

Opinion No. 222.

Milk Control Board—License Fees.

HELD: When a milk dealer is both a producer and a distributor, he must pay a separate fee for each one.

December 30, 1937.

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

Dear Mr. Norris:

You have asked whether more than one license fee should be collected from a milk dealer who is both a producer and a distributor.

Section 2639.9, R. C. M. 1935, provides:

“* * * The board shall collect from each licensed dealer an annual fee not

to exceed \$10.00 for each dealer subdivision as defined above. * * *

A dealer is defined by Section 2639.3, R. C. M. 1935, as follows:

“‘Dealer’ means any producer, distributor or producer-distributor.”

The term “dealer,” therefore, is used to characterize either a producer or a distributor, or one who is both, that is, a producer-distributor. If it had been the intention of the legislature to collect only one fee, it would have said, “The board shall collect from each licensed dealer an annual fee not to exceed \$10.00.” When it added the words “for each dealer subdivision as defined above,” there is only one construction that we can place upon this language, and that is that a dealer must pay a fee for each designated subdivision in which he engages in business. Unless this is the meaning of the language last quoted, we are unable to figure out any purpose for these words.

It is, therefore, my opinion that a dealer who is a producer, as well as a distributor, must pay a fee for each one.