

MAINE STATE LEGISLATURE

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January 19, 1956

720

To Robert A. Marden, Esquire, Assistant County Attorney
Re: Cooking Sherry

. . . As you may or may not know, within the last year the Commission has had to deal with a new problem, namely sale and distribution of so-called cooking sherry through licensed wine bottlers and licensed wine wholesalers to licensed or unlicensed retail stores.

I think probably you could get more complete information on the subject by talking directly with me, and I will be glad to talk with you any time at your convenience.

In general, let me say, however, that the sale of cooking sherry prior to the latest burst of interest had been a matter which had not called for special Commission attention. It is quite obvious that sherry so treated ~~with~~ sale as to be unpalatable as a beverage had not been a popular seller in any great volume. It was equally obvious that any large increase in the sale of so-called cooking sherry would be based upon a market not intended exclusively for cooking purposes. This was particularly true since the promoters of the many ideas apparently proposed to distribute through malt liquor wholesalers to retail store malt liquor licensees.

The clear implication was that the so-called cooking sherry would find a market in those persons who wish to buy wine which could be converted into a beverage form when the same could not be bought "after hours" from liquor stores or on Sundays.

With reference to the wine bottlers who were Maine wholesale licensees the Commission found means of discouraging the handling of so-called cooking sherry. With reference to sale at the retail level through retail store malt liquor licensees the Commission already had in effect a rule and regulation which related to commodities not necessarily originally intended for beverage purposes. This regulation, No. 17, provides: "No licensee shall sell any commodity to be consumed for beverage purposes containing alcohol of a higher percentage than permitted by the license or licenses."

Under the quoted regulation several retail licensees upon suitable evidence had been cited before the Commission on charge of violation of this rule and penalized.

Altogether, the sale of cooking sherry, which under ordinary circumstances would undoubtedly be limited, was not encouraged by the Commission, though I had been forced to indicate to them that in and of itself the sale of a commodity unfit for beverage purposes was not forbidden by the law and did not come under the purview of the State Liquor Commission.

There is considerable more not strictly legal material which I would be glad to talk over with you if you are interested.

Henry Heselton
Assistant Attorney General and
Counsel for the Commission