

No. 302

**LICENSES, liquor—LIQUOR LICENSES—RETAIL
LIQUOR DEALERS—CITIES AND TOWNS—
VILLAGES**

Held: Under the facts given, the license fee for retail liquor dealers in the towns of East Helena and Walkerville is two hundred (\$200.00) dollars.

November 29, 1941.

Montana Liquor Control Board
Helena, Montana

Gentlemen:

There appears to be a great deal of confusion as to what is the proper liquor license fee to be charged retail liquor dealers in the towns of East Helena and Walkerville, Montana. Because of this confusion, I deem it in the public interest to advise you as follows:

East Helena and Walkerville, Montana, are incorporated towns with a population of less than two thousand each.

Subdivision (a) of Section 4, Chapter 163, Laws of 1941, provides in part:

“Except as hereinafter provided, for each license outside of cities and towns, or in cities and towns with a population of less than two thousand (2,000) two hundred dollars (\$200.00) per annum; . . .”

A former Attorney General, in construing paragraph (a) of Section 1 of Chapter 221, Laws of 1939, which is substantially the same as the subdivision of the section just quoted from the 1941 law, held liquor licenses in East Helena should be issued by your board for the sum of two hundred (\$200.00) dollars. (Opinion No. 169, Vol. 18, Report and Official Opinions of the Attorney General.)

I deem the former Attorney General's opinion to be sound and, therefore, agree with him.

It is therefore my opinion applicants for licenses at East Helena and Walkerville, Montana, and all persons similarly situated, are entitled to receive from the Montana Liquor Control Board a liquor license for the sum of two hundred (\$200.00) dollars per annum.

Sincerely yours,

JOHN W. BONNER
Attorney General