

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date August 21, 1975

Keith H. Ingraham, Director

Dept. Alcoholic Beverages

From Phillip M. Kilmister, Assistant

Dept. Attorney General

Subject Statutory Interpretation of Terminology in P.L. 1975, c. 473

The recent enactment of P.L. 1975, c. 473 which provided that "Class A Restaurants" shall prepare and serve "full course meals," is extremely broad in scope, but not so unduly vague as to preclude the adoption of a reasonable rule or regulation in implementation of said statutory language.


It is the opinion of this office that the Commission, pursuant to its rule-making powers as conferred in 28 M.R.S.A. § 55, should adopt or promulgate a rule or regulation to further define the above-quoted statutory terminology. It would appear that the adoption of a rule might offer assistance to both licensing officials and Class-A Restaurant applicants by way of further defining what constitutes a full course meal.

Although it would not seem necessary to define by rule or regulation what is not a meal, such as a single sandwich or other single item of food, it would likewise seem the better part of wisdom not to delineate rigidly the constitution of a full course meal in culinary terms of menu items such as entrees, main dishes, or desserts.

Although there are no court decisions which have defined the term "full course meals," the California Court has set forth a general, but rather excellent definition of the term "meal," as follows:

"The generally accepted concept of a 'meal' is that it not only consist of a larger quantity of food than that which ordinarily comprises a single 'sandwich' but that it usually consists of a diversified selection of foods which would not be susceptible of consumption in the absence of at least some articles of tableware and which could not conveniently be consumed while one was standing or walking about." Treasure Island Catering Co. v. State Board of Equalization, 19 Cal. 2d 181, 120 P.2d 1.

In answer to your recent memo, I would merely suggest that the Commission give consideration to the composition and adoption of a regulation defining "full course meals" which will apprise applicants for licensure of certain prerequisites governing the sale and consumption of food on the premises of Class-A Restaurants, along the general guidelines of the California case cited above.


PHILLIP M. KILMISTER
Assistant Attorney General