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Liquor On Premises Sales by 17-18-19 yr olds
28 M.R.S.A. § 852

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December 16, 1977

Honorable John L. Martin
Speaker of the House
House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

Your letter of November 16, 1977, asks for an opinion on whether 18 or 19 year old persons may be employed in establishments where liquor is sold.

During its First Regular Session in 1977, the Legislature amended some sections of Title 28 of the Maine Revised Statutes by raising the age of persons who may purchase alcoholic beverages or sell as licensees from 18 to 20 years of age. In each statutory section in which age is an eligibility criterion, the amendment specifically deletes "18" and substituted "20" years of age.

Title 28 M.R.S.A. § 2, sub-¶ 11, redefined "minor" to mean "a person who has not attained his 20th birthday." However, the Legislature did not amend the ages found in 28 M.R.S.A. § 852, entitled "Employment of Minors." That section reads:

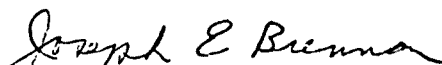
"No licensee for the sale of liquor to be consumed on licensed premises, except in Class A restaurants, clubs and hotel dining rooms, shall employ any person under the age of 18 years in the direct handling or selling of liquor on the premises where such liquor is sold. No licensee for the sale of liquor to be consumed on the licensed premises of Class A restaurants, clubs and hotel dining rooms shall employ any person under the age of 17 years in the direct handling or selling of liquor on the premises where such liquor is sold, provided that an employee who is 18 years of age or older is present in a supervisory capacity."

The 1977 statutory amendments addressed themselves to the age of persons who may purchase alcoholic beverages or sell the same as licensees. It would appear that the Legislature was satisfied that its objective could be accomplished by raising the ages of licensees and purchasers and that no useful purpose would be served by preventing 18 and 19 year olds from being employed in the on premises sales within the scope of Title 28 M.R.S.A. § 852.

Therefore, minors who are 18 or 19 years old may be employed in the direct handling or selling of liquors by licensees of liquor sold for on premises consumption. That age is lowered to include 17 year old persons in Class A restaurants.

I presume that your question was specifically directed to employment in premises upon which liquor is consumed. Title 28 of the Maine Revised Statutes does not prohibit employment of 18 or 19 year old persons either in State liquor stores or in stores selling beer and wine for off premises consumption.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

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