

Opinion No. 609
Beer—Restaurant—Public Place
—Licenses.

HELD: The drinking of beer in a public place, such as a restaurant, which has no license to sell beer, is in no manner forbidden.

September 2, 1934.

You ask whether or not it is legal for a person to buy beer from a licensed dealer and take same into restaurant which does not have a license and consume same with meals purchased at said restaurant.

Such a procedure does not violate any provision of the Montana law and is entirely permissible. Under the law as originally enacted (Chapter 106, Laws of 1933) it was provided that it was unlawful for any person to drink beer in any public place, with certain exceptions. (Section 39.) But Section 20 of Chapter 46, Laws of Extraordinary Session, 1933-34, repealed this Section 39 of said Chapter 106.

As the sale of beer for consumption off the premises is expressly authorized by Section 10 of Chapter 46, Laws of Extraordinary Session, 1933-34, and as the same statute expressly repeals that provision forbidding its public consumption, the conclusion is clear that drinking of beer in a public place such as a restaurant which has no license to sell beer, is in no manner forbidden. The beer, of course, must have been purchased from a licensed dealer.