

Opinion No. 37-1817

November 15, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. W. R. Meador Chief, Div. of Liquor Control Bureau of Revenue Santa Fe, New Mexico

{*191} Your letter of November 13th inquires, briefly, if, under the law, railroad companies are prohibited from selling intoxicating liquors on trains passing through New Mexico on Sundays and on election days.

Section 1105, Chapter 130, Session Laws of 1937, specifies the hours of sale for dispensers, retailers, and clubs and provides that intoxicating liquors may be sold by those named within certain hours on Sundays and general election days.

Numerous definitions are set forth in Article I of the Act, such as dispensers, retailers, clubs, hotels, restaurants, etc. No particular mention is made in any of these about railroad companies.

The second paragraph of Section 1101 provides the Bureau of Revenue with exclusive control over the issuance of licenses to and collection of license fees for distillers, brewers, rectifiers, winers, wholesalers, and **public service licenses under Section 706 * * ***.

Section 706 makes specific provision for the issuance of licenses to transportation companies selling alcoholic liquors to travelers on trains within the State of New Mexico. It is my opinion that inasmuch as specific provisions have been made for the issuance of such licenses to railroads and inasmuch as these companies have not been classed along with other retailers, dispensers, clubs, and hotels, that it was the intention of the legislature that the provisions of Section 1105 should not apply to such transportation companies.

Had the legislative intent been otherwise, then, no doubt, further provision would have been made. The manner in which the Act has been drawn signifies that these transportation companies were not to be limited in sales on trains in New Mexico on Sundays and on general election days.