

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

SENATE.

No. 126.

STATE OF MAINE.

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

AN ACT amendatory of and additional to chapter twenty-seven, Revised Statutes, in relation to the sale of Intoxicating Liquors.

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

SECTION 1. Section thirty of chapter twenty-seven of
2 the Revised Statutes is hereby amended by striking out
3 the words "one hundred dollars," in the sixth line, and
4 inserting the words, ' five hundred dollars and costs ;' and
5 after the word "committed" in the last line, the words,
6 ' and in default of payment thereof, shall be imprisoned
7 for a term of not less than two nor more than six months ;'
8 so that said section, as amended, shall read as follows :
9 " No person shall travel from town to town, or from place
10 to place, in any city, town or plantation, on foot or by
11 public or private conveyance, either by land or water,

12 carrying for sale or offering for sale, or obtaining or offer-
13 ing to obtain, orders for the sale or delivery of any intoxi-
14 cating or fermented liquors, in any quantity, under a
15 penalty of not less than twenty nor more than five hund-
16 red dollars and costs, for each offer to take an order, and
17 for each order taken, and for each sale so made, to be re-
18 covered on complaint or by indictment; half to the com-
19 plainant and half to the county in which the offence is
20 committed; and in default of payment thereof, said person
21 shall be imprisoned for a term of not less than two nor
22 more than six months.”

SECT. 2. Section thirty-four of chapter twenty-seven of
2 the Revised Statutes is hereby amended, by striking out
3 all of said section after the words “first conviction,” in
4 the third line, and substituting the following words:
5 ‘Not less than thirty nor more than one hundred dollars,
6 or he may be imprisoned not less than thirty nor more
7 than ninety days, or he may be punished by both at the
8 the discretion of the court; and on every subsequent con-
9 viction he shall be punished by fine, not more than two
10 hundred dollars and be imprisoned not less than two nor
11 more than six months,’ so that said section, as amended,
12 shall read as follows: ‘Whoever by himself, clerk, ser-
13 vant or agent, at any time sells any intoxicating liquor in
14 violation of this chapter, forfeits, on first conviction, not
15 less than thirty nor more than one hundred dollars, or he
16 may be imprisoned not less than thirty nor more than
17 ninety days, or he may be punished by both at the discre-
18 tion of the court; and on every subsequent conviction he
19 shall be punished by fine, not more than two hundred
20 dollars, and be imprisoned not less than two nor more
21 than six months.’

SECT. 3. Section thirty-five of chapter twenty-seven of
2 the Revised Statutes is hereby amended by inserting after
3 the word "months," in the fourth line, the words, 'or both
4 fine and imprisonment may be imposed at the discretion
5 of the court,' so that said section as amended shall read
6 as follows: 'No person shall be a common seller of in-
7 toxicating liquors. Whoever violates this section shall be
8 fined one hundred dollars, and in default of payment of
9 fine and costs he shall be imprisoned sixty days, or in-
10 stead of such fine he may be imprisoned three months,
11 or both fine and imprisonment may be imposed at the
12 discretion of the court. On a second and every subse-
13 quent conviction, he shall be fined two hundred dollars
14 and imprisoned four months; and in default of payment
15 of fine and costs, he shall be punished by four months'
16 additional imprisonment.

SECT. 4. Section thirty-seven of chapter twenty-seven
2 of the Revised Statutes is hereby amended by striking
3 out all of said section after the words "tippling shop," in
4 line four, and substituting the following words: 'and
5 upon the first conviction, shall be fined one hundred dol-
6 lars and costs, and in default of payment shall be impris-
7 oned three months, or instead of such fine and costs shall
8 be imprisoned three months, or both at the discretion of
9 the court, and on every subsequent conviction six months
10 in addition to fine and costs;' so that said section, as
11 amended, shall read as follows: 'No person shall keep a
12 drinking house and tippling shop. Whoever sells intoxi-
13 cating liquors in any building, vessel or boat, contrary to
14 law, and the same are there drank, is guilty of keeping a
15 drinking house and tippling shop, and upon the first con-

16 viction shall be fined one hundred dollars and costs, and
17 in default of payment shall be imprisoned three months,
18 or instead of such fine and costs, shall be imprisoned
19 three months, or both at the discretion of the court, and
20 on every subsequent conviction six months in addition
21 to fine and costs.'

SECT. 5. Section forty-six, chapter twenty-seven of the
2 Revised Statutes is amended by adding thereto the fol-
3 lowing words: 'All dumps or appliances for concealing,
4 disguising or destroying liquors, so that the same cannot
5 be seized or identified, found in the possession or under the
6 control of any person or persons, shall be taken by the
7 officers making said search or seizure, so far as the same
8 is practicable, together with all bottles and drinking glasses
9 or vessels found in the possession or under the control of any
10 such person or persons, and carried before the next grand
11 jury sitting in said county where said seizure and search
12 is made, and the same together with all evidences of such
13 dumps or appliances for concealing, disguising or destroy-
14 ing liquors, shall be presented to said grand jury for their
15 consideration, and the same shall thereafter be subject to the
16 order of the court issuing the warrant for said search and seiz-
17 ure,' so that said section when amended shall read as follows:
18 'If an officer having a warrant, issued under this chapter,
19 committed to him, directing him to seize any liquors and
20 to arrest the owner or keeper thereof, is prevented from
21 seizing the liquors by their being poured out or otherwise
22 destroyed, he shall arrest the alleged owner or keeper
23 named in the warrant, and bring him before the magistrate,
24 and make return upon the warrant that he was prevented
25 from seizing said liquors by their being poured out or

