

Licenses—Butchers—Meat Peddlers.

The selling of dressed meat from a traveling store is dealing in the selling of dressed meats elsewhere than at a fixed place of business and constitutes the operator thereof a peddler as defined by chapter 121, laws of 1927, and he must have a license as such.

Art Jardine, Esq.,
Deputy County Attorney,
Great Falls, Montana.

March 28, 1929.

My dear Mr. Jardine:

You have requested my opinion on the following question:

“Where a storekeeper, operating in a permanent place of business, also operates a traveling store wherein he displays and sells groceries and meat by stopping along the highways and in the small towns and allowing customers to come to the traveling store and make their purchases, but does not peddle from door to door, is such a person a “meat peddler” as defined in Chapter 121, Laws of 1927, and required to take out the peddler’s license as required by Section 2 of said act?”

Section 1 of Chapter 121, 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’.”

There is nothing in this section which would authorize a person operating under a butcher license to also engage in the peddling of meat, and clearly the selling of meat from a traveling store is dealing in the selling of dressed meats elsewhere than at a fixed place of business, and constitutes the operator thereof a peddler as defined by said act.

Further, this is a license tax imposed under the police powers of the state and, applying the well established rule that in construing the statute the legislative intent must be given effect if possible, it is at once evident that because of the greater difficulty of supervision of persons selling meats other than at a fixed place of business, it was the intent of the legislature to class such persons as "peddlers" and impose a greater license fee on such persons than on those simply dealing in meats from a fixed place of business.

I therefore agree with you that the party in question would be deemed a "meat peddler" and be required to take out a peddler's license.

Very truly yours,

L. A. FOOT,
Attorney General.

By S. R. Foot, Assistant.