

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

March 19, 1934

Honorable Frank P. Washburn
Commissioner of Agriculture
Augusta, Maine

Dear Mr. Washburn:

Making reply to your letter of March 2, addressed to this department, in which you propose three questions, I beg to advise as follows:

Your first question is,--

"May we accept a first mortgage on real estate up to 60% of the value, the same as savings banks are permitted to do?"

In my opinion you would be justified in accepting a note in the required sum, the note to be secured by a first mortgage on real estate up to an amount not exceeding 60% of the value. This would seem to be justified under the second paragraph of Section 2 of Chapter 210 of the Public Laws of 1933 which provides as follows:

"Such applicant may in lieu of such bond deposit with the commissioner money or securities in which the trustees of a savings bank may invest the moneys deposited therein, as provided in the banking laws of this state, in an amount equal to the sum secured by the bond required to be filed as herein provided."

Your second question is,--

"May we exempt a man from filing a bond, provided he pays daily, when received, for all milk and cream?"

The answer is, No for the reason that the bond which is required is condition for the faithful compliance by the licensee with the provisions of Chapter 210, and the licensee, under Chapter 210, is required to do several other things besides paying for all milk which is purchased. Were the payment for milk the only duty incumbent on the licensee, my answer would be otherwise.

*Unconstitutional
133 Me. 46E*



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Your third question is,--

"Several dealers who have heretofore produced no milk at all have recently bought two or three cows and are boarding these out for a certain fee and having the milk hauled into their plant daily. The contention of these dealers is, that they are actually engaged in the business of dairying and are exempt from the law. Could we exempt them?"

I find no provision in the law which would exempt a milk gathering station from obtaining a license and giving bond simply because, in addition to purchasing milk they also produce milk. Of course, if the dealers produced all of the milk that they sold, undoubtedly they would not come within the law.

Very respectfully yours,

Attorney General

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