

# MAINE STATE LEGISLATURE

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# FIFTY-FIRST LEGISLATURE.

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SENATE.

No. 10.

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## STATE OF MAINE.

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The Joint Select Committee on Prohibitory Liquor Law, to which was referred the Governor's Message relating to Temperance, ask leave to report bill "an act to amend chapter 27 of the Revised Statutes, concerning innholders, victualers and intoxicating liquors," and that the same be laid on the table to be printed and recommitted.

Per order.

JOHN MAY.

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IN SENATE, January 20, 1872.

Read and accepted.

Sent down for concurrence.

SAMUEL W. LANE, *Secretary.*

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HOUSE OF REPRESENTATIVES, January 23, 1872.

Read and concurred.

S. J. CHADBOURNE, *Clerk.*

# STATE OF MAINE.

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

AN ACT to amend chapter twenty-seven of the revised statutes, concerning innholders, victualers and intoxicating liquors.

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

SECTION 1. Section two of chapter twenty-seven of the 2 revised statutes, is hereby amended, by inserting after 3 the word "thereto" in the twelfth line of the form for 4 bond prescribed in said section, and before the word 5 "thereto" in the thirteenth line, the words—"and 6 shall not violate any law of the state relating to intoxicating liquors," so that said section, as amended, 7 shall read as follows :

9 "Sect. 2. No person shall receive his license un-  
10 til he has given his bond to the treasurer, to the  
11 acceptance of the board granting it, with one or more  
12 sureties, in the penal sum of three hundred dollars, in  
13 substance as follows, viz :

14 Know all men that we — as principal and —

15 as sureties, are holden and stand firmly bound to ———,  
16 treasurer of the town of ———, in the sum of three hun-  
17 dred dollars, to be paid to him, or his successor in said  
18 office ; to the payment whereof, we bind ourselves, our  
19 heirs, executors and administrators, jointly and sever-  
20 ally, by these presents.       Sealed with our Seals.

21 Dated the ——— day of ———, in the year 18—.

22 The condition of this obligation is such, that where-  
23 as, the above bounden ——— has been duly licensed as  
24 a ———, within the said town of ———, until the day  
25 succeeding the first Monday of May next ; now if in  
26 all respects he conforms to the provisions of the law  
27 relating to the business for which he is licensed, and  
28 to the rules and regulations as provided by the licens-  
29 ing board in reference thereto, and shall not violate  
30 any law of the state relating to intoxicating liquors,  
31 then this obligation shall be void, otherwise shall  
32 remain in full force.”

SECT. 2. Section twenty-two of said chapter, is  
2 hereby amended, by inserting after the word “liquors”  
3 in the fourth line thereof, the words—“wine and  
4 cider,” so that said section, as amended, shall read as  
5 follows :

6 *Sect.* 22. No person shall be allowed at any time  
7 to sell, by himself, his clerk, servant or agent, directly  
8 or indirectly, any intoxicating liquors, except as here-

9 after provided. Ale, porter, strong beer, lager beer,  
10 and all other malt liquors, wine and cider, shall be  
11 considered intoxicating within the meaning of this  
12 chapter, as well as all distilled spirits; but this  
13 enumeration shall not prevent any other pure or mixed  
14 liquors from being regarded as intoxicating.”

SECT. 3. Section twenty-five of said chapter, is  
2 hereby amended, by striking out the words “in any  
3 case, nor to wine made from fruit grown in this state,”  
4 in the second and third lines, and inserting instead  
5 thereof, the words—“by the manufacturer,” so that  
6 said section, as amended, shall read as follows :

7 “Sect. 25. The provisions of this chapter shall not  
8 extend to the manufacture and sale of unadulterated  
9 cider by the manufacturer, nor to the sale by agents  
10 appointed under the provisions of this chapter, of pure  
11 wine for sacramental and medicinal uses.”

