

Opinion No. 63-164

December 9, 1963

BY: OPINION of EARL E. HARTLEY, Attorney General

TO: Mr. James C. Compton District Attorney Ninth Judicial District County Court House
Portales, New Mexico

QUESTION

STATEMENT OF FACTS

Southwestern Peanut Growers Association is engaged in the practice of making loans to New Mexico peanut farmers. Southwestern takes possession of the peanuts and holds them as security for the loan.

QUESTION

Does the word "processor" as defined in Section 45-23-2C, N.M.S.A., (Supp. 1963), include the operation described in the Statement of Facts?

CONCLUSION

No, but see Analysis.

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{*384} ANALYSIS

Section 45-23-2C, N.M.S.A., (Supp. 1963), defines processor as follows:

"C. "Processor" means any person who cleans, handles, shells, or crushes peanuts in this state."

Section 45-23-5, N.M.S.A., (Supp. 1963), requires every processor to pay the Peanut Commission an annual license fee of \$ 50.00. Whether or not Southwestern Peanut Growers has to pay the license fee depends on whether they "handle" peanuts within the meaning of Section 45-23-2C, supra.

In general, the meaning of a word in a statute is affected by the context in which it is used and if a general term is used with an enumeration of articles or things the general term will be interpreted in the narrow sense to apply only to articles or things fairly similar to those enumerated. **Sandack v. Tamme**, 182 F.2d 759. We note that the words "clean," "Shell" and "crush" as used in the statute refer to a few of the several processes which may be used before peanuts are placed on the market. We are of the

opinion that this same connotation applies to the meaning of the word "handle." The word "handle" therefore would encompass the buying and selling or dealing in peanuts and those operations that constitute a step in placing peanuts on the market. **State v. Bernard**, 204 La. 844, 16 So. 2d 454 (1943). So long as peanuts are held only as security for a loan the statute does not apply.

If at any time, however, because of default on the loan the security holder should take the peanuts and process them or trade in them, then the definition of processor would apply. What constitutes processing must depend on the facts of each particular case. We do not feel that it is limited to cleaning, shelling or crushing peanuts. The word "handle" would include buying and selling and all other operations which are a part of processing. So long as Southwest Peanut Growers Association merely holds the peanuts as security, however, they do not come within the statutory definition of processor.

By: Wayne C. Wolf

Assistant Attorney General