

# MAINE STATE LEGISLATURE

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CHAPTER 27

PROHIBITED ACTS AND PENALTIES

Sec.

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**§ 1051. Illegal deposit or possession with intent to sell**

No person shall deposit or have in his possession any liquor 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 any of the provisions of this section shall be punished by a fine of not less than \$100 nor more than \$500, and costs, and in addition thereto by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of fine and costs, by imprisonment for 6 months additional.

R.S.1954, c. 61, § 62.

**§ 1052. Importation of liquor**

No person, other than the commission, shall import spirituous or vinous liquor into this State. Any person importing, or causing to be shipped into the State, or transporting spirituous or vinous liquor into the State, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. It shall be lawful for an individual to transport into this State and to transport from place to place within the State such spirituous or vinous liquor for his personal use in a quantity not to exceed 4 quarts. The commission, in its discretion and by its written authorization, may permit and authorize the importation of spirituous or vinous liquors into this State and the transportation of the same from place to place within this State to the following:

1. **Industrial establishments.** To industrial establishments for use as an ingredient in the manufacture of food products, or

for use as an ingredient in the manufacture of commodities which by reason of their nature cannot be used for beverage purposes, or for use in the manufacture of commodities unfit for beverage purposes;

**2. Distillers and manufacturers.** To duly licensed distillers and manufacturers of spirituous or vinous liquors in this State for use as an ingredient in distilling or manufacturing spirituous or vinous liquors and such other spirituous or vinous products as may be authorized by Federal Regulations 26 CFR;

1957, c. 200.

**3. Churches.** Said commission, in its discretion and by its written authorization, may permit and authorize the importation of wine into this State and the transportation of the same from place to place within this State to churches or to the respective pastor of any church for sacramental purposes or like religious rites;

**4. Hospitals.** The commission may authorize hospitals and state institutions to import, for medicinal purposes only, liquor made available to them from stocks of liquor seized by the Federal Government.

The commission shall have the right and power to prescribe such conditions as it deems necessary or advisable as conditions precedent to granting permission and authority to import spirituous and vinous liquors into this State and to transport the same within this State under subsections 1 to 4 and to make rules and regulations for clarifying and carrying out said subsections and preventing violation of the laws relating to liquor.

R.S.1954, c. 61, § 63; 1957, c. 200; 1963, c. 122, § 1.

### § 1053. **Prima facie evidence of transportation**

**1. Intoxicating liquor.** No person shall knowingly transport from place to place in this State any intoxicating liquor 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, and no person shall transport or cause to be transported any spirituous or vinous liquor in this State in a greater quantity than 4 quarts, unless such liquor was purchased from a state store or the commission. The commission in its discretion may grant to an individual, upon his application, a permit to transport liquor purchased for his own personal use. It shall be lawful for common carriers and contract carriers duly

authorized as such by the Public Utilities Commission to transport liquor to state stores, to state warehouses, to licensees of the State Liquor Commission, to purchasers of liquor at state stores and from manufacturers to state warehouses, state stores and to the state line for transportation outside the State; for licensees of the commission to transport liquor from state stores to their places of business; and for manufacturers to transport within the State to state warehouses and state stores, to persons authorized under section 1052 and to the state line for transportation outside the State. Whoever knowingly violates any of the provisions of this subsection shall be punished by a fine of not less than \$100 nor more than \$1,000, and costs, and by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of fine and costs, by imprisonment for not less than 2 months nor more than 6 months, additional.

1957, c. 218, § 14; 1963, c. 122, § 2.

**2. Malt liquor.** No person, other than a wholesale licensee of the commission under and subject to this Title, shall transport or cause to be transported malt liquor into this State in a greater quantity than one case, unless said malt liquor was legally purchased in the State. All shipments of malt liquor transported or caused to be transported by wholesale licensees into this State shall be accompanied by an invoice with the wholesale licensee's name and purchase number thereon. No person, other than a licensee of the commission, shall transport malt liquor in a quantity greater than one case from place to place in this State unless the same is purchased from a retail store licensee of the commission. It shall be lawful for common carriers and contract carriers, duly authorized as such by the Public Utilities Commission, to transport malt liquor both into and within the State to licensees of the State Liquor Commission and to purchasers of malt liquor from licensees of the commission and to the state line for transportation outside the State. Whoever is convicted of illegal transportation of malt liquors into or illegal transportation from place to place within the State shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. (1957, c. 218, § 15.)

R.S.1954, c. 61, § 64; 1957, c. 218, §§ 14, 15; 1963, c. 122, § 2.

### § 1054.      **Delivery of liquor**

No person shall knowingly transport to, or cause to be delivered to any person, other than the commission, unless upon

written permission of the commission, any spirituous or vinous liquor, except liquors purchased from a state store or the commission. Any officer of any transportation company, express company, carrier for hire or other person who knowingly transports or delivers liquor contrary to this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 61, § 65.

### § 1055. **Illegal sales**

Any person by himself, his clerk, servant or agent who sells liquor within the State without a license in full force and effect shall be punished for the first offense by a fine of not less than \$300 and costs nor more than \$500 and costs, which fine and costs shall not be suspended, and an additional penalty of not more than 30 days in jail at the discretion of the court; and for a 2nd offense by a fine of not less than \$500 and costs nor more than \$1,000 and costs, which fine and costs shall not be suspended, and an additional penalty of not more than 60 days in jail at the discretion of the court; and for all subsequent offenses a fine of not less than \$1,000 and costs and 60 days in jail, which fine and costs and jail sentence shall not be suspended, and an additional penalty of 4 months in jail at the discretion of the court. 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 law relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties.

R.S.1954, c. 61, § 66; 1957, c. 218, § 16.

### § 1056. **Aiding children in illegal possession or sale**

Whoever by himself, his clerk, servant or agent, directly or indirectly, employs or permits any child under the age of 16 years to aid or assist him in the illegal keeping or the illegal sale of liquors shall be punished, in addition to the penalties otherwise provided against the illegal keeping for sale or illegal sale of intoxicating liquors, by a fine of not less than \$100 or by imprisonment for not less than 60 days.

R.S.1954, c. 61, § 67.

### § 1057. **Common sellers**

No person shall be a common seller of liquor. Whoever violates this section shall be punished by a fine of not less than \$100



nor more than \$500, and costs; and in addition thereto, by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of fine and costs, by imprisonment for 6 months additional.

R.S.1954, c. 61, § 68.

**§ 1058.    Furnishing liquor to certain persons prohibited**

Whoever knowingly procures or in any way aids or assists in procuring liquor or whoever furnishes, gives or delivers liquor to a minor who may not legally purchase liquor for himself or for any intoxicated person, pauper, mentally ill person or person of known intemperate habits, except that this provision shall not apply to liquor served to a minor in the home, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 61, § 70; 1959, c. 196; c. 242, § 8; 1963, c. 246.

**§ 1059.    —Prisoners**

Whoever gives or delivers any liquor to a person confined in any jail, house of correction or other place of confinement, or to a person in custody of any officer qualified to serve criminal process, or has in his possession, within the precincts of any jail, house of correction or other place of confinement, any such liquor, with intent to convey or deliver the same to any person confined therein, unless under the direction of the physician appointed to attend such prisoner, or of the officer in charge of such place of confinement, shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days.

R.S.1954, c. 61, § 69.