

# MAINE STATE LEGISLATURE

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# FIFTY-SIXTH LEGISLATURE.

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SENATE.

No. 5.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-SEVEN.

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[S. 36.] AN ACT to amend chapter twenty-seven of the  
revised statutes, relating to drinking houses and tippling  
shops.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows :*

SECTION 1. Section twenty-two of chapter twenty-  
2 seven of the revised statutes is hereby amended, so as  
3 to read as follows :

4 *Sect. 22.* No person shall be allowed at any time  
5 to sell by himself, his clerk, servant or agent, directly  
6 or indirectly, any intoxicating liquors, of whatever  
7 origin, except as hereinafter provided; wine, ale,  
8 porter, strong beer, lager beer, and all other malt  
9 liquors, and cider where kept or deposited with intent  
10 to sell the same for tippling purposes, as well as all

11 other distilled spirits, shall be considered intoxicating  
12 within the meaning of this chapter ; but this enumer-  
13 ation shall not prevent any other pure or mixed liquors  
14 from being considered intoxicating.

SECT. 2. Section twenty-third of the same chapter,  
2 is hereby amended, so as to read as follows :

3 *Sect. 23.* Any person who shall manufacture for  
4 sale any intoxicating liquor, except cider, shall be  
5 punished as provided in section twenty-four of this  
6 chapter.

SECT. 3. Section twenty-four of the same chapter,  
2 is hereby amended, so as to read as follows :

3 *Sect. 24.* Any person who shall sell any intoxica-  
4 ting liquors manufactured by him in this State, except  
5 cider, shall be punished by imprisonment two months  
6 in the county jail and by fine of one thousand dollars,  
7 and stand committed till paid.

SECT. 4. Section twenty-five of the same chapter,  
2 is hereby amended, so as to read as follows :

3 *Sect. 24.* The provisions of this chapter shall not  
4 extend to the sale of wine for sacramental purposes by  
5 agents appointed under this chapter.

SECT. 5. On every subsequent conviction, after the  
2 first offence described in section thirty-five of the same  
3 chapter, the person or persons found guilty, shall pay  
4 a fine of one hundred dollars and cost of prosecution,

5 and stand committed until the same be paid, and in  
6 addition thereto shall be imprisoned in the county jail  
7 three months.

SECT. 6. Section forty-five, the same chapter, is  
2 hereby amended, so as to read as follows :

3 *Sect. 45.* Every trial justice, recorder, and judge  
4 of a municipal court or police court, and every county  
5 attorney, having knowledge of any previous convic-  
6 tion of any person accused of violating this chapter,  
7 on preparing complaints, warrants, or indictments,  
8 shall allege such previous conviction thereon ; and  
9 after an indictment in any such case is entered in  
10 court, no county attorney shall dismiss or fail to prose-  
11 cute the same except by special order of said court.  
12 If any trial justice, recorder or judge of a municipal  
13 or police court, or county attorney, neglects or refuses  
14 to allege such previous conviction, or if any county  
15 attorney shall fail to prosecute as provided in this sec-  
16 tion, he shall forfeit one hundred dollars in each case,  
17 to be recovered in an action of debt or by complaint  
18 or indictment.

# STATE OF MAINE.

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IN SENATE, January 23, 1877.

Reported by Mr. WHEELWRIGHT of Penobscot, from the Committee on Temperance,  
and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*