

## Warehouses — Agricultural Seeds — Beans — Licenses — Storage.

A person, firm or corporation that receives for storage beans or any of the other agricultural seeds mentioned in chapter 50, laws of 1927, is required to procure a license as therein provided, the provisions of said chapter not being confined to the storage of said seeds when they are intended for planting purposes only.

Mr. A. H. Stafford,  
Commissioner of Agriculture,  
Helena, Montana.

November 3, 1931.

My dear Mr. Stafford:

You have requested an opinion whether chapter 50, laws of 1927, requires the procurement of a license to store beans that are not intended for planting purposes but are intended for consumption.

You have verbally informed me that some operators of warehouses raise the point that the act applies only to beans stored for the purpose of being used as seed for planting purposes. Said chapter requires a license by all warehouses storing "agricultural seeds" and the above quoted term is defined by the law as follows:

"The term 'agricultural seeds' as used in this Act shall be held to mean and include the seeds of red clover, white clover, alsike, alfalfa, Kentucky blue grass, timothy, brome grass, orchard-grass, redbtop, meadow fescue, catgrass, rye-grass, and other grasses and forage plants, corn, rape, busk wheat, beans, peas, and registered or certified seed grains in bags."

In my opinion, the word "seeds" as used in this act is not limited in its meaning to seeds which are intended to be planted, but on the contrary, it is descriptive of the products of agricultural grasses and plants. Therefore, the act applies to all of the seeds mentioned without regard to their intended use so that any person storing any of the above mentioned seeds is required to procure a license under the terms of the act without regard to the intended use of said seeds.

This conclusion is, I think, fortified by the fact that said chapter 50, defining agricultural seeds, was, no doubt, because of its phraseology, drafted from section 3593 R.C.M. 1921, and by comparison it will be noticed that in the definition of agricultural seeds as used in said chapter 50 there was eliminated that part of section 3593 which limited the meaning of "agricultural seeds" to those intended to be used for seeding in this state. It is apparent that the legislature was familiar with said section 3593 at the time of the enactment of said chapter 50 and that the definition of "agricultural seeds" was taken largely from said section 3593, and if it was the intention of the legislature that said chapter 50 should apply to agricultural seeds only when intended for seeding purposes that provision would have been left in the definition instead of being eliminated therefrom.

It is therefore my opinion that any person, firm or corporation who receives for storage beans or any of the other seeds mentioned in said chapter 50 is required to procure a license as therein provided, and that the provisions of said chapter 50 are not confined to the storage of said seeds when they are intended for planting purposes only.

Very truly yours,

L. A. FOOT,  
Attorney General.