

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

February 11, 1976

Keith H. Ingraham, Director

Alcoholic Beverages

Phillip M. Kilmister, Assistant

Attorney General

Quantity Discounts - Off-Premises Sale of Beer

In answer to your memorandum of December 16, 1975, it is my opinion that the statutory language of 28 M.R.S.A. § 305, as recently amended by (P.L. 1975, c. 184), affords no foundation for the promulgation of a rule or regulation which would prohibit quantity discounts to purchasers of malt beverages for off-premises consumption.

As was the issue recently before the Administrative Court in the Briggs case, you are asking, by way of example, whether or not the Commission can promulgate a rule or regulation which would prohibit retailers from offering for sale a twelve package of beer for a price per unit (can) less than the price per unit (can) when offered for sale in packages of six.

To prohibit the charging of a lesser price per unit of malt liquor for larger rather than smaller quantities, particularly if such lesser price is based upon cost factors, is to assume erroneously that such a marketing procedure constitutes an unlawful inducement, by way of gift, price premium, or rebate within the language of 28 M.R.S.A. § 305, as amended.

In conclusion, it is my opinion that pages 5 and 6 of Judge Robinson's opinion in the Briggs case, afford no basis for concluding that the Commission has authority to adopt a rule or regulation prohibiting legitimate retail quantity discounts for beer.



PHILLIP M. KILMISTER
Assistant Attorney General

PMK:mfe