

**Opinion No. 143.****Livestock Commission — Marks and  
Brands—Tattoo Marks—  
Recording.**

HELD: It is unlawful to use tattoo marks on domestic animals or livestock running at large or upon the public domain or open range or which may run or stray at large or upon the public domain or open range unless such tattoo mark has been recorded as provided in Section 3301, R. C. M., 1935.

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September 29, 1939.

Mr. Paul Raftery  
Secretary, Livestock Commission  
The Capitol

Dear Mr. Raftery:

You have submitted the following:

“Attached is literature which is being circulated in the state of Montana by the American Poultry and Livestock Marking Association.

“This Association is soliciting memberships in the state of Montana. These memberships are for life, and the membership fee is \$10.50. The as-

sociation assigns a tatoo mark to be used on everything from checks, books, dogs, to and including, horses and cattle. They furnish their members with an instrument for applying the tatoo, a bottle of dye, and guarantee to furnish a copy of tatoo marks assigned to members to all sheriffs in the United States. \* \* \*

"Will you please give me your opinion as to whether or not the use of tatoo marks described in the enclosed literature is a violation of this law."

Section 3301, R. C. M., 1935 provides:

"It shall be unlawful for any person, firm, or corporation to artificially brand or mark, or cause to be artificially branded or marked, any domestic animal or livestock, running at large, or upon the public domain, or open range, or which may run or stray at large or upon the public domain or open range, unless such artificial brand or mark has been recorded or re-recorded as provided by law, in the office of the general recorder of marks and brands, in the name of such person, firm, or corporation, within the period of ten years immediately preceding such branding or marking."

In view of the statute, which is clear, we are compelled to advise that in our opinion it is unlawful to use "tatoo marks" on domestic animals or livestock running at large, or upon the public domain, or open range, or which may run or stray at large upon the public domain or open range, unless such mark is recorded in the office of the general recorder of marks and brands of the State of Montana, as provided in this section.