

MAINE STATE LEGISLATURE

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CHAPTER 69

INTOXICATION

Sec.

- 2001. Public intoxication and disturbance.
- 2002. Responsibility for injuries by drunken persons.
- 2003. Drinking in unlicensed places.
- 2004. Forms.

§ 2001. Public intoxication and disturbance

Whoever is found intoxicated in any street, highway or other public place, or is found intoxicated in a motor vehicle while said motor vehicle is in any street, highway or other public place, shall be punished for the first offense by a fine of not more than \$20 or by imprisonment for not more than 30 days, or by both, and upon any subsequent conviction by a fine of not more than \$60 or by imprisonment for not more than 90 days, or by both, except that in any county where a court farm for the reformation of inebriates has been established, any male person who has been previously convicted of intoxication may be sentenced to such farm for a period of not less than 90 days nor more than 11 months. Whoever is found intoxicated in his own house or in any other building or place, disturbing the peace of his own or any other family or the public peace, shall be punished for the first and any subsequent conviction as provided in the preceding sentence. Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, liquor inspector, constable, marshal, police officer or watchman and committed to the watchhouse 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.

R.S.1954, c. 61, § 94; 1955, c. 95; 1957, c. 334, § 8.

§ 2002. Responsibility for injuries by drunken persons

Every wife, child, parent, guardian, husband or other person, who is injured in person, property, means of support or otherwise by any intoxicated person or by reason of the intoxication of any person, shall have a right of action in his own name against anyone who, by selling or giving any intoxicating liquors or otherwise, in violation of law, has caused or contributed to the intoxication of such person. In such action the plaintiff may recover both

actual and exemplary damages. The owner, lessee or person renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein contrary to law, is liable, severally or jointly, with the person selling or giving intoxicating liquors. In actions by a wife, husband, parent or child, general reputation of such relationship is prima facie evidence thereof, and the amount recovered by a wife or child shall be her or his sole and separate property.

R.S.1954, c. 61, § 95.

§ 2003. Drinking in unlicensed places

1. Drinking in public place. Any person taking a drink of liquor or offering a drink of liquor to another or any person in charge of a public place knowingly permitting drinking at or in a public place, except places licensed for on-premise sale of liquor, or any person taking a drink of liquor or offering a drink of liquor in any vehicle not licensed for sale of liquor shall be punished by a fine of not more than \$50.

2. Public place defined. "Public place" as used in this section shall mean any common carrier, dance, entertainment, amusement or sport or grounds adjacent thereto and used in conjunction therewith or any highway, street or lane, to which the public is invited or has access.

R.S.1954, c. 61, § 96.

§ 2004. Forms

The forms set forth in this section, with such changes as adapt them for use in municipalities, are sufficient in law for all cases arising under the provisions to which they purport to be adapted; and the costs to be taxed and allowed for a libel shall be 50¢; for entering the same, 30¢; for trying the same, \$1; for a monition, 50¢; for posting notices and return, \$1; for order to restore or deliver, 25¢; for executing the order, 50¢.

Form of Complaint for Single Sale

STATE OF MAINE

....., ss.—To
Judge of District Court
 Clerk
 Complaint Justice

A. B., of, in said county, on the day of, in the year of our Lord one thousand nine hundred

....., in behalf of said State, on oath complains, that of in said county, on the day of, 19...., at said, in said county of, did then and there sell a quantity of intoxicating liquors, to wit: one of intoxicating liquor to one,” (or if the individual is unknown, “to some person to said complainant unknown,”) “against the peace of said State, and contrary to the form of the statute in such case made and provided.

A. B.

On the day of, 19...., said makes oath, that the above complaint, by subscribed, is true.

Before me, District Court Judge
 Clerk
 Complaint Justice.”

Form of Warrant upon Complaint for Single Sale

STATE OF MAINE

“....., ss.—To the sheriff of our said county of, or either of his deputies, or either of the constables of the town of, or of either of the towns in said county. Greeting.

[L. S.] Whereas, A. B., of, on the day of, in the year of our Lord one thousand nine hundred, in behalf of said State, on oath complained to me, the subscriber, one of the Judges of the District Court Clerks , that, Complaint Justices of, in said county, on the day of, 19...., at said, in said county of, did sell a quantity of intoxicating liquors, to wit: one of intoxicating liquor to one, against the peace of said State and contrary to the form of the statute in such case made and provided.

