

MAINE STATE LEGISLATURE

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August 12, 1948

E. A. Stover, Chairman

State Liquor Commission

Henry Hewlitt, Assistant Attorney
General

State Liquor Commission

Sec. 38-A, Chapter 37 (Minors employed on licensed premises.)

Your question calling for an interpretation of the meaning of Sec. 38-A comes down to a question of construction of the meaning of the words "direct handling or selling of liquor."

For the purpose of reaching a conclusion as to the meaning of "direct handling or selling of liquor" it is obvious that the legislature might have prevented employment of minors had they wished in such more general and inclusive terms, such as:

1. No person under the age of 21 years shall be employed in any place licensed to sell liquor, or
2. No person under 21 years of age shall be employed in any place licensed to sell liquor for consumption on the premises where sold, or
3. No person under 21 years shall be employed in the direct or indirect handling or sale of liquor in any place licensed to sell liquor for consumption on the premises where sold.

The wording of Sec. 38-A as it appears in Chapter 37 of our laws makes it quite clear in the light of the above that the legislature had no objection to minors handling liquor in the wrapped package or premises where the consumption of liquor on the premises is forbidden. It further appears that the legislature did not intend to include in the restriction every act surrounding or connected with or incidental to the sale or handling of liquor.

It appears that the legislature intended to prevent licenses for the sale of liquor in hotels, clubs, restaurants and taverns from employing persons under the age of 21 years where such persons directly handle or sell liquor either by the glass or in the unbroken container.

This would appear to prevent the employment of minors in any "direct" element of a sale, such as soliciting or taking orders or receiving pay for the sale of liquors. This would prevent minors from directly taking orders for liquor whether or not the orders also included food. It would also prevent accepting payment if such payment included a charge for the sale of liquor.

While the waiter or waitress makes the original contact with the patron who may suggest that he desires to purchase drinks of liquor, it should not be held that the mere passing along by a minor waiter or waitress the fact that a patron desires to purchase liquor to any employee over 21 years of age where duty it is to take the order, make service of the liquor to the patron and receive payment for same should not be considered as taking part in the "direct" selling of the liquor.

likewise, in order to place a common sense interpretation on the legislative intent in interpreting the word "direct" as applied to the handling or selling of liquor, it should be understood that a minor waitress or bus boy could remove empty glasses which had contained liquor from a table or be employed in washing such glasses in the kitchen.

In premises where consumption on the premises is permitted minors should not handle unopened bottles of liquor, such as taking them from stock to be deposited on counters or bars or making deliveries from stock in unopened bottles to rooms of bona fide guests.