

CHAPTER 95.

ANIMAL HEALTH.

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Cross Reference: See definitions in 93.01.

95.01 Stallions and jacks; registration, regulations. (1) Unless a different meaning is given in the context, the following terms wherever used in this chapter shall mean:

(a) "Department" means the state department of agriculture.

(b) "Public service" means the use of a stallion or jack for breeding purposes on mares or jennies belonging to others than the sole owner of the stallion or jack. The use of unlicensed stallions or jacks is likewise construed as "public service" regardless of whether direct, indirect or no payment is made for the use of the stallion or jack for breeding purposes.

(c) "Veterinarian" means a graduate of an approved veterinary school who is licensed and registered to practice veterinary medicine and surgery in this state.

(2) No person shall use or offer for use for public service any stallion or jack unless and until he shall have registered such stallion or jack with the department, and shall have procured a certificate of such registration from said department.

(3) (a) A partnership ownership of an unlicensed stallion or jack for breeding purposes is declared illegal. The use of unlicensed stallions or jacks is construed as illegal whether the stallion or jack is taken away from the premises for breeding purposes or whether the female animal is brought onto the premises to be bred.

(b) Any person violating any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment.

95.02 Soundness; veterinarian's oath. (1) In order to obtain a certificate the owner shall have the stallion or jack thoroughly examined by a legally qualified veterinarian who may charge a just and reasonable fee, not in excess of five dollars for each animal examined, and shall forward to the department an affidavit of soundness and such further information as the department may require pertaining to fitness for breeding purposes signed by the examining veterinarian, on a blank form furnished by said department, together with the original studbook certificate of registry of the pedigree of the stallion or jack, if any, and any other papers required to prove his breeding, identity and ownership.

(2) (a) The presence of any one of the following named diseases shall disqualify a stallion or jack for public service: Cataract, cryptorchid (ridgling); periodic ophthalmia

(moon blindness); laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitus' dance, crampiness, shivering, stringhalt); bone spavin; ringbone; sidebone; navicular disease; bog spavin; curb, with curby formation of hock; glanders; maladie du coit; urethral gleet; mange; melanosis.

(b) A stallion or jack of inferior type or conformation, or lacking in size, height or weight for the breed or classification to which it belongs, is disqualified for public service.

(4) Every stallion or jack licensed for public service shall be reexamined at least every three years by the department without cost to the owner, as far as department funds will permit.

95.03 Unsoundness; complaint, examination. When a complaint signed by a responsible person is made to the department that a stallion or jack is unsound and, on investigation, an examination is deemed necessary, such examination shall be made by a legally qualified graduate veterinarian deputized by the department.

95.04 Standards; studbooks and signatures. The officers of the department whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard the studbooks and signatures of the duly authorized officers of the American horse and jack pedigree registry associations, societies or companies published in the annual report of the division of horse breeding of the department.

95.05 Certificate forms. The certificates of registration shall be for "pure bred," "grade," "scrub," "nonstandard" or "crossbred" stallions, using said designations and shall be in such form, and contain the name of the examining veterinarian and such other matter as the department shall direct, and shall be signed by the director or authorized agent of the department.

95.06 Certificates; public posting. The owner of every stallion or jack used for public service in this state, shall post and keep affixed during the entire breeding season, a correct printed copy of his registration certificate, in a conspicuous place both within and upon the outside of his home stable and the stable or building of every other farm or place where he is so used.

95.07 Advertisements; contents. Each bill or poster issued or used by the owner of any registered stallion or jack, or his agent, for advertising shall contain a correct copy of the stallion's or jack's registration certificate, printed in bold-face Roman type not smaller than long primer (ten point), and the first mention thereon of the name of the stallion or jack shall be preceded by the words "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub," in accordance with the wording of the certificate, and printed in type not smaller than the largest type in which the name of the stallion or jack shall be printed on said bill or poster; and it shall be unlawful to print upon the said bill or poster any misleading reference to the breeding of the stallion or jack, his sire or his dam, or to use upon such bill or poster or in any other advertising matter the portrait of a stallion or jack in a misleading way; and each newspaper advertisement, post card, circular letter, or other form of advertising of a stallion or jack for public service shall show the registration certificate number and state whether he is "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub."

95.08 License fees; annual renewal. A fee of four dollars shall be paid to the department upon the examination and registration of each pedigree and upon the issuance of a certificate of registration; and all registration certificates shall expire on the first of January of each year, following date of issuance, and must be renewed annually before the first of April following. A fee of three dollars shall be paid to the department upon renewal of certificates. Unless so renewed before the first of April, the registration stands revoked, and no renewal or new certificate shall issue until there has been a renewed and full compliance with sections 95.01 and 95.02.

95.09 Certificates; transfer and duplication. Upon a transfer of the ownership of any registered stallion or jack, the certificate may be transferred by the department upon satisfactory proof of such change of ownership and upon payment of one dollar; and a fee of two dollars shall be paid upon the issuance of a duplicate license certificate which may be issued where proof is given of loss or destruction of the original certificate.

95.10 Feeding garbage to swine. (1) No person shall feed any public or commercial garbage to swine without first obtaining a permit therefor from the department. Such permit may be obtained upon application, supplying such information as the department may require, accompanied by a fee of \$25. Such permits shall expire on July 1 of each year.

(2) No person shall feed any public or commercial garbage, regardless of previous processing, unless such garbage shall have been first thoroughly heated to at least 212

degrees Fahrenheit for at least 30 minutes or otherwise treated in a manner approved in writing by the department as being effective for the protection of public health.

(3) The term "garbage" as used in this section means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods containing animal carcasses or parts thereof, and shall include all waste material by-products of any kitchen, restaurant or slaughtering house.

(4) No indemnity shall be paid to the owner of any swine condemned or destroyed because of any infectious or communicable disease if such swine were located, at any time, on any premises receiving public or commercial garbage. No person shall fail or refuse to conform with the department order specifying the manner of disposal of such infected swine.

(5) No person shall remove or permit the removal of any swine from any premises where public or commercial garbage is received for feeding purposes, except to federally inspected slaughtering establishments and other slaughtering establishments approved by the state to receive diseased animals, and only if such swine are accompanied by a health certificate issued by a veterinarian.

(6) No person shall bring into this state any raw public or commercial garbage for feeding purposes. Any garbage from vehicles serving food to passengers, if deposited in this state, shall be incinerated.

