

MAINE STATE LEGISLATURE

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PUBLIC DOCUMENTS

OF THE

STATE OF MAINE

BEING THE

REPORTS

OF THE VARIOUS

**PUBLIC OFFICERS
DEPARTMENTS AND
INSTITUTIONS**

FOR THE TWO YEARS

JULY 1, 1928 - JUNE 30, 1930

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1929-1930

"CREAMERY"

May 8, 1930

Hon. Frank P. Washburn,
Commissioner of Agriculture,
Augusta, Maine
Dear Sir:

Your further inquiry of May 3rd, with reference to the meaning of the word "creamery," under Revised Statutes, Chap. 37, Sec. 5, received.

I must adhere to the opinion of my predecessor of December 30, 1927. The word "creamery" is not defined in our statutes, but the very fact that the proviso in the Revised Statutes has through all subsequent amendments consistently referred to creameries, and also to butter factories and cheese factories, indicates that a creamery is something different from a butter factory or a cheese factory. My predecessor's opinion of December 30, 1927, was based upon the dictionary definition, defining a creamery to include an establishment "where milk and cream are prepared for market."

In *Elgin Butter Co. v. Elgin Creamery Co.* 155 Ill. 127, it was held that a creamery is sufficiently different from a butter factory so that a corporation might be organized under the name of Elgin Creamery Company, notwithstanding a previous corporation had been organized under the name, Elgin Butter Company. To be sure the court speaks of a creamery, "simply a place where butter is made," but in that allusion it is not referring to the possibility that a creamery might also carry on other manufacture.

In *Newbeck v. Doscher*, 199 N. Y. S. 203, the court said "operating a creamery and dealing in milk are entirely different operations," but the court was discussing the question whether an employee injured in delivering milk was a creamery employee.

These are the only two cases which discuss the meaning of the word, and neither of them are very close to our situation.

In Nebraska, the word "creamery" under the Pure Food Act has been defined, (*Cobby's Statutes* 1903, Section 9410) as a factory where cream from milk, with or without the addition of salt and coloring matters, is changed into butter.

Such a statutory definition would help in our state, but as it stands, an establishment where milk and cream are prepared for the market is a creamery, and because of this, those who furnish it milk are exempt from inspection, although it may also be a "depot or store" requiring registration.

Very truly yours,

CLEMENT F. ROBINSON

Attorney General