

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1839.

VOL. 2.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

NINETEENTH LEGISLATURE.

NO. 33.

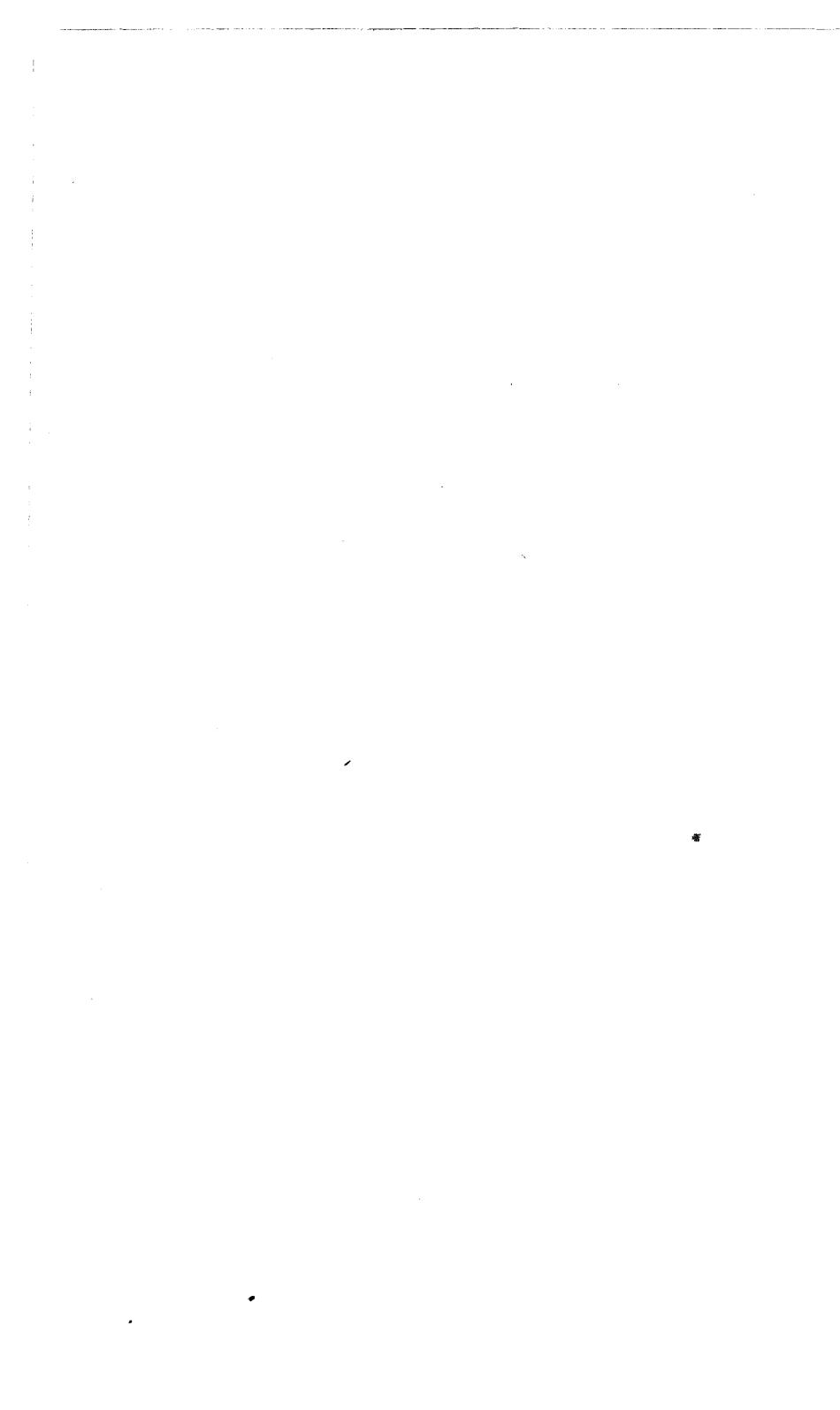
HOUSE.

AN ACT

RELATING TO

INTOXICATING LIQUORS.

