

# SENATE . . . . No. 284

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To accompany the petition of Albert C. Bray and other members of the General Court for legislation relative to the compensation payable to the owners of certain condemned cattle. Agriculture.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-One.

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An Act relative to the Compensation payable to the Owners of Certain Condemned Cattle.

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

1 Section thirty-three of chapter one hundred  
2 and twenty-nine of the General Laws, as most  
3 recently amended by chapter three hundred and  
4 forty-one of the acts of nineteen hundred and  
5 thirty, is hereby further amended by inserting  
6 after the word "owner", in the thirty-third line,  
7 the words:— the full value of such animal if  
8 lawfully slaughtered and disposed of for food,  
9 otherwise, — and by inserting after the word  
10 "not", in the thirty-seventh line, the words:—  
11 , except as hereinbefore provided, — so as to  
12 read as follows:— *Section 33.* Except as other-  
13 wise provided, a person who has animals tested  
14 with tuberculin shall not be entitled to compensa-

15 tion from the commonwealth for any animals which  
16 react to the tuberculin test unless they have been  
17 tested by the director or qualified veterinarians  
18 acting under his authorization and have been  
19 owned and kept by the owner applying for the  
20 test on the premises where tested for a period of  
21 not less than sixty days next prior to the date of  
22 said test or have been admitted to the herd on a  
23 test approved by the director. The director may  
24 prescribe rules and regulations for the inspection  
25 of cattle by the application of the tuberculin test  
26 and for the segregation or slaughter of reacting  
27 animals; but no inspection by the application of  
28 such test shall be made unless an agreement has  
29 previously been entered into for such inspection  
30 and application with the owner of the animals,  
31 except as provided in section thirty-three B. If,  
32 in the opinion of the director, any of the animals  
33 react to the test and are slaughtered in conse-  
34 quence thereof, the owner shall be reimbursed  
35 by the commonwealth in the manner hereinafter  
36 provided. The director may appoint persons to  
37 make appraisals of reacting cattle in conjunction  
38 with the owner or his authorized representative.  
39 Such appraisal shall be subject to the rights of  
40 arbitration and petition set forth in section thirty-  
41 one; provided, that the award or damages shall  
42 be within the limits prescribed by this section.  
43 The commonwealth shall, within thirty days  
44 after the filing in the office of the director of a  
45 valid claim for reimbursement in pursuance of  
46 such an appraisal or of an award under section

47 thirty-one, pay to the owner of any animal  
48 slaughtered under authority of any rules or regu-  
49 lations made hereunder, or to any mortgagee or  
50 assignee designated in writing by said owner, the  
51 full value of such animal if lawfully slaughtered  
52 and disposed of for food, otherwise one half of the  
53 difference between the amount received by the  
54 owner for the carcass of the animal and the  
55 value of the animal as determined by appraisal  
56 as aforesaid; provided, that payment by the  
57 commonwealth hereunder shall not, except as  
58 hereinbefore provided, exceed fifty dollars for  
59 any grade animal or seventy-five dollars for any  
60 pure-bred animal; and provided, further, that  
61 the owner or his representative has not, in the  
62 opinion of the director, by wilful act or neglect,  
63 contributed to the spread of bovine tuberculosis.