SECT. 4. Section thirty-two of said chapter, is hereby  
2 repealed, and the following enacted instead thereof :

3 “Sect. 32. Every wife, child, parent, guardian,  
4 husband, or other person, who shall be injured in per-  
5 son, property, means of support or otherwise, by any  
6 intoxicated person, or by reason of the intoxication of  
7 any person, shall have a right of action in his or her  
8 own name, against any person or persons, who shall by  
9 selling or giving any intoxicating liquors, or otherwise

10 have caused or contributed to the intoxication of such  
11 person or persons ; and in any such action the plaintiff  
12 shall have a right to recover actual and exemplary  
13 damages. And the owner or lessee, or person or per-  
14 sons renting or leasing any building or premises, hav-  
15 ing knowledge that intoxicating liquors are to be sold  
16 therein in violation of law, shall be liable, severally or  
17 jointly, with the person so selling or giving intoxicat-  
18 ing liquors as aforesaid. And in every action by any  
19 wife, husband, parent or child, general reputation of  
20 the relation of husband and wife, parent and child,  
21 shall be *prima facie* evidence of such relation, and the  
22 amount recovered by every wife or child shall be his  
23 or her sole and separate property.”

SECT. 5. Section thirty-five of said chapter is here-  
2 by amended by adding after the word “liquor” in  
3 the fifteenth line the words following, to wit—“or  
4 shall have reason to believe such person has concealed  
5 them about his or her person,” so that said section, as  
6 amended, shall read as follows :

7 “Sect. 25. If any person competent to be a wit-  
8 ness in civil suits shall make complaint, upon oath or  
9 affirmation, before any judge of any municipal or po-  
10 lice court or trial justice, that he believes intoxicating  
11 liquors are unlawfully kept or deposited in any place  
12 in this state by any person or persons, and that said

13 liquors are intended for sale within this state in vio-  
14 lation of law, such magistrate shall issue his warrant,  
15 directed to any officer having power to serve criminal  
16 process, commanding such officer to search the prem-  
17 ises described and specially designated in such com-  
18 plaint and warrant, and if said intoxicating liquors  
19 are there found, to seize the same, with the vessels in  
20 which they are contained, and them safely keep until  
21 final action on the same, and make immediate return  
22 of said warrant. The name of the person so as afore-  
23 said keeping said liquors, if known to the complain-  
24 ant, shall be stated in such complaint, and the officer  
25 shall be commanded by said warrant, if he shall find  
26 said liquors, or shall have reason to believe such per-  
27 son has them concealed them about his or her person, to  
28 arrest such person or persons, and have him or them  
29 forthwith before such magistrate for trial. If the  
30 name of the person keeping such liquors is unknown  
31 to the complainant, he shall so allege in his complaint,  
32 and such magistrate shall thereupon issue his warrant  
33 as provided in the first clause of this section. If upon  
34 trial the court, upon the evidence adduced, shall be of  
35 the opinion that the liquors were so as aforesaid kept  
36 and intended for unlawful sale by the person or per-  
37 sons named in said complaint, or by any other person  
38 or persons with his or their knowledge or consent, he

INTOXICATING LIQUORS.

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39 or they shall be found guilty thereof, and sentenced to  
40 pay a fine of fifty dollars and costs of prosecution, and  
41 in default of payment thereof to be imprisoned thirty  
42 days in the county jail, or instead of such fine shall  
43 be imprisoned in the county jail three months.”



AN ACT to prevent the violation of the laws relating to  
intoxicating liquors.

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

SECTION 1. It shall be the duty of the judges of  
2 the supreme judicial court and of municipal and police  
3 courts and trial justices, before whom any person is  
4 convicted of violating any law of this state relating to  
5 intoxicating liquors, in addition to the penalty im-  
6 posed, to require the person so convicted to recognize  
7 with sufficient sureties in a sum not less than one hun-  
8 dred nor more than one thousand dollars to observe all  
9 the laws of the state relating to the sale of intoxicat-  
10 ing liquors for the term of one year, such recogniz-  
11 ances to be taken and returned in the same manner as  
12 is provided in chapter one hundred and thirty of the  
13 revised statutes relating to proceedings for the preven-  
14 tion of crimes. The rights and liabilities of persons  
15 recognizing under this act shall be the same as are  
16 provided in said chapter one hundred and thirty for  
17 persons required to recognize under section three of  
18 said chapter.

SECT. 2. This act shall take effect when approved.