

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

It is my opinion that the Commission is without authority to transfer retail malt licenses or restaurant malt licenses from one place to another.

December 11, 1942

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

Subject: Contract with the American Bank Note Company

You ask whether or not the Commission has a legal right to contract for the supply of Decalcomania stamps to various distilleries. I understand the practice in the past has been as follows:

The Commission has contracted with the American Bank Note Company for the printing of these stamps. The Commission has required the various distillers to purchase these stamps direct from the American Bank Note Company at an agreed price. The distillers have been instructed to affix these stamps to the liquor purchased by the Commission. It appears that the price the distillers pay for the stamps is in excess of the cost of the stamps and this difference is paid to the Commission by the American Bank Note Company.

Section 22 of Chapter 237 of the Public Laws of 1937 repealed Section I of Chapter 179 of the Public Laws of 1935 and provided: "The State Liquor Commission shall have general supervision of manufacturing, importing, storing, transporting and selling liquor *** . The Commission shall have power to import spirits and wines and shall have exclusive control of the sale of all liquors. ** " Section I of Chapter 223 of the Public Laws of 1937 provides: "No person, association, partnership or body-corporate, other than the State Liquor Commission shall import spirituous and vinous liquors into this State. ** " Section 3 of the same act provides: "No person, association, partnership or body-corporate, shall knowingly transport to, or cause to be delivered to, any person, firm or corporation, other than the State Liquor Commission, unless upon written permission of said Commission, any spirituous and vinous liquors except liquors purchased from a State store or the State Liquor Commission. ** "

Section 5 of Chapter 268 of the Public Laws of 1933 among other things provides that the State Liquor Commission shall have the power and duty "to adopt rules and regulations for the administration of this act and for the supervision and regulation of the manufacture, sale and transportation of malt liquors throughout the State; the manufacture, sale and transportation of which is hereby permitted and authorized." Section 2 of Chapter 301 of the Public Laws of 1934 extends this power and duty to the sale of liquor as well as malt liquor. Section I and Section 2 of Chapter 179 of the Public Laws of 1935 as amended by Chapter 237 of the Public Laws of 1937 provide: "Section I. The State Liquor Commission shall have general supervision of manufacturing, importing, storing, transporting and selling liquor. ** " Section 2. "The Commission shall have the right to establish regulations for clarifying, carrying out, enforcing and preventing violation of all

