

MAINE STATE LEGISLATURE

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September 24, 1975

John P. O'Sullivan, Commissioner

Finance and Administration

Joseph E. Brennan, Attorney General

Attorney General

Advertising and Pricing of Liquor at Kittery Discount Store

In answer to your inquiry relating to the advertising of liquor prices at the State operated liquor store in Kittery, in newspapers within and without the State of Maine, please be advised that neither our Maine liquor licensing law nor the Federal Alcohol Administration Act, contain any provisions which would prohibit such advertising.

Title 28, section 5 of the Revised Statutes of Maine provides that the advertising of liquor within the State shall be under the sole control of the Liquor Commission, and reads, in part, as follows:

"Form of advertising restricted

"No advertising of liquor within the State shall be permitted, except in such form as may be specifically authorized by the Commission. Radio, television, billboards, signs, newspapers, magazines and periodicals may carry advertising subject to the regulations of the commission...."
(emphasis supplied)

Sections 305 and 306 of Title 28 of the Revised Statutes are the only other statutory sections relating to advertising, but such sections are applicable only to licensees of the Commission, and are in no manner germane to the inquiry under discussion.

The Legislature has placed complete control of the advertising of liquor in the Liquor Commission, and it seems logical to conclude that the Commission has the authority to adopt procedures relating to the sale of liquor sold at state-operated stores, should it choose to do so.

Although the primary purpose of our liquor licensing law is to insure proper regulation of the traffic of alcoholic beverages in the State of Maine, by authorizing the establishment of a "state discount store" at Kittery, the Legislature has given tacit approval to the promotion of the sale of liquor at said store. The advertising of liquor prices at the discount store by the Liquor Commission appears to be a permissible and certainly logical method by which to implement the promotion of said sales.

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In closing, I would further answer your memo, by noting that any monies used to defray the cost of advertising, should be withdrawn from the allocation of funds designated under the appropriation of "All Other Allotment."

JOSEPH E. BRENNAN
ATTORNEY GENERAL

JEB:mfe