

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# Sixty - Third Legislature.

---

---

HOUSE.

No. 146.

---

---

## STATE OF MAINE.

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

---

AN ACT amendatory of and additional to chapter twenty-seven of the Revised Statutes, and amendatory of chapter three hundred and fifty-nine and of chapter three hundred and sixty-six of the Public Laws of eighteen hundred and eighty-five relating to the Sale of Intoxicating Liquors.

---

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

SECTION 1. Section fifteen of chapter twenty-seven of 2 the Revised Statutes is hereby amended so as to read as 3 follows:

'SECT. 15. The Governor with the advice and consent 5 of the Council, shall appoint a commissioner to furnish 6 municipal officers of towns in this State and duly author- 7 ized agents of other States with pure unadulterated intox- 8 icating liquors to be kept and sold for medicinal, mechan- 9 ical and manufacturing purposes. Said commissioner

10 shall reside and have his place of residence in this State  
11 and hold his office during the pleasure of the Governor  
12 and Council and until another is appointed in his stead,  
13 and be paid an annual salary of fifteen hundred dollars  
14 payable quarterly out of the State treasury. He shall be  
15 allowed reasonable expenses of office, and present his  
16 account, under oath, with vouchers therefor, to the Gov-  
17 ernor and Council, annually, in December to the last day  
18 of the preceding month, who shall audit the same and  
19 direct payment from the State treasury. He shall not  
20 sell to municipal officers of this State any intoxicating or  
21 fermented liquors except such as have been tested and  
22 found to be pure by a competent assayer under a penalty  
23 of not less than fifty nor more than two hundred dollars,  
24 to be recovered by indictment. He shall take of such  
25 officers for pure and unadulterated liquors sold to them  
26 ten per cent above the cost thereof, at the place where  
27 they were by him purchased and pay the same over to the  
28 State Treasurer on or before the first day of January an-  
29 nually. He shall before entering upon the duties of his  
30 office, give a bond to the Treasurer of State, in the penal  
31 sum of not less than ten thousand dollars for the benefit of  
32 such towns as may be injured by a breach of the conditions,  
33 for the faithful performance of his duties and compliance  
34 with such regulations and conditions as the Governor and  
35 Council prescribe. In case of his resignation, removal  
36 from office, or death, and the appointment of a successor,  
37 the stock of liquors remaining on hand at the time of his  
38 resignation, removal or death, shall be taken at cost by  
39 the new commissioner, and he shall, before entering upon  
40 his office, pay for the same in cash or settle therefor to

41 the satisfaction of his predecessor or his legal represen-  
42 tatives.'

SECT. 2. Section twenty-nine of chapter twenty-seven  
2 of the Revised Statutes, is hereby amended by striking  
3 out all of said section after the word "purposes" in the  
4 third line so that said section as amended shall read as fol-  
5 lows :

'SECT. 29. This chapter does not apply to the sale of  
7 unadulterated cider unless the same is sold to be used as  
8 a beverage or for tipping purposes.'

SECT. 3. Section thirty-one of chapter twenty-seven of  
2 the Revised Statutes, is hereby amended by inserting after  
3 the word "offence" in the fifth line the following words :  
4 "Any servant, agent or employe of any railroad corpora-  
5 tion or of any express company doing business in this  
6 State, who shall remove any intoxicating liquor from any  
7 railroad car at any place other than the usual and estab-  
8 lished stations, depots or places of business of such rail-  
9 road corporations, or who shall aid in, or consent to such  
10 removal, shall be subject to a penalty of fifty dollars for  
11 every such offence" so that said section as amended, shall  
12 read as follows :

'SECT. 31. No person shall knowingly bring into the  
14 State, or knowingly transport from place to place in the  
15 State, any intoxicating liquors, with intent to sell the  
16 same in the State in violation of law, or with intent that  
17 the same shall be sold by any person, or to aid any person  
18 in such sale, under a penalty of fifty dollars for each  
19 offence. Any servant, agent or employe of any railroad  
20 corporation or of any express company doing business in  
21 this State, who shall remove any intoxicating liquors from

22 any railroad car at any place other than the usual and es-  
23 tablished stations, depots or places of business of such rail-  
24 road corporation, or who shall aid in, or consent to, such  
25 removal, shall be subject to a penalty of fifty dollars for  
26 every such offence. All such liquors intended for unlaw-  
27 ful sale in the State may be seized while in transit and  
28 proceeded against, the same as if they were unlawfully  
29 kept and deposited in any place'.

