

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date June 18, 1976

To Keith H. Ingraham, Director

Dept. Bureau of Alcoholic Beverages

From Phillip M. Kilmister, Assistant

Dept. Attorney General

Subject Licensure of Incorporated Civic Organizations

In answer to your memorandum of June 14, 1976 submitted to this Office, it is my opinion that the designated applicant, Miss Maine Pageant, Inc., may qualify for licensure as an incorporated civic organization.

Miss Maine Pageant, Inc. is a nonprofit charitable corporation which was organized pursuant to the terms of Title 13, Chapter 81 of the Revised Statutes on February 7, 1975. All of its revenue raised in conjunction with the conduct of an annual Miss Maine beauty pageant, after payment of costs of operation, is earmarked solely for educational purposes, more specifically, in the form of scholarship aid to the various contestants entered in the pageant.

Chapter 747 of the Public Laws of 1973, as amended by Chapter 49 of the Public Laws of 1975, provides for the granting of licenses to incorporated civic organizations for one event per year and defines incorporated civic organization as follows:

"Incorporated civic organization. 'Incorporated civic organization' means any charitable or nonprofit civic organization incorporated as a corporation without stock under Title 13, chapter 81."

The above-quoted statutory language currently designated as 28 M.R.S.A. § 2(26) of the Revised Statutes is extremely broad in scope, and definitionally imprecise.

Furthermore, the only evidence of legislative intent bearing remotely on the question of what constitutes an incorporated civic organization offers no guidelines for the Commission to follow. At page 1479 of the Legislative Record of the Maine House of Representatives under date of March 12, 1974, Representative Tanguay spoke in favor of lowering fees to allow as many nonprofit organizations as possible to qualify for liquor licenses while holding fund raising events.

The words "civic organization" do not constitute words of art which have a distinct meaning. For tax purposes, an organization or association might be considered a civic organization, while not being delineated as such for licensing purposes, and vice versa.

As noted above, it would appear that the Commission may grant a license to the applicant.

Phillip M. Kilmister
Phillip M. Kilmister
Assistant Attorney General