

### Licenses—Butchers.

A person who maintains a fixed place of business where he sells dressed meat is a butcher and is not required to slaughter cattle purchased by him at a fixed location in order to operate under a butcher's license.

January 11, 1928.

Max Kuhr, Esq.,  
County Attorney,  
Havre, Montana.

My dear Mr. Kuhr:

You have requested my opinion on the following question:

“Under the provisions of chapter 121, laws of 1927, is a person who maintains a fixed place of business where he sells dressed meats but who does not maintain a fixed location or slaughter house but slaughters cattle wherever he may happen to purchase them, a butcher as defined by section 1 of said chapter, or must he in addition to maintaining a fixed place of business for the sale of dressed meats also maintain a fixed location for slaughtering purposes in order to operate under a butcher's license?”

Section 1, *supra*, provides as follows:

“Every person, firm, corporation or association who, at a fixed location, slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this state, or who at a fixed place of business deals in or sells dressed meats, shall for the purpose of this act be designated as a ‘butcher.’ Every other person, firm, corporation or association who slaughters or causes to be slaughtered any neat cattle, or who deals in the selling of dressed meats elsewhere than at a fixed place of business, shall for the purpose of this act be deemed a ‘meat peddler.’”

From the foregoing it appears that there are two classes of dealers

in meat who are defined as butchers; first, a person who maintains a fixed location where he slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this state, such as a person who slaughters cattle for the purpose of wholesaling the meat; second, a person who at a fixed place of business deals in or sells dressed meats, such as a retail shop.

In both instances it appears to have been the intention of the legislature to allow anyone who maintained a permanent and fixed place of business, either a slaughter house or a market, to operate under a butcher's license.

It is therefore my opinion that a person who maintains a fixed place of business where he sells dressed meat, is a butcher and is not required to slaughter cattle purchased by him at a fixed location in order to operate under a butcher's license.

Very truly yours,

L. A. FOOT,  
Attorney General.