

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

SENATE.

No. 64.

STATE OF MAINE.

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

AN ACT amendatory of and additional to chapter twenty-seven of the Revised Statutes, and amendatory of chapter three hundred and fifty-nine and of chapter three hundred and sixty-six of the Public Laws of eighteen hundred and eighty-five, relating to the Sale of Intoxicating Liquors.

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

SECTION 1. Section fifteen of chapter twenty-seven of 2 the Revised Statutes is hereby amended so as to read as 3 follows :

'SECT. 15. The Governor with the advice and consent 5 of the Council, shall appoint a commissioner to furnish 6 municipal officers of towns in this State and duly authorized agents of other States with pure unadulterated intoxicating liquors to be kept and sold for medicinal, mechanical and manufacturing purposes. Said commissioner 9 shall reside and have his place of residence in this State 10

11 and hold his office during the pleasure of the Governor
12 and Council and until another is appointed in his stead,
13 and be paid an annual salary of fifteen hundred dollars
14 payable quarterly out of the State treasury. He shall be
15 allowed reasonable expenses of office, and present his
16 account, under oath, with vouchers therefor, to the Gov-
17 ernor and Council, annually, in December to the last day
18 of the preceding month, who shall audit the same and
19 direct payment from the State treasury. He shall not
20 sell to municipal officers of this State any intoxicating or
21 fermented liquors except such as have been tested and
22 found to be pure by a competent assayer under a penalty
23 of not less than fifty nor more than two hundred dollars,
24 to be recovered by indictment. He shall take of such
25 officers for pure and undulterated liquors sold to them
26 six per cent above the cost thereof, at the place where
27 they were by him purchased and pay the same over to the
28 State Treasurer on or before the first day of January an-
29 nually. He shall before entering upon the duties of his
30 office, give a bond to the Treasurer of State, in the penal
31 sum of not less than ten thousand dollars for the benefit of
32 such towns as may be injured by a breach of the conditions,
33 for the faithful performance of his duties and compliance
34 with such regulations and conditions as the Governor and
35 Council prescribe. In case of his resignation, removal
36 from office, or death, and the appointment of a successor,
37 the stock of liquors remaining on hand at the time of his
38 resignation, removal or death, shall be taken at cost by
39 the new commissioner, and he shall, before entering upon
40 his office, pay for the same in cash or settle therefor to

41 the satisfaction of his predecessor or his legal represen-
42 tatives.'

SECT. 2. Section twenty-nine of chapter twenty-seven
2 of the Revised Statutes, is hereby amended by striking
3 out all of said section after the word "purposes" in the
4 third line so that said section as amended shall read as fol-
5 lows :

'SECT. 29. This chapter does not apply to the sale of
7 unadulterated cider unless the same is sold to be used as
8 a beverage or for tipping purposes.'

SECT. 3. Section thirty-one of chapter twenty-seven of
2 the Revised Statutes, is hereby amended by inserting after
3 the word "offence" in the fifth line the following words :
4 'Any servant, agent or employe of any railroad corpora-
5 tion or of any express company doing business in this
6 State, who shall remove any intoxicating liquor from any
7 railroad car at any place other than the usual and estab-
8 lished stations, depots or places of business of such rail-
9 road corporations, or who shall aid in, or consent to such
10 removal, shall be subject to a penalty of fifty dollars for
11 every such offence' so that said section as amended, shall
12 read as follows :

'SECT. 31. No person shall knowingly bring into the
14 State, or knowingly transport from place to place in the
15 State, any intoxicating liquors, with intent to sell the
16 same in the State in violation of law, or with intent that
17 the same shall be sold by any person, or to aid any person
18 in such sale, under a penalty of fifty dollars for each
19 offence. Any servant, agent or employe of any railroad
20 corporation or of any express company doing business in
21 this State, who shall remove any intoxicating liquors from

22 any railroad car at any place other than the usual and es-
23 tablished stations, depots or places of business of such rail-
24 road corporation, or who shall aid in, or consent to, such
25 removal, shall be subject to a penalty of fifty dollars for
26 every such offence. All such liquors intended for unlaw-
27 ful sale in the State may be seized while in transit and
28 proceeded against, the same as if they were unlawfully
29 kept and deposited in any place.'

