

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 107

S. P. 39

In Senate, Dec. 7, 1933.

Referred to Committee on Temperance and 1,500 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Murchie of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
THIRTY-THREE

**AN ACT to Amend Chapter One Hundred Thirty-seven of the Revised
Statutes by Repealing Those Portions Designed for the Enforcement
of Federal Prohibition.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Section one of chapter one hundred thirty-seven of the revised statutes is hereby amended by striking out all of said section and substituting in place thereof the following:

'Sec. 1. Whoever manufactures for sale any intoxicating liquor, except cider, and whoever sells any intoxicating liquor manufactured by him in this state, except cider, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars and costs of prosecution, and by imprisonment for not less than two months nor more than six months, and in default of payment of fine and costs be imprisoned for not less than sixty days nor more than six months additional.'

Sec. 2. Section three of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'Sec. 3. No person shall knowingly transport from place to place in this state, any intoxicating liquors, with intent to sell the same in this state in violation of law, or with intent that the same shall be so sold by any person, or to aid any person in such sale, under a penalty of not less than three hundred dollars nor more than six hundred dollars and costs, and in addi-

tion thereto, by imprisonment of not less than three months nor more than six months, and in default of the payment of fine and costs by imprisonment for six months additional.'

Sec. 3. Section four of said chapter is hereby repealed.

Sec. 4. Section six of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'**Sec. 6.** No person shall at any time, by himself, his clerk, servant or agent, either directly or indirectly, sell any intoxicating liquors, of whatever origin; all distilled spirits and all beverages containing more than four per cent of alcohol by volume are declared to be intoxicating within the meaning of this chapter.'

Sec. 5. Section seven of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'**Sec. 7.** Whoever by himself, clerk, servant or agent, sells any intoxicating liquors in this state, in violation of law, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and costs and in addition thereto by imprisonment for not less than two months nor more than six months, and in default of payment of said fine and costs by imprisonment for not less than two months nor more than six months additional, and on each subsequent conviction he shall be punished by a fine of five hundred dollars and costs and in addition thereto by imprisonment for six months, and in default of payment of said fine and costs by imprisonment for six months additional. Any clerk, servant, agent or other person in the employment or on the premises of another, who violates or in any manner aids or assists in violating any provision of law relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties.'

Sec. 6. Section eight of said chapter is hereby repealed.

Sec. 7. Section nine of said chapter is hereby repealed.

Sec. 8. Section ten of said chapter is hereby repealed.

Sec. 9. Section twelve of said chapter is hereby repealed.

Sec. 10. Section sixteen of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'**Sec. 16.** No person shall deposit or have in his possession any intoxicating liquors with intent to sell the same in this state in violation of law, or with intent that the same shall be so sold by any person, or to aid or assist any person in such sale. Whoever violates this section shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and costs, and in addition thereto by imprisonment for not less than two months nor more than six months, and in default of payment of said fines and costs, by imprisonment for six months additional.'

Sec. 11. Section seventeen of said chapter is hereby repealed.

Sec. 12. Said chapter is hereby amended by inserting a new section to follow section twenty-one and to be numbered section 21A and to read as follows :

'Sec. 21A. When a person has been convicted in the superior court of a violation of any of the provisions of this chapter the county attorney shall have him sentenced at the same term, unless for reasons satisfactory to the court, the case is continued for sentence one term, but no longer.'

Sec. 13. Section twenty-four of said chapter is hereby amended by striking out the words "or as a common sailor" in the sixth line from the end of said section.

Sec. 14. Section thirty-two of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following :

'Sec. 32. Intoxicating liquors kept and deposited in this state, intended for unlawful sale in this state, and the vessels in which they are contained, are contraband and forfeited to the county in which they are so kept at the time when they are seized under this chapter. And in all cases where an officer may seize intoxicating liquors or the vessels containing them, upon a warrant, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.'

Sec. 15. Section thirty-seven of said chapter is hereby amended by striking out the second paragraph thereof.

Sec. 16. Section forty-four of said chapter is hereby amended by striking out the first form contained therein.