SECT. 4. Section thirty-three of chapter twenty-seven  
2 of the Revised Statutes, is hereby amended by striking  
3 out in the fifth, sixth and seventh lines the words "un-  
4 less in quantities of five gallons or more delivered and  
5 taken away at one time," so that said section as amended  
6 shall read as follows :

'SECT. 33. No person shall at any time, by himself, his  
8 clerk, servant or agent, directly or indirectly sell any in-  
9 toxicating liquors, of whatever origin, except as hereinbe-  
10 fore provided : wine, ale, porter, strong beer, lager beer,  
11 and all other malt liquors, and cider when kept or depos-  
12 ited with intent to sell the same for tippling purposes, or  
13 as a beverage, as well as all distilled spirits, are declared  
14 intoxicating within the meaning of this chapter ; but this  
15 enumeration shall not prevent any other pure or mixed  
16 liquors from being considered intoxicating.'

SECT. 5. Section two of chapter three hundred and  
2 sixty-six of the Public Laws of eighteen hundred and  
3 eighty-five amendatory of section thirty-four, chapter  
4 twenty-seven of the Revised Statutes is hereby amended  
5 so that said section thirty-four shall read as follows :

'SECT. 34. Whoever by himself, clerk, servant or agent, 7 sells any intoxicating liquors in this State in violation of 8 law shall pay a fine of not less than fifty dollars and costs, 9 and in addition thereto be imprisoned thirty days. In 10 default of said payment he shall be imprisoned thirty days 11 additional, and on each subsequent conviction he shall be 12 punished by a fine of two hundred dollars and costs, and 13 in addition thereto be imprisoned six months, and in de- 14 fault of payment of said fine and costs he shall be impris- 15 oned six months additional. Any clerk, servant, agent or 16 other person in the employment or on the premises of 17 another who violates or in any manner aids or assists in 18 violating any provisions of this act or any other act relat- 19 ing to intoxicating liquors is equally guilty with the prin- 20 cipal and shall suffer like penalties.'

SECT. 6. Section three of chapter three hundred and 2 sixty-six of the Public Laws of eighteen hundred and 3 eighty-five, amendatory of section thirty-five of chapter 4 twenty-seven of the Revised Statutes, is hereby amended 5 so that said section thirty-five shall read as follows :

'SECT. 35. No person shall be a common seller of intox- 7 icating liquors. Whoever violates this section shall be 8 fined one hundred dollars and imprisoned thirty days, or 9 instead of such fine he may be imprisoned three months. 10 On a second and every subsequent conviction he shall be 11 fined two hundred dollars and imprisoned four months, 12 and in default of payment of fine and costs he shall be 13 punished by four months additional imprisonment.'

SECT. 7. Section four of chapter three hundred and 2 sixty-six of the Public Laws of eighteen hundred and 3 eighty-five, amendatory of section thirty-seven of chapter

4 twenty-seven of the Revised Statutes, is hereby amended  
5 so that said section thirty-seven shall read as follows :

‘SECT. 37. No person shall keep a drinking-house and  
7 tippling shop. Whoever sells intoxicating liquors in any  
8 building, vessel or boat, contrary to law, and the same are  
9 there drank, is guilty of keeping a drinking-house and  
10 tippling shop, and upon the first conviction shall be fined  
11 one hundred dollars and costs, and be imprisoned sixty days  
12 or instead of such fine and costs shall be imprisoned three  
13 months, and on every subsequent conviction shall be pun-  
14 ished by a fine of two hundred dollars and costs and be  
15 mprisoned six months. Druggists and apothecaries may  
16 keep alcohol in reasonable quantity for compounding med-  
17 icines, but not for sale. Any intoxicating liquor other  
18 than alcohol kept or deposited by druggists or apotheca-  
19 ries in or upon their premises, when taken in connection  
20 with the payment of a government tax as dealer in intox-  
21 icating liquors, shall be *prima facie* evidence that said  
22 liquors are intended for sale in violation of law.’

SECT. 8. Section forty of chapter twenty-seven of the  
2 Revised Statutes is hereby amended by adding to said  
3 section the following : ‘The payment of the United States  
4 special tax as a liquor seller, or notice of any kind in any  
5 place of resort indicating that intoxicating liquors are  
6 there sold, kept or given away unlawfully, shall be held  
7 to be *prima facie* evidence that the person or persons  
8 paying said tax and the party or parties displaying said  
9 notices shall be deemed common sellers of intoxicating  
10 liquors, and the premises so kept by them common nui-  
11 sances,’ so that said section as amended shall read as  
12 follows :

SECT. 40. If any person competent to be a witness in  
14 civil suits makes sworn complaint before any judge of a  
15 municipal or police court or trial justice, that he believes  
16 that intoxicating liquors are unlawfully kept or deposited  
17 in any place in the State by any person, and that the same  
18 are intended for sale within the State in violation of law,  
19 such magistrate shall issue his warrant, directed to any  
20 officer having power to serve criminal process, command-  
21 ing him to search the premises described and specially  
22 designated in such complaint and warrant, and if said  
23 liquors are there found, to seize the same, with the vessels  
24 in which they are contained, and them safely keep until  
25 final action thereon, and make immediate return on said  
26 warrant. The name of the person so keeping said liquors,  
27 as aforesaid, if known to the complainant, shall be stated  
28 in such complaint, and the officer shall be commanded by  
29 said warrant, if he finds said liquors or has reason to be-  
30 lieve that such person has concealed them about his person,  
31 to arrest him and have him forthwith before such magistrate  
32 for trial. If the name of the person keeping such liquors,  
33 is unknown to the complainant, he shall so allege in his  
34 complaint, and the magistrate shall thereupon issue his  
35 warrant as provided in the first sentence of this section.  
36 If upon trial, the court is of the opinion that the liquor  
37 was so aforesaid kept and intended for unlawful sale by  
38 the person named in said complaint, or by any other per-  
39 son with his knowledge or consent, he shall be found  
40 guilty thereof, and sentenced to a fine of one hundred  
41 dollars, and in default of payment of fine and costs, to be  
42 imprisoned ninety days at hard labor, or instead of such



43 fine he may be imprisoned six months at hard labor. On  
44 every subsequent conviction he shall be fined one hundred  
45 dollars and stand committed until the fine and costs are  
46 paid; and in addition thereto he shall be imprisoned six  
47 months at hard labor. The payment of the United States  
48 special tax as a liquor seller, or notice of any kind in any  
49 place of resort indicating that intoxicating liquors are there  
50 sold, kept or given away unlawfully, shall be held to be  
51 *prima facie* evidence that the person or persons paying  
52 said tax and the party or parties displaying said notices  
53 shall be deemed common sellers of intoxicating liquors,  
54 and the premises so kept by them common nuisances.'

SECT. 9. Section eight of chapter three hundred and  
2 fifty-nine of the Public Laws of eighteen hundred eighty-  
3 five amendatory of section forty-four of chapter twenty-  
4 seven of the Revised Statutes is hereby repealed, and  
5 said section forty-four of chapter twenty-seven of the Re-  
6 vised Statutes is hereby revived and re-enacted.

SECT. 10. Section six of chapter three hundred and  
2 sixty-six of the Public Laws of eighteen hundred eighty-  
3 five amendatory of section forty-eight of chapter twenty-  
4 seven of the Revised Statutes is hereby amended so that  
5 said section forty-eight shall read as follows :

'SECT. 48. Any person found intoxicated in any street,  
7 highway or other public place, shall be punished for the  
8 first offence by a fine not exceeding ten dollars or by im-  
9 prisonment not exceeding thirty days, and upon any sub-  
10 sequent conviction by imprisonment for thirty days. Any  
11 person found intoxicated in his own house or in any other  
12 building or place who is quarrelsome and is disturbing the  
13 public peace, or the peace of his own or any other family

14 shall be punished for the first and any subsequent convic-  
15 tion as provided in the preceding clause of this section.  
16 Any such intoxicated person may be taken into custody  
17 by any sheriff, deputy sheriff, constable, marshal, deputy  
18 marshal, police officer or watchman, and committed to the  
19 watch house or police station, or restrained in some other  
20 suitable place, until a complaint can be made and a war-  
21 rant issued against him upon which he may be arrested  
22 and tried.



STATE OF MAINE.

---

IN HOUSE OF REPRESENTATIVES. }  
February 19, 1887. }

Reported from Committee on Temperance by Mr. ALLEN of Alfred;  
ordered printed under joint rule.

NICHOLAS FESSENDEN, Clerk.



Printed to Accompany House Document No. 146—Temperance Bill.

---

House Amendment "A" to House Document No. 146.

Amend section 1, by striking out the word "ten" in the 26th line, and inserting 'six' instead thereof.

ALLEN of Alfred.

Adopted.

---

House Amendment "B" to House Document No. 146.

Amendment of Sec. 6, line 9, by striking out the words "three months," and inserting the words 'sixty days additional.'

ALLEN of Alfred.

Adopted.

---

House Amendment "C" to House Document No. 146.

Amend House document 146, by striking out the words "but not for sale," in the 17th line of Sec. 7.

RANDALL of Augusta.

Adopted.

---

House Amendment "D" to House Document No. 146.

Amend Sec. 8, page 6, by striking out the words "shall be deemed" in the ninth line, and substituting therefor the word 'are.'

Amend Sec. 8, by striking out the words "shall be deemed" in line 53, and substituting therefor the word 'are.'

LOONEY of Portland.

Adopted.

---

House Amendment "E" to House Document No. 146.

Amend Sec. 40, by inserting in line 52, after the word "tax" ', and also by inserting after the word "notices" in same line ',.

WRIGHT of Paris.

Adopted.

---

House Amendment "F" to House Document No. 146.

Amend House document 146, Sec. 10, by striking out the word "thirty" in 9th line, and inserting the word 'fifteen.'

RANDALL of Augusta.

Adopted.

House Amendment "G" to House Document No. 146.

SECT. 11. Section twenty-one of chapter twenty-seven  
2 of the Revised Statutes is hereby amended by inserting  
3 after the word "city" in the fifth line the following words  
4 'who shall not be one of the municipal officers of said  
5 town or city,' so that said section as amended shall read  
6 as follows :

'SECT. 21. The selectmen of any town and mayor and  
8 aldermen of any city may on the first Monday of May,  
9 annually, or as soon thereafter as convenient buy such  
10 quantity of intoxicating liquors as is necessary to be sold  
11 under this chapter, and may appoint some suitable person  
12 agent of said town or city (who shall not be one of the  
13 municipal officers of said town or city) to sell the same at  
14 some convenient place therein, to be used for medicinal,  
15 mechanical and manufacturing purposes, and no other ; such  
16 agent shall receive such compensation for his services and  
17 in the sale of such liquors, shall conform to such regula-  
18 tions not inconsistent with law, as the board appointing  
19 him prescribes, and shall hold his situation for one year,  
20 unless sooner removed by them, or their successors.  
21 Vacancies occurring during the year shall be filled in the  
22 same manner as original appointments are made. No such  
23 agent shall have any interest in such liquors or in the  
24 profits of the sale thereof. He may sell intoxicating  
25 liquors to such municipal officers, to be by them disposed  
26 of in accordance with this chapter.'

HUNTER of Strong.

Adopted.

Senate Amendments to House Document No. 146, Adopted.

Senate amendment "A." Amend section ten of House document No. 146, by striking out the word "may" in line sixteen and substitute the word 'shall.'

---

Senate amendment "C." Add to section three in the eleventh line after word "offence," the words '*provided*, that said penalty shall not apply to any liquor in transit when changed from car to car to facilitate transportation.'

---

Senate amendment "E." Amend section seven by inserting after the word "alcohol" in the sixteenth line, the words 'and other intoxicating liquors.'

---

Senate amendment "H." Amend section seven, line twenty-one, by inserting after the word "evidence" and before the word "that" the words 'after May 1, 1887.'



**STATE OF MAINE.**

---

HOUSE OF REPRESENTATIVES. }  
March 9, 1887. }

Bill tabled, amendments ordered printed on motion of Mr. SHAW of  
Portland.

**NICHOLAS FESSENDEN, Clerk.**