

# MAINE STATE LEGISLATURE

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May 29, 1940

Honorable Frank P. Washburn  
Commissioner of Agriculture  
Augusta, Maine

Dear Sir:

Representative Gess of Poland has just made inquiry as to the term "vegetable plants" as it appears in Chapter 247, P. L. 1939 and especially as to whether or not it includes tomato plants so that it would be necessary for a person selling such plants to acquire the license provided by said chapter.

In this connection, I am pleased to call your attention to the definition of vegetable as it appears in Webster's Dictionary as follows: "There is no well drawn distinction between vegetables and fruits in the popular sense; but it has been held by the Court that all of those which, like potatoes, cabbage, carrots, peas, celery, lettuce, tomatoes, etc., (whether cooked or raw) are eaten during the principal part of a meal are to be regarded as vegetables, while those used only for dessert are fruits."

This would seem to indicate that the excepting words "vegetable plants" would relieve the grower from the license fee as provided in said chapter, and would enable him to grow and handle same the same as it was customary before the enactment of this chapter.

Very truly yours,

Sanford L. Fogg  
Deputy Attorney General

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