

MAINE STATE LEGISLATURE

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*Liquor Commission
Portland, Me.*

May 20, 1937

Honorable William S. Linnell
19E Middle Street
Portland, Maine

Dear Mr. Linnell:

Mr. Runnells has handed to me your letter of May 18, and tells me that a further check has been made but they do not find the check of the Rubsam & Hoffmann Brewing Company.

The Adam Scheidt Brewing Company is being returned to them today.

With reference to the third paragraph of your letter, I have discussed with Mr. Runnells and the members of the State Liquor Commission on several occasions as to what should be done relative to the return of moneys paid in to the State under the illegal regulations to which you refer, and I see no way that this could be done other than by a claim presented through the Claims Committee of the Legislature, or some action by the Governor and Council.

The money involved in the aggregate amounts to a considerable sum, including sums collected for certificates of approval, and importers licenses both of which were declared invalid as a rule and regulation of the Commission and from licenses issued to retailers of malt beverages which became void after having been used for only six months as the result of an unfavorable vote at the last September election.

The amount owing to any particular individual is comparatively small and I believe that the Governor and Council would hesitate to make these refunds in view of the present financial condition of the State with which you are familiar.

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As far as your particular client is concerned, it is true that he paid \$200 for a certificate of approval which was later declared invalid. At the session of the Legislature which just adjourned, there was passed a bill which was introduced with the approval of wholesale and retail malt beverage dealers, and which imposed this same kind of regulation by legislative act without objections from any of the people who would have to pay the fee which was reduced from \$200 to \$100.

May I point out to you also that because of the system adopted under which these certificates of approval were issued, a method of control was set up by the Liquor Commission which was of great advantage to wholesalers and retailers, and the same purposes were accomplished as will now be accomplished under the new method of exacting this same type of fee under legislative provisions.

I am writing this to you with the full realization of the moral obligation of the State to which you refer, but in view of all the facts, I see no way that this money can be refunded except by action of the next legislature, or by an Order of the Governor and Council.

If you are not in agreement with any of the facts and conclusions which I have stated, I should be glad to hear from you or to discuss the matter with you further.

Very truly yours,

Franz U. Burkett
Attorney General

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