

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)

SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 191.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to amend section sixteen, section thirty-one, section thirty-five, and section fifty-three, revised statutes (Goddard's Revision.)

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

Section sixteen, chapter twenty-seven, revised 2 statutes, (Goddard's Revision) is hereby amended 3 by adding thereto the following words, viz: "Any 4 liquors for agencies not purchased according to 5 law, shall be liable to seizure and forfeiture, like 6 other liquors unlawfully kept," so that as amended 7 said section shall read as follows:

8 *Sect. 16.* Immediately after appointing such com- 9 missioner the governor shall issue to the municipi- 10 pal officers of the towns of this state, a notice of 11 the name and place of business of said commis- 12 sioner, and such municipal officers shall purchase

13 such intoxicating liquors as they may keep on sale
14 for the purpose specified herein, of such commis-
15 sioner, or of such other municipal officers as have
16 purchased such intoxicating liquors of him, and of
17 no other person or persons; and liquors for
18 agencies not purchased according to law, shall be
19 liable to seizure and forfeiture, like other liquors
20 unlawfully kept.

Also, section thirty-one, chapter twenty-seven,
2 revised statutes, (Goddard's Revision) is hereby
3 amended by striking out the words "twenty
4 nor more than," after the words "under a
5 penalty of not less than," in the seventh line,
6 and by adding to the section the words "and in
7 default of payment of said fine and costs, the
8 convict shall suffer in each case an imprisonment
9 of three months," so that said section as amended
10 shall read as follows:

11 *Sect. 31.* No person shall travel from town to
12 town, or from place to place, in any city, town or plan-
13 tation in this state, on foot, or by any kind of land
14 or water, public or private conveyance whatever,
15 carrying for sale, or offering for sale, or offering to
16 obtain, or obtaining for the sale or delivery of any
17 spirituous, intoxicating or fermented liquors, in any
18 quantity, under a penalty of not less than one hun-

19 dred dollars for each offer to take an order, and
20 for each order taken, and for each sale so made, to
21 be collected on complaint, or by indictment, before
22 any court competent to try the same; one half of
23 such fine to the complainant, and the other half to
24 the county in which the offence is committed; and
25 in default of payment of said fine and costs, the
26 convict shall suffer in each case an imprisonment
27 of three months.

Also, section thirty-five, chapter twenty-seven, is
2 hereby amended by striking out the word "thirty,"
3 in the fourth line, and inserting in place thereof
4 the words "one hundred;" also by striking out
5 the word "twenty," in the seventh line, and insert-
6 ing in the place thereof the words "two hun-
7 dred;" also by striking out the word "twenty," in
8 the tenth line, and inserting in place thereof the
9 words "two hundred," so that said section as
10 amended shall read as follows:

11 *Sect. 35.* If any person, by himself, clerk,
12 servant, or agent, shall at any time sell any intox-
13 icating liquors in violation of the provisions of
14 this chapter, he shall forfeit and pay on the first
15 conviction a fine of one hundred dollars and the
16 cost of prosecution, or instead of such fine, in
17 the discretion of the court imposing sentence,

18 shall be imprisoned in the county jail thirty days;
19 on the second conviction he shall pay two hundred
20 dollars and the costs of prosecution, and in addi-
21 tion thereto shall be imprisoned in the county jail
22 sixty days; and on the third and every subsequent
23 conviction he shall pay two hundred dollars and
24 the costs of prosecution, and shall be imprisoned
25 in the county jail three months, and in default of
26 the payment of the fines and costs prescribed by
27 this section for the first conviction, the convict
28 shall not be entitled to the benefit of chapter one
29 hundred and thirty-five until he shall have been
30 imprisoned two months; in default of fines and
31 costs provided for the second conviction he shall
32 not be entitled to the benefit of said chapter until
33 he shall have been imprisoned three months; and
34 in default of payment of fine and costs provided
35 for the third and every subsequent conviction, he
36 shall not be entitled to the benefit of said chapter
37 until he shall have been imprisoned four months.
38 And if any clerk, servant, agent or other person in
39 the employment or on the premises of another,
40 shall violate the provisions of this section, or aid
41 and assist therein, he shall be held equally guilty
42 with the principal, and on conviction shall suffer
43 like penalty.

Also, section fifty-three, chapter twenty-seven
2 (Goddard's Revision,) revised statutes is hereby
3 amended by prefixing thereto the words " trial
4 justices and judges of municipal and police courts
5 shall send to the upper courts in their several dis-
6 tricts, copies of records of convictions in their
7 courts, and former convictions shall always be
8 alleged in subsequent cases," so that said section
9 as amended shall read as follows:

10 *Sect. 53.* Trial justices and judges of muni-
11 cipal and police courts shall send to the upper
12 courts in their several districts, copies of records of
13 convictions of their courts, and former convictions
14 shall always be alleged in subsequent cases. Every
15 trial justice, recorder, clerk and judge of a
16 municipal or police court, and every county
17 attorney having knowledge of any previous con-
18 viction of any person accused of violating this
19 chapter in preparing complaints, warrants, or in-
20 dictments, shall allege such previous conviction
21 thereon; and after an indictment in any such case
22 is entered in court, no county attorney shall dis-
23 miss or fail to prosecute the same except by special
24 order of said court. If any trial justice, recorder,
25 clerk, or judge of a municipal or police court, or

(6)

26 county attorney, neglects or refuses to allege any
27 such previous conviction, or if any county attorney
28 shall fail to prosecute as provided in this section,
29 he shall forfeit one hundred dollars in each case, to
30 be recovered in an action of debt, to be brought by
31 the attorney general in behalf of the state.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 6, 1883. }

Reported by Mr. HERR, from Committee on Temperance, and
ordered printed.

ORAMANDAL SMITH, *Clerk.*