26 otherwise destroyed, as the case may be, and in his return
27 he shall state the quantity so poured out or destroyed, as
28 nearly as may be, and the magistrate shall put the owner
29 or keeper so arrested upon trial; and if it is proved that
30 such liquors as were described in the warrant were so
31 poured out or destroyed, and that they were so kept or
32 deposited and intended for unlawful sale, and that the
33 person so arrested was owner or keeper thereof, he shall
34 be punished in the same manner as if the liquors described
35 in the warrant and in the return had been seized on the
36 warrant and brought before the magistrate by the officer.
37 All dumps or appliances for concealing, disguising or de-
38 stroying liquors, so that the same cannot be seized or
39 identified, found in the possession or under the control of
40 any person or persons, shall be taken by the officer making
41 said search or seizure, so far as the same is practicable,
42 together with all bottles and drinking glasses or vessels
43 found in the possession or under the control of any such
44 person or persons, and carried before the next grand jury
45 sitting in said county where said seizure and search is
46 made, and the same together with all evidences of such
47 dumps or appliances for concealing, disguising or destroy-
48 ing liquors, shall be presented to said grand jury for
49 their consideration, and the same shall thereafter be sub-
50 ject to the order of the court issuing the warrant for said
51 search and seizure.'

SECT. 6. Section forty-eight, chapter twenty-seven,
2 Revised Statutes, is hereby amended by striking out the
3 words "may," in the fifth and ninth lines, and substitut-
4 ing the word 'shall,' and by striking out the words "be
5 fined not exceeding ten dollars, or imprisoned not ex-

6 ceeding thirty days," in the tenth and eleventh lines, and
7 substituting therefor the words ' shall be imprisoned not
8 less than five nor more than thirty days,' and by striking
9 out the words "may be fined not exceeding twenty dollars,
10 or imprisoned not more than ninety days," and substituting
11 the words 'shall be imprisoned not less than ten nor more
12 than ninety days.' Said section is further amended by strik-
13 ing out the word " or," at the beginning of the second line,
14 and inserting the words ' shall be punished as hereinafter
15 provided, and any person,' so that the section as amended
16 shall read as follows: ' Any person found intoxicated in
17 any street or highway shall be punished as hereinafter
18 provided, and any person who, being intoxicated in his
19 own house, or in any other building or place, becomes
20 quarrelsome, or in any other way disturbs the public
21 peace, or that of his own or any other family, so as to
22 render it necessary for the police or peace officers to in-
23 terfere, shall be taken into custody by any sheriff, deputy
24 sheriff, constable, marshal, deputy marshal, police officer
25 or watchman, and committed to the watch-house, or re-
26 strained in some other suitable place, until a complaint
27 can be made and warrant issued in due form, upon which
28 he shall be arrested and tried, and if found guilty of
29 being intoxicated as aforesaid, he shall be imprisoned not
30 less than five, nor more than thirty days. For the second
31 offence he shall be imprisoned not less than ten, nor more
32 than ninety days. The judge or justice may remit any por-
33 tion of said punishment, and order the prisoner dis-
34 charged, whenever he becomes satisfied that the objects
35 of the law and the good of the public and the prisoner
36 would be advanced thereby. But no part of said punish-

37 ment shall be remitted, unless the prisoner, under oath,
38 gives information from whom and where he procured the
39 liquors by which he became intoxicated.'

SECT. 7. Section sixty-seven of chapter twenty-seven
2 of the Revised Statutes is hereby amended by adding
3 thereto the following words: 'State constables appointed
4 under this section shall give bonds, with sufficient sureties,
5 in the sum of five hundred dollars for the faithful per-
6 formance of their duties, and said constables may be re-
7 moved from office by the Governor and Council for good
8 and sufficient reasons, and their places may be filled by
9 appointment; ' so that said section, as amended, shall read
10 as follows:

'SECT. 67. Upon petition and representation of thirty
2 or more well known tax payers in any county, that chap-
3 ters seventeen and twenty-seven are not faithfully enforced
4 by county or local officers, the Governor and Council shall
5 inquire into such representations, and if, in their judgment,
6 they are well founded, the Governor, with the advice and
7 consent of Council, shall appoint two or more constables
8 for such county, who shall diligently enforce said chap-
9 ters, and for this purpose such constables shall have like
10 powers and duties as sheriffs and deputies. For such
11 services such constables shall receive the same compensation
12 as sheriffs and deputies. State constables appointed under
13 this section shall give bonds, with sufficient sureties, in
14 the sum of five hundred dollars for the faithful performance
15 of their duties, and said constables may be removed from
16 office by the Governor and Council for good and sufficient
17 reasons, and their places may be filled by appointment.'

SECT. 8. Whoever advertises or gives notice of the sale
 2 or keeping for sale of intoxicating liquors, or publishes any
 3 newspaper in which such notices are given, shall be fined
 4 for such offence the sum of twenty dollars and costs, to be
 5 recovered by complaint. One-half of said fine to com-
 6 plainant and other one-half to the town in which said
 7 notice is published.

SECT. 9. It shall be the duty of the clerk of courts, within
 2 thirty days after the adjournment of any superior or su-
 3 preme judicial court, to publish, in some newspaper of the
 4 county, the disposition of all appealed cases and indict-
 5 ments for violations of the laws regulating the use and
 6 sale of intoxicating liquors.

STATE OF MAINE.

IN SENATE CHAMBER, }
 February 24, 1885. }

Reported by Mr. SIMONTON, from Committee on Temperance, and
 laid on table to be printed under joint rules.

C. W. TILDEN, *Secretary.*