

Dairies—Licenses—Livestock Sanitary Board.

Section 3282, Revised Codes of 1921, construed as not requiring a person, who keeps one cow for family use and who sells extra milk to neighbors, to procure a license from the Livestock Sanitary Board.

Dr. W. J. Butler,
State Veterinary Surgeon,
Helena, Montana.

My dear Dr. Butler:

Your letter was received requesting my opinion as to whether a man who keeps one cow for family use and who sells extra milk to near neighbors during certain seasons of the year, is required to procure a license from the Livestock Sanitary Board.

Section 3282, Revised Codes of 1921, provides in part as follows:

"It shall be unlawful for any person, firm, or corporation to conduct any creamery, receiving station, dairy, butter, cheese, condensed milk, or ice cream factory within the State of Montana without first securing a license issued by the Livestock Sanitary Board. * * *

"The following schedule of license fees shall be charged for all licenses issued under the provisions of this section by the Livestock Sanitary Board.

"Schedule of license fees:

"Dairies of twenty cows or less selling milk or cream, or both, shall pay an annual license fee of one dollar. * * *"

Under the facts submitted by you it cannot be said that a dairy was being operated and it is my opinion that the Legislature did not intend to require a license under the circumstances disclosed in your inquiry.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.

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