

# MAINE STATE LEGISLATURE

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*Duplication*

March 16, 1937

Hon. Harold S. Boardman  
Chairman, State Liquor Commission  
Augusta, Maine

Dear Mr. Boardman:

As I told you over the telephone this morning, delay in replying to the inquiry of Mr. Scribner, under date of March 9, relative to the importation of spiritous and vinous liquors into the state, was due to my failure to obtain a copy of Justice Thaxter's opinion in the recent case of Anheuser-Busch, Inv. vs. The Commission, recently decided by him.

The reasoning which he applies to that case in deciding that the issuance of certificates of approval and the exacting of a fee therefor was an unwarranted exercise of the power of the commission, would apply with equal force to the matter of importers permits as set out in the copy of the notice sent out by the former Commission under date of December 5, 1935, copy of which you sent to me.

In his opinion Justice Thaxter says "Nowhere in the statutes relating to this subject is there the slightest indication that the legislature even attempted to give to the State Liquor Commission the authority which it now claims to have. Its power to make rules and regulations extends only to such details of administration as are necessary to carry out and enforce the mandate of the legislature."

It is my understanding that several bills are pending before the legislature and which I understand may properly impose the requirements for importers licenses attempted to be set up by the Commission. I assume you are familiar with the pending bills and are giving some attention to them.

Very truly yours,

Franz U. Burkett  
Attorney General

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