[SMITH & ROBINSON,.....Printers to the State.]



STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-NINE.

AN ACT relating to the sale of intoxicating liquors.

SEC. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature
3 assembled,* That no person shall be allowed to
4 sell any intoxicating liquors, in any quantity,
5 mixed or unmixed, to be drunk in his or her
6 house, store, shop, or in and about his or her
7 premises, or in any of the parts or dependencies
8 of the same; and if any person shall sell any
9 intoxicating liquors, mixed or unmixed, and the
10 same shall be drunk in his or her house, store,
11 shop, or in and about his or her premises, or in
12 any of the parts or dependencies of the same, he
13 or she shall forfeit and pay for each offence the
14 sum of ten dollars.

SEC. 2. *Be it further enacted,* That any
2 person who shall sell or furnish to any other per-
3 son, any kind of intoxicating liquor, whereby

4 such other person shall become intoxicated, he
5 or she so selling or furnishing such intoxicating
6 liquor, shall forfeit and pay for each offence the
7 sum of ten dollars.

SEC. 3. *Be it further enacted,* That if any
2 person shall trust or give credit to any other per-
3 son for any intoxicating liquors, he or she, so
4 selling any intoxicating liquors, shall lose and
5 forfeit all such sums, so trusted and credited;
6 and all actions hereafter brought for such debt
7 or debts shall be utterly barred; and the defend-
8 ant in such action may plead the matter spe-
9 cially, or under the general issue give the matter
10 in evidence, any law or usage to the contrary
11 notwithstanding.

SEC. 4. *Be it further enacted,* That when-
2 ever any person shall sell any intoxicating liquor
3 to any person, who, by idleness or by excessive
4 drinking of intoxicating liquors, so misspends,
5 wastes, or lessens his or her estate, as thereby
6 either to expose himself or herself, his or her
7 family, to want or indigent circumstances, or
8 the city, town or district to which he or she
9 belongs, to a charge or expense for the mainten-

10 ance of him or her, or his or her family, or shall
11 so habitually indulge himself or herself in the use
12 of intoxicating liquor as thereby to greatly injure
13 his or health, or endanger the loss thereof; such
14 person so selling shall forfeit and pay for each
15 offence the sum of ten dollars.

SEC. 5. *Be it further enacted,* That prose-
2 cutions for the forfeitures and penalties, men-
3 tioned in this act, shall be commenced by Alder-
4 men of cities, Selectmen of towns or Assessors of
5 plantations, in an action of debt, in the name
6 and at the expense of any city, town or planta-
7 tion, where said offence was committed, or may
8 be commenced by any person or persons in the
9 name and at the expense of the city, town or
10 plantation aforesaid, before any justice of the
11 peace or any court of competent jurisdiction,
12 within the county where said offence was
13 committed; or the said forfeitures and penal-
14 ties may be prosecuted for, and recovered by
15 indictment in any court of competent jurisdiction.
16 And whenever any person shall refuse, or be
17 unable to pay any forfeiture or penalty recovered
18 against him, by virtue of the provisions of this
19 act, he may be imprisoned in the jail of the

20 county where the offence was committed, for a
21 term of time, not more than ninety days, at the
22 discretion of the court before whom trial has
23 been had. And all forfeitures and penalties,
24 recovered by virtue of the provisions of this act,
25 shall be paid over to the Treasurer of the city,
26 town or plantation, in which the person con-
27 victed had his residence; to be appropriated
28 toward the support of the poor of said city, town
29 or plantation.

SEC. 6. *Be it further enacted,* That all
2 former acts and parts of acts relating to the
3 sale of intoxicating liquors, be and hereby are
4 repealed: *Provided, however,* That nothing in
5 this act shall be so construed, as in anywise to
6 affect any suit or prosecution which may be
7 commenced prior to the passage of this act.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 23, 1839. }

This Bill having been read twice was laid on the table,
and 300 copies ordered to be printed for the use of the
Legislature.

CHARLES WATERHOUSE, *Clerk.*