History: 1953 c. 146; 1955 c. 10.

95.11 Livestock brands, recording, misuse. Every town clerk shall, on the application of any person residing in his town, record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded or used by more than one resident of the same town. If any person shall mark any of his horses, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same town and while the same mark or brand shall be used by such resident, he shall forfeit for every such offense \$5; if any person shall wilfully mark or brand any of the horses, cattle, sheep or hogs of any other person with his own mark or brand he shall forfeit for every such offense \$10; and if any person shall wilfully destroy or alter any mark or brand upon any of the horses, cattle, sheep or hogs of another he shall forfeit \$10 and pay to the party injured double damages.

95.12 False pedigree. No person with intent to defraud shall obtain from any corporation, association, society or company organized for the purpose of improving breeds of domestic animals, a false certificate of registration of any such animal in the herd or other register of any such corporation, association, society or company, or the transfer of any such certificate, or shall, with intent to defraud, give a false pedigree of any such animal.

95.13 Misrepresenting breed of domestic animal. No person shall sell or barter or cause to be sold or bartered any domestic animal and represent, or cause to be represented that such animal is a pure bred animal, when in fact such animal is not registered, or entitled to registry, in any pure breed registry maintained for such animals; nor shall any person knowingly utter, pass or deliver to any person as true, any false, or altered pedigree; nor shall any person refuse to deliver proper certificate of registry for any animal sold or transferred by him, having represented at the time of sale or transfer, and as an inducement thereto, that such animal was registered and that he possessed and would deliver a certificate of registry as evidence thereof, or that such animal was entitled to registry and that he would secure such certificate and deliver the same.

95.14 Corporations to improve livestock. (1) Three or more adult persons of this state may form a corporation, without capital stock, to be managed and directed as herein provided, for the purpose of improving the breeding of livestock by such means and methods as may be deemed most advisable, and to receive and manage contributions therefor made from time to time by way of gifts, deed, devise, bequest or otherwise, and to expend the income thereof for the purpose of the corporation. The work of any such corporation shall be entirely educational and designed by practical work with the breeder upon the farm to result in a better understanding and practical application of the scientific and technical principles taught in agricultural colleges and experiment stations, so as to effect the greatest possible co-ordination between the science and the art or practice of breeding, but such work shall not be merged with the work of any educational institution. Any corporation organized hereunder shall have authority to pay all necessary expenses properly incurred in carrying out the purposes of the corporation, including compensation to employes and to directors for services actually rendered in conducting the affairs of the corporation, but no pecuniary profit shall ever be paid to any incorporator or director.

(2) Any such corporation organized hereunder shall be managed and directed by a self-perpetuating board of directors of 5 members, consisting of the dean of the college of

agriculture of the University of Wisconsin, who shall be permanent chairman of the board, and 4 others to be appointed in the first instance by the incorporators; at least 3 of the 5 members shall always be representative livestock breeders of the state. In case of the failure of the dean of the college of agriculture to act as a member of the board by reason of refusal, disability or vacancy in the chair of such dean, the remaining members of the board shall appoint a representative livestock breeder to act in his place on the board until such time as such refusal, disability or vacancy in such chair shall cease to exist. Whenever the dean of the college of agriculture shall become a member of the board of directors after any such interim, he shall automatically become chairman of the board.

(3) The term of office of all members of the board, except the permanent chairman, shall expire one each year by lot. The remaining members shall elect a member to succeed the person whose term shall have thus expired. Vacancies occurring during the year may be filled at once by the remaining members.

(4) Any such corporation shall have and possess the general powers of other corporations and its articles of organization shall conform to the provisions of s. 182.002 of the statutes with such modifications as the provisions in this section shall require.

95.15 Livestock breeders association. (1) The chief of the animal husbandry department of the university, the state department of agriculture and the president of the Wisconsin livestock breeders association shall approve all plans for the expenditure of appropriations to the Wisconsin livestock breeders association for the following objects:

(a) To encourage and develop the general livestock industry of the state by the collection and dissemination of information emphasizing the peculiar advantages of Wisconsin as a livestock producing state and its unsurpassed studs, herds and flocks.

(b) To promote a systematic and efficient educational campaign for the purpose of improving the character and increasing the production of the domestic animals of this state.

(c) To safeguard purchasers from fraud upon the part of dealers and breeders and generally to protect, perpetuate and improve the livestock industry of Wisconsin.

(d) To consider and recommend such legislation as may be needed for the proper development and advancement of Wisconsin's livestock industry.

(e) To facilitate the marketing of livestock.

(2) The secretary of the said livestock breeders association shall, under date of June 30 of each year, make to the governor of the state a report of the transaction thereof, including an itemized sworn statement, showing all the receipts and expenditures under the provisions of this section during the year ending on said date.

(3) Said association may occupy such rooms in the capitol as may be assigned for that purpose by the state chief engineer.

History: 1957 c. 97.

95.16 Diseases defined. The term "contagious or infectious diseases" as used in the livestock sanitary laws shall include anthrax, blackleg, hog cholera, erysipelas, infectious stomatitis, rabies, Brucellosis, tuberculosis, Johne's disease, vesicular exanthema, hemorrhagic septicemia, foot and mouth disease, actinobacillosis, glanders, mange, dourine and such other diseases as may be determined by the department to be contagious or infectious in fact.

History: 1951 c. 571; 1953 c. 15.

95.17 Animal diseases; co-operation with United States. Whenever it is determined by the department and the state constitutional officers that it is necessary to combat dangerous diseases among domestic animals in this state in co-operation with the bureau of animal industry of the United States department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the department may accept, on behalf of the state, the rules and regulations prepared by the United States department of agriculture under authority of an act of congress relating to the suppression of any such disease and co-operate with the authorities of the United States in the enforcement of their provisions; or it may follow such procedure as to inspection, vaccination, condemnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the department and the state constitutional officers with the representatives of the United States department of agriculture. Within the amount which may, subsequent to March 23, 1915, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under this section as shall be determined by and mutually agreed upon with the United States department of agriculture.

95.18 Animals in transit. Animals in transit in the state are subject to all the provisions of law relating to contagious or infectious diseases of animals, and to the regulations and orders of the department.

