

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

made only on specific authority of the Secretary of the Navy. In C. M. O. No. 9—1936 (page 11), it was held that “as a matter of policy, it was decided by the Secretary of the Navy that sale of beer to employees by the Navy yard restaurant, or elsewhere within the yard limits, will not be permitted.”

I have been informed by John Quincy Adams, Major, United States Marine Corps, District Legal Officer for the First Naval District, that the sale of alcoholic beverages by the Navy to civilians is expressly prohibited. The Navy as such can sell and dispense malt beverages to its personnel on Long Island without having to have a license from the Commission. It cannot, however, extend or grant this right to any civilian to sell malt liquor on the Naval territory.

November 3, 1942

To: Capt. W. H. Towle, Chairman Dept. State Liquor Commission
From: William H. Niehoff, Asst. Dept. State Liquor Commission
Attorney-General

Subject: Cash Sales to Army Post Exchanges

This is in reply to your request for an opinion with reference to the interpretation of the word “cash” as set forth in Section 12-C of Chapter 250 of the Public Laws of 1941.

The Army Exchange Service (an instrumentality of the federal government) is purchasing certain malt beverages from wholesalers in this state. Because of the system of financing these Post Exchanges by the Army, it is not practical for them to pay the distributor in cash money at the time of delivery. This, I understand, gave rise to your inquiry for interpretation of the word “cash” as used in the act.

Ordinarily, the word “cash” means money, but it is frequently used as a term meaning the opposite of credit. *Hartung v. Rusking* 182 P. 177.

The word “cash” means money or its equivalent—*Kiles v. Young* 125 S. E. 204.

“Cash” includes currency, orders, warrants or scrip. Words and Phrases 4th series.

In view of the interpretation placed on the word “cash” by courts as cited above, we may safely assume that unconditional checks or orders for the payment of money constitute “cash” and would be in compliance with the statutory requirement of cash for the sale of malt liquor, wine or spirits.

In coöperation with Col. Waterman of the U. S. Army, we have drafted a form of order for the payment of malt beverages to the distributor by the Army. In my opinion this order properly executed would constitute “cash” in the transaction between the Post Exchange and the distributor for the sale of malt beverages. Copies of this form are hereto attached and made a part of this memorandum.