were diseased with tuberculosis, and will so state in writing within twenty days from shipment from the state, to the live stock sanitary commissioner, and shall also give in writing a description of such animal, the name of the owner, the shipper, the date and name of place from which same was shipped, the name of the party of whom it was bought and the fair cash value of such animal at time condemned, and shall also comply with any other rule or regulation that the live stock sanitary commissioner may require, the owner shall be entitled to receive a fair market value, not to exceed fifty dollars for grade and one hundred dollars for thoroughbred cattle, with a pedigree recorded or recordable; but in no case shall he be paid for any animal condemned under the

cept sum to be paid under appraisal.

Penalty for transporting any animal affected, or that has been exposed to contagious diseases.

Conditions under which owner of condemned cattle may receive fair compensation for same.

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provisions of this section, until he has filed with the live stock sanitary commissioner a claim, stating the name of the owner, the shipper, his post-office address, place and date of shipment, price paid for such animal, name of the person from whom said animal was purchased and such other information as the live stock sanitary commissioner may require; such claim shall be accompanied in every instance with a "sale ticket" for such part of the animal as may have been sold, and the amount received for such sale shall be deducted from the appraised value due the owner of the condemned animal.

—claim shall be accompanied with "sale ticket."

Horses brought into the state shall be tested for glanders, and if affected, no compensation shall be allowed.
—proviso.

Section 9. Any person or persons bringing horses into the state of Maine intended for sale shall notify the live stock sanitary commissioner within forty-eight hours after their arrival, who shall at once cause the same to be tested with mallein for glanders at the expense of the owner, and if any are found diseased, no compensation shall be allowed. Provided, however, if the purchaser so desires he can have them tested in the state where they are bought under the direction of the authority of that state. The test shall be forwarded to the live stock sanitary commissioner who may, if satisfied therewith, waive any further tests under the provisions hereof. Provided, further, that no appraised value shall exceed one hundred dollars for any horse condemned. Whoever violates any of the provisions of this section shall be punished by a fine as provided in section sixteen.

—further provided.
—penalty.

Vaccination, provided for.

Section 10. Such sum as may be deemed necessary by the live stock sanitary commissioner shall be used from their appropriation for the purpose of vaccination of cattle against tuberculosis, under the rules and regulations as shall be made for the control of such work.

Dairy, breeding and show cattle shall be tested.

Section 11. Cattle used for dairy purposes or for breeding purposes, that are to be shown in competition for prizes, in any state agricultural shows, Bangor, Waterville and Lewiston, shall be tested with tuberculin, within twelve months of the opening date of the exhibition where they are to be shown. Such test shall be made under the direction of the live stock sanitary commissioner, who shall furnish a certificate of such test, to the owner or owners of such animals. State agricultural associations who receive any aid from the state, shall demand a certificate of test, duly authorized by the live stock sanitary commissioner from owners of cattle that are to compete for prizes in accordance with the above, under penalty of forfeiture of such aid; calves under one year excepted.

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Section 12. The live stock sanitary commissioner shall make all needful rules and regulations as to the manner in which application shall be made to him for the investigation of tuberculosis in the herds of the state, provided, however, they employ regular skilled veterinaries, who shall regulate the way and manner in which the test shall be applied and shall not be held responsible for any private test made.

Commissioner shall make needful rules and regulations. —proviso.

Section 13. 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.

Certificate shall be left with owner of condemned cattle.

Section 14. That the live stock sanitary commissioner shall thoroughly disinfect all stables and premises where condemned animals were found or cause the same to be done by a competent agent in the employ of such commissioner and the expense incurred on account of such disinfectant one-half shall be paid from the appropriation allowed for the use of such commissioner and one-half by owner or person in control of such stable and premises.

Stables where condemned animals were found shall be disinfected.

Section 15. That it shall be the duty of the assessors of all cities, towns and plantations, to keep a record of all pure blood cattle kept for breeding purposes, and to make a report of the same to the live stock sanitary commissioner on or before the first day of July of each year, showing the name of the owner, number in the herd, age and sex; such reports to be made upon blanks furnished by the live stock sanitary commissioner.

Report of pure blood cattle shall be filed with commissioner.

Section 16. That all persons selling pure blood cattle, or cattle represented to be pure blooded, for breeding purposes, shall before delivery, make a report to the live stock sanitary commissioner, upon blanks furnished by them upon application, stating the number of cattle sold, the age and sex and to whom sold, and before delivery thereof, such cattle shall be tested with tuberculin under the direction of, and a certificate of health given by the live stock sanitary commissioner, unless such a test has been carried out under the direction within one year; calves under one year excepted. Such certificate of health shall be delivered to the buyer by the seller. Whoever violates any provisions of this section, shall be punished by a fine not less than twenty-five dollars or more than fifty dollars for each offense.

