

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

January 24, 1934

Timothy J. Hart, Esquire
District National Bank Building
Washington, D. C.

Dear Sir:

In response to your letter of December 29, I am pleased to call your attention to Section 2 (amendment of R.S.c.127, §3) of the Murchie Act, so-called passed at the recent special session of the legislature as Chapter 296 of the Public Laws of 1933, which 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 so sold by any person, or to aid any person in such sale, under a penalty, etc."

Section 4 (amendment of R.S.c.137, §6) 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 2 (amendment of R.S.c.127, §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."

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 they are intended for unlawful sale.

Timothy J. Hart, Esquire, Jan. 1914, Page 2.



There is nothing 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-Kanyon 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 legitimate 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 4 of the Murchie Act.

I am informed that the administration at Washington will permit shipment of intoxicating liquors into this state for medicinal and mechanical purposes, and the arts.

With reference to the taking of orders by salesmen within the state I would call your attention to Section 2 of R. S. Chapter 137, which provides that,--

"No person shall solicit, obtain, or offer to obtain orders for the sale or delivery of any intoxicating or fermented liquors, in any quantity."

Trusting that the foregoing will give you the information you require, I am

Very truly yours,

Deputy Attorney General

SLF H