Therefore, in the name of the State of Maine, you are commanded forthwith to apprehend said, if he may be found in your precinct, and bring him before said court, the subscriber, to answer to said State upon the complaint aforesaid.

Witness, my hand and seal at aforesaid, this day of , in the year of our Lord nineteen hundred . . .

. Judge
. Clerk
. Complaint Justice.”

Form of Recognizance in Case of a Single Sale

“Be it remembered, that at a hearing held at the District Court in district division in said county, on the day of , in the year of our Lord one thousand nine hundred , personally appeared , and , and severally acknowledged themselves to be indebted to the State of Maine, in the respective sums following, to wit:

The said , as principal, in the sum of dollars, and the said and , as sureties, in the sum of dollars each, to be levied of their respective goods, chattels, lands or tenements, and in want thereof of their bodies, to the use of the State, if default is made in the condition following:

The condition of this recognizance is such, that whereas said has been brought before said court, by virtue of a warrant duly issued upon the complaint on oath of , charging him, said , with having sold at said , one of intoxicating liquor to one , against the peace of said State, and contrary to the form of the statute in such case made and provided. And said , having pleaded not guilty to said complaint, but having been by said court found guilty of the same, and been sentenced to ; and said having appealed from said sentence to the Superior Court, next to be held at , within and for the said county of , on the Tuesday of , in the year of our Lord nineteen hundred

Now therefore, if said shall appear at the court aforesaid, and prosecute his said appeal with effect, and abide the order and judgment of said court, and not depart without license, then this recognizance shall be void; otherwise shall remain in full force and virtue.

Witness, ,
District Court Judge.”

Form of Mittimus

STATE OF MAINE

“County of, ss.—To the sheriff of the county of, or either of his deputies, or either of the constables of the town of, and to the keeper of the jail in, in our said county,

Greeting.

[L. S.] Whereas, E. F., of, in our county of, now stands convicted before me, A. B., esquire, — — — — — Judge of the District Court, on complaint of, who, on his oath complains that” (here insert the substance of the complaint) “against the peace of the State, and contrary to the form of the statute in such case made and provided, for which offense, he, the said E. F., is sentenced to pay a fine to the State, of dollars, and costs of prosecution, taxed at dollars and cents, (and to stand committed until the sentence is performed, all which sentence said E. F., now before me, the said judge, fails and refuses to comply with and perform).

These are therefore, in the name of the State of Maine, to command you, the said sheriff, deputies and constables and each of you, forthwith to convey said E. F. to the common jail in, in the county aforesaid, and to deliver him to the keeper thereof, together with this precept. And you the keeper of the said jail in aforesaid, are hereby in like manner commanded, in the name of the State of Maine, to receive said E. F. into your custody, in said jail, and him there safely to keep until he shall comply with said sentence, or be otherwise discharged by due course of law.

Given under my hand and seal, this day of, A. D.

A. B.,
District Court Judge.”

Form of Complaint in Case of Seizure

STATE OF MAINE

“, ss. To A. B., esquire,
District Court Judge
Clerk
Complaint Judge

District, Division

A. B., of, in said county, competent to be a witness in civil actions, on the day of, in the year nineteen hundred, in behalf of said State, on oath complains, that he believes, that on the day of, 19 . . at said, intoxicating liquors were, and still are kept and deposited by of, in said county, in” (here describe with precision the place to be searched,) “and that said liquors then and there were, and now are intended by said for sale in violation of law, against the peace of the State and contrary to the form of the statute in such case made and provided.

I therefore pray, that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

., ss.—On the day of, 19 . ., said A. B. made oath that the above complaint by him signed is true.

Before me,
 District Court Judge
 Clerk
 Complaint Justice.”

Form of Warrant in Case of Seizure

STATE OF MAINE

District
 Division of

“, ss. To the sheriff of our several counties or any of their deputies, or any of the constables or police officers of any municipality in said State or any State Police officer.

