

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Sec. 5. R. S., c. 89, § 254, amended. That part of section 254 of chapter 89 of the revised statutes which relates to Sagadahoc county is hereby amended to read as follows:

'Sagadahoc county: for clerk in the office of register of deeds, ~~\$2,574~~ \$2,964; for clerks in the office of register of probate, ~~\$1,716~~ \$1,976; for clerks in the office of clerk of courts, ~~\$1,716~~ \$1,976.'

Sec. 6. R. S., c. 153, § 3, amended. That part of section 3 of chapter 153 of the revised statutes which relates to the salary of judge of probate of Sagadahoc county is hereby amended to read as follows:

'Sagadahoc, ~~\$1,750~~ \$2,500.'

Sec. 7. R. S., c. 153, § 22, amended. That part of section 22 of chapter 153 of the revised statutes which relates to the salary of the register of probate of Sagadahoc county is hereby amended to read as follows:

'Sagadahoc, ~~\$1,500~~ \$2,000.'

Sec. 8. Effective date. The provisions of this act shall be retroactive to January 1, 1955.

Effective August 20, 1955

Chapter 320

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

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 R. S., c. 32, § 74, repealed and replaced. Section 74 of chapter 32 of the revised statutes is hereby repealed and the following enacted in place thereof: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

After July 1, 1956 no milk or milk products shall be sold or offered for sale from any herd operating under Plan C.

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.

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 and 76-B, additional. Chapter 32 of the revised statutes is hereby amended by adding thereto 2 new sections, to be numbered 76-A and 76-B, 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 shipped into or sold within the State of Maine without the approval of the product by the Commissioner or his agent. No brucellosis antigen shall be shipped into the State without the approval of the Commissioner or his agent.

Sec. 76-B. Penalty for violation. Whoever violates any provision of section 76-A or any rules and regulations promulgated thereunder shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not less than 30 days nor more than 6 months, or by both such fine and imprisonment.'

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.'

Effective August 20, 1955

Chapter 321

AN ACT Relating to Determination of Physical Disability by Department of Education.

Emergency preamble. Whereas, under the Social Security Amendments of 1954, certain benefits are made available to residents of this State; and

Whereas, the Federal Department of Health, Education and Welfare has asked that a State agency be designated to determine eligibility to these benefits and authorized to make an agreement between the State and Federal agencies involved which must be completed so as to be operative prior to April 1, 1955; and

Whereas, amendments to the Federal Social Security Act enacted by the 83rd Congress include a provision to preserve the Old-Age and Survivors Insurance Benefit rights of qualified persons who are totally disabled for an extended period of time and in the administration of this provision, the Secretary of Health, Education and Welfare is directed to enter into an agreement with each State which is willing to make such an agreement under which the State agency or agencies administering the State plan approved under the Vocational Rehabilitation Act, or any other State designated agency, will make the necessary determinations regarding the onset, nature and duration of the individual's disability, and the designated State agency will, pursuant to agreement, be paid in advance or by way of reimbursement, as may be mutually agreed upon, for the necessary cost of carrying the program; and

Whereas, the mention of the Vocational Rehabilitation Agency in the Federal Statute reflects the policy of the Congress that the maximum number of disabled