

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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1891.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1891.

Chapter 132.

AN Act to amend chapter twenty-seven of the Revised Statutes as amended by chapter three hundred and sixty-six of the Public Laws of eighteen hundred and eighty-five, and chapter one hundred and forty of the Public Laws of eighteen hundred and eighty-seven, relating to Intoxicating Liquors.

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

Sec. 4, ch. 27,
R. S., amended.

SECT. 1. Amend section fourteen of chapter twenty-seven of the revised statutes by adding thereto the following : 'Any citizen of the state may prosecute for any violation of any of the preceding sections of this act, in the same manner as the licensing board may prosecute,' so that said section shall read as follows :

Licensing board,
to prosecute.

'SECT. 14. The licensing board shall prosecute for any violations of the foregoing sections that come to their knowledge, by complaint, indictment or action of debt; and all penalties recovered shall inure to the town where the offence is committed. Any citizen of the state may prosecute for any violation of any of the preceding sections of this act in the same manner as the licensing board may prosecute.'

—any citizen
may prosecute.

Sec. 31,
amended.

SECT. 2. Section thirty-one of chapter twenty-seven of the revised statutes, as amended by section three of the public laws of eighteen hundred and eighty-seven, is hereby amended, so that said section as amended, shall read as follows :

Intoxicating
liquors not to be
brought into the
state for unlaw-
ful sale.

'SECT. 31. No person shall knowingly bring into the state or knowingly transport from place to place in the state, any intoxicating liquors, with intent to sell the same in the state in violation of law, or with intent that the same shall be sold by any person, or to aid any person in such sale, under a penalty of five hundred dollars and costs for each offence, and in addition thereto shall be imprisoned one year. In default of payment of said fine and costs the party shall suffer an additional imprisonment of one year. Any servant, agent or employe of any railroad corporation, or of any express company doing business in this state, who shall remove any intoxicating liquors from any railroad car at any place other than the usual and established stations, depots or places of business of such railroad corporation, or who shall aid in or consent to such removal, shall be subject to a penalty of fifty dollars for every such offence; provided, that said penalty shall not apply to any liquor in transit when changed from car to car to facilitate transportation. All such liquors intended

—penalty.

—removal of, by
any employe of
R. R. or
express com-
pany, from car
at any place
other than
usual, etc.,
prohibited.

—penalty.

for unlawful sale in the state, may be seized while in transit and proceeded against the same as if they were unlawfully kept and deposited in any place. And any steamboat, railroad or express company knowingly transporting or bringing such liquors into the state shall be punished, upon conviction, by a fine of five hundred dollars and costs for each offence. Knowledge on the part of any authorized agent of such company shall be deemed knowledge of the corporation.'

SECT. 3. Section seven of chapter one hundred and forty of the public laws of eighteen hundred and eighty-seven, amendatory of section thirty-seven of chapter twenty-seven of the revised statutes, is hereby amended so that said section thirty-seven, as amended, shall read as follows :

'SECT. 37. No person shall keep a drinking house and tippling shop. Whoever sells intoxicating liquors in any building, vessel or boat, contrary to law, and the same are there drank, is guilty of keeping a drinking house and tippling shop, and upon conviction thereof shall be fined one hundred dollars and costs, and in addition thereto be imprisoned sixty days. In default of payment of said fine and costs, the party shall suffer an additional imprisonment of sixty days.'

SECT. 4. Section eight of the public laws of eighteen hundred and eighty-seven, amendatory of section forty of chapter twenty-seven of the revised statutes, is hereby amended so that said section forty as amended, shall read as follows :

'SECT. 40. If any person competent to be a witness in civil suits, makes sworn complaint before any judge of a municipal or police court or trial justice, that he believes that intoxicating liquors are unlawfully kept or deposited in any place in the state by any person, and that the same are intended for sale within the state in violation of law, such magistrate shall issue his warrant, directed to any officer having power to serve criminal process, commanding him to search the premises described and specially designated in such complaint and warrant, and if said liquors are there found, to seize the same, with the vessels in which they are contained, and them safely keep until final action thereon, and make immediate return on said warrant. The name of the person so keeping said liquors as aforesaid, if known to the complainant, shall

CHAP. 132

—may be seized while in transit.

—penalty, if any steamboat, R. R. or express company brings such liquors into the state.

Sec. 7, ch. 140, Public Laws, 1887, amendatory of sec. 37, ch. 27, R. S., amended.

Drinking houses, prohibited.

—defined.

—penalty.

Sec. 8, Public Laws, 1887, amendatory of sec. 40, amended.

Warrants of search and seizure may be granted on complaint.

CHAP. 132

be stated in such complaint, and the officer shall be commanded by said warrant, if he finds said liquors or has reason to believe that such person has concealed them about his person to search the said person, and if such liquors are found upon his premises or person to arrest him and hold him to answer as keeping said liquors intended for unlawful sale. Any person who may be suspected of selling from, or keeping for illegal sale in his pockets, intoxicating liquors, may be searched in the same manner and by the same process as is provided for the search of places and if liquors are found upon his person, may be held to answer as though such liquors were found upon the person in the premises described in this section. If fluids are poured out or otherwise destroyed by the tenant, assistant or other person, when premises are about to be searched, manifestly for the purpose of preventing their seizure by officers authorized to make such search and seizure, said fluids may be held to have been intoxicating and intended for unlawful sale, and the penalties shall be the same as if said liquors had been seized. If the name of the person keeping such liquors is unknown to the complainant, he shall so allege in his complaint, and the magistrate shall thereupon issue his warrant as provided in the first sentence of this section. If upon trial, the court is of the opinion that the liquor was so aforesaid kept and intended for unlawful sale, by the person named in said complaint, or by any other person with his knowledge or consent, he shall be found guilty thereof, and sentenced to a fine of one hundred dollars and costs and in addition thereto be imprisoned sixty days. In default of payment of fine and costs the party shall be imprisoned sixty days additional. The payment of the United States special tax as a liquor seller, or notice of any kind in any place of resort, indicating that intoxicating liquors are there sold, kept or given away unlawfully, shall be held to be prima facie evidence that the person or persons paying said tax, and the party or parties displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them common nuisances.'

—persons may be searched.

—fluids poured out to prevent seizure, may be held to have been intended for unlawful sale.

—name of person.

—penalty.

—payment of U. S. special tax as liquor seller, shall be prima facie evidence, the person paying such tax is a common seller.

Sec. 45, R. S., amended.

SECT. 5. Section forty-five of the revised statutes is hereby amended so that when amended, it shall read as follows :

CHAP. 132

‘SECT. 45. If complaint is made upon oath to any magistrate against any claimant under this chapter, alleging that the liquors so claimed by him were, prior to, and at the time when the same were seized, kept or deposited by said claimant, or by some person by his authority, and intended for unlawful sale in this state, either by such person, or the said claimant, the magistrate shall issue his warrant against such claimant so charged, and he shall be arrested thereon, and be brought before such magistrate, and on conviction shall be punished as is provided in the preceding section.’

Warrant to be issued against claimant upon oath of complainant.

—arrest.
—trial.
—punishment.

SECT. 6. Section ten of chapter one hundred and forty of the public laws of eighteen hundred and eighty-seven, amendatory of section forty-eight of chapter twenty-seven of the revised statutes is hereby amended, so that the said section shall read as follows :

Sec. 10, ch. 40, Public Laws, 1887, amendatory of sec. 48, amended.

‘SECT. 48. Any person found intoxicated in any street, highway or other public place, shall be punished for the first offence by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, and upon any subsequent conviction by imprisonment for thirty days. Any person found intoxicated in his own house, or in any other building or place, who is quarrelsome and is disturbing the public peace, or the peace of his own or any other family, shall be punished for the first and any subsequent conviction, as provided in the preceding clause of this section. Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer or watchman, and committed to the watch house or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried.’

Person drunk in streets shall be punished.

—person drunk in his own house, and disturbing the peace, shall be punished.

—formal arrest and trial.

SECT. 7. Amend section sixty of chapter twenty-seven so as to read as follows :

Sec. 60, amended.

‘SECT. 60. Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law, within their respective counties, and institute proceedings against violations or supposed violations of law, and particularly the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tippling shops, gambling houses or places, and houses of ill fame, either by promptly entering a complaint before a magistrate and executing the warrants issued thereon, or by furnishing the

Special duty of sheriffs, deputies, and county attorneys, to enforce the laws against illegal sale of intoxicating liquors, and the keeping of gambling places and houses of ill-fame.

CHAP. 133

—special per diem pay.

—but not during attendance at court.

county attorney promptly, and without delay, with the names of alleged offenders and of the witnesses. For services under this section, sheriffs, and their deputies acting under their directions, shall receive the same per diem compensation, as for attendance on the supreme judicial court, and the same fees for travel as for the service of warrants in criminal cases, together with such necessary incidental expenses as are just and proper; bills for which shall be audited by the county commissioners, and paid from the county treasury. But said commissioners shall not allow any per diem compensation to said sheriffs or their deputies, for any day for which said sheriffs or their deputies are entitled to fees or compensation for attendance at or service in any court.'

Approved April 3, 1891.

Chapter 133.

An Act to amend chapter two hundred ninety seven of the Public Laws of eighteen hundred eighty nine, relating to the Bureau of Industrial and Labor Statistics.

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

Sec. 4, ch. 297,
Public Laws,
1889, amended.

SECT. 1. Section four of chapter two hundred ninety seven of the public laws of eighteen hundred eighty nine is hereby amended by striking out in the fifth line the words "fifteen hundred," and substituting the words 'two thousand,' so that said section as amended, shall read as follows :

Salary of
commissioner.

'SECT. 4. The commissioner herein named, shall receive an annual salary of fifteen hundred dollars, and to aid in carrying out the provisions of this act, said commissioner is hereby authorized to employ such assistance and incur such expense, not exceeding two thousand dollars per annum, as shall be necessary to carry out the provisions of this act.'

—expenses.

Sec. 7, ch. 69,
Public Laws of
1887, amended.

SECT. 2. Section seven of chapter sixty nine of the public laws of eighteen hundred and eighty seven is hereby amended by striking out in the second line the word "six," and substituting the word 'seven,' so that said section as amended, shall read as follows :

Appropriation,
for carrying out
provisions of
this act.

'SECT. 7. There is hereby appropriated out of any money remaining in the state treasury the sum of seven thousand dollars for the ensuing two years for the purpose of carrying