SECT. 4. Section thirty-three of chapter twenty-seven
2 of the Revised Statutes, is hereby amended by striking
3 out in the fifth, sixth and seventh lines the words "un-
4 less in quantities of five gallons or more delivered and
5 taken away at one time," so that said section as amended
6 shall read as follows :

'SECT. 33. No person shall at any time, by himself, his
8 clerk, servant or agent, directly or indirectly sell any in-
9 toxicating liquors, of whatever origin, except as hereinbe-
10 fore provided: wine, ale, porter, strong beer, lager beer,
11 and all other malt liquors, and cider when kept or depos-
12 ited with intent to sell the same for tippling purposes, or
13 as a beverage, as well as all distilled spirits, are declared
14 intoxicating within the meaning of this chapter; but this
15 enumeration shall not prevent any other pure or mixed
16 liquors from being considered intoxicating.'

SECT. 5. Section two of chapter three hundred and
2 sixty-six of the Public Laws of eighteen hundred and
3 eighty-five amendatory of section thirty-four, chapter
4 twenty-seven of the Revised Statutes is hereby amended
5 so that said section thirty-four shall read as follows :

'SECT. 34. Whoever by himself, clerk, servant or agent,
7 sells any intoxicating liquors in this State in violation of

8 law shall pay a fine of not less than fifty dollars and costs,
9 and in addition thereto be imprisoned thirty days. In
10 default of said payment he shall be imprisoned thirty days
11 additional, and on each subsequent conviction he shall be
12 punished by a fine of two hundred dollars and costs, and
13 in addition thereto be imprisoned six months, and in de-
14 fault of payment of said fine and costs he shall be impris-
15 oned six months additional. Any clerk, servant, agent, or
16 other person in the employment or on the premises of
17 another who violates or in any manner aids or assists in
18 violating any provisions of this act or any other act relat-
19 ing to intoxicating liquors is equally guilty with the prin-
20 cipal and shall suffer like penalties.'

SECT. 6. Section three of chapter three hundred and
2 sixty-six of the Public Laws of eighteen hundred and
3 eighty-five, amendatory of section thirty-five of chapter
4 twenty-seven of the Revised Statutes, is hereby amended
5 so that said section thirty-five shall read as follows :

'SECT. 35. No person shall be a common seller of intox-
7 icating liquors. Whoever violates this section shall be
8 fined one hundred dollars and imprisoned thirty days, or
9 instead of such fine he may be imprisoned sixty days,
10 On a second and every subsequent conviction he shall be
11 fined two hundred dollars and imprisoned four months,
12 and in default of payment of fine and costs he shall be
13 punished by four months additional imprisonment.'

SECT. 7. Section four of chapter three hundred and
2 sixty-six of the Public Laws of eighteen hundred and
3 eighty-five, amendatory of section thirty-seven of chapter
4 twenty-seven of the Revised Statutes, is hereby amended
5 so that said section thirty-seven shall read as follows :

SECT. 37. No person shall keep a drinking-house and
7 tippling shop. Whoever sells intoxicating liquors in any
8 building, vessel or boat, contrary to law, and the same are
9 there drank, is guilty of keeping a drinking-house and
10 tippling shop, and upon the first conviction shall be fined
11 one hundred dollars and costs, and be imprisoned sixty days
12 or instead of such fine and costs shall be imprisoned three
13 months, and on every subsequent conviction shall be pun-
14 ished by a fine of two hundred dollars and costs and be
15 imprisoned six months. Druggists and apothecaries may
16 keep alcohol in reasonable quantity for compounding med-
17 icines. Any intoxicating liquor other than alcohol kept
18 or deposited by druggists or apothecaries in or upon their
19 premises, when taken in connection with the payment of
20 a government tax as dealer in intoxicating liquors, shall
21 be *prima facie* evidence that said liquors are intended for
22 sale in violation of law.'

