

Opinion No. 115.

**Livestock Commission—Meat Markets
—Butchers—Licenses—Meat Peddlers.**

Held: A grocery man who sells dress beef or veal from a refrigerator counter in his store is not a "meat peddler" within the provisions of Section 3298.16, Revised Codes of Montana, 1935, as amended by Chapter 42, Laws of 1943—but is, rather, within the definition of "butcher" as therein defined.

August 27, 1943.

Mr. M. L. Parcels
County Attorney
Stillwater County
Columbus, Montana

Dear Mr. Parcels:

You have asked whether a grocery man who sells dress beef or veal from a refrigerator counter in his store is a "meat peddler" within the provisions of Section 3298.16, Revised Codes of Montana, 1935, as amended by Chapter 42, Laws of 1943, and is hence subject to an annual license fee of one hundred dollars.

Section 3298.16, Revised Codes of Montana, 1935, as amended by Chapter 42, Laws of 1943, provides:

"Every person, firm, corporation, or association who slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this state and who maintains slaughter houses for this purpose and every person, firm, corporation or association who maintains a meat market or meat markets for the purpose of selling or distributing any of the meat or by-products of such cattle in this state, and who, in either case, complies with the rules and regulations of the Montana livestock sanitary board and the state board of health, and with the city or town health ordinances where said business is operated, or any other

ordinance pertaining to meat dealers, shall, for the purpose of this act, be designated a 'butcher.' Every other person, firm, corporation, or association who slaughters or causes to be slaughtered any neat cattle or who buys and sells any dress beef or veal, and **who does not maintain a licensed slaughter house or market**, shall, for the purpose of this act, be designated a 'meat peddler.'" (Emphasis mine.)

The facts which you present exclude any possibility of the grocer's being classified as a "meat peddler," for he maintains a market.

Hence, I am of the opinion a grocery man who sells dress beef or veal from a refrigerator counter in his store is not a "meat peddler" within the provisions of Section 3298.16, Revised Codes of Montana, 1935, as amended by Chapter 42, Laws of 1943—but is rather within the definition of "butcher," as therein defined.

Sincerely yours,
R. V. BOTTOMLY
Attorney General