

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

January 2, 1934

Honorable Lewis O. Barrows  
Newport, Maine

Dear Mr. Barrows:

In response to your oral inquiry relative to the shipment of intoxicating liquors into the State of Maine, and also regarding transportation within the state, I am pleased to inform you that Section 3 of the "Murchie Act", so-called, passed at the recent special session of the legislature, provides that,--

"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 or with intent that the same shall be sold by any person or to aid any person in such sale."

Section 8 of said Act provides that,--

"No person shall at any time, by himself, his clerk, servant or agent, either directly or indirectly, sell any intoxicating liquors, of whatever origin; all distilled spirits and all beverages containing more than 4% of alcohol by volume are declared to be intoxicating within the meaning of this chapter."

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."



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It will be noticed that the foregoing does not prohibit transportation within the state, of intoxicating liquors except the same are intended for sale; and, further, that there is no provision in said Act with reference to having in possession intoxicating liquors except in case they are intended for unlawful sale. There is no provision in said Act, and there is nothing in our State Constitution, which would prevent bringing into the state intoxicating liquors for medicinal and mechanical purposes, and the arts; nor do I find anything in the Federal law, which includes the Webb-Kenyon Act and the Reed Amendment, so-called, which would prevent the shipment into Maine of liquors for medicinal, mechanical and scientific purposes.

It would, therefore, seem to be lawful for druggists to secure, and have in their possession, intoxicating liquors necessary for all their legitimate purposes, and that hospitals and similar institutions may also transport and have in possession liquors necessary for their use. The only prohibition seems to be with reference to the sale of liquors containing more than 4% of alcohol by volume. These are declared intoxicating within the meaning of Section 6 of the Murchie Act.

I have not been able to determine just what the ruling of the administration in Washington is going to be relative to shipment of liquors into Maine. I understand that it was suggested, when the Governor was in Washington a few days ago, that the District Attorney should confer with the officials at Washington more in detail with reference to the matter in order to arrive at some definite understanding. It is probable that within the next three or four days we may get something definite as to the attitude of the administration in Washington.

Sincerely yours,

Deputy Attorney General

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