

**Opinion No. 23.****License—Wholesale Dealers—  
Dealers in Hay.**

HELD: Persons dealing in hay at wholesale, are wholesale dealers within the meaning of Chapter 164, Laws of 1933.

January 4, 1935.

Mr. Geo. L. Knight  
Chief, Division of Horticulture  
Missoula, Montana

You have stated that a number of complaints have been made about the practice of certain parties in the State of Montana buying hay in large quantities and evading payment for all or part of the hay purchased, and you have asked whether persons dealing in hay at wholesale come within the provisions of Chapter 164, Laws of 1933, which provides for the licensing and bonding of dealers at wholesale.

Section 1 of this Act provides: "For the purpose of this Act any person who shall buy to sell at wholesale, or contract to buy to sell at wholesale, or who shall handle at wholesale for the purpose of resale, or who shall handle at wholesale on account of, or as agent for another, any produce as herein defined, \* \* \*."

Section 3. a. of the Act, reads: "The term 'produce' as used in this Act shall mean and include the natural products of the farm, the natural products of the orchard, vineyard, garden and apiary, raw and manufactured; (except grains, dairy products, livestock, poultry and poultry products), when handled for the purpose of resale."

Undoubtedly, hay is a natural product of the farm. If it is, since it is not grain, which is expressly excepted, we see no reason why dealers in hay at wholesale, as specified in Section 1 above, would not be within the meaning of the Act. If it was the intention of the legislature to except hay, it should have done so as it did in excepting grain. The intention of the legislature is to be obtained primarily from the language of the statute. (59 C. J. 962, Section 569.).

Where the language of a statute is plain and unambiguous, there is no occasion for construction. The statute must be given effect according to its plain and obvious meaning, and the court cannot speculate as to what might have been in the mind of the legislature, but which was not expressed in the statute. To do so would be assuming legislative authority. (Id.)

The words of Sections 1 and 3.a. of Chapter 164, are plain and unambiguous. I am therefore of the opinion that dealers in hay at wholesale are within the terms of the Act.

Note: See Opinion No. 247, this volume.