

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

June 25, 1942

To: State Liquor Commission

From: William H. Niehoff, Asst. Dept. State Liquor Commission
Attorney-General*Subject: Sale of Liquor to Minors*

There has been no judicial interpretation to date of Sec. 12-C of Chapter 250 of the Laws of 1941 which is the law relative to the sale of liquor, etc. to minors.

Under the law as it is now enacted it is illegal for any licensee to sell, furnish, give, serve or permit to be served any liquors, malt liquors, wine or spirits to any minor under the age of 18 years. The law makes an exception, however, in the case of a licensee for the sale of malt liquor to be consumed on the premises, by the provision that such licensee shall not furnish and sell malt liquor to persons under the age of 21 years.

It is my opinion that under this law it is necessary to prove both the furnishing and sale to obtain a conviction.

I might add that this is an inquiry from an individual outside of the department. It should not be the custom for this department to render opinions or interpretations of the law on moot questions not officially before the Commission for determination for persons outside of the department.

July 8, 1942

To: Fred M. Berry, Administrative Dept. State Liquor Commission
AssistantFrom: William H. Niehoff, Asst. Dept. State Liquor Commission
Attorney-General

In reply to your memorandum of July 8, with reference to the question of whether or not a law enforcement agency of the State of Maine must necessarily pay the town clerk for the providing of a certificate of birth, I am of the opinion that the answer to your inquiry is "Yes."

Under Chapter 193, Laws of 1941, the town clerk is entitled to a fee of 50c for issuing a certificate of birth. No exception is made in reference to the receiver of such certificate.

July 8, 1942

To: Frank I. Cowan, Attorney-General

From: William H. Niehoff, Asst. Dept. State Liquor Commission
Attorney-General

Upon receipt of your memorandum dated July 2, 1942, in reference to the 61% markup on liquors, I conferred with the Commission and with Fred M. Berry, Administrative Assistant to the Commission.

I have been informed that the 61% markup has been carried out fully with one exception. Subsequent to receiving your memorandum of May 28, all vendors transacting business with the Commission were notified of the insistence on the 61% markup and advised that it would not be possible to continue their merchandise at a higher price than the price prevailing during the month of March, 1942, which substanti-