

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

SENATE.

No. 58.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

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 advice and consent of
2 the council, shall appoint two commissioners, one to
3 be located in the city of Portland and one in the city
4 of Bangor, who may furnish the mayor and aldermen
5 of the several cities, the selectmen of the several
6 towns, and the assessors of the several plantations,
7 with pure, unadulterated intoxicating liquors, to be
8 kept and sold for medicinal, mechanical and manufac-
9 turing purposes, according to the laws of the state.
10 Said commissioners shall hold their respective offices
11 during the pleasure of the governor and council, and

12 until others are appointed in their stead. They shall
13 not sell any spirituous, intoxicating or fermented li-
14 quors to any municipal officer or officers of the several
15 cities, towns and plantations of this state except such
16 as have been tested by a competent assayist and found
17 to be pure. They shall not take of said municipal
18 officers, for such liquors sold to them, more than seven
19 per cent. above the costs of such liquors at the place
20 where said liquors were by them purchased. They
21 shall before entering upon the duties of their office,
22 give a bond to the treasurer of this state, in the penal
23 sum of not less than ten thousand dollars, for the ben-
24 efit of such cities, towns or plantations as may be in-
25 jured by a breach of the conditions, for the faithful
26 performance of the duties of their appointment, with
27 such regulations and conditions as the governor and
28 council may prescribe.

SECT. 2. Immediately after appointing such com-
2 missioners the governor shall issue to the municipal
3 officers of the several cities, towns and plantations of
4 this state, a notice of the name of said commissioners,
5 and it shall be the duty of such municipal officers to
6 purchase such intoxicating liquors as they may keep
7 on sale for the purpose specified in this act, of such
8 commissioners, or of such other municipal officer as

9 have purchased such intoxicating liquors of said com-
10 missioners, and of no other person or persons.

SECT. 3. If any municipal officer or officers shall
2 purchase any intoxicating liquors, to be sold according
3 to the provisions of the laws of this state, of any other
4 person or persons except those specified in the second
5 section of this act, or if he or they, or any person or
6 persons in his or their employ, or by his or their direc-
7 tion, shall sell or offer for sale any liquors that have
8 been decreed to be forfeited under chapter thirty-three
9 of the public laws of eighteen hundred and fifty-eight or
10 acts additional thereto or amendatory thereof, or shall
11 adulterate or cause to be adulterated any intoxicating,
12 spirituous, or malt liquors which he or they may keep
13 for sale under this act, by mixing with the same any
14 coloring matter, or any drug or ingredient whatever,
15 or shall mix the same with other liquors of a different
16 kind or quality, or with water, or shall sell or expose
17 for sale such liquors so adulterated, knowing it to be
18 such, he or they shall forfeit for such offence to the
19 town, city or plantation to which he or they may be-
20 long, and for the use of said city, town or plantation,
21 a sum not less than twenty nor more than one hundred
22 dollars, to be recovered by indictment.

SECT. 4. The commissioners mentioned in the first
2 section of this act shall be required to keep a record of

3 the names of the cities, towns and plantations to which
4 liquors are sold ; of the person purchasing for said city,
5 town or plantation ; the kind and quantity of liquor
6 sold to each ; together with the price paid for the
7 same ; and shall make report of the same to the gov-
8 ernor and council annually in the month of December,
9 to be by them laid before the legislature. The report
10 shall be made up to the last day of the preceding
11 month.

SECT. 5. The agents of the several cities, towns and
2 plantations of the state authorized by law to sell in-
3 toxicating liquors, shall keep a record in a book kept
4 for that purpose, of the amount of intoxicating liquors
5 purchased by them, specifying the kind and quantity
6 of each, the price paid, and of whom purchased, and
7 they shall also keep a record of the kind and quantity
8 of the liquors sold by them, the date of sale and the
9 price, the name of the purchaser and the purpose for
10 which it was sold ; specifying in case such sale is made
11 to the municipal officers of any other city, town or
12 plantation, the name of such ; which record shall be
13 open to inspection. And if such agent shall fail to
14 keep such a record, he shall forfeit and pay for every
15 such offence a sum not less than ten nor more than
16 twenty dollars, to be recovered on complaint or indict-
17 ment before any court competent to try the same ;

18 which fine shall be paid into the treasury of the city,
19 town or plantation where he may hold his agency, for
20 the benefit of said city, town or plantation. And if
21 any person shall knowingly misrepresent and falsely
22 state to the said agent the purpose for which he pur-
23 chases of said agent the intoxicating liquors, he shall
24 for every such offence be fined twenty dollars, to be
25 recovered on complaint or indictment before any court
26 competent to try the same ; which fine shall be paid
27 into the treasury of the city, town or plantation where
28 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 commissioners provided for by this
4 act, or for the payment of any liquors purchased under
5 its provisions.

SECT. 7. No person shall travel from town to town,
2 or from place to place, in any city, town or plantation
3 in this state, on foot or by any kind of land or water,
4 public or private conveyance whatever, carrying for
5 sale, or offering for sale, or offering to obtain, or ob-
6 taining orders for the sale or delivery of any spirituous,
7 intoxicating or fermented liquors, in any quantity,
8 under a penalty of not less than twenty nor more than
9 one hundred dollars for each offer to take an order, and
10 for each order taken and for each sale so made to be

11 collected on complaint or by indictment before any
12 court competent to try the same ; one half of such fine
13 shall be for the benefit of the complainant, and the
14 other half for the benefit of the county in which the
15 offence may be committed.

SECT. 8. The commissioners mentioned in the first
2 section of this act shall not act as an agent for any
3 city, town or plantation for the sale of intoxicating
4 liquors.

SECT. 9. The commissioners shall furnish a printed
2 quarterly statement, under oath, commencing June
3 first, eighteen hundred seventy, of all liquors pur-
4 chased by them, enumerating the different kinds and
5 the quantity of each kind, the price paid and the terms
6 of payment ; also, the names of parties of whom the
7 liquors were purchased, and their place of business
8 and date of purchase, which statement shall be sent
9 by mail to each city, town or plantation, at the end of
10 each quarter, who are purchasers of their respective
11 establishments.

SECT. 10. Municipal and police judges and trial
2 justices within their respective counties, shall have
3 concurrent 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.

INTOXICATING LIQUORS.

7

SECT. 11. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

SECT. 12. This act shall take effect and be in force
2 from and after its approval by the governor.

STATE OF MAINE.

IN SENATE, March 11, 1870.

Reported from the Committee on Temperance, by Mr. LANG of
Kennebec, and printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*