

No. 146

INSPECTION AND MARKING OF HIDES OF SLAUGHTERED CATTLE—FEE FOR INSPECTION—SHERIFFS

Held: In localities where there is no sheriff or deputy sheriff, and where there is need for the inspection herein required, a deputy sheriff shall be appointed, and shall be authorized by the Board of County Commissioners of the county to make such inspections, and he shall be **PAID FROM THE APPROPRIATE COUNTY FUND** therefor a fee of not to exceed twenty-five cents (25c) for each beef hide inspected, and a fee not to exceed ten cents (10c) for each veal hide inspected. Except as provided, no fee shall be charged or paid for such inspection.

June 23, 1941

Mr. W. W. Lessley
County Attorney
Gallatin County
Bozeman, Montana

Dear Mr. Lessley:

You have asked for our interpretation of the provisions of Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Session Laws of 1941, as to the fee to be charged or paid for inspections made under its provisions.

Section 3298.18, prior to its amendment by Chapter 78, Laws of 1941, among other things, reads as follows:

“ . . . For each hide inspected the authorized officer making such inspection shall collect a fee of twenty-five cents (25c) for beef hides, and for veal hides a fee of ten cents (10c), such fee to be retained by the inspector, provided, however, that any butcher or hide dealer may contract or agree with the inspector for inspection at a less fee than twenty-five cents (25c) for each hide; and, provided further, that all such contracts inspector shall be appointed by the Livestock Commission.”

An examination of Section 3298.18, as amended by Chapter 78, Laws of 1941, fails to disclose the above named paragraph. In other words, the Legislature saw fit to omit it altogether, which would mean no further consideration need be given to it.

Section 2, Chapter 78, Laws of 1941, provides:

“In localities where there is no sheriff or deputy sheriff, and where there is need for the inspection herein required, a deputy sheriff shall be appointed and shall be authorized by the Board of County Commissioners of the county to make such inspections, and he shall be paid from the appropriate county fund therefor, a fee of not to exceed twenty-five cents (25c) for each beef hide inspected, and a fee of not to exceed ten cents (10c) for each veal hide inspected. Such deputy sheriff shall have the same powers and authority, and shall perform the same duties as the sheriff. **Except as in this Section provided, no fee shall be charged or paid for such inspection.** No butcher, meat peddler, or employee of any such butcher or meat peddler shall be appointed such deputy sheriff.”

Said Section 2 of Chapter 78, Laws of 1941, makes provisions for the fee to be charged and paid to deputy sheriffs appointed in localities where there is no sheriff or deputy sheriff, and where there is need for the inspection required, but it makes no provisions for the charging of a fee by the sheriff or any of his regular deputies.

Therefore, it is my opinion that, in localities where there is no sheriff or deputy sheriff, and where there is need for the inspection herein re-

quired, a deputy sheriff shall be appointed, and shall be authorized by the Board of County Commissioners of the county to make such inspections, and he shall be **paid from the appropriate county fund** therefor a fee of not to exceed twenty-five cents (25c) for each beef hide inspected, and a fee of not to exceed ten cents (10c) for each veal hide inspected. Except as in Section 2 provided, no fee shall be charged or paid for such inspection.

Sincerely yours,

JOHN W. BONNER
Attorney General