

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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HOUSE.

No. 208.

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## STATE OF MAINE.

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

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AN ACT Amendatory of and additional to Chapters seventeen and twenty-seven of the Revised Statutes, and amendatory of Chapter one hundred and forty of the Public Laws of eighteen hundred and eighty-seven, relating to the sale of intoxicating liquors.

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

SECTION 1. Section thirteen of chapter seventeen of the  
2 Revised Statutes, is hereby amended by adding the fol-  
3 lowing:

‘The provisions of this section shall apply to cases of  
5 nuisance arising under section one of this chapter; and  
6 it shall be the duty of the officer to whom the warrant is  
7 issued, to abate the nuisance by taking possession of all  
8 intoxicating liquors, together with all signs, screens, jars,  
9 vessels of all description, and all other appliances used in  
10 keeping and maintaining such nuisance, found on the  
11 premises, and shall forthwith publicly destroy the same.

‘ Upon the finding of any indictment against any person  
13 for keeping or maintaining a nuisance, as provided in sec-  
14 tion one, the judge of the court having jurisdiction of the  
15 case, shall grant an injunction restraining and forbidding  
16 the use or occupation of the premises described in the  
17 indictment, until final judgment thereon, and may at any  
18 time during the pending of the case, revoke or modify,  
19 from time to time, such injunction, with all the powers  
20 of a court of equity in the premises.

‘ When such an injunction is granted, and final judgment  
22 is rendered in favor of the State, there shall be fixed by  
23 the court a reasonable attorney fee, considering the ser-  
24 vices rendered in connection with obtaining the injunc-  
25 tion, to be taxed and collected with the other costs, and  
26 paid to the attorney by whom such services were per-  
27 formed.’

SECT. 2. Section twenty-three of chapter twenty-seven  
2 of the Revised Statutes is hereby amended by adding the  
3 following to said section :

‘ No such agent shall sell intoxicating liquors for any  
5 purpose, to any person not a resident of the city, town or  
6 plantation wherein such agent has been appointed,’ so  
7 that said section, as amended, shall read as follows :

‘ SECT. 23. No person authorized as aforesaid to sell  
9 intoxicating liquors, shall sell the same to any minor with-  
10 out the written direction of his parent, master or guardian,  
11 to any Indian, soldier, drunkard, intoxicated person, or  
12 to any person described in section four of chapter sixty-  
13 seven, as being liable to guardianship, knowing either of  
14 them to be of the condition herein prescribed, nor to any  
15 intemperate person of whose habits he has been notified

16 by his relatives, or by the aldermen, selectmen or asses-  
17 sors, of any city, town or plantation. And proof of notice  
18 so given by said officers or by their authority, is conclu-  
19 sive of the fact of the intemperate habits of such person,  
20 in any prosecution or suit under this chapter; and notice  
21 so given by the relatives of such person is presumptive  
22 evidence of such habits. No such agent shall sell intoxi-  
23 cating liquors for any purpose to any person not a resi-  
24 dent of the city, town or plantation wherein such agent  
25 has been appointed.'

SECT. 3. Section 31 of chapter 140