

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

December 4, 1919

To Honorable Carl E. Milliken, Governor of Maine
Re: Salvage - Condemned Cattle

The Live Stock Sanitary Commissioner calls our attention again to the problems arising out of the salvage received from the hides and carcasses of cattle killed under the co-operative inspection with the Federal Government. He tells me that he has not again taken the matter up with the Government official or sent them a copy of our opinion under date of November 10th, for the reason that the Government agent is soon to be here again.

Mr. Bearce apparently believes that in cases where cattle are killed at establishments where there is a Federal Government inspector, they are not paid for under the same provisions of law as apply to cattle shipped to the Brighton market. We are still of the opinion that the same provisions apply in both cases, but will call your attention a little more clearly to the provisions of our law for the benefit of all concerned.

Prior to 1913 there were two distinct methods of handling this salvage. In cases where the cattle were killed by the State authorities, under the provisions of what is now Section 3 of Chapter 35 of the Revised Statutes, the owner was paid the market value of the animal up to a definite maximum, the salvage belonging to the State under the provisions of what is now Section 22 of the same Chapter. Where cattle were shipped to Brighton and killed, under the provisions of what is now Section 9 of the same Chapter, the salvage belonged to the owner and the State paid him the appraised value up to a fixed maximum after the salvage was deducted.

You will note that in one case the State had nothing to do with the salvage. In the other case, the salvage belonged to the State.

Now we come to the act of 1913, which was Chapter 74 of the Public Laws of that year, which provided as follows:

"Cattle reacting to the tuberculin test may be sent to establishments maintaining an United States Government Meat Inspection Service and be killed under Federal Government inspection and be disposed of according to the requirements of the Government Meat Inspection act."

You will note that this provision is very brief. It made no provision for compensation to the owner, but we assume that there is no question that the legislature intended that the owner should be compensated under existing provisions of law, and you will note that this law was adopted as an amendment to an existing provision governing shipments to the Brighton market and became a part of that section. For this reason, it seems to us to have been the legislative

intent that the provisions of that section relative to compensation should apply to cattle killed under the co-operative work with the Federal Government and that the provisions of Section 3 of Chapter 35 of the Revised Statutes have no application.

We are writing this second communication because of the impression which Mr. Bearce seems to have that the salvage in this case is to be treated the same as in cases where the cattle are killed under exclusive State supervision.

It is still our belief that, in the co-operative work, the salvage belongs to the owner, that it should never be paid to the State, and that the State should deduct the amount of the salvage from the appraised value in making payments to the owner.

If this interpretation of law is correct, the Federal official is correct in his method of handling the problem.

Fred F. Lawrence
Deputy Attorney General