

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

of Section 40 of Chapter 121, R. S. 1944, which is the section of the law which provides for local option and legalized Sunday sports. The only recreational or competitive amateur sports or games prohibited on Sunday in this section are boxing, horse racing, air circuses, and wrestling.

Under date of September 7, 1949, the Attorney General advised the Chief of the Maine State Police that in towns or cities which had accepted by local option the Sunday amateur sports law, amateur stock car racing would be legal when the races are conducted before 7 p.m.

JOHN S. S. FESSENDEN
Deputy Attorney General

October 17, 1950

To Francis G. Buzzell, Chief, Division of Animal Industry,
Department of Agriculture

Re: Chapter 429, P. L. 1949, Part C thereof

Under date of October 10, 1950, you submitted a memorandum to this office reading as follows:

"We are in doubt as to whether we can force farmers with reactor cattle to slaughter them under Section 73A of Chapter 27. It is our understanding that all we can do is to place these cattle under quarantine and then take action if they violate any of the later provisions of the Section. Can we compel such farmers to slaughter their reactors?"

Chapter 429 of the Public Laws of 1949 amended Chapter 27 of the Revised Statutes of 1944 by adding thereto a new section to be numbered 73-A, which section contains legislative authority for three alternative plans pertaining to the eradication of Bang's disease. As I understand your question, as confirmed by a conversation with you, you are interested solely in whether or not cattle held under the provisions of Plan C may be slaughtered.

You will note that in the last paragraph of Section 73-A it is stated that "the owner shall continue with this plan or one of the other official plans ***" Since you have stated that you are interested only in Plan C, it must be assumed that you are not concerned with any case in which an owner has continued, or brought himself within, some other official plan. Confining our answer, then, solely to the procedure to be followed under Plan C, it would appear that each and every requirement of Plan C must apply to an owner operating thereunder and that it is a condition precedent to the right to remove his cattle and cause the same to be slaughtered that the department be able to prove affirmatively that the owner of the cattle, operating under Plan C, has violated one or more of the conditions specifically set forth in the statute.

I notice in your question that you use the words, "Can we compel such farmers to slaughter their reactors?" The statute makes no reference to compelling the farmer to slaughter his reactors. On the contrary, the statute states, "if the owner does not so continue, the department of agriculture or its duly authorized agent is authorized to remove and cause to be slaughtered the reactor animals without payment of the indemnity."

JOHN S. S. FESSENDEN
Deputy Attorney General