SECT. 8. Section forty of chapter twenty-seven of the
2 Revised Statutes is hereby amended by adding to said
3 section the following: 'The payment of the United States
4 special tax as a liquor seller, or notice of any kind in any
5 place of resort indicating that intoxicating liquors are
6 there sold, kept or given away unlawfully, shall be held
7 to be *prima facie* evidence that the person or persons
8 paying said tax and the party or parties displaying said
9 notices are common sellers of intoxicating liquors, and
10 the premises so kept by them common nuisances,' so that
11 said section as amended shall read as follows:

'SECT. 40. If any person competent to be a witness in
13 civil suits makes sworn complaint before any judge of a
14 municipal or police court or trial justice, that he believes

15 that intoxicating liquors are unlawfully kept or deposited
16 in any place in the State by any person, and that the same
17 are intended for sale within the State in violation of law,
18 such magistrate shall issue his warrant, directed to any
19 officer having power to serve criminal process, command-
20 ing him to search the premises described and specially
21 designated in such complaint and warrant, and if said
22 liquors are there found, to seize the same, with the vessels
23 in which they are contained, and them safely keep until
24 final action thereon, and make immediate return on said
25 warrant. The name of the person so keeping said liquors,
26 as aforesaid, if known to the complainant, shall be stated
27 in such complaint, and the officer shall be commanded by
28 said warrant, if he finds said liquors or has reason to be-
29 lieve that such person has concealed them about his person,
30 to arrest him and have him forthwith before such magistrate
31 for trial. If the name of the person keeping such liquors,
32 is unknown to the complainant, he shall so allege in his
33 complaint, and the magistrate shall thereupon issue his
34 warrant as provided in the first sentence of this section.
35 If upon trial, the court is of the opinion that the liquor
36 was so aforesaid kept and intended for unlawful sale by
37 the person named in said complaint, or by any other per-
38 son with his knowledge or consent, he shall be found
39 guilty thereof, and sentenced to a fine of one hundred
40 dollars, and in default of payment of fine and costs, to be
41 imprisoned ninety days at hard labor, or instead of such
42 fine he may be imprisoned six months at hard labor. On
43 every subsequent conviction he shall be fined one hundred
44 dollars and stand committed until the fine and costs are
45 paid; and in addition thereto he shall be imprisoned six

46 months at hard labor. The payment of the United States
47 special tax as a liquor seller, or notice of any kind in any
48 place of resort indicating that intoxicating liquors are
49 there sold, kept or given away unlawfully, shall be held
50 to be *prima facie* evidence that the person or persons
51 paying said tax, and the party or parties displaying said
52 notices, are common sellers of intoxicating liquors, and
53 the premises so kept by them common nuisances.'

SECT. 9. Section eight of chapter three hundred and
2 fifty-nine of the Public Laws of eighteen hundred eighty-
3 five amendatory of section forty-four of chapter twenty-
4 seven of the Revised Statutes is hereby repealed, and said
5 section forty-four of chapter twenty-seven of the Revised
6 Statutes is hereby revived and re-enacted.

SECT. 10. Section six of chapter three hundred and
2 sixty-six of the Public Laws of eighteen hundred eighty-
3 five amendatory of section forty-eight of chapter twenty-
4 seven of the Revised Statutes is hereby amended so that
5 said section forty-eight shall read as follows :

'SECT. 48. Any person found intoxicated in any street,
7 highway or other public place, shall be punished for the
8 first offence by a fine not exceeding ten dollars or by im-
9 prisonment not exceeding fifteen days, and upon any sub-
10 sequent conviction by imprisonment for thirty days. Any
11 person found intoxicated in his own house or in any other
12 building or place who is quarrelsome and is disturbing the
13 public peace, or the peace of his own or any other family
14 shall be punished for the first and any subsequent convic-
15 tion as provided in the preceding clause of this section.
16 Any such intoxicated person may be taken into custody
17 by any sheriff, deputy sheriff, constable, marshal, deputy

18 marshal, police officer or watchman, and committed to the
19 watch house or police station, or restrained in some other
20 suitable place, until a complaint can be made and a war-
21 rant issued against him upon which he may be arrested
22 and tried.'

