

# MAINE STATE LEGISLATURE

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5

October 20, 1950

To E. L. Newdick, Chief, Division of Plant Industry  
Re: Certification of Grain Seed

I have your letter of October 19th, asking for an opinion as to whether or not the Department of Agriculture has the right to certify seed grain under Chapter 27, R. S. 1944, Sections 124-129, as amended by the Public Laws of 1945.

The definition of certified seed, as used in Chapter 27, is that it shall be deemed to mean potatoes or such vegetable seeds as shall have been grown and prepared for sale in accordance with regulations laid down by the commissioner and for which a certificate or tag has been issued, as provided in Section 127; and of course the commissioner has authority to make all reasonable rules and regulations under this chapter.

It is my opinion that oats would not come within the meaning of this definition of vegetable, but would be classed as cereal, with barley, rye, etc. However, beans might come within the meaning of vegetable seed. To be safe, I would prepare an amendment to Section 124, if it is desirable to take on seed grains such as barley, oats, rye, etc.

Ralph W. Farris  
Attorney General

RWF:c