

MAINE STATE LEGISLATURE

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CHAPTER 303
CONTROL OF DISEASES

Sec.

- 1751. Definitions.
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- 1753. Duties of commissioner.
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- 1756. Appraisal and indemnity.

§ 1751. Definitions

As used in chapters 201, 205, 207, 301, 303 and 305 the following words shall have the following meanings:

1. Commissioner. "Commissioner" shall mean the Commissioner of Agriculture or his duly authorized agent.

2. Domestic animals. "Domestic animals" shall mean cattle, horses, mules, asses, goats, sheep, swine or other domesticated animals, and poultry.

3. Duly authorized agent. "Duly authorized agent" means the Chief of the Division of Animal Industry, other employees of the State within the Division of Animal Industry, veterinarians licensed by the State to practice veterinary medicine while performing official duties for the Division of Animal Industry, employees of the Agricultural Research Service of the United States Department of Agriculture, or other persons designated by the commissioner or Chief of the Division of Animal Industry.

4. Person. "Person" shall mean the State, any municipality, political subdivision, institution, public or private corporation, individual, partnership or other entity.

5. Poultry. "Poultry" means all domesticated birds.

1959, c. 239, § 1.

§ 1752. Rules and regulations

The commissioner shall make all needful rules and regulations which may in his judgment be deemed requisite to the full and due execution of chapters 201, 205, 207, 301, 303 and 305. All such rules and regulations before they shall become operative shall be approved by the Governor, and thereafter published in such manner as may be provided in such rules and regulations.

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

1959, c. 239, § 1; 1961, c. 417, § 95.

§ 1753. Duties of commissioner

The commissioner shall, so far as possible, prevent the introduction and spread of contagious, infectious and parasitic diseases, and exposure thereto, among domestic animals in the State, especially those diseases transmitted to man, either directly or indirectly, and those of greatest economic importance.

The commissioner shall cause investigation and diagnosis to be made by approved methods as to the existence of contagious, infectious and parasitic diseases among domestic animals in the State, and he or his duly authorized agent may enter any premises, buildings or places, including stockyards, cars, trucks, planes 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 make such investigation, diagnosis or diagnostic tests as to the existence of disease that he may consider necessary.

He shall, so far as possible, control and eradicate the diseases of domestic animals. He shall formulate and apply programs for the control and eradication of tuberculosis, brucellosis and such other diseases as he deems necessary or practicable so far as funds are available.

1959, c. 239, § 1.

§ 1754. Responsibility of division chief

The Chief of the Division of Animal Industry shall be responsible to the commissioner for the prevention, control and eradication of contagious and infectious diseases among domestic animals of the State. He shall administer chapters 201, 205, 207, 301, 303, 305, 701, 703, 705, 711 and 713, and sections 3603 to 3605. He shall perform such other duties as may be designated by the commissioner.

1959, c. 239, § 1; 1961, c. 417, § 94.

§ 1755. Quarantine

The commissioner may, upon discovery or upon suspicion of the existence of any disease among domestic animals or poultry

in the State, take whatever action he deems necessary to prevent possible spread and to eradicate such disease. Such action may include quarantine of domestic animals, birds, products derived from them, also quarantine of articles, materials and premises, or areas, for such time and under such conditions as he may deem necessary.

Any positive diagnosis of a disease made by recognized procedures by recognized diagnostic laboratories, or by recognized qualified persons, shall be considered as official diagnosis until proved otherwise.

Quarantine may be made by registered mail or in person by an authorized agent of the commissioner, or by any other person authorized to do so.

The commissioner may use placards or any other methods he may deem necessary to give notice or warning of such quarantine.

It shall be illegal to violate any quarantine by any person, and such violation shall be punishable by penalties as outlined in section 1706.

1959, c. 239, § 1.

§ 1756. Appraisal and indemnity

Upon discovery of any contagious or infectious disease among domestic animals, the commissioner may cause the affected or exposed animals to be appraised and destroyed, and a proper disposition of the carcasses made in accordance with rules and regulations made by him, as authorized and provided. The commissioner shall appraise each domestic animal at its true market value at the time it is condemned, and shall pay indemnity out of any money appropriated for that purpose.

Indemnity in the case of cattle condemned for tuberculosis shall not exceed \$200 per head for purebred registered cattle, or \$100 per head for grade cattle, nor shall it exceed \$50 for purebred registered cattle or \$20 for grade cattle condemned for brucellosis. Indemnity shall not exceed \$100 for any horse condemned.

Whenever an owner refuses to accept the appraisal established by the commissioner, he and the commissioner shall agree on one or more persons to make an appraisal, and such appraisal shall be final. Any expense involved on a reappraisal shall be borne by the owner.

Any salvage received from condemned animals shall in all cases revert to the owner. In no case shall the combined amount

received from salvage and state and federal indemnity exceed the amount of appraisal.

No indemnity shall be paid on any domestic animals imported into the State, the importation of which was not in compliance with the laws of the State or rules and regulations in effect at the time of importation.

1959, c. 239, § 1.