

MAINE STATE LEGISLATURE

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November 19, 1934

Commerce Clearing House, Inc.
205 West Monroe Street
Chicago, Illinois

Attention, John W. Huling, Manager
Legislative Reporting Dept.

Gentlemen :

Replying to your letter of November 16,--the opinion to which you refer was an oral one which I gave to the Governor and the Liquor Commission on November 13. The substance of my opinion was to the effect that the legislature, in Special Session, enacted "AN ACT to Regulate the Sale of Intoxicating Liquors", passed as an emergency measure, which contained a provision redefining "malt beverages" as used in Chapter 268 of the Session Laws of 1933 entitled "AN ACT Relating to Malt Beverages and to Derive Revenue from the Manufacture and Sale Thereof", so as to permit the sale of malt beverages containing more than one percent of alcohol by volume.

Under Chapter 268, malt beverages were defined as meaning all non-intoxicating beverages containing malt, and containing more than one-half of the one percent of alcohol by volume. Under the Act passed by the Special Session, malt beverages were defined as meaning any alcoholic beverage intended for human consumption which contains more than one percent of alcohol by volume, and produced by the brewing or fermentation of malt.

In the Act passed at the Special Session, it was specifically provided that said Chapter 268 should be hereafter administered as if the words "malt beverage", as therein defined, included all liquor coming within the meaning of the latest definition.

From reading the Act passed at the Special Session, viewing it in the light of past legislation and a knowledge of the conditions which caused its passage, and also interpreting it in the light of its own phraseology, I reached the conclusion that the legislature intended for licensees under Chapter 268 to have the privilege of immediately selling malt beverages with

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no limit as to the alcoholic content except that the definition states that there must be at least one percent. This minimum restriction is, of course, for the purpose of excluding all malt beverages containing less than one percent of alcohol by volume, such beverages being lawfully sold without license.

I trust that the above provides you with the information you require.

Cordially yours,

Clyde R. Chapman
Attorney General

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