SECT. 11. Section twenty-one of chapter twenty-seven
2 of the Revised Statutes is hereby amended by inserting
3 after the word "city" in the fifth line, the following words :
4 ' Who shall not be one of the municipal officers of said
5 town or city,' so that said section as amended shall read
6 as follows :

'SECT. 21. The selectmen of any town and mayor and
8 aldermen of any city may on the first Monday of May,
9 annually or as soon thereafter as convenient buy such quan-
10 tity of intoxicating liquors as is necessary to be sold under
11 this chapter, and may appoint some suitable person agent
12 of said town or city (who shall not be one of the munici-
13 pal officers of said town or city) to sell the same at some
14 convenient place therein, to be used for medicinal, mechan-
15 ical and manufacturing purposes, and no other ; such agent
16 shall receive such compensation for his services and in the
17 sale of such liquors, shall conform to such regulations not
18 inconsistent with law, as the board appointing him pre-
19 scribes, and shall hold his situation for one year, unless
20 sooner removed by them, or their successors. Vacancies
21 occurring during the year shall be filled in the same man-
22 ner as original appointments are made. No such agent
23 shall have any interest in such liquors or in the profits of
24 the sale thereof. He may sell intoxicating liquors to such
25 municipal officers, to be by them disposed of in accord-
26 ance with this chapter.'

House Amendment "A" to House Doc. No. 146.

Amend section 1, by striking out the word "ten" in the 26th line, and inserting 'six' instead thereof.

ALLEN of Alfred.

Adopted.

House Amendment "B" to House Document No. 146.

Amendment of Sec. 6, line 9, by striking out the words "three months," and inserting the words 'sixty days additional.'

ALLEN of Alfred.

Adopted.

House Amendment "C" to House Document No. 146.

Amend House document 146, by striking out the words "but not for sale," in the 17th line of Sec. 7.

RANDALL of Augusta.

Adopted.

House Amendment "D" to House Document No. 146.

Amend Sec. 8, page 6, by striking out the words "shall be deemed" in the ninth line, and substituting therefor the word 'are.'

Amend Sec. 8, by striking out the words "shall be deemed" in line 53, and substituting therefor the word 'are.'

LOONEY of Portland.

Adopted.

House Amendment "E" to House Document No. 146.

Amend Sec. 40, by inserting in line 52, after the word "tax" ', and also by inserting after the word "notices" in same line '.

WRIGHT of Paris.

Adopted.

House Amendment "F" to House Document No. 146.

Amend House document 146, Sec. 10, by striking out the word "thirty" in 9th line, and inserting the word 'fifteen.'

RANDALL of Augusta.

Adopted.

House Amendment "G" to House Doc. No. 146.

SECT. 11. Section twenty-one of chapter twenty-seven
2 of the Revised Statutes is hereby amended by inserting
3 after the word "city" in the fifth line the following words :
4 ' Who shall not be one of the municipal officers of said
5 town or city,' so that said section as amended shall read
6 as follows :

'SECT. 21. The selectmen of any town and mayor and
8 aldermen of any city may on the first Monday of May,
9 annually or as soon thereafter as convenient, buy such quan-
10 tity of intoxicating liquors as is necessary to be sold under
11 this chapter, and may appoint some suitable person agent
12 of said town or city (who shall not be one of the munici-
13 pal officers of said town or city) to sell the same at some
14 convenient place therein, to be used for medicinal, mechan-
15 ical and manufacturing purposes, and no other ; such agent
16 shall receive such compensation for his services and in the
17 sale of such liquors, shall conform to such regulations not
18 inconsistent with law, as the board appointing him pre-
19 scribes, and shall hold his situation for one year, unless
20 sooner removed by them, or their successors. Vacancies
21 occuring during the year shall be filled in the same man-
22 ner as original appointments are made ; no such agent
23 shall have any interest in such liquors or in the profits of
24 the sale thereof. He may sell intoxicating liquors to such
25 municipal officers, to be by them disposed of in accord-
26 ance with this chapter.'

HUNTER of Strong.

Adopted.

STATE OF MAINE.

IN SENATE, March 2, 1887.

On motion by Mr. WALLACE, laid on table to be printed as amended
by the House.

C. W. TILDEN, *Secretary*.