

MAINE STATE LEGISLATURE

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May 31, 1933

Harris B. Coe, Manager
Maine Publicity Bureau
Longfellow Square
Portland, Maine

Dear Mr. Coe:

In response to your request for information concerning the matter contained in Philip Sheridan's letter to you of May 21, I am pleased to inform you that Section 5 of Chapter 35, R. S., provides that,--

"Every innkeeper shall at all times, be furnished with suitable provisions and lodging for strangers and travelers **** and that he shall grant such reasonable accommodations as occasion requires, etc."

This is the general rule as expressed in the general law. The courts of this state have not distinguished between the innkeeper and the keeper of a hotel at a summer resort or watering place, but I find that in certain other states the courts have said that,--

"The keeper of a hotel at a summer resort or watering place, for the board, lodging, and entertainment of the visitors, is not an innkeeper because there is wanting the essential characteristic that innkeepers entertain from day to day on an implied contract, while the keeper of a hotel of the sort mentioned above receives his guests under an expressed contract for a certain time and at a certain rate. However, the rule applies only to a person who is conducting a house which is a boarding house proper, and it exists only by reason of the fact that the persons received are taken by express arrangement at a certain rate and ususally for a protracted stay; it does not apply to a person who is conducting a general hotel business, even though the hotel is located at a summer resort or watering place."

Mr. Harrie B. Coe, May 31, 1933, Page 2.

With reference to the grounds of refusal to accept a guest the general law seems to be that,--

"An innkeeper may properly refuse to receive and entertain a proposed guest when his accommodations are exhausted or where the applicant is not a traveler or transient or is not able to pay the price of the entertainment sought, or is not in a fit condition to be received, or where he is drunk or disorderly, or otherwise obnoxious."

There are not very many decisions relative to the words "otherwise obnoxious". There is, however, one decision by the court of North Carolina which says, by way of dictum, that,--

"It is proper to exclude proposed guests who, on account of their race, are so objectionable to the patrons of the house it would injure that business to admit them to all portions of the house."

In the absence of any decision in this state along these lines it is impossible to say what the decision might be, consequently it seems to me that it would be unwise for Mr. Sheridan to advertise as he suggests in paragraph 2 of his letter. It would seem to me that the words you suggest "selected clientele" would be preferable and sufficient to accomplish his purpose.

Very truly yours,

Deputy Attorney General

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