95.19 Diseased animals, transportation. No person shall bring into this state, or remove from one part of the state to another, or receive in charge, or exhibit at any fair, any animal afflicted with or that has been exposed to any contagious or infectious disease nor shall any person, knowing or having reason to suspect that there is any such animal upon his premises or upon any premises of which he has control, attempt to conceal the existence of such diseases upon such premises, or permit such animal to run at large or come in contact with other animals susceptible to such disease. The department is authorized to issue permits thereunder for the movement of such animals to a slaughtering establishment maintaining either federal inspection or veterinarian inspection approved by the department or for the purpose of scientific observation or research. Any person who shall violate any provision of this section or any regulation or order issued pursuant thereto by the department shall be liable to any person injured thereby for the damages by him sustained.

History: 1955 c. 24.

95.20 Embargo on animals from infected districts. When there is reason to believe that there is danger of the introduction into this state of any communicable disease prevailing among domestic animals outside this state or of its spread in this state, the department shall investigate the existing conditions, and if it concludes that danger exists to the livestock interests of this state therefrom, it may prohibit the importation of animals of the diseased kind from the infected district into this state, or the removal of them from one part of the state to another, under such regulations as the department may establish.

95.21 Quarantine for rabies. (1) Whenever any district shall be quarantined for rabies, all dogs within said district shall be kept securely confined or tied or held in leash or muzzled. Any dog not so confined or tied or leashed or muzzled is declared to be a public nuisance and may be impounded; and the sheriff and his deputies and every constable, marshal, other police officer or a duly authorized humane society shall actively cooperate in rendering said quarantine effective. The clerk of every town, city or village wholly or partly within the quarantine area shall promptly post in at least 3 public places in his town, city or village, such notices of quarantine as may be furnished him by the department for posting.

(2) Dogs which have been vaccinated against rabies shall be exempt from the quarantine provisions of sub. (1) for a period of one year following vaccination, provided the dog has been kept isolated for the 10 days immediately following vaccination.

History: 1953 c. 386.

95.22 Reports of animal diseases. (1) Each veterinarian shall immediately report to the department the existence among animals of any communicable disease coming to his knowledge. The report shall be in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal.

History: 1955 c. 24.

95.23 Disease investigation and enforcement. (1) Authorized inspectors and agents of the department may enter at reasonable times any premises, building or place to investigate the existence of animal diseases or to investigate violations of or otherwise enforce the laws relating to animal health. Any animals or materials suspected of being infected may be examined or tested. No person shall obstruct or interfere with such investigation or enforcement work, or attempt to do so, in any manner, by threat or otherwise.

(2) Upon request of an authorized inspector or agent of the department, sheriffs and police officers shall assist in the enforcement of the laws relating to animal health.

(3) Upon reasonable notice from the department, owners or persons in charge of animals shall cause them to be restrained or confined so that they may be identified, examined and tested or otherwise treated or disposed of as authorized by law.

History: 1957 c. 212.

95.24 Living vaccine, hog cholera, anthrax, Newcastle disease, swine erysipelas.

(1) No person shall have in his possession or furnish to another any vaccine or other substance capable of producing hog cholera, except that any such substance may be in the possession of a biological laboratory inspected and licensed by the federal government or a person who has written approval from the department for its experimental use.

(2) Every person in control of premises on which hogs have died of cholera shall promptly burn the carcasses thereof or bury and cover the same with lime or a large quantity of ashes. The provisions of this subsection shall not apply to animals con-

demmed, disposed of and tanked in the manner as required by federal regulations in slaughtering establishments maintaining official federal inspection.

(3) (a) No type of living vaccine for immunizing against anthrax or swine erysipelas may be administered to any domestic animal, including fowl, or sold or dispensed in this state without first having obtained the written approval of the chief veterinarian of the department. Approval to administer such vaccine shall be granted to licensed veterinarians only, and then only after it has been established: 1. that the animals to be so treated are infected, or 2. are on premises known to be contaminated, or 3. have been exposed within 40 days to infection with the disease for which the living vaccine is prescribed as a proper immunizing agent, or 4. to qualify the animal or fowl for export.

(b) Every veterinarian who so administers such living vaccine shall render to the department a report of the use and the results thereof at such time and in such manner as it may require.

History: 1951 c. 83; 1953 c. 15, 61; 1955 c. 117; 1957 c. 18.

95.25 Tested areas. (1) Whenever petitions signed by more than fifty per cent of the cattle owners, (as disclosed by the last assessment rolls) resident in any county, shall be presented to the department, asking that all cattle within such county be tested for tuberculosis, said department is hereby authorized to make such test without expense to the owners, to the extent of the funds provided therefor. The department shall fix a time when and place where said petitions and any objection thereto will be heard by the department, and notice of said hearing shall be published in at least one paper published in such county, not less than ten days before the time set for such hearing. At the time and place fixed for such hearing, the department shall examine and consider said petitions and the evidence, facts and things offered in support of and against the same, and shall render its decision thereon. In case the department determines that the petitions are sufficient to satisfy the statute, such determination shall be final unless reviewed in the manner herein provided. In case the department grants the petition and undertakes the work, notice of such determination and the time when the testing will begin shall be given by publishing the same in at least one newspaper published in such county.

(2) A rehearing shall be granted upon the written application therefor, signed by not less than ten per cent of the resident cattle owners in such county, as shown by the last assessment rolls, and filed with the department within thirty days after the publication of the decision. The department shall, upon receipt of a valid application for rehearing, order one or more employes of said department to make investigations in said county and hold at least one public hearing therein. The employe or employes shall make and file with the department a written report thereof, wherein shall be stated the number of resident owners of cattle, as disclosed by the last assessment rolls, and also the number of valid signatures upon the original petitions. This report shall be examined and acted upon by the department and if it shall find that the original petitions were sufficient, its decision shall be final.

(3) At any time after the date fixed to commence the work, the department, its authorized agents and all inspectors and persons appointed or authorized to assist in the work of applying the tuberculin test may enter any buildings or inclosures where cattle are, for the purpose of making inspection and applying the tuberculin test, and any person who interferes therewith or obstructs them in said work or attempts to obstruct or prevent by force the inspection and the testing (in addition to the penalty prescribed therefor) shall be liable for all damages thereby caused to the state or county or to any person lawfully engaged in the work of inspection and testing.

(4) The department shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work herein authorized. Should any such equipment or supplies be no longer needed, the same may be disposed of by the director of purchases, and the proceeds derived from the sale shall be paid into the state treasury and credited to the appropriation for such testing.

