

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

December 27, 1933

G. R. McIntire, Lursar
Bowdoin College
Brunswick, Maine

Dear Sir:

In response to your inquiry of the 26th addressed to Hon. Clyde R. Chapman, Attorney General, I am pleased to suggest to you that at the recent special session of the legislature, Section 3 of Chapter 137 of our Revised Statutes was amended by striking out all of said section and substituting in place thereof the following:

"No person shall knowingly transport from place to place in this state any intoxicating liquors, with intent to sell the same in this state in violation of law etc."

This was, in substance, a re-enactment of the law that existed from 1897 to 1928. Section 16 of said act provides that,--

"No person shall deposit or have in his possession any intoxicating liquors with intent to sell the same in this state in violation of law or with intent that the same shall be so sold by any person, or to aid or assist any person in such sale."

From the foregoing it is evident that our prohibition law prohibits the sale of intoxicating liquors. It does not appear to prohibit transportation of intoxicating liquors provided they are not for sale. It therefore appears to me that the transportation of liquors for medicinal and mechanical purposes, and the arts, is lawful as far as our laws are concerned and it does not appear to me that such transportation into the state for said purposes would be unlawful under the Federal law known as the Webb-Kenyon Act and the Reed Amendment which seem to permit transportation for medicinal, mechanical and scientific purposes.



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It has been suggested that the present administration in Washington has made some rule or regulation with reference to such shipments. Just what these regulations are I have no knowledge.

I am informed that an effort is being made by our state officials to endeavor to secure a modification of any governmental regulations so as to permit the shipment into Maine of liquors for the aforesaid purposes. Shipment as aforesaid is not prohibited by our Constitution nor is it prohibited by our statute law.

At a meeting held here yesterday, attended quite largely by the county attorneys and sheriffs of the various counties, it was unanimously decided that prosecutions for the transportation of liquors for legitimate use should not be instituted so that it appears to me that the College would have the right to secure and transport alcohol for use in its laboratories and infirmary without any liability of being prosecuted for so doing.

Very truly yours,

Deputy Attorney General

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