

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1862.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1862.

FORTY-FIRST LEGISLATURE.

SENATE.

No. 19.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO.

AN ACT to regulate the agencies for, and to prevent imposition in the sale of intoxicating liquors.

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

SECTION 1. The governor, by the advice and consent
2 of the council, is hereby authorized to appoint in behalf
3 of, and on the credit of the several cities, towns and
4 plantations of this state, a commissioner to furnish the
5 mayor and aldermen of the several cities, the select-
6 men of the several towns and the assessors of the sev-
7 eral plantations and their agents with pure unadulter-
8 ated intoxicating liquors, to be kept and sold for
9 medicinal, mechanical and manufacturing purposes,
10 according to the laws of this state. Said commissioner

11 shall hold his office during the pleasure of the governor
12 and council, and until another is appointed in his stead.
13 He shall not sell any spirituous, intoxicating or fer-
14 mented liquors to any municipal officer or officers of
15 the several cities, towns and plantations of this state,
16 or their agent, except such as have been tested by a
17 competent assayist and found to be pure. He shall not
18 take of said municipal officers, or their agent, for such
19 liquors sold to them, more than seven per cent. above
20 the cost of such liquors at the place where said liquors
21 were by him purchased. He shall, before entering
22 upon the duties of his office, give a bond to the treas-
23 urer of this state in the penal sum of not less than five
24 thousand dollars for the benefit of such cities, towns or
25 plantations as may be injured by a breach of the con-
26 ditions, for the faithful performance of the duties of
27 his appointment, with such regulations and conditions
28 as the governor and council may prescribe.

SECT. 2. Immediately after appointing such commis-
2 sioner, the governor shall issue to the municipal officers
3 of the several cities, towns and plantations of this state
4 and their agent, a notice of the name and place of
5 business of said commissioner, and it shall be the duty
6 of such municipal officers and their agent to purchase
7 such intoxicating liquors as they may keep on sale for

8 the purpose specified in this act, of such commissioner,
9 or of such other municipal officer or their agent, as have
10 purchased such intoxicating liquors of said commis-
11 sioner, and of no other person or persons. .

SECT. 3. If any municipal officer or officers, or their
2 agent, shall purchase any intoxicating liquors to be
3 sold according to the provision of the laws of this state,
4 of any other person or persons, except those specified
5 in the second section of this act, or if he or they, or
6 any person or persons in his or their employ, or by his
7 or their direction, shall adulterate or cause to be adul-
8 terated any intoxicating, spirituous or malt liquors
9 which he or they may keep for sale under this act, by
10 mixing with the same any coloring matter, or any drug
11 or ingredient whatever, or shall mix the same with
12 other liquors of a different kind or quality, or with
13 water, or shall sell or expose for sale such liquors so
14 adulterated, knowing it to be such, he or they shall
15 forfeit for such offence to the town, city or plantation
16 to which he or they may belong, and for the use of
17 said city, town or plantation, a sum of not less than
18 twenty nor more than one hundred dollars, to be recov-
19 ered in the same way and manner as the penalties under
20 the "act for the suppression of drinking houses and
21 tippling shops," approved March 25, 1858, are recov-
22 ered.

SECT. 4. The commissioner mentioned in the first section of this act shall be required to keep a record of the names of the cities, towns and plantations to which liquors are sold ; of the person purchasing for said city, town or plantation ; the kind and quantity of liquor sold to each, together with the price paid for the same ; and shall make report of the same to the governor and council annually in the month of December, to be by them laid before the legislature. The report shall be made up to the last day of the preceding month.

SECT. 5. The agents of the several cities, towns and plantations of the state, authorized by law to sell intoxicating liquors, shall keep a record in a book kept for that purpose of the amount of intoxicating liquors purchased by them, specifying the kind and quantity of each, the price paid, and of whom purchased ; and they shall also keep a record of the kind and quantity of the liquors sold by them, the date of sale and the price, the name of the purchaser and the purpose for which it was sold ; specifying, in case such sale is made to the municipal officers or agent of any other city, town or plantation, the name of such ; which record shall be open to inspection. And if such agent shall fail to keep such a record, he shall forfeit and

16 pay for every such offence a sum not less than ten nor
17 more than twenty dollars, to be recovered on complaint
18 or indictment before any court competent to try the
19 same ; which fine shall be paid into the treasury of
20 the city, town or plantation where he may hold his
21 agency, for the benefit of said city, town or plantation.
22 And if any person shall knowingly misrepresent and
23 falsely state to the said agent the purpose for which
24 he purchases of said agent the intoxicating liquors, he
25 shall for every such offence be fined twenty dollars, to
26 be recovered on complaint or indictment before any
27 court competent to try the same ; which fine shall be
28 paid into the treasury of the city, town or plantation
29 where the offence may be committed.

SECT. 6. No contract made by the provisions of this
2 act shall pledge the credit of the state for the payment
3 of any sum to the commissioner provided for by this
4 act, or for the payment of any liquors purchased under
5 its provisions.

SECT. 7. No person, except such as are authorized
2 by the law of this state to sell intoxicating liquors,
3 shall travel from town to town, or from place to place,
4 in any city, town or plantation in this state on foot, or
5 by any kind of land or water, public or private convey-
6 ance whatever, carrying for sale, or offering for sale,

7 or offering to obtain, or obtaining orders for the sale
8 or delivery of any spirituous, intoxicating or fermented
9 liquors, in any quantity, under a penalty of twenty
10 dollars for each offer to take an order, and for each
11 order taken, and for each sale so made, to be collected
12 on complaint or indictment before any court competent
13 to try the same; one half of such fine shall be for the
14 benefit of the complainant, and the other half for the
15 benefit of the county in which the offence may be com-
16 mitted.

SECT. 8. Municipal and police judges and trial jus-
2 tices within their respective counties, shall have con-
3 current jurisdiction, with the supreme judicial court,
4 in all offences arising under this act, and may punish
5 by fine when the penalty does not exceed the sum of
6 twenty dollars.

SECT. 9. All acts and parts of acts inconsistent with
2 this act are hereby repealed.

SECT. 10. This act shall take effect and be in force
2 from and after its approval by the governor.

STATE OF MAINE.

IN SENATE, March 3, 1862.

On motion of Mr. SWEAT of Cumberland, bill "An act to regulate the agencies for, and to prevent imposition in the sale of intoxicating liquors," was tabled and ordered to be printed for the use of the Legislature.

JAMES M. LINCOLN, *Secretary.*