(5) No cattle shall be brought into any county after the tuberculin test provided for herein shall have been commenced, or moved from one part of such county to another, except in compliance with regulations prescribed by the department.

(6) The counties shall be tested in the order that valid petitions therefor are received unless the department shall decide that it is not expedient to make the tests in that order.

(7) Area retests and retests of infected herds shall be made by the department in all counties at such intervals as the department may deem necessary to protect the work already done and to preserve such counties their standing as modified accredited or area tested counties under the specifications and regulations of the United States bureau of animal industry and the agreements among the various states. Such area retests and retests of infected herds shall be made at such times and in such manner as the department may determine, in the light of the latest and best scientific and practical knowledge and experience,

but a complete area retest shall be made in every county in the state at least once in every six years. The department is authorized to make such retests in any county without petitions.

(8) When a general retest is applied to all of the cattle located within any county that has been area tested, and when retests subsequent thereto are applied to any herds in such county, the state shall pay for each animal condemned and slaughtered one-third of the difference between the net salvage and the appraised or agreed value of the condemned animal. No such payment shall exceed fifty dollars for a registered bovine, or twenty-five dollars for an unregistered one.

95.26 Brucellosis control program. (1) In order to detect and control bovine Brucellosis the department shall conduct milk and cream tests and blood tests as provided in this section. Milk and cream shall be tested by the Abortus Brucella Ring Test, hereafter referred to as the A. B. R. test. Blood shall be tested by blood serum agglutination methods, hereafter referred to as Brucellosis test.

(2) All milk and cream received at every dairy plant shall be tested at approximate 6-month intervals by the A.B.R. test, and Brucellosis tests shall be applied promptly to cattle when the milk or cream therefrom discloses a positive reaction to the A.B.R. test. Brucellosis tests, approximately every 12 months, shall be applied to cattle which are not tested by means of A.B.R. tests. All cattle, except steers, spayed heifers, calves under 8 months of age and official vaccinates under 30 months of age, shall be subject to the Brucellosis test. Brucellosis tests and official vaccination provided for in this section may be performed by any veterinarian approved by the department and selected by the cattle owner. When Brucellosis tests are not conducted by any such veterinarian within 15 days of the date notice to test is mailed to such cattle owner, the department shall conduct such tests. Except where compensated by the federal government, approved veterinarians performing testing and vaccination under this section shall be paid by the state at uniform rates established by the department. Blood samples drawn for the Brucellosis test shall be submitted to the department promptly for laboratory examination.

(3) Female calves eligible for official vaccination as provided in s. 95.47 shall be so vaccinated against Brucellosis, but such vaccination shall not be required when the calves are located at premises where no reactors have been found during a period of 12 months prior to the date on which the calf became eligible for vaccination.

(4) Cattle which are classified as "reactors" to the Brucellosis test (whether or not conducted pursuant to this section) shall be slaughtered. A report of any test disclosing reactors shall be mailed to the owner thereof. The reactors shall be identified by a reactor tag and permanent mark as prescribed by the department. The owner shall effect slaughter of the reactors within 15 days of the date they are so identified, except that the department, for cause shown, may extend such time an additional 15 days. In the event the owner of reactors shall fail to comply with this subsection within the time limited, the department shall cause the removal and slaughter of such reactors. No indemnity shall be paid on any reactors disposed of by the department. No milk shall be sold from any reactors or from any herd of cattle in which reactors are kept contrary to the provisions of this section.

(5) When reactors to any Brucellosis test are disclosed in a herd of cattle the department shall quarantine the herd by serving written notice thereof, either personally or by mail, on the owner or person in charge, but such quarantine shall not be imposed if the department, upon the basis of the clinical history of the herd with respect to Brucellosis and the recommendation of the attending veterinarian, determines it is improbable that the cattle will contract Brucellosis. No cattle subject to the Brucellosis test shall be removed from the premises where the cattle are quarantined, except upon written permit of the department. The quarantine shall remain in force until the remaining cattle have been retested with the Brucellosis test not sooner than 30 days following the removal of all reactors and such retest discloses no additional reactors. Such retests shall be conducted as the department finds necessary to eliminate all reactors.

(6) The department may acquire, equip and maintain laboratories, including mobile units and promulgate rules and regulations not inconsistent with law so as to effectively execute its functions under the Brucellosis control program.

(7) For each animal condemned and slaughtered, unless otherwise provided by law, the owner shall receive and, upon certificate of the department, the state shall pay one-third of the difference between the net salvage and the appraised or agreed value of the animal, but such payment shall not exceed \$50 for a registered animal and \$25 for an unregistered one. With the consent of the owner the department may condemn, in infected herds, animals which have been exposed and which are suspected of being infected, although such animals have not reacted to the Brucellosis tests.

History: 1951 c. 571; 1953 c. 16, 321; 1955 c. 46, 132; 1957 c. 212.

Provision for the Plan A county brucellosis control program stated to be a valid enactment and discussed, 43 Atty. Gen. 204.

95.27 Removing cattle from stockyards. No cattle shall be bought, sold or moved from a stockyard connected with a packing plant or located in the same city or town as a packing plant for the purpose of using them for dairy or breeding stock unless they have successfully passed the tuberculin test as required by order of the department.

95.30 Disposal of cattle infected with tuberculosis or Johne's disease. The owner of cattle tested and found to be afflicted with bovine tuberculosis or Johne's disease shall ship them under the direction of the department to some place designated by it for immediate slaughter under United States government inspection, or under the inspection approved by the department.

History: 1955 c. 23.

95.31 Slaughter of diseased animals. Whenever it shall be deemed necessary by the department to slaughter diseased animals, either on the premises or at some designated abattoir or any other place for demonstration purposes, the representative of the department has authority to agree in writing with the owner as to the value of such animals; in the absence of such agreement, written notice shall be given to the owner, his agent, or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner.

History: 1955 c. 23.

95.32 Valuation; appraisers; fees. (1) Such notice shall be entered on the docket by the justice who shall immediately thereafter notify such owner, agent or possessor of the animals, and summon 3 disinterested citizens of the county not residents of the immediate neighborhood in which the animals are owned or kept to appraise the value thereof. Every appraiser shall have had experience in the raising and care of livestock, and shall be familiar with the value of livestock, and competent to appraise the same. The appraisers shall, before entering upon the discharge of their duties, be sworn by the justice to make a true appraisal without prejudice or favor of the market value of such animals. The appraisers shall immediately make a verified report to the justice, giving the number of animals appraised, and the value of each, and if slaughtered on the premises, the appraisers shall certify in their return that they saw the appraised animals slaughtered.

