

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-fifth Legislature

1951

'Sec. 73-C. Livestock to be tested for 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 Bang's disease within 30 days and are accompanied by a health certificate to be issued by the commissioner of agriculture, except that the provisions of this section shall not apply to certified (accredited) or certified vaccinated herds. 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.'

Effective August 20, 1951

Chapter 325

AN ACT to Control and Eradicate Bang's Disease.

Emergency preamble. Whereas, Bang's disease, or what is commonly known as contagious abortion, is a serious menace to the cattle industry of the state; and

Whereas, immediate action is necessary to check the spread of this disease to protect not only the cattle industry but also the health of the people; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 27, § 73, amended. Section 73 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 73. Cattle to be tested for "Bang's disease." For the eradication of Bang's disease, the commissioner or his agent in charge of ~~live stock~~ **livestock** sanitary work shall continue to have blood drawn from the animals over 6 months of age in all herds in the state ~~drawn~~ by a regularly employed federal or state veterinarian or technician or an authorized, accredited veterinarian and tested at the state laboratory by what is known

as the blood agglutination test, and all animals showing a positive reaction to this test shall be identified by a "reactor" eartag and brand and shall be slaughtered, or quarantined and handled under direct supervision of the commissioner or his agent as provided under Plan "C," except vaccinated animals under 36 months of age. Officially vaccinated animals over 36 months of age may be retested before being classified as reactors. Animals not officially vaccinated, showing a suspicious reaction to the blood agglutination test, must be held on premises where found for 60 days and retested, or sold for slaughter only. The movement of officially vaccinated animals not over 24 months of age shall not be restricted. 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. 2. R. S., c. 27, § 73-A, amended. Section 73-A of chapter 27 of the revised statutes, as enacted by section 1 of chapter 429 of the public laws of 1949, is hereby amended to read as follows:

'Sec. 73-A. Procedure for control and eradication. The commissioner of agriculture shall formulate the following methods of procedure for controlling and eradicating Bang's disease:

Plan A—TEST AND ERADICATION (A Brucellosis-free herd without calfhooed vaccination).

This plan aims to establish a herd in which all animals over 6 months of age are negative to the official blood test and in which calfhooed vaccination is not being used.

A certificate of ~~accreditation~~ certification indicating freedom from Bang's disease, valid until the owner or the herd fails to comply with the requirements of ~~accreditation~~ certification, will be issued ~~semiannually~~ annually by the commissioner ~~when all eligible animals in the herd have passed 3 or more consecutive official blood tests extended over a period of 12 months, and when other necessary provisions of the plan as herein stated have been complied with.~~

~~Accredited~~ Certified herds shall be tested ~~semiannually~~ annually. The blood samples must be taken by officially approved veterinarians or technicians and tested by the state laboratory. No Bang's vaccine ~~shall be~~ is used in this herd.

Plan B—CERTIFIED VACCINATED HERDS (Brucellosis-free herds using calfhooed vaccination).

This plan aims at increasing the resistance of calves so that they will be better protected against Bang's disease as adult animals. It combines the advantages of calfhooed vaccination with eradication.

Officially vaccinated calves shall be vaccinated between the ages of 4 and 8 months.

A certificate of certification indicating freedom from Bang's disease, valid until the owner or the herd fails to comply with the requirements of certification, will be issued ~~semiannually~~ annually by the commissioner ~~when all animals in the herd over 36 months of age have satisfactorily passed 3 or more consecutive official blood tests extended over a period of 12 months, when all calves between the ages of 4 and 8 months shall have been officially vaccinated by an approved veterinarian or technician and reported to the department of agriculture, and when other necessary provisions of the plan shall have been complied with.~~

~~Certified herds shall be tested semiannually. The blood samples must be taken by officially approved veterinarians or technicians and tested by the state laboratory.~~

Officially vaccinated animals over 36 months of age may be retested before being classified as reactors.

The requirements for certification under Plans A and B are as follows:

A "herd" shall be considered as including all animals over 6 months of age except steers, spayed heifers and officially vaccinated animals not more than 24 months of age (except vaccinates not over 36 months old with blood titer not over incomplete in 1-100 dilution).

A herd may be placed under supervision, for certification as Brucellosis-free, upon compliance with provisions governing the testing requirements of the cooperative state-federal program.

Herds which have adopted practices leading to certification through the elimination of reactors, shall be retested at intervals of not more than 60 days until negative, and again within 3 to 4 months following the date of the first clean test. Such herds may be certified as Brucellosis-free when they have passed at least 3 consecutive tests, with the 1st clean test and the certifying test not less than 12 months apart, provided the animals under 30 months of age vaccinated as calves shall not be required to be negative to the test.

Plan C—CALFHOOD VACCINATION IN REACTOR HERDS UNDER OFFICIAL SUPERVISION AND QUARANTINE.

~~This plan is intended only for heavily infected herds wherein it is practical and desirable to hold reactors under quarantine restrictions until vaccinated calves can be raised for replacements. This is a plan of control by quarantine and calfhood vaccination for herds not yet in a position~~

to meet the requirements of Plan B. A herd owner who fails to remove, or cause to be removed, a reactor animal within 15 days after such animal has been branded as such by the chief of the division of animal industry or his authorized agent shall be deemed to be operating under Plan C. ~~Such herds can use calfhood vaccination as a progressive step toward enabling the development of resistant young stock which can eventually replace the reactor cows in the adult herd.~~

The owner's 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 department of agriculture.

All calves shall be vaccinated between the ages of 4 to 8 months. 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 ~~should~~ must be vaccinated at the proper age at the expense of the owner. All replacements shall be properly 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 ~~is~~ 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 department.

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

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 chief of the division of animal industry. 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.

The owner is held accountable for all animals in this herd. The chief of the division of animal industry must be notified of the owner's intention to sell or remove any animals from the herd except real calves for immediate slaughter. No reactor animals can be removed from the herd except for immediate slaughter and their slaughter must be witnessed and reported by a state or federal official or other authorized agent.

No other cattle shall be removed from the premises without special written permission from the chief of the division of animal industry.

The owner can then apply for a new agreement under Plan B.

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 B. If the owner does not so continue the department of agriculture or its authorized 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 wilfully 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.

No indemnity shall be paid for reactors in this herd until all reactors have been properly removed at the owner's expense, and the herd has received a clean test 60 days after their removal.

The owner shall continue with this plan or one of the other official plans as is satisfactory to the department of agriculture and the United States bureau of animal industry until Bang's disease has been controlled in his herd. If the owner does not so continue, the department of agriculture or its duly authorized agent is authorized to remove and cause to be slaughtered the reactor animals without payment of the indemnity.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.