Opinion No. 324.

Montana Livestock Commission—Meat Inspection—Cost of Inspection.

HELD: The Livestock Sanitary Board may receive from the City of Missoula, funds for the purpose of paying the cost of meat inspection in the City of Missoula.

August 16, 1938.

Dr. H. F. Wilkins
Acting State Veterinary Surgeon
The Capitol

Dear Dr. Wilkins:

You have submitted the following facts:

"The City of Missoula has requested this Department to establish meat inspection in that City. Ante mortem and post mortem inspection have already been established in the Daily Packing Company at Missoula.

The City of Missoula has or is going to pass a city ordinance requiring the inspection of all meat products sold in the City, and it is their desire that this inspection be done by the Livestock Sanitary Board and not by a city employed inspector. It has been customary for this Department to maintain meat inspection in establishments where a request for this inspection has been received. Because of insufficient funds this Department has required the applicant to pay for the inspection. It is my understanding that the City of Missoula will collect from slaughtering establishments certain funds, and that these fees will be used to pay for the inspection.

"At the present time an applicant pays this Department for the time as rendered by the inspector and we in turn pay the inspector a like amount.

"Is it legal for this Department to set up meat inspection at the request of a municipality and have the inspection paid for as above outlined?"

Section 3298.2, R. C. M. 1935, provides:

"The livestock sanitary board is hereby empowered to establish a system of meat inspection and meat grading in cities of the first class and in any other city, town, county or district when considered necessary for the public health or welfare and are given supervision over all establishments used in the business of slaughtering and preparing animals for food purposes in the State of Montana, except establishments slaughtering or preparing animals for food purposes where inspection is maintained by the bureau of animal industry of the United States department of agriculture. * * *"

Section 3298.3 Id., reads:

"For the purpose of this act, the Montana livestock sanitary board is authorized to employ persons skilled in the inspection of meats and meat food products for wholesomeness and healthfulness, necessary additional employees and equipment as required, and such board is authorized to utilize and employ in the enforcement of this act any employee or agent

of the Montana livestock sanitary board."

Section 3298.7 provides for inspection service by the livestock sanitary board upon application made by any person, firm or corporation engaged in the slaughtering of cattle, sheep, swine or other animals for food purposes; and Section 3298.10 gives authority to the livestock sanitary board to make rules and regulations necessary for the efficient enforcement of the act. A reading of the Montana meat inspection law leads us to the conclusion that the legislature intended that the applicants for inspection should pay the cost of inspection. We are strengthened in this view by reason of the fact that although the legislature provided for inspection of meats, it did not appropriate any money for this purpose; therefore, the only method by which the livestock commission may maintain adequate inspection is by charging for the service rendered.

We find nothing in the act which would prevent the livestock sanitary board from making the arrangement above outlined. We think it is within the purpose and intent of the act to permit the board to collect, from the applicants who desire to have inspection service, the cost of inspection. If the City of Missoula voluntarily chooses to collect the inspection fees and pay them over to the department for this purpose, we see no legal objection to it.