(2) In making appraisal of an animal diseased with glanders, equine pernicious anemia or dourine, the owner shall receive one half of the appraised value, but in no case shall he receive to exceed \$75.

(3) The appraisers shall receive \$2 a day for each day actually employed as such, which amount shall be paid out of the county treasury upon the certificate of the justice by whom they were summoned. The justice of the peace and other officers who may perform any duty hereunder, shall have the same fees as are allowed by law in criminal proceedings in justice courts, and shall be paid by the county in which their services are performed.

95.33 Tubercular animals that do not react. Whenever in the opinion of the department a bovine is afflicted with tuberculosis, although failing to react to the tubercular test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors.

95.34 Slaughter on premises. The slaughter of diseased animals on the premises of the owner shall be made under the supervision and direction of the department or an assistant. If upon inspection of the carcass it is found, according to rules of inspection of the United States bureau of animal industry, to be unfit for human food, the inspector shall destroy it or cause it to be buried and covered with a sufficient quantity of lime to destroy it. The hide shall be disinfected and otherwise cared for according to said rules. If the carcass is fit to be used for human food it may be disposed of in accordance with the provisions made by the department.

95.35 Indemnity for slaughtered animals; United States and county co-operation. (1) In all types of disease control work, other than tuberculosis and Brucellosis, conducted by the state without participation by the federal government, for each animal condemned and slaughtered the owner shall receive, and upon certificate of the department, the state shall pay one-half of the difference between the net salvage, if any, and the appraised or agreed value of the animal, but such payment shall not exceed \$90 for a registered animal and \$40 for an unregistered one.

(2) The department may co-operate and arrange with county boards and the United States department of agriculture, or with either, in the eradication of communicable diseases among domestic animals, so that each may pay and contribute such part of the cost of eradication or indemnity as shall be agreed upon. The county boards are authorized

to appropriate funds for that purpose, and when appropriated shall be paid into the state treasury, added to the state appropriation and expended under the direction of the department.

(3) If registration papers or birth reports properly acknowledged by the breed organization are not presented at the time of the filing of any claim, the animal slaughtered shall be regarded as an unregistered bovine; but this shall not apply to an animal under the age of one year.

History: 1953 c. 321.

95.36 Indemnity not allowed. The owners of animals condemned and slaughtered under the provisions of this chapter shall receive no indemnity therefor in the following cases:

- (1) Animals owned by the United States, this state or any county, city, town or village.
- (2) Animals brought into this state contrary to any provisions of law.
- (3) Animals which the owner at the time of coming into possession of them knew or had reason to believe to be afflicted with contagious or infectious disease.
- (4) Animals diseased at the time of arrival in this state.
- (5) Animals which the owner has negligently or wilfully exposed to contagious or infectious disease.
- (6) Animals brought into this state that fail to pass successfully the retests subsequent to importation as required by regulation of the department.
- (7) When the infected premises have not been disinfected, to the satisfaction of the department in such manner as to prevent the further spread of the disease.
- (8) Unless the animal condemned and slaughtered was owned by the claimant at least 30 days prior to the test which discloses the reaction.
- (9) Where the owner has received indemnity as a result of a former inspection or test, and has thereafter introduced into his herd any bovine contrary to law or the regulations of the department.

95.37 Claims for indemnity. (1) Claims against the state arising from the condemnation of animals shall be made by delivering to the department, to be forwarded to the director of budget and accounts, a copy of the condemnation notice, and of the notice to the justice of the peace and return of the appraisers to the justice, which return shall be certified by such justice, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and such additional information as the department shall require. In case the value was fixed by agreement the claim shall be made by delivering to the department to be forwarded to the director of budget and accounts the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the state and any additional information demanded. The department shall promptly transmit all claims to the director of budget and accounts and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid.

(3) Every claim for indemnity based on Brucellosis must be accompanied by a statement of the owner certifying that none of the animals on such claim have been treated with any biological product containing Brucella organisms except only official vaccinates and animals which, subsequent to vaccination, returned to a negative status, which fact shall be established by a negative test conducted not less than 30 days prior to the test on which the claim for indemnity is based.

History: 1953 c. 321; 1955 c. 46.

95.38 Altering records; tampering with ear tags. (1) It shall be unlawful for any person to in any manner change any test record, falsely record any test, misrepresent the identification of any animal or any other material fact on any test record, interstate health certificate, vaccination record, claim for indemnity, or any disease control report or application to the department. It shall be unlawful for any person to induce or to conspire with another, either directly or indirectly, to do any of the said prohibited acts.

(2) No person is permitted to in any way tamper with, insert or remove from the ear of any animal any ear tag or registration mark which is or may be used for identification in disease control work except upon authorization from the department.

95.39 Biological products. (1) It shall be unlawful for any person to sell, furnish, give away or supply any tuberculin or any biological product containing Brucella organisms for use in this state unless (a) the label on the container thereof states the name and address of the manufacturer and the date of expiration and (b) the vendor, within 15 days, report to the department the name of the recipient, the date and amount delivered.

(2) It shall be unlawful for any person to use or dispose of any tuberculin until assured in writing by the person from whom received that its sale or delivery to said person has been reported to the department.

95.40 Neutralizing cattle test. (1) No person shall use or cause to be used tuberculin or any other agent upon cattle, by injection or otherwise, for the purpose of preventing a proper reaction when a tuberculin test is made.

(2) No person shall at any time or in any manner apply tuberculin to any animal except for the purpose of applying a tuberculin test. The result of every such test shall be reported to the department.

95.41 Tuberculin, ear tags, vaccine, supplied. (1) The department shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application to all persons authorized to make such test.

(2) The department shall provide ear tags to be used for identifying cattle tested for purposes of disease control, and shall distribute the same to persons authorized by the department to test cattle. Such distribution shall be made at a price sufficient to cover the cost of the tags and their distribution.

(3) The department shall furnish and distribute Brucella vaccine to approved veterinarians at cost. It shall require each veterinarian to report the identification of each animal treated with the product so furnished. It may refuse further distribution to any veterinarian who fails to so report or who has violated or failed to obey any law or regulation relating to disease control.

History: 1951 c. 485; 1957 c. 259.

