

# HOUSE . . . . No. 2556

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 23, 1952.

The committee on Ways and Means, to whom was referred the Bill regulating the amount of state reimbursement for the killing of cattle reacting to the tuberculin test (House, No. 2388), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2556).

For the committee,

ROY C. SMITH.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Two.

AN ACT REGULATING THE AMOUNT OF STATE REIMBURSEMENT FOR THE KILLING OF CATTLE REACTING TO THE TUBERCULIN TEST.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 129 of the General Laws is hereby amended  
2 by striking out section 33, as most recently amended  
3 by chapter 417 of the acts of 1946, and inserting in  
4 place thereof the following: —

5 *Section 33.* Except as otherwise provided a person  
6 who has animals tested with tuberculin shall not be  
7 entitled to compensation from the commonwealth for  
8 any animals which react to the tuberculin test unless  
9 they have been tested by the director or qualified  
10 veterinarians acting under his authorization and have  
11 been tested for a period of not less than sixty days  
12 next prior to the date of said test or have been admitted  
13 to the herd on a test approved by the director. The  
14 director may prescribe rules and regulations for the  
15 inspection of cattle by the application of the tubercu-  
16 lin test and for the segregation, sale or slaughter of  
17 reacting animals; but no inspection by the application  
18 of such test shall be made unless an agreement has  
19 previously been entered into for such inspection and  
20 application with the owner of the animals, except as  
21 provided in section thirty-three B. If, in the opinion

22 of the director, any of the animals react to the test and  
23 are slaughtered in consequence thereof, the owner shall  
24 be reimbursed by the commonwealth in the manner  
25 hereinafter provided. The director may appoint  
26 persons to make appraisals of reacting cattle in con-  
27 junction with the owner or his authorized representa-  
28 tive. Such appraisal shall be subject to the rights of  
29 arbitration and petition set forth in section thirty-  
30 one; provided, that the award or damages shall be  
31 within the limits prescribed by this section. The com-  
32 monwealth shall, within thirty days after the filing in  
33 the office of the director of a valid claim for reimburse-  
34 ment in pursuance of such an appraisal or of an award  
35 under section thirty-one, pay to the owner of any  
36 animal slaughtered under authority of any rules or  
37 regulations made hereunder, or to any mortgagee or  
38 assignee designated in writing by said owner, two  
39 thirds of the difference between the amount received  
40 by the owner for the carcass of the animal and the  
41 value of the animal as determined by appraisal as  
42 aforesaid; provided, that payment by the common-  
43 wealth hereunder shall not exceed two hundred dollars  
44 for any grade animal or two hundred and fifty dollars  
45 for any pure-bred animal; and provided, further, that  
46 no payment shall be made for any animal if, since the  
47 previous test, the owner or his representative has  
48 violated the rules and regulations made hereunder;  
49 and provided, further, that the owner or his repre-  
50 sentative has not unlawfully or improperly obtained  
51 or attempted to obtain reimbursement for any animal;  
52 and provided, further, that the owner or his repre-  
53 sentative has not, in the opinion of the director, by  
54 wilful act or neglect, contributed to the spread of  
55 bovine tuberculosis.

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