

**State Board of Entomology, Power and Duties of. Rocky Mountain Tick Fever, Eradication of. Quarantine, of Persons or Animals.**

Under the provisions of Sec. 9, Chap. 120, Laws of 1913, any person violating the rules and regulations prescribed by the state board of Entomology is deemed guilty of a misdemeanor. The rules and regulations adopted by the board for the eradication and control of Rocky mountain tick fever must be printed and published.

The failure or refusal of the owner of a domestic animal to permit its dipping as provided for, may result in a close quarantine thereof, and the said board has power to compel the dipping of all domestic livestock in tick infected districts.

June 19th, 1913.

Hon. R. A. Cooley,  
Secretary Montana State Board of Entomology,  
Helena, Montana.

Dear Sir:

I have your letter requesting my opinion as to the extent of your powers and the manner of their exercise under the law, and the rules and regulations promulgated by your board pursuant thereto, relating to the eradication and control of the Rocky Mountain tick fever, in a case where a person residing in an established district refuses to permit the dipping of his driving horses.

As you are aware, the powers and duties of your board are outlined and defined by the provision of Chap. 120 of the Session Laws of the Thirteenth Legislative Assembly. Under this act, one of the primary duties of your board is to take steps to eradicate and prevent the spread of Rocky Mountain tick fever, and as a means to the end, you are given authority by the provisions of Sec. 6 to make and prescribe rules and regulations, including the right of quarantine over persons and animals in any district of infection, and have the right to designate and prescribe the treatment for domestic animals to prevent the spread of this disease. Under the express provisions of Sec. 9 of the act any person violating any of the rules and regulations promulgated by your board is deemed guilty of a misdemeanor, and upon conviction is subject to punishment as provided for in this section. It is, of course, necessary for your board to publish in printed form all of your rules and regulations adopted for the eradication and control of this disease, and distribute them among the residents of their district to be affected, and I am of the opinion that it is essential that before your board is permitted to proceed against anyone for a violation, either of the provisions of the law or of any of your rules and regulations promulgated thereunder, that such person should first have seasonable notice of and be in possession of a printed copy thereof.

I note that your board, under the authority vested in it by law, has established tick control districts in the Bitter Root Valley in Ravalli county, and adopted certain regulations with reference thereto. In the preamble of your circular it is declared that of the four stages in the development of the wood tick, the last or adult stage, commonly occurs and is fed on horses, mules, asses, cows and dogs, and in the second section of your regulations provision is made for the construction of dipping vats and yards, where all cows, horses, mules, asses and dogs shall be periodically dipped or otherwise freed and kept free of ticks by spraying, carding or hand-picking, and at such times and in such manner as the officers in charge of the work may prescribe. Under the provisions of Sec. 3 of your regulations, owners of domestic animals in tick control districts are permitted to dip their animals in the state dipping vats without charge, and under the provisions of Sec. 4 of your regulations a close quarantine of all domestic animals, including driving horses, shall be placed upon

animals and premises of all persons who refuse or fail to bring their animals to the vats for dipping.

In my opinion, your board has made ample provision, by way of regulation in tick control districts, for the control of the disease in question, and your board certainly is in a position to compel obedience, for if the owner of a driving horse within a tick control district, as established by your regulations, fails or refuses to dip or permit the dipping of such animals, your board may place a close quarantine thereon, and if this quarantine be broken, prosecution could be instituted and the person or persons so violating be charged as for a misdemeanor for breaking quarantine. I am further of the opinion that the remedy just suggested is not exclusive, but that your board has the power to compel the dipping of all domestic livestock in any tick control district, and any person or persons having such stock within such district, and who fail or refuse to obey your regulations respecting the dipping of such animals, may be prosecuted as for a misdemeanor for so refusing or neglecting to dip. In the case of driving horses, perhaps the most efficacious remedy at hand is to exercise the power of quarantine by compelling obedience with your regulations with respect thereto, through prosecution for violations thereof under the provisions of Sec. 9 of the act referred to.

Yours very truly,

D. M. KELLY,  
Attorney General.