

MAINE STATE LEGISLATURE

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April 18, 1975

Keith H. Ingraham, Director

Alcoholic Beverages

Phillip M. Kilmister, Assistant

Attorney General

Transportation of Liquor by Salesmen from State Liquor Stores to Licensees' Premises.

In your recent memorandum submitted to this Office you inquire as to whether or not a duly licensed salesman may purchase liquor from a State Liquor Store and deliver same to a licensee, such as a Class A restaurant, hotel, or club. You also ask whether it is permissible for a salesman to pick up an order for a private citizen. The answer to both questions is in the negative.

For purposes of sale and distribution, salespersons are agents only for those business entities whose products they are authorized to sell, or otherwise engage in the solicitation of business therefor. Salespersons are not authorized to act as agents, servants, or employees for purchasers of liquor at State Liquor Stores, whether said purchasers be licensees or unlicensed citizens.

Our law pertaining to liquor and liquor licenses prohibits licensees from offering or donating gifts or other inducements to purchasers of liquor, except in certain instances for which Commission approval is obtained.

28 M.R.S.A. § 305 provides in part as follows:

"Except as provided by sections 501 and 601, no licensee shall, directly or indirectly, offer or give any liquor, or any price premium, gift or inducement of any sort to other trade or consumer buyers, except such advertising novelties of nominal value as the commission may approve.

"No licensee shall offer to pay, make or allow, and no licensee shall solicit or receive any allowance, rebate, refund or concession, whether in the form of money or otherwise, in connection with the purchase of liquor dealt in by such licensee." (emphasis supplied)

Although a licensee of premises, such as a Class A restaurant, hotel or club, may certainly purchase and transport liquor from state stores to their place of business, it does not follow that a licensed salesperson can provide this same service for such licensees. When a salesperson acts as a purchasing and transportation agent for a licensee under these circumstances, he is not merely acting as an innocuous

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conduit for the distribution of liquor from the state liquor store to the licensee's premises. His act constitutes an allowance, concession, or consummation of inducement for the purchase of liquor, in contravention of the terms of 28 M.R.S.A. § 305, quoted above. This is also true in regard to the purchase of liquor on behalf of private consumers, since salespersons are not endowed with any authority to engage in the transportation and distribution of liquor.



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