[L. S.] Whereas A. B., of, in said county, competent to be a witness in civil actions, on the day of, in the year nineteen hundred, in behalf of said State, on oath complained to the subscriber, an officer of the District Court, that he believes, that on the day of, 19 . ., at said, intoxicating liquors were and still are deposited and kept by, of, in said county, in” (here follows a precise description of the place to be searched,) “and that said then and there intended and now intends that the same shall be sold, in violation of law as fully appears by the complaint

hereunto annexed, and prayed that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and, if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said be apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him:—

You are therefore required in the name of the State, to enter the before named, and therein to search for said liquors, and, if there found, to seize and safely keep the same, with the vessels in which they are contained, until final action and decision is had on the same; and to apprehend said forthwith, if he may be found in your precinct, and bring him before said court, and to do and receive such sentence as may be awarded against him.

Witness,, at aforesaid, this day of, in the year of our Lord nineteen hundred
District Court Judge
. Clerk
Complaint Justice.”

Form of Recognizance in Case of Seizure

“Be it remembered, that at the District Court held in, on the day of, in the year of our Lord nineteen hundred, personally appeared A. B., C. D. and E. F. and severally acknowledged themselves to be indebted to the State of Maine, in the respective sums following, to wit:

The said, as principal, in the sum of dollars, and the said and, as sureties, in the sum of dollars each, to be levied of their respective goods, chattels, lands or tenements, and in want thereof, of their bodies, to the use of the State, if default is made in the condition following:

The condition of this recognizance is such, that whereas said has been brought before said court, by virtue of a warrant duly issued upon the complaint on oath, of G. H., of, a competent witness in civil actions, charging him, said, with having at, in the said county of, on the day of, 19, kept and deposited certain intoxicating liquors in” (here describe the place where the same are deposited) “with intent that the same should be sold in violation of law; and a search warrant having been issued

upon said complaint, and said liquors above described, having been seized thereon, and said arrested thereon; and said having pleaded not guilty to said complaint, but having been by said court found guilty of the same, and been sentenced to And said, having appealed from said sentence to the Superior Court, next to be held at, within and for said county of, on the Tuesday of, in the year of our Lord nineteen hundred:

Now therefore, if said shall appear at the court aforesaid, and prosecute his said appeal with effect, and abide the order and judgment of said court, and not depart without license; then this recognizance shall be void; otherwise shall remain in full force and virtue.

.
District Court Judge.”

Form of Libel

STATE OF MAINE

District

Division of

“County of, ss.—To A. B., District Court Judge
Clerk
Complaint Justice

The libel of C. D., of, shows that he had, by virtue of a warrant duly issued on the day of, A. D. 19. ., by, officer of said District Court, seized certain intoxicating liquors and the vessels in which the same were contained, described as follows:” (here follows a description of the liquors.) “because the same were kept and deposited at” (describing the place) “in the said county of, and were intended for sale, in violation of law. Wherefore he prays for a decree of forfeiture of said liquors and vessels, according to the provisions of law in such case made and provided.

Dated at, in said county, this day of, in the year of our Lord nineteen hundred

(Signed.)”

Form of Monition and Notice

STATE OF MAINE

District
Division of

“County of, ss.

[L. S.] To all persons interested in” (here insert the description of the liquors, as in the libel).

“The libel of C. D., hereunto annexed, this day filed in said District Court shows that he has seized said liquors and vessels because” (insert as in the libel), “and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before this court on the day of, 19.., and then and there show cause why said liquors and the vessels in which they are contained should not be declared forfeited.

Given under my hand and seal at, on the day of, in the year of our Lord nineteen hundred

District Court Judge
....., Clerk
Complaint Justice.”

Form of Complaint in Case of Seizure of Automobile

STATE OF MAINE

District
Division of

Judge

“....., ss.—To the Clerk

Complaint Justice

of the District Court:

A. B., of, in the said county, competent to be a witness in civil actions, on the day of, A. D., 19.., in behalf of said State, on oath complains, that he believes that on the day of in said year, at said, in said county, a certain automobile, hereinafter described, was knowingly used for the illegal transportation of intoxicating liquors and intoxicating liquors were kept and deposited by persons unknown of in said automobile, situated on street, in said, in said county, near number on said street in said, and occupied by said persons unknown, said

persons unknown not being then and there authorized by law to transport liquors within said State, and that the said liquors were then and there knowingly being transported within said State, in violation of law, against the peace of said State, and contrary to the form of the statute in such case made and provided; and that the said liquors were then and there intended by said persons unknown for sale in violation of law, against the peace of said State and contrary to the form of the statute in such case made and provided.

