

MAINE STATE LEGISLATURE

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FORTH-EIGHTH LEGISLATURE.

HOUSE.

No. 21.

STATE OF MAINE.

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

AN ACT to prevent the manufacture or sale of poisonous
or adulterated liquors.

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

SECTION 1. Any person who shall manufacture or
2 sell any spirituous or intoxicating liquors, which upon
3 examination by a competent assayer shall be found to
4 contain strychnine, corrosive sublimate, or any other
5 poisonous ingredient not found in pure standard li-
6 quors, or who shall prepare, modify or adulterate pure
7 liquors, so that they shall contain any such poisonous
8 agent, or who shall sell the same, shall, upon convic-
9 tion, be punished by imprisonment in the state prison
10 not less than one nor more than three years ; and the
11 evidence of sale, and the fact that such liquors con-
12 tain poison, shall be proof sufficient to convict under

13 this statute, unless the person accused shall be able to
14 prove the admixture of poison with the liquors sold
15 by him subsequent to the sale thereof.

SECT. 2. Any person who shall manufacture or sell
2 any liquors purporting to be pure liquors, under the
3 name of brandy, gin, rum, wine, or any other name
4 applied to intoxicating liquors, and which from their
5 admixture with drugs, or from their inferior quality,
6 shall possess not only no medicinal value, but be detri-
6 mental to the health of persons taking them, thereby
7 deceiving and endangering the life of the purchaser,
8 the impurities and worthlessness of such liquors being
9 shown by the examination of a competent assayer,
10 shall, upon complaint, be indicted by the grand jury
11 sitting in any county in this state where the sale is
12 made, for fraud, and shall, upon conviction, be im-
13 prisoned in the state prison not less than six months
14 nor more than one year.

SECT. 3. In all cases of seizure of liquors kept for
2 sale contrary to the law of this state, passed in eight-
3 teen hundred and fifty-eight, if upon examination of
4 an assayer they are found to contain poison, or liquors
5 obtained by any means from illegitimate traffickers in
6 intoxicating liquors, if found poisonous by assaying,
7 the person so selling or keeping for sale such poison-
8 ous liquors shall be adjudged guilty of a violation of

9 the first section of this statute, and shall, upon con-
10 viction, suffer its penalty ; and all liquors so seized or
11 otherwise obtained from such traffickers selling in
12 violation of the law of the state, if found by assaying
13 to be adulterated with drugs, or worthless in quality,
14 the persons so selling shall, upon conviction, be ad-
15 judged guilty of a violation of the second section of
16 this act, and shall suffer its penalty.

SECT. 4. All liquors forfeited to the state, under
2 the statute of eighteen hundred and fifty-eight, in-
3 stead of being examined by the mayor and aldermen
4 of cities or the selectmen of towns, as provided by
5 the eighteenth section of said statute, shall be ex-
6 amined by an assayer ; and if any portion of such
7 liquors are found suitable for medicinal, mechanical
8 or manufacturing purposes, they shall be passed to the
9 state commissioner to be sold for such purposes ; but
10 if upon examination such liquors are found not suit-
11 able for medicinal, mechanical or manufacturing pur-
12 poses, but possess a suitable per centage of alcohol to
13 justify distillation, they shall be carried to a distillery
14 and the alcohol extracted from them for the benefit of
15 the city or town in which they are seized.

SECT. 5. A board of supervisors, consisting of one
2 from each congressional district in this state, shall be
3 appointed annually by the governor and council, whose

4 duty it shall be to see that proper agents are appointed
5 for the sale of spirituous liquors, as authorized by the
6 statute of eighteen hundred and fifty-eight, in all the
7 cities and towns where it may be expedient to estab-
8 lish such agencies, and that all such agencies, includ-
9 ing the state agency, are properly conducted, that
10 none but pure liquors are sold in any agency, that the
11 town agencies obtain their liquors from the state
12 agency, and to see that all criminal laws of the state
13 are faithfully enforced.

SECT. 6. Whenever either of the supervisors ap-
2 pointed under this act, shall receive written notice
3 from three citizens of any city or town in the state
4 that any marshal, deputy marshal or policeman in
5 any city, or sheriff or constable in any town, refuses
6 or neglects to perform his official duty in the prosecu-
7 tion of any person guilty of any crime against the
8 state, such supervisor shall forthwith repair to such
9 town or city and ascertain if such complaint made is
10 true; and if he shall find that there is any dereliction
11 of duty on the part of any officer, said supervisor shall
12 proceed to prosecute such delinquent officer under the
13 statute of this state made and provided.

SECT. 7. The supervisors appointed under this act
2 shall receive suitable compensation for their services,
3 their accounts to be audited and allowed by the gov-

POISONOUS LIQUORS.

5

4 ernor and council, and paid out of the treasury of the
5 state.

SECT. 8. All acts or parts of acts inconsistent with
2 the provisions of this act, are hereby repealed.

SECT. 9. This act shall take effect on and after the
3 first day of May next.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 29, 1869. }

Reported back from the Special Committee to which the same was referred, by Mr. HINKS, reporting reference to the Special Committee on Prohibitory Liquor Law and State Constabulary Act. On motion of Mr. WHIDDEN of Calais ordered printed.

S. J. CHADBOURNE, *Clerk.*