

sion thereof, or any public officer acting therefor.

In view of the purpose of the law and the effect upon the market price, should the state, through one of its institutions which is not regulated or controlled, compete with milk dealers whose prices are regulated by the state through state officers which comprise the board, I recommend as a public policy that the State Industrial School, in the sale of buttermilk, comply with all the requirements of the Milk Control Board. In view of the wording of the Act, as well as Section 4893, it is my opinion that no license fee may be charged.

Opinion No. 331.

Milk Control Act—State Industrial School.

HELD: 1. Where the State Industrial School competes with milk dealers, regulated under the Milk Control Act, it should as a matter of public policy comply with all the requirements of the Milk Control Board.

2. No license fee may be charged the State Industrial School under the Milk Control Act.

July 20, 1936.

Mr. A. C. Dorr
President, State Industrial School
Miles City, Montana

You have asked whether under the provisions of Chapter 189, Laws of 1935, it is necessary for the State Industrial School at Miles City, which sells buttermilk, to obtain a dealer's license from the Milk Control Board.

As defined by the Act, a dealer is any producer, distributor or producer-distributor; "milk" means fluid milk and cream sold for consumption as such; a "person" means any person, firm, corporation or association. (Section 3.) While buttermilk probably is "fluid milk" within the meaning of the Act, it is doubtful whether the State Industrial School can be classified either as a person, firm, corporation or association. It is a state educational institution. Moreover, Section 4893, Revised Codes, provides that no fees must be charged the state, or any county, or any subdivi-