

MAINE STATE LEGISLATURE

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25 MAR 24 1978

JOSEPH E. BRENNAN
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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 10, 1978

Keith H. Ingraham, Director
Bureau of Alcoholic Beverages
State Street
Hallowell, Maine

Dear Mr. Ingraham:

Your memorandum under date of December 21, 1977 addressed to the Attorney General in which you seek clarification as to the meaning of 28 M.R.S.A. Sec. 852, has been called to my attention. In essence, your memorandum seeks further clarification of the contents of the Attorney General's letter to the Speaker of the House of Representatives under date of December 21, 1977 in regard to the question of employment of 18 and 19 year olds on premises licensed for the on-sale consumption of alcoholic beverages.

Your questions, and the answers thereto, are set forth as follows:

"1. Are we correct in requiring that all persons employed in the direct handling of liquor by the various types of licenses not mentioned in 28 M.R.S.A. Sec. 852, be at least 20 years of age?"

Answer: No.

"2. Is a licensee allowed to employ persons 18 and 19 years of age in the direct handling of liquor in a hotel cocktail lounge where food is not served?"

Answer: Yes.

Keith H. Ingraham, Director
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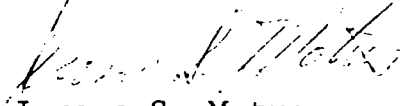
The letter of the Attorney General addressed to House Speaker John L. Martin clearly states that 18 and 19 year olds ^{premise} may be employed on premises licensed for the on-sale consumption of liquor, and further emphasized, that under controlled conditions of employment, 17 year olds may be employed by certain licensees, to wit: Class A restaurants, clubs, and hotel dining rooms.

The language of 28 M.R.S.A. Sec. 852 governing employment of minors, refers to all licensees who conduct sales of liquor for on-premises consumption and is not exclusionary in nature.

The language of the first paragraph of 28 M.R.S.A. Sec. 852 provides for the employment of 18 and 19 year olds on all premises licensed for the on-premises consumption of alcoholic beverages, and provides further, for the employment of 17 year olds, by certain licensees.

There is a vast difference between the allowance of purchase of alcoholic beverages by persons under twenty years of age and the allowance of employment of minors on premises where alcoholic beverages are sold. The Legislature has spoken with clarity in regard to both questions, by prohibiting the purchase of alcoholic beverages by persons under 20 years of age, while simultaneously allowing the employment of said persons, pursuant to the terms of 28 M.R.S.A. Sec. 852.

Very truly yours,


Jerome S. Matus
Assistant Attorney General

JSM:gr