

LIQUOR: No intoxicating liquor or 3.2 per cent non-intoxicating liquor
WATERS: license may be issued to boats operating on Lake of the Ozarks.



June 9, 1953

Mr. Hollis M. Ketchum
Supervisor
Department of Liquor Control
Jefferson City, Missouri

Dear Mr. Ketchum:

This will acknowledge receipt of your request for an opinion, which reads:

"This is to request an official opinion, as to whether the Department of Liquor Control can issue Intoxicating Liquor licenses and 3.2% Non-Intoxicating Beer licenses to boats on the Lake of the Ozarks.

"I have an application for a 3.2 Non-Intoxicating Beer license, for the Larry Don Excursion Boat, whose docks are near Bagnell Dam. This dock is of permanent construction, made of concrete and steel. The boat leaves on excursions on a route prescribed by the Coast Guard, and is possibly 8 or 10 miles long. These excursions are possibly of an hour's duration. This boat is not allowed to deviate from the route prescribed by the Coast Guard. The boat then returns and is anchored at the permanent docks."

You inquire if the Supervisor of Liquor Control of the State of Missouri may issue an intoxicating liquor license and a 3.2 per cent non-intoxicating beer license to boats operating on the Lake of the Ozarks. This department under date of March 10, 1937 rendered an opinion to the Department of Liquor Control, State of Missouri, holding that it would be illegal to issue licenses for the sale of intoxicating liquor and beer on boats and vessels operating on navigable streams in this state. Subsequent thereto, and on November 17, 1939, this department rendered an opinion to the then supervisor of Liquor Control, State of Missouri, holding that boats operating on navigable streams within this state cannot be licensed to sell intoxicating liquor, and, therefore, all such sales thereon are illegal.

Mr. Hollis M. Ketchum

The law relative to the authority of the Supervisor of Liquor Control, State of Missouri, to issue licenses for the sale of intoxicating liquor and beer on boats and vessels so far as we are able to determine is still the same.

CONCLUSION.

Therefore, it is the opinion of this department in the absence of some specific statute authorizing the Supervisor of Liquor Control, State of Missouri, to issue licenses for boats and vessels for sale of intoxicating liquor and beer similar to that now in full force and effect for railroad companies or railway sleeping cars operating in this state under Section 311.200, RSMo 1949, that such licenses cannot be issued.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Aubrey R. Hammett, Jr.

Yours very truly,

JOHN M. DALTON
Attorney General

ARH:sw