Certificate of health.

—penalty.

Section 17. That no neat stock, (calves, cows, steers, oxen or bulls), or stags of any age, shall be allowed to enter the state of Maine, from any other state or country, neither for dairy-

Without a permit authorized by the commissioner.

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—no neat stock shall be allowed to enter the state.

—penalty.

County attorneys shall prosecute violations of this act.

Commissioner shall keep a record of all rules and regulations, payments and expenses and report to the governor.

—when duties of commissioner are suspended, records, etc., shall be turned over to secretary of state.

Commissioner may employ skilled veterinarians and fix compensation.

ing purposes, breeding purposes nor for slaughter, (except cattle in transit under the control of the federal government) without a permit duly authorized by the live stock sanitary commissioner, said permit to accompany the shipment. Such animals shall be tested with tuberculin within thirty days of arrival, regardless of any other test made, and shall be held in quarantine upon premises of the owner, until released by the live stock sanitary commissioner. Whoever violates any provisions of this section shall be punished by a fine as provided in section sixteen.

Section 18. 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.

Section 19. That the live stock sanitary commissioner shall make and preserve a full record of all rules and regulations promulgated under the provisions of this act, and all payments and expenses hereunder incurred, and all other transactions performed by him, in the discharge of his duties as herein provided; and he shall on or before the first Wednesday in January, of each year, under his continuance in service, and at other times as he may deem conducive to the public interest, or as he may be required so to do by the governor of the state, report to said governor, full and accurate accounts of his expenditures and other proceedings under the provisions of this act, and of the condition of said disease, if any in the state, to be communicated by him to the legislature. Whenever the functions of said live stock sanitary commissioner shall be suspended or terminated, he shall turn over to the secretary of state, all of his 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 live stock sanitary commissioner may be restored.

Section 20. That the live stock sanitary commissioner shall have power and is hereby authorized to employ skilled veterinarians in all tuberculine tests and such other agents and employees 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 his discretion; and he is 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 himself and said employees, stationery, expense of disinfecting the prem-

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ises, cars and other places, destroying diseased and exposed animals, and paying for the same and such other expenses and expenditures that he may find to be actually necessary to properly carry into effect the provisions of this act.

Section 21. That the moneys appropriated by this act shall be paid by the treasurer of the state of Maine upon requisition, upon vouchers approved by said live stock sanitary commissioner. The said live stock sanitary commissioner before entering upon his duties of the office, shall take an oath to faithfully discharge the duties of said commissioner, and shall enter upon a bond with the state of Maine, with sureties to be approved by the governor and council in such a sum as they may designate, for the faithful performing and discharging of all duties devolving upon said commissioner under the provisions of this act.

Upon requisition, state treasurer shall pay money appropriated.

—bond of commissioner.

Section 22. That for the purpose of carrying into effect the provisions of this act the sum of twenty-five thousand dollars for the year nineteen hundred and eleven, and a like amount for the year nineteen hundred and twelve, or as much thereof as may be necessary, together with all moneys received or that may be received from the sale of hides and carcasses of condemned animals, is hereby appropriated out of all moneys in the treasury not otherwise appropriated.

Appropriation.

Section 23. Chapter nineteen of the revised statutes of nineteen hundred and three, together with chapter one hundred and thirty-three of the public laws of nineteen hundred and nine are hereby repealed.

Chapter 19, R. S., 1903 and chapter 133 public laws 1909, repealed.

All acts and parts of acts inconsistent herewith are hereby repealed.

—inconsistent acts repealed.

Section 24. This act shall take effect May first, nineteen hundred and eleven.

When this act shall take effect.

Approved March 31, 1911.

Chapter 196.

An Act in relation to the Superior Court of Cumberland County.

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

Section 1. Section seventy-one of chapter seventy-nine of the revised statutes is hereby amended by inserting in the ninth line thereof after the words "quare clausum" the words 'libels for divorce,' so that said section as amended shall read as follows:

Section 71, chapter 79, R. S., amended.

'Section 71. Within said county, said superior court has exclusive jurisdiction of civil appeals from municipal and police courts and trial justices; exclusive original jurisdiction of ac-

Jurisdiction of superior court for Cumberland County.