

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

May 16, 1934

The House of Stover
806-98 Earle Bldg.
Washington, D. C.

Gentlemen:

In response to your letter of May 11, I beg to advise you that the Murchie Act, so-called, passed by the recent session of our legislature, permits the transportation of intoxicating liquors within the state of Maine, for medicinal and mechanical purposes and the arts, and does not prohibit having in possession intoxicating liquors for one's own personal use.

There is no provision in our statutes limiting the quantity a person may have in his possession. The only prohibition is that such liquors cannot be sold in any quantity. Our courts have said in one case that the possession of 80 half-pint bottles containing intoxicating liquor is prima facie evidence that it is for unlawful sale.

In another case the court has held that 21 quarts of bottled liquors constitute prima facie evidence that the same was intended for sale, no other explanation being offered. By this is meant that evidence may be presented showing that the quantity mentioned is not conclusive of intention to sell and may be explained by evidence in any given case.

It is probable that a person may have in his possession a reasonable quantity of liquor and would not be molested provided he did not violate the law by selling or attempting to sell the same.

Very truly yours,

Deputy Attorney General

SLF H