

MAINE STATE LEGISLATURE

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November 9, 1943

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To Earl P. Osgood, Chairman

Milk Control Board

From Frank I. Cowan

Attorney General

I wrote to Mr. Butler, the county attorney for Franklin County, in regard to the case of Milk Control Board vs. John Stevens. I enclose herewith a copy of his reply.

Mr. Butler's action disposes of that particular case. If, however, there is other evidence than can be developed against Mr. Stevens, there is no reason why the Board should not proceed. Mr. Butler, by not pressing the complaint, has saved the rights of the State, which rights would have been lost if there had been an adverse verdict from the court. Whether the State could have obtained a verdict of ~~some~~ guilty is a matter on which I cannot express an opinion, because I haven't heard the evidence; but if in the opinion of the county attorney, who is the duly elected and constituted attorney for the State in and for the County of Franklin, there is not sufficient evidence to sustain a verdict against Stevens, we should accept his judgment in the matter and, if you want to press the matter further, try to get more and better evidence.

Frank I. Cowan
Attorney General

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