

**Opinion No. 221.**

**Milk Control Board—License Fees—  
Payment.**

HELD: In absence of statutory authority license may not be withheld until payment of delinquent fee of previous year.

December 30, 1927.

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

Dear Mr. Norris:

You have submitted the following:

"In the event that a dairyman has not paid his 1937 milk control board license and assessment fee, as are established and outlined in chapter 241, revised political codes of the State of Montana, 1935, can the Montana Milk Control Board refuse to issue 1938 licenses to dairymen, who have not paid their 1937 license and fees?"

We do not find any provision in the statute for withholding 1938 license until 1937 license fees are paid. In the absence of statute authorizing it, it is my opinion that it may not be done.