

MAINE STATE LEGISLATURE

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Duplicate.

March 16, 1937

Mr. Roland A. Scribner
Chief Clerk, State Liquor Commission
Augusta, Maine

Dear Mr. Scribner:

I have today, after some delay, been able to get a copy of the opinion of Justice Thaxter in the case of Anheuser-Busch, Inc., et al vs. David Walton, et als, in which the Court passes on the legality of a regulation of the Commission which required certificates of approval from brewers and foreign importers of malt liquors as a prerequisite for the shipment of their product into the State.

This decision, as you doubtless know, very definitely and positively declares such regulations to be invalid and enjoins the Commission from attempting to enforce it. The Court says: "That the commission has attempted to do in this instance constitutes a flagrant usurpation of a prerogative which belongs to the legislature, and is subversive of those principles which are the foundation of orderly government."

In view of that decision, and the sweeping condemnation of the regulations in question, it seems to me highly improper to issue certificates of approval even though no fee was charged for them. Until the Legislature has granted some authority for such procedure, in my opinion, it would be better to let the matter rest without any further attempt to impose restrictions along these lines on such brewers and wholesalers.

The other question which you asked me in your letter of March 9, is the subject of a communication from the Chairman of the Commission under a more recent date, and I am replying to that in my letter to him of this date.

Very truly yours,

Franz U. Burkett
Attorney General

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