

# MAINE STATE LEGISLATURE

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no

July 11, 1951

To A. K. Gardner, Commissioner of Agriculture  
Re: Provisions of Chapter 411, P.L. 1951

Your memo of July 10, in which you request opinions with regard to the above chapter, has been received by this office.

1. You ask if you are obliged to delay payment of indemnities provided for by said chapter until the effective date of the Act.

With respect to this question it is our opinion that the new chapter, 411, not being an emergency measure, is an ordinary act, and comes within the constitutional provision making the effective date of the act 90 days after the adjournment of the legislature, or August 20, 1951. Thus indemnities for cattle slaughtered for Bang's disease may not be made from the \$15,000 appropriated under Sec. 2, Ch. 411, P.L. 1951, until August 20, the effective date of the Act.

2. You inquire also if the State is liable to pay indemnities to the owners of all cattle, not in herds holding known reactors, slaughtered on or after June 1, 1951, under the provisions of Sec. 1, Ch. 411, P.L. 1951.

In response to this question, it is our opinion that you will be so liable.

The second paragraph of Sec. 74, Ch. 411, P.L. 1951, reads as follows:

"The indemnities provided by this section shall be paid by the state; provided, however, that no herd owner having known reactors in the herd on June 1, 1951, shall be eligible for indemnity."

This section provides that indemnity will be made only to those owners for cattle slaughtered from herds in which there were no known reactors. It would mean that the State would be liable to owners of all cattle, not in herds holding known reactors, slaughtered on or after June 1, 1951, provided the condemnation and disposal of such cattle are in compliance with the other provisions of Sec. 74, Ch. 411, P.L. 1951.

The answer, then, to Question #1 is "Yes."

The answer to Question #2 is "Yes."

James G. Frost  
Assistant Attorney General