

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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February 13, 1945

To J. J. Allen, Controller

We have your memo of January 23rd, which is as follows:

"Chapter 40, Section II of the Revised Statutes of 1930, Chapter 27, Section 53, R. S. 1944) provides that the Department of Agriculture pay indemnities on cattle condemned for Tuberculosis out of any moneys appropriated by the Legislature for that purpose up to \$200.00 for cattle with a pedigree recorded or recordable, and \$100.00 for cattle which have no recordable pedigree. Subsequent to the passage of this law there was created an act to provide for the issuance of State of Maine Agricultural bonds for the eradication of Bang's Disease and other contagious diseases. (Chapter 254, P. L. 1941.) "This act provides for the Commissioner of Agriculture to set up a program from the proceeds of such bond sales for the eradication of Bang's Disease and other contagious diseases under the powers vested in him by Chapter 40 of the Revised Statutes as amended, and by Chapter 297 of the Public Laws of 1933.

"Chapter 297 of the Public Laws of 1933 provides for indemnities for cattle condemned for Bang's Disease up to \$20.00 for a grade animal and \$50.00 for a registered pure bred animal. As the money now being expended by the Department of Agriculture for indemnities on cattle condemned for contagious diseases is all derived from the proceeds of the bond issue for the eradication of Bang's Disease and other contagious diseases, we are wondering if the indemnities specified in Chapter 40, Section II, still apply."

Answer. We understand that since the enactment of Laws of 1941, Chapter 254, no appropriation has been made by the legislature for the payment of indemnities of cattle affected with tuberculosis. Section 6 of the above law provides:

"Disbursements of bond proceeds. The proceeds of such bonds shall be expended under the direction of the commissioner of agriculture who shall immediately set up a program for the eradication of Bang's disease *and other contagious diseases* under powers vested in him by chapter 40 of the revised statutes, as amended, and by chapter 297 of the public laws of 1933."

We think that the Commissioner of Agriculture by the above provision is authorized to pay these indemnities from the proceeds of the bonds issued thereunder. As to the amount to be paid, we find no change in any of the provisions, nor evidence of any intent to do so; hence the indemnities for cattle with tuberculosis condemned and ordered destroyed are to be paid in accordance with Section 53 of Chapter 27, Laws of 1944. See also Rule 14 pertaining to livestock sanitation issued by the Department of Agriculture (Division of Animal Industry.)

ABRAHAM BREITBARD
Deputy Attorney General