

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date October 20, 1976

To Keith H. Ingraham, Director

Dept. Bureau of Alcoholic Beverages

From Phillip M. Kilmister, Assistant

Dept. Attorney General

Subject Sale of Liquor on Election Days

In your memorandum under date of September 28, 1976, addressed to this Office, you have asked the following question:

"Can the State retail liquor stores and State Agency stores be open for the sale of liquor on election days?"

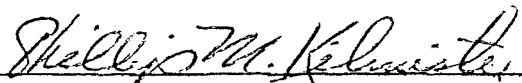
The Legislature has clearly stated that liquor may be sold in municipalities on the date of state-wide elections only during those hours on said election date after the polls have been closed.

The fourth paragraph of section 4 of Chapter 741 of the Public Laws of 1975 (now 28 M.R.S.A. § 4) applies not only to licensees but to State liquor stores and State agency stores also, and reads as follows:

"Liquor may be sold in any municipality on the day of holding a general election or state-wide primary after the polls of that municipality have closed."

The above-quoted statutory language does not conflict with the provisions of section 11 of Chapter 741 of the Public Laws of 1975 (28 M.R.S.A. § 154) which endows the Commission with authority to establish business hours governing the sale of liquor in State stores and State agency stores on any given business day.

Neither the Liquor Commission, nor the voters in any municipality, may determine the issue of sale of liquor on state-wide election dates, absent express legislative authority to do so.


PHILLIP M. KILMISTER
Assistant Attorney General

PMK:jg