

SENATE No. 315

The Commonwealth of Massachusetts

SENATE, April 25, 1927.

The committee on Bills in the Third Reading, to which was referred the Senate Bill providing a method whereby diseased cattle may be completely eliminated from certain towns of the Commonwealth (Senate, No. 314) reports recommending that the same be amended by substituting therefor a new draft entitled "An Act providing a method whereby tuberculous cattle may be completely eliminated from certain towns of the commonwealth" (Senate, No. 315), and that, when so amended, the same will be correctly drawn.

For the committee,

F. E. JUDD.

The Commonwealth of Massachusetts

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

An Act providing a Method whereby Tuberculous Cattle may be Completely Eliminated from Certain Towns of the Commonwealth.

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-
2 nine of the General Laws is hereby amended by
3 inserting after section thirty-three A, inserted by
4 chapter one hundred and thirty-seven of the acts
5 of nineteen hundred and twenty-two, the follow-
6 ing new section: —

7 *Section 33B.* Whenever not less than eighty-
8 five per centum of the cattle permanently kept
9 in a town are, upon application of their owners,
10 being tested for bovine tuberculosis under the
11 supervision of the director, the director may ap-
12 ply the same test to all other cattle in such town.

1 SECTION 2. Section thirty-two of said chapter
2 one hundred and twenty-nine is hereby amended
3 by inserting after the word "surgeon" in the
4 eighth line the words: —, and also as provided
5 in section thirty-three B, — so as to read as

6 follows:— *Section 32.* Tuberculin as a diag-
7 nostic agent for the detection of tuberculosis in
8 domestic animals shall be used only upon cattle
9 brought into the commonwealth and upon cattle
10 in quarantine stations at Brighton, Watertown
11 and Somerville; but it may be used as such
12 diagnostic agent on any animal in any other part
13 of the commonwealth, with the written consent
14 of the owner or person in possession thereof, and
15 upon animals which have been reported as
16 tuberculous upon physical examination by a
17 competent veterinary surgeon, and also as pro-
18 vided in section thirty-three B. Such tests by
19 the use of tuberculin shall be made without charge
20 to citizens of the commonwealth, and in all other
21 cases the expense of such tests shall be paid by
22 the owner of such animals or by the person in
23 possession thereof.

1 SECTION 3. Section thirty-three of said chap-
2 ter one hundred and twenty-nine, as amended by
3 section three of chapter three hundred and fifty-
4 three of the acts of nineteen hundred and twenty-
5 two and by chapter three hundred and three of
6 the acts of the current year, is hereby further
7 amended by striking out the second sentence and
8 inserting in place thereof the following:— The
9 director may prescribe rules and regulations for
10 the inspection of cattle by the application of the
11 tuberculin test and for the segregation or slaughter
12 of reacting animals; but no inspection by the
13 application of such test shall be made unless an

14 agreement has previously been entered into for
15 such inspection and application with the owner
16 of the animals, except as provided in section
17 thirty-three B, — so as to read as follows:—
18 *Section 33.* Except as otherwise provided, a
19 person who has animals tested with tuberculin
20 shall not be entitled to compensation from the
21 commonwealth for any animals which react to the
22 tuberculin test unless they have been tested by
23 the director or qualified veterinarians acting under
24 his authorization and have been owned and kept
25 by the owner applying for the test on the premises
26 where tested for a period of not less than sixty
27 days next prior to the date of said test or have
28 been admitted to the herd on a test approved by
29 the director. The director may prescribe rules
30 and regulations for the inspection of cattle by the
31 application of the tuberculin test and for the
32 segregation or slaughter of reacting animals; but
33 no inspection by the application of such test shall
34 be made unless an agreement has previously been
35 entered into for such inspection and application
36 with the owner of the animals, except as provided
37 in section thirty-three B. If, in the opinion of
38 the director, any of the animals react to the test
39 and are slaughtered in consequence thereof, the
40 owner shall be reimbursed by the commonwealth
41 in the manner hereinafter provided. The di-
42 rector may appoint persons to make appraisals
43 of reacting cattle in conjunctions with the
44 owner or his authorized representative. Such
45 appraisal shall be subject to the rights of arbi-

46 tration and petition set forth in section thirty-
47 one; provided, that the award or damages shall
48 be within the limits prescribed by this section.
49 The commonwealth shall pay to the owner of
50 any animal slaughtered under authority of any
51 rules or regulations made hereunder one third of
52 the difference between the amount received by the
53 owner for the carcass of the animal and the value
54 of the animal as determined by appraisal as afore-
55 said; provided, that payment by the common-
56 wealth hereunder shall not exceed twenty-five
57 dollars for any grade animal or fifty dollars for
58 any pure-bred animal; and provided, further,
59 that the owner or his representative has not, in
60 the opinion of the director, by wilful act or
61 neglect, contributed to the spread of bovine
62 tuberculosis.

SENATE, April 25, 1927.

Passed to be engrossed.

Sent down for concurrence.

WILLIAM H. SANGER, *Clerk.*

HOUSE OF REPRESENTATIVES, April 25, 1927.

Passed to be engrossed.

In concurrence.

JAMES W. KIMBALL, *Clerk.*

