

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date December 10, 1974

To Keith H. Ingraham, Director Dept. Bureau of Alcoholic Beverages

From Harrison B. Wetherill, Jr., Asst. Dept. Attorney General

Subject Admission charges by Class A. Restaurants

You have asked whether the Liquor Commission may authorize Class A. Restaurants to have a cover or minimum charge. The answer is yes, but only in those cases where the Class A restaurant's license is limited to malt liquor.

The last paragraph of 28 M.R.S.A. § 702 states that:

"Licensed hotels, class A taverns and restaurant malt liquor licensees who have been issued such special amusement permit may charge admission in designated areas approved by the Commission."

The above recitation in § 702 of certain circumstances under which admission may be charged implies that, where the recited circumstances do not exist, admission may not be charged. The principle of statutory construction applied here is that the expression of one thing is the exclusion of another. Thus licensees who do not fall into one of the categories enumerated in § 702 may not charge admission under any circumstances.

Both Class A restaurants and non-class A restaurants come within the definition of restaurant found in 28 M.R.S.A. § 2(17). The term restaurant is used throughout Title 28 to include both class A restaurants and non-class A restaurants. The term "restaurant malt liquor licensees", as used in § 702, ^{includes} therefore, both class A restaurants and non-class A restaurants whose license is restricted to the sale of malt liquors.

The liquor commission has interpreted the term "admission charge" as used in §702 to include cover charges and minimums. I concur in this interpretation.

HBWJr