

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date September 22, 1977

Keith H. Ingraham, Director Dept. Bureau of Alcoholic Beverages
From Phillip M. Kilmister, Assistant Dept. Attorney General
Subject Interpretation of Rule 72, sec. 3 Relating to the Merchandising and
Stocking of Agency Stores

In your brief memo under date of August 16, 1977, you inquire as to whether or not the Bureau of Alcoholic Beverages can require an agent (licensee of a state agency store) to carry as inventory for sale, items listed by Maine firms.

The answer to your question is in the affirmative.

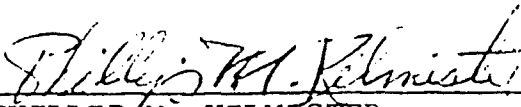
The language of Rule 72, section 2 is unambiguous and reads as follows:

"3. Agents must maintain an adequate stock of at least one-half the brands in each class listed by the State Liquor Commission, and an adequate supply of all items listed with the Commission by Maine concerns." (emphasis supplied)

The prerequisite of stocking items of Maine concerns on the shelves of agency stores as set forth by the terms of Rule 72(4) is not only a valid implementation of our liquor licensing statutes, but indeed, appears to be a mandatory rule, essential to carry out the Legislature's intention to promote the sale of Maine products. The basis for such a rule is founded upon the statutory provisions of 28 M.R.S.A. § 55(4), entitled "Maine products," which provide as follows:

"The commission shall display in state stores, authorized under sections 151 to 153, a separate list of all alcoholic beverage products manufactured or bottled in this State and listed by the commission, suitably marked to indicate that the same are Maine products;"

For the Commission to discontinue the mandatory policy of stocking state stores and special state agency stores with Maine products, will require either a repeal or amendment of the above-quoted statutory language.


PHILLIP M. KILMISTER
Assistant Attorney General