

MAINE STATE LEGISLATURE

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Alcoholic Beverages

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Opinion Rule 6

The applicable language of 28 M.R.S.A. § 305 (entitled premiums and rebates) reads as follows:

" . . . Nothing in this section shall be construed to prohibit Class A restaurants and hotels from offering price premiums as a means of promoting attendance on licensed premises.

"Licensed clubs may offer prizes, gratuities or other inducements, otherwise legal, as a means of promoting attendance on licensed premises." (emphasis supplied)

The above-quoted statutory language formulates a basis for the conduct of so-called "happy hours" by licensees. Furthermore, the use of a roulette wheel or other such device by a licensee as a means of establishing the price of alcoholic beverages for "on premises" consumption, may constitute a lawful method of premium price fixing within the terms of 28 M.R.S.A. § 305.

This means of premium price fixing by the licensee does not constitute the use of an illegal game of chance within the meaning of Rule 6 of our Rules and Regulations governing the licensure of premises, because there is no participation in any game of chance by the customer, as a condition precedent to the purchase of any beverage. There is total elimination of any possible pecuniary loss to the purchaser of beverages, the price of which is established by the "spin-of-the-wheel," since said price-fixing mechanism simply sets a uniform, temporary price of drinks which may equal, but never exceed, the regular established price of beverages offered to customers during non-price premium hours.


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