

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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PUBLIC LAWS
OF THE
STATE OF MAINE

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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

persons be restored to productive activity and in Maine, general vocational rehabilitation services are provided by the Department of Education and the procedures and services which will be called for in carrying out the provisions of this act are virtually identical to procedures now carried on by the Department of Education in the existing vocational rehabilitation program; and

Whereas, acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; 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:

R. S., c. 41, §§ 202-A to 202-D, additional. Chapter 41 of the revised statutes is hereby amended by adding thereto 4 new sections to be numbered 202-A to 202-D inclusive, to read as follows:

‘Sec. 202-A. State Agency designated; Federal-State agreement. The State Board of Education is hereby designated as the State Agency to make determinations of disability required under Section 221 of Title II of the Federal Social Security Act as set forth in Section 106, Public Law 761, 83rd Congress, and the executive officer of the State Board of Education, subject to approval of the Governor, is hereby authorized and empowered to enter into an agreement on behalf of the State with the Secretary of Health, Education and Welfare to carry out the provisions of Title II of the Federal Social Security Act relating to the making of determinations of disability.

Sec. 202-B. Funds. The Treasurer of State is hereby authorized and directed to act as custodian of the moneys paid by the Federal Government to the State to carry out the agreement referred to in section 202-A and shall disburse such moneys in accordance with the direction of the State Board of Education or its designated representatives.

Sec. 202-C. Cost of administration. Any cost of administering the provisions of this act shall be paid from funds received from federal sources in accordance with the agreement made under section 202-A.

Sec. 202-D. Rules and regulations. The executive officer of the State Board of Education, subject to the approval of the State Board of Education, shall make such rules and regulations as he finds necessary or appropriate to the efficient administration of the duties imposed on the State Board of Education by the provisions of sections 202-A to 202-D, inclusive.’

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