

MAINE STATE LEGISLATURE

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June 29, 1928

To Honorable Frank P. Washburn, Commissioner of Agriculture
Re: Potatoes - Growers of Certified Seed

This department is in receipt of your inquiry as to the meaning of the word "grower", as used in Chapter 62 of the Public Laws of 1923, the same being an act to promote the production and sale of certified seed.

The dictionary definition of the word "grower" is one who causes to grow, cultivates or produces, and courts under similar statutes relating to stock growers have defined the term to be a person who owns cattle or horses and is engaged in the business of breeding the same for profit.

The intention of the legislature was plainly to protect the individual farmer and not the contractor who purchases or agrees to purchase the potatoes produced by the grower.

As an example you cite "A", who is a potato or fertilizer dealer and makes a contract with "B" to grow one hundred acres of potatoes, A. to supply the fertilizer, cash for help, seed, etc., and B. to supply the land and labor, the potatoes raised to be delivered to A. to be sold, A's claim to be discharged from the proceeds and the balance paid to B. B. is the grower within the meaning of this chapter.

Of course, A. might be the grower and have charge of the growing of the potatoes, employing B. to do the work, in which case A. might possibly be considered the grower, as he has immediate charge and supervision of the labor and takes a part in the actual growing.

This department calls your attention to the authority which is given you, as Commissioner, to make all reasonable rules and regulations, and it is suggested that your regulations may properly contain suggestions or provisions relative to the person who may make application for inspection and certification and the individual whom you would recognize as authorized to make application.

Raymond Fellows
Attorney General