95.42 Revocation of permit to test. The tuberculin test shall be applied to cattle only by veterinarians approved by the department. The veterinarian applying such test shall tag and brand all reactors in conformity with the rules and regulations of the department. Any veterinarian who fails to comply with this section and the rules, regulations and instructions furnished by the department, shall forfeit all right to apply the tuberculin test.

95.43 Application of Brucellosis test. (1) The Brucellosis test shall be applied to cattle only by approved veterinarians. Any veterinarian who fails to comply with the laws or regulations of the department relating to disease control may be denied such approval.

(2) Except where not required under section 95.26, every veterinarian who applies the Brucellosis test shall promptly reactor tag and permanently mark all reactors in conformity with the law and the regulations of the department, and shall promptly report the result of each test to the department. No person shall interfere in any way with the identification of reactors as required herein.

History: 1951 c. 571.

95.45 Interstate certificates; tests. (1) Tests to determine the health status of animals for the purpose of interstate shipment shall be made only by licensed graduate veterinarians approved by the department. Such veterinarians shall report the results of every such test to the department in triplicate.

(2) The department may refuse to approve any interstate health certificate requested by any person who is not a resident vendor, shipper or assembler.

(3) The department may refuse to approve any interstate health certificate requested by any applicant who has violated or failed to obey any law or regulation relating to disease control or has misrepresented or failed to disclose any material fact in relation to such certificate.

95.46 Brucellosis vaccination. (1) Any or all animals in the herd of any owner may be vaccinated against Brucellosis when in the judgment of the attending veterinarian and the herd owner such treatment is necessary to prevent the spread of infection therein.

(2) Animals between the age of 4 months and 8 months may be vaccinated against Brucellosis in every type of herd.

(3) All animals between the age of 4 months and 8 months vaccinated by approved veterinarians shall be identified by a tattoo on the inner surface of the right ear of each such animal, using such symbols as the department may by regulation prescribe and the veterinarian shall, after obtaining the herd owner's permission, on the lower edge of the calf's left ear and midway between the head and the ear tip, make a one-half inch notch to provide a more readily visible mark indicating calfhood vaccination. All other animals vaccinated by any veterinarian shall be identified by inserting in the right ear of each such animal a serially numbered ear tag prescribed by the department for that purpose.

(4) All veterinarians shall use only vaccine produced under federal regulations or produced by or under the direction or supervision of the department in consultation with the college of agriculture. They shall identify the vaccinates as required in subsection (3) and shall record in triplicate on forms prepared by the department such information as it may require. The veterinarian shall transmit one copy of such record to the department within 5 days, one copy to the owner of the animals, and he shall preserve one copy for his own file.

(5) It shall be unlawful for any person other than an approved veterinarian to treat any bovine animal other than those owned by himself with any biological product containing Brucella organisms.

History: 1951 c. 485; 1953 c. 111.

95.47 Official vaccinates. (1) The term "official vaccinate" as used in this chapter shall mean any animal which has been officially reported to the department as having been vaccinated when not less than 4 months nor more than 8 months of age by an approved veterinarian with a vaccine approved by the department and which was properly tattooed at the time of vaccination in the manner required by law or regulation of the department.

(2) Official vaccinates need not be identified as reactors until they are past 30 months of age unless there is other evidence of infection in the herd.

History: 1951 c. 571; 1953 c. 11.

95.48 Brucellosis indemnity restrictions. (1) No indemnity for Brucellosis shall be paid:

(a) On steers.

(b) On any animal unless reactor tagged and permanently marked as required by department regulation and unless the claim is accompanied by such proof, as the department may require, of (1) slaughter within the time limited, (2) actual salvage and (3) cleaning and disinfection of the premises.

(c) Except as provided in paragraph (d), on any animal vaccinated against Brucellosis, unless it can be established that such animal, subsequent to vaccination, returned to a negative status as established by a negative test conducted not less than 30 days prior to the test on which the claim is based.

(d) On animals officially vaccinated, until past 24 months of age. Unless any such animal was vaccinated and tattooed by an approved veterinarian and unless such vaccination was reported to the department, proof as required by par. (c) shall be required by the department before the claim is certified for payment.

(e) Except as provided in subsection (2), on any animal which was a member of a herd into which was introduced any animal which failed to first pass a completely negative Bang's test, except only official vaccinates not more than 24 months of age.

(f) Except as provided in subsection (2), on any animal other than official vaccinates which was a part of a herd any member of which, when more than 8 months of age, was treated with any biological product containing Brucella organisms.

(2) Notwithstanding the provisions of subsection (1) (e) and (f), indemnity shall be paid on such animals if the reaction is disclosed on any test conducted subsequent to the elimination without claim of all reactors disclosed on a complete herd test conducted after the time of making any addition or treating any animal as therein described.

History: 1951 c. 571; 1953 c. 11, 363.

95.49 Movement; sale. (1) It is unlawful for any person to sell or transfer from one place to another any bovine animal unless it is accompanied by a report of complete negative Brucellosis test conducted within 30 days, but this paragraph shall not apply to the following:

(b) Calves under 8 months of age, spayed heifers and steers.

(c) Official vaccinates not over 30 months of age without history of abortion if accompanied by an official calfhood vaccination report.

(d) Animals consigned directly to slaughter establishments and shipped in conformity with department regulations.

(e) Animals which are moved for exhibition purposes when accompanied by a report of a negative Brucellosis test conducted within 90 days.

(f) Animals from herds certified to be Brucellosis free by the department, if accompanied by a report of negative Brucellosis test of the entire herd, conducted within 12 months.

(g) Animals moved by the owner thereof between farm premises owned or operated by him.

(h) Animals not known to be affected with Brucellosis moved to a livestock market, licensed and inspected under s. 95.70, for sale and removal to a slaughtering establishment as provided in sub. (4), and animals moved to a public stockyard inspected by the federal government.

(3) Except as provided in subsection (1), it shall be unlawful for the lessor of any farm premises to permit any of the bovine animals on such farm to be commingled with bovine animals belonging to a tenant thereof unless such animals have passed a negative test for Brucellosis conducted within the last previous 30 days. Violation of this subsection shall constitute cause for rescission of the lease of such farm by the tenant.

(4) No operator of a livestock market licensed under s. 95.70 shall yard or permit the yarding of slaughter cattle moved to such market for sale, pursuant to the exemption

from Brucellosis test in sub. (1) (h), while cattle to be sold for dairy, breeding or feeding purposes are located at the premises of such market. All cattle, for whatever purpose, located or yarded at the premises of a livestock market while there are cattle located at such premises which have been moved there pursuant to the exemption from Brucellosis test in sub. (1) (h), are deemed to be slaughter cattle and shall be removed directly to a slaughtering establishment for immediate slaughter. Prior to removal to a slaughtering establishment such cattle, except calves under 4 months of age, shall be branded with the letter "S" in a manner prescribed by the department. When such slaughter cattle are removed from a livestock market the operator shall furnish the owner an invoice or similar document, signed by him, stating the date of removal and destination of the animals; the name and address of the seller, and of the buyer if sold; and the number of animals. Such document shall accompany the cattle and a copy shall be kept on file at the livestock market for at least 6 months after its execution. After any such slaughter cattle have been yarded at a livestock market the operator shall cause the premises to be cleaned and disinfected, as directed by the department, before any cattle to be sold for dairy, breeding or feeding purposes are unloaded at the premises.

(5) This section shall not be construed to authorize the movement of any animals in violation of any other provision of ch. 95 or of any quarantine or animal health regulation issued by the department as authorized by law.

History: 1951 c. 571; 1953 c. 11; 1957 c. 55, 66, 212.

Where seller of cattle falsely represented to buyer that heifers had been tested for Bang's disease within 30 days of date of sale and gave buyer an excuse why test cards were not being delivered as required by (1), and promised to deliver cards in the near future, and buyer relied on such representation and excuse, buyer was not in pari delicto with seller and was entitled to recover damages for fraud and deceit. *Schaefer v. Weber*, 265 W 160, 60 NW (2d) 696.

Where a conditional sales contract was void as being in violation of 95.49, waiver provisions contained in such contract were of no effect. Where the promissory note executed in connection therewith was part of the transaction and was not severable therefrom, the note itself was likewise void and no recovery could be had thereon. *Ebenreiter v. Freeman*, 274 W 290, 79 NW (2d) 649.

95.495 Herd sales; test. (1) No person shall offer for sale or sell one-third or more of the bovine animals of any herd except to a slaughtering establishment unless all of the animals offered for sale have passed a negative test for tuberculosis within 30 days prior to such sale, except no such test shall be required if the animals are from a herd all animals of which have passed a negative test for tuberculosis within 12 months of the date of sale. A copy of the record of either such tests shall accompany the animals sold.

(2) "Accompanied" means that such record shall be delivered to the person acquiring title or possession at the time any part of the purchase price is paid or at the time possession is transferred, whichever occurs first.

(3) In the event there are tuberculosis reactors found in such herd no quarantine of the herd shall be imposed if all reactors are disposed of by slaughter, the post-mortem discloses no visible lesions of tuberculosis in any of such reactors, and the remaining cattle in such herd are healthy in the opinion of the attending veterinarian.

History: 1953 c. 335; 1955 c. 24.

95.50 Disposition of carcasses. (1) No person shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any animal; nor deposit or leave or permit to be deposited or left upon any premises under his control any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than twenty-four hours in the months of April to November, inclusive, or forty-eight hours during the months of December to March, inclusive.

(2) No person shall transport, haul or drag or permit to be transported, hauled or dragged along any public highway in this state the carcass of any animal suspected of having died from anthrax, blackleg, foot and mouth disease, sleeping sickness or glanders or any other disease which the department may designate as highly dangerous. All such carcasses shall be burned or be buried at least 6 feet below the surface of the ground and shall be completely covered so as to prevent their being reached by wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway for burial, it shall be transported in such manner as not to contaminate any part of the public highway. The carcasses of animals dying from other communicable diseases may be transported to and disposed of in rendering plants under such regulations as shall be prescribed by the department.

(3) Any dead animal found upon a public highway or other public place shall, in case the owner of such animal cannot be found, be buried or otherwise disposed of at public expense by the proper health officer of the town, city or village wherein such animal is found.

History: 1953 c. 15.

95.51 Veterinary practice. (1) A person shall be deemed to be engaged in the practice of veterinary medicine and surgery who shall ask or receive directly or indirectly any pay or compensation for the treatment of any domestic animals, also menagerie animals, or any person who shall advertise or hold himself out to the public as a veterinary physician, surgeon or specialist, or who shall use the title "doctor", or who shall append to his name the letters V.S., M.D., D.V.S., or M.D.V.

(2) Except as hereinafter provided, no person shall practice veterinary medicine or surgery or any branch thereof without a license so to do and a valid certificate of registration issued by the department. Every form of violation shall constitute a separate offense as to each patient treated.

(3) A bona fide student in regular attendance at any veterinary college approved by the department may practice veterinary medicine and surgery under the direct supervision of a registered, licensed graduate veterinarian, but such practice shall be limited to a total of not more than 18 months.

(4) No person is prohibited by this section from castrating domestic animals, except horses and mules, from dehorning cattle, from treating sprains, cuts or other ordinary minor injuries; nor shall this section be construed to prohibit any person from treating diseases of domestic animals for compensation at any place which shall be 20 or more miles distant from the office or place of business of a practicing veterinarian.

95.515 Board of veterinary examiners. The director shall appoint a board of veterinary examiners consisting of 5 members, all of whom shall be licensed, resident doctors of veterinary medicine. Such members shall hold office for 5 years and until their successors are appointed. The first appointments shall be for 1, 2, 3, 4 and 5 years, respectively. No person shall be a member who is in any way connected with or financially interested in any school having a veterinary department. The Wisconsin veterinary medical association may submit a list of at least 3 qualified nominees for any vacancy on the board. The director may request additional lists of nominees. Appointments shall be made from lists so submitted.

History: 1955 c. 109.

95.52 Examination; licenses. (1) Licenses to engage in the practice of veterinary medicine and surgery shall be issued only to persons who successfully pass an examination conducted under direction of the board of veterinary examiners. The time and place of such examination shall be fixed by the board.

(2) No person shall after June 14, 1945 be examined by the board unless (a) he shall have paid to the department \$15 in advance which in no case is returnable and (b) he shall present proof satisfactory to the board that he is 21 years of age and is a graduate of a veterinary college which has been approved by the American Veterinary Medical Association.

History: 1955 c. 109.

95.53 Annual registration. Persons practicing veterinary medicine and surgery shall annually register with the department and pay an annual registration fee of \$3. To such persons the department shall issue certificates of registration which shall cease to be valid on December 31 of the year for which issued. Such fee shall be due and payable before January 1 of each year except as to veterinarians beginning or resuming practice with approval of the board. In case any veterinarian who has not registered and has not practiced in this state for a period of one or more years desires to resume practice the board, in its discretion, may permit registration upon request and payment of \$3 or may require the applicant to first successfully pass an examination conducted as provided in s. 95.52.

History: 1953 c. 390.

95.54 Revocation. The department may, upon the recommendation of the board of veterinary examiners, and after a hearing as provided in section 93.18, suspend or revoke any veterinary license or certificate of registration for any professional misconduct, breach of duty or violation of law or rule or regulation of the department. Notice of the hearing and a copy of the complaint shall be served upon the licensee at least 20 days before the day set for hearing.

95.64 Livestock remedies; definition, sales. (1) The term "livestock remedy" as used in ss. 95.64 to 95.66 shall include all devices, remedies, cures, tonics, powders, proprietary medicines, condimental feeds, medicated stock foods and similar preparations for the treatment or prevention of any disease of livestock, poultry or other domestic animals and administered internally for their stimulating, invigorating, curative or other powers; but excluding all medicines manufactured, sold and recommended primarily for human use.

(2) No person by himself, his servant or agent shall sell, offer or expose for sale or

have in his possession with intent to sell any livestock remedy which is not registered as provided in s. 95.65, or which:

- (a) Is sold under a name, brand or trade-mark which is misleading or deceptive;
- (b) Purports to cure Bang's disease (commonly called contagious abortion), hog cholera, fowl cholera, tuberculosis, foot and mouth disease, roup, white diarrhoea or any other disease of domestic animals for which no genuine cure is known;
- (c) Does not have printed or written upon the label of each package as sold at retail, in type not less than one-fourth the largest type on the package:
 1. The common name in English of all ingredients;
 2. The percentage of each diluent, filler or inert ingredient;
 3. A statement of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein;
 4. The net contents, by weight or measure, of such package;
 5. The name and principal address of the manufacturer or person responsible for placing such livestock remedy on the market;
- (d) Does not contain all the contents of the package as originally put up, without addition.

(3) No label of a package in which a livestock remedy is sold at retail shall state that the remedy has been registered by the department unless such statement is immediately followed in at least equally large and conspicuous type in the same color by the words: "This statement does not indicate or imply directly or indirectly any indorsement by the department."

Sale of livestock remedies complying with the provisions of 95.64 and 95.65 pursuant to 151.04 (3), in the form of proprietary medicines in sealed packages, labeled to comply with the federal and state pure food and drug law, with directions for using and carrying the name and location of the manufacturer, is not restricted to registered pharmacists, even though the same may contain items listed as drugs under 151.06 or may contain dangerous drugs enumerated in 151.07. 40 Atty. Gen. 341.

95.65 Livestock remedies; registration; fee. (1) Upon application of the manufacturer or distributor and payment of the registration fee of \$6 for each remedy, the department shall register any livestock remedy which does not violate s. 95.64 (2) (a) to (d) or (3). Such registration shall expire December 31 unless sooner canceled or a change is made in the ingredients or formula of manufacture or in the name, brand or trade-mark under which such livestock remedy is sold. In the event of any such change, it shall be necessary to register such remedy again, and in the same manner as upon original application.

(2) The department may make regulations governing applications for registration, the submission of samples for analysis and all other matters necessary to give effect to this section, but no such regulation shall impose any requirement for registration other than as provided by this chapter.

History: 1955 c. 10.

95.66 Samples. All samples for analysis shall be taken from stocks in the state, or intended for sale in the state, and the department may call upon the manufacturer or distributor applying for the registration of a remedy to supply samples thereof for analysis.

95.69 Penalties. Any person who shall violate any of the provisions of this chapter for which a specific penalty is not prescribed shall, for the first offense, be fined not more than \$200 or imprisoned in the county jail not more than 6 months or both; and for any subsequent offense fined not less than \$200 nor more than \$500, or imprisoned in the county jail not less than 30 days nor more than 6 months or both.

History: 1951 c. 223; 1953 c. 61.

95.70 Livestock dealers', truckers' and market licenses. (1) **DEFINITIONS.** In this section:

(a) "Livestock dealer" means any person who engages in the business of buying for resale, selling or exchanging cattle, sheep or swine as principal or agent, or who holds himself out as so engaged, but does not include employes of a licensed livestock dealer doing business in the name of such dealer, or the owner or operator of a farm who sells only cattle, sheep or swine which have been kept by him solely for dairy, breeding or feeding purposes and who does not hold himself out as engaged as a livestock dealer.

(b) "Livestock trucker" means any person engaged in the business of transporting cattle or swine for hire by any conveyance whatsoever.

(c) "Livestock market" means any premises open to the public for the purpose of trading in cattle, sheep or swine and on which facilities are maintained for the yarding, feeding and watering of animals prior to sale, but shall not include any livestock market inspected by the federal government.

(2) LICENSE REQUIREMENT, FEES. No person shall engage as a livestock dealer, livestock trucker or operator of a livestock market without a license. The operator of a livestock market licensed under this section shall not be required to be licensed as a livestock dealer. Each license shall expire June 30 next following its issuance. Application shall be made upon forms provided by the department. An application for a livestock dealer's license shall be accompanied by a fee of \$10. An application for a livestock trucker's license shall be accompanied by a fee of \$1. An application for a livestock market license shall be accompanied by a fee of \$25. The license shall bear the name of the licensee and his business address. No person whose license has been revoked may be issued another license within one year of the revocation.

(3) RULES AND REGULATIONS. The department pursuant to s. 93.18 shall issue rules governing conduct of the business of livestock markets, livestock dealers and livestock truckers, including sanitary requirements for premises, facilities and operations. It shall require persons so engaged to make and preserve records of their business and to make reports thereof to the department. The department shall inspect the premises, facilities and vehicles of licensees under this section.

(4) PENALTIES. Any person violating any provision of this section or any rule or regulation of the department issued thereunder shall for the first offense be fined not more than \$200 or imprisoned not to exceed 6 months or both, and upon a second conviction within 3 years he shall be fined \$200 or imprisoned not to exceed 6 months or both. Any person conducting a business regulated by this section after revocation of his license shall be fined \$200 or imprisoned not to exceed 6 months or both.

History: 1951 c. 607, 636; 1953 c. 61; 1955 c. 10; 1957 c. 55.