

HOUSE No. 1106

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 8, 1927.

The committee on Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 142) of Frank B. Cummings that provision be made for the elimination of diseased cattle from certain towns of the Commonwealth, report the accompanying bill (House, No. 1106).

For the committee,

WM. ARTHUR AKEROYD.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Seven.

An Act providing a Method whereby the Cattle Owners of Certain Towns or Counties may obtain the Complete Elimination of Diseased Cattle Therefrom.

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 1. Chapter one hundred and twenty-nine of
2 the General Laws is hereby amended by inserting after
3 section thirty-three A, inserted by chapter one hundred
4 and thirty-seven of the acts of nineteen hundred and
5 twenty-two, the following new section: — *Section 33B.*
6 Upon application to the director by not less than seventy-
7 five per centum of the persons owning cattle permanently
8 kept in any town or county, or upon like application by
9 the owners of eighty-five per centum of such cattle, the
10 director may declare said town or county a quarantine
11 area and may proceed to test by the tuberculin test or
12 otherwise all animals within said area. If thereafter
13 the director finds and declares that said town or county
14 is substantially free from bovine tuberculosis, the
15 director may proclaim it to constitute a modified accred-
16 ited area and may prescribe rules and regulations pro-
17 hibiting the shipment or transportation into the same of
18 any bovine animal without a permit and health certifi-
19 cate issued by the director or such officers as the director
20 may designate for the purpose. Whoever violates the
21 terms and conditions of such quarantine or any such

22 rule or regulation shall be punished by a fine of not
23 more than five hundred dollars or by imprisonment for
24 not more than one year, or both.

1 SECTION 2. Section thirty-two of said chapter one
2 hundred and twenty-nine is hereby amended by inserting
3 after the word "surgeon" in the eighth line the words:—
4 , and also as provided in section thirty-three B, — so as
5 to read as follows:— *Section 32.* Tuberculin as a diag-
6 nostic agent for the detection of tuberculosis in domestic
7 animals shall be used only upon cattle brought into the
8 commonwealth and upon cattle in quarantine stations at
9 Brighton, Watertown and Somerville; but it may be
10 used as such diagnostic agent on any animal in any other
11 part of the commonwealth, with the written consent of
12 the owner or person in possession thereof, and upon
13 animals which have been reported as tuberculous upon
14 physical examination by a competent veterinary surgeon,
15 and also as provided in section thirty-three B. Such
16 tests by the use of tuberculin shall be made without
17 charge to citizens of the commonwealth, and in all other
18 cases the expense of such tests shall be paid by the owner
19 of such animals or by the person in possession thereof.

1 SECTION 3. Section thirty-three of said chapter one
2 hundred and twenty-nine, as amended by section three
3 of chapter three hundred and fifty-three of the acts of
4 nineteen hundred and twenty-two, is hereby further
5 amended by striking out, in the ninth line, the words
6 "; provided, that" and inserting in place thereof the
7 word:— , but,— and by inserting after the word
8 "representative" in the thirteenth line the words:—
9 , except as provided in section thirty-three B, — so as
10 to read as follows:— *Section 33.* Except as otherwise
11 provided, a person who has animals tested with tuber-

12 culin shall not be entitled to compensation from the
13 commonwealth for any animals which react to the tuber-
14 culin test unless they have been tested by the director
15 or qualified veterinarians acting under his authorization.
16 The director may prescribe rules and regulations for the
17 inspection of cattle by the application of the tuberculin
18 test and for the segregation or slaughter of reacting
19 animals, but no inspection by the application of such
20 test shall be made unless an agreement has previously
21 been entered into for such inspection and application
22 with the owner of the animals or his representative,
23 except as provided in section thirty-three B. If, in the
24 opinion of the director, any of the animals react to the
25 test and are slaughtered in consequence thereof, the
26 owner shall be reimbursed by the commonwealth in the
27 manner hereinafter provided. The director may appoint
28 persons to make appraisals of reacting cattle in con-
29 junction with the owner or his authorized representative.
30 Such appraisal shall be subject to the rights of arbi-
31 tration and petition set forth in section thirty-one;
32 provided, that the award or damages shall be within the
33 limits prescribed by this section. The commonwealth
34 shall pay to the owner of any animal slaughtered under
35 authority of any rules or regulations made hereunder
36 one third of the difference between the amount received
37 by the owner for the carcass of the animal and the
38 value of the animal as determined by appraisal as
39 aforesaid; provided, that in no case shall any payment
40 by the commonwealth hereunder exceed twenty-five
41 dollars for any grade animal, or fifty dollars for any
42 pure-bred animal; and provided further, that the owner
43 or his representative has not, in the opinion of the
44 director, by wilful act or neglect, contributed to the
45 spread of bovine tuberculosis.