Opinion No. 240.

Milk Control Board—Licenses, Period of.

HELD: The Milk Control Board has the power to determine the fiscal period for licenses and to fix same as and for the calendar year.

January 30, 1936.

Mr. G. A. Norris
Commissioner, Montana Milk Control Board
The Capitol

You have requested my opinion upon the following:

"Please advise if it is permissible for this office, at this time, to accept license fees in the amount necessary to make up the regular annual license fee as prescribed by the law, creating the Milk Control Board, which amount of payment, in applying for the 1936 license, is to be determined by the credit due such dairyman by reason of the unexpired term existing on his 1935 license.

"For example, where a trade area became effective on July 1st, and the licensing of dairymen in such trade area took place on July 1st, can the Milk Control Board then allow such dairymen credit for the unexpired term of their 1935 licenses of six months, as credit to apply on their 1936 licenses?"

In our opinion to you dated October 5, 1935, we held that the license fee required by Chapter 189, Laws of 1935, is for a period of twelve months and we suggested therein that when the full fee is paid during the year 1935 credit should be given for the 1936 license. It is my opinion that by appropriate resolution the board has the power and authority under Section 5 of the Act, conferring upon the board the power to adopt, promulgate and enforce all rules and regulations necessary to carry out the provisions of the Act, to determine the fiscal period for licenses under the Act and to fix the same as and for the calendar year. Therefore, any fees paid in excess of the calendar year for 1935, should be applied on the calendar year 1936.