

MAINE STATE LEGISLATURE

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June 24, 1937

To Honorable Robert B. Dow (Representative)
Re: Agricultural Fairs - Sale of Malt Beverages

No law was passed at the last Legislature which would justify the refusal of a state stipend to an agricultural fair which permitted malt beverages to be sold legally on the fair grounds.

If you will read Section 25, Chapter 39, R. S., near the end you will notice that each and all societies receiving aid from the State shall cause the prohibitory liquor law to be enforced on all grounds over which they have control and not allow immoral shows, gambling in any form, or games of chance on said grounds. Neglect or refusal of the society to observe any of these requirements is reason for withholding the stipend.

If you will remember, Commissioner Washburn refused to pay stipends last year to all fairs which conducted pari-mutuel betting, and we advised him from this office that although pari-mutuel betting was legal, it was still gambling and that he was within his rights in withholding the stipend until the statute was changed. Stipends for 1936 were taken care of by Special Resolve which was passed by the last Legislature. I have told the Commissioner, both while the Legislature was in session and recently, that he was not justified in withholding the stipend from any fair because it permitted malt beverages to be sold under license of the Liquor Commission.

Chapter 225 of the Laws passed at the last Legislature provides that the conduct of pari-mutuel betting by any society under license of the State Racing Commission shall not be deemed cause for withholding the stipend. . . .

Franz U. Burkett
Attorney General