

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

July 27, 1934

Stetson H. Hussey, Esquire
Attorney at Law
Barr Hill, Maine

Dear Brother Hussey:

In response to your letter of July 20, I am pleased to refer you to 25 C. J., Page 675. You will notice that the general rule is that farm product is,--

"A term applicable to an article which is produced by the soil either under cultivation, or by hand, by labor or otherwise, and by spontaneous growth. It applies, however, only to such products of the land as are subject to the process of becoming ripe and by being cut, gathered, made, and laid up when ripe, as for instance, wheat, standing crops of corn, pineapples plants, etc."

It is further held in some jurisdictions that under some circumstances the term will embrace meat, dairy products, etc..

You will notice under Note 55 it is said that,--

"Beef from slaughtered animals raised and slaughtered on the farm is the product of the farm." 68, L. R. A., 708

Also in North Carolina it has been held that,--

"A bona fide farmer who peddles meat, produced from animals raised or fattened on his farm, is not within the purview of an Act requiring the payment of a tax by persons engaged in buying and selling fresh meats. What this law contemplates is that the meat in its essential character must be the product of the land owned or worked by the man who seeks to peddle it."

From the foregoing, in order in any event to hold that beef would come under the head of farm products, it would probably be limited to meat produced by the person selling same by himself on his own farm.

With reference to the power of the officials of the town of Bridgewater to compel the payment of the fee you mention, it might be necessary under Chapter 247 for the town to have passed an ordinance or by-law requiring such payment.

Sincerely yours,

SLF H

Deputy Attorney General