

MAINE STATE LEGISLATURE

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May 23, 1947

To A. K. Gardner, Commissioner of Agriculture
Re: Veterinarian's Duties (Downing vs. Ballard)

I have your memo of May 14th with regard to the above matter, in which you propound four questions:

"1. In your opinion do we have a case against Ballard because of his changing the dates on the health chart?"

Answer. Yes, providing you can prove it was done with intent to defraud.

"2. In your opinion do we have a case against Ballard because he sold a reactor cow into a clean herd? He did have a negative blood test presumably representing blood taken from this particular animal."

Answer. I can find no statute which would give you a case against Ballard, as I can see no violation of Section 2 of Chapter 275, P. L. 1945, which is an amendment to Section 73 of Chapter 27, R. S. You will note that the penalty relates to violation of quarantine, and the Ballard cattle were not quarantined when they were removed from the herd and delivered to Downing.

"3. In your opinion do we have a case against Ballard because he delivered a cow infected with, or exposed to, shipping fever, a contagious disease?"

Answer. Before answering this question I should like a copy of your Rules and Regulations in regard to shipping fever and to delivery of animals infected with or exposed to contagious disease. I find nothing in the statute relating thereto. . .

"4. In your opinion, from the evidence presented, have we justification to suspend Dr. Houle's authorization to do official testing under the Bang's and T. B. programs?"

Answer. Chapter 275, P. L. 1945, requires the Commissioner to investigate the existence of tuberculosis, Bang's disease, etc., and other infectious and contagious diseases among cattle, and for eradication of Bang's disease, the Commissioner or his agent in charge of livestock and sanitary work shall have blood from the animals drawn by a regularly employed State or Federal veterinarian or an authorized, accredited veterinarian, etc., etc.

It seems to me that Mr. Houle has discredited himself by his careless and reckless handling of the blood and tags in this particular instance. I think you would be justified in refusing to recognize him as an accredited veterinarian for the purpose of testing for Bang's disease or tuberculosis, under this statute.

Ralph W. Farris
Attorney General

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