And the said on oath further complains that he, the said at said on the day of, A. D., 19.., being then and there an officer, to wit, a deputy sheriff, within and for said county, duly qualified and authorized by law to seize automobiles used for the illegal transportation of intoxicating liquors and intoxicating liquors kept and deposited for unlawful sale and the vessels containing them, by virtue of a warrant therefor issued in conformity with the provisions of the law, did find upon the above described premises, one, bearing engine number, and the 19.. license number plates numbered, which said automobile then and there contained, which said automobile was not then and there a common carrier, and which said automobile was not then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said and which said automobile was then and there knowingly used by the said for the illegal transportation of intoxicating liquors from place to place in said with intent that the said intoxicating liquors should be sold in violation of law; and which intoxicating liquors as aforesaid, and the vessels containing the same, were then and there kept, deposited and intended for unlawful sale as aforesaid, and said automobile was then and there being used for the illegal transportation of said liquors as aforesaid, within said State by the said persons unknown, and did then and there by virtue of this authority as a deputy sheriff as aforesaid, seize the above described automobile, intoxicating liquors and the vessels containing the same, to be kept in some safe place for a reasonable time, and hath since kept and does still keep said automobile, liquors and vessels to procure a warrant to seize the same.

He therefore prays, that due process be issued to seize said automobile, liquors and vessels, and them safely keep until final action and decision be had thereon, and that said persons unknown be forthwith apprehended and held to answer to

said complaint, and to do and receive such sentence as may be awarded against them.

On the day of, the said makes oath that the above complaint by him signed is true.

Before me,, Said District Court Judge Clerk Complaint Justice."

Form of Warrant in Case of Seizure of Automobile

STATE OF MAINE

"....., ss.—To the sheriff of our county of, or either of his deputies, or either of the constables or police officers of any city or town within said county:

[L. S.]

In the name of said State you are commanded to seize the automobile, liquors and vessels containing the same, named in the foregoing complaint of the said and now in his custody as set forth in said complaint, which is expressly referred to as a part of this warrant, and safely keep the same, until final action and decision be had thereon, and to apprehend the said persons unknown forthwith, if they may be found in your precinct, and them bring before said court, holden at the District Court in said, to answer to said complaint, and to do and receive such sentence as may be awarded against them.

Witness,, esquire, our said Judge at, aforesaid, this day of, A. D., 19.. Judge"

Form of Libel for Automobile

STATE OF MAINE

District Division of

"....., ss.—To the Judge of the District Court:

The libel of shows that he has by virtue of a warrant duly issued by the Judge of the District Court, seized on the day of, A. D., 19.., a certain automobile, intoxicating liquors and the vessels in which the same were contained, described as follows:

One bearing engine number and the 19.. license number plates numbered, which said automobile

then and there contained, which said automobile was not then and there a common carrier, and which said automobile was not then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said, and which said automobile was then and there knowingly used by the said for the illegal transportation of intoxicating liquors from place to place in said, and because the same were then and there kept and deposited on the day of, A. D., 19.., on street, in said, in said county, near number on said street, in said, and because said automobile was being knowingly used for the illegal transportation of said liquors, within the State in violation of law. Wherefore he prays for a decree of forfeiture of said automobile, liquors and vessels, according to the provisions of law in such case made and provided.

Dated at, in said county, the day of, A. D. 19..

(Signed.), Deputy Sheriff.”

Form of Monition and Notice Case of Automobile

STATE OF MAINE

“, ss.

[L. S.] To all persons interested in the automobile, liquors and vessels described in the foregoing libel:

The libel of hereunto annexed, this day filed with the District Court, shows that he has seized said automobile, liquors and vessels because the same were used, kept and deposited as set forth in said libel, and said automobile was then and there knowingly used for the illegal transportation of intoxicating liquors, and prays for a decree of forfeiture of the same, according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before said court in said, on the day of, A. D., 19.., at o'clock, A.M. and then and there show cause why said automobile, liquors and vessels in which they are contained should not be declared forfeited.

Witness,,, Esquire, our said Judge at aforesaid, this day of, A. D., 19..

. Judge”

R.S.1954, c. 61, § 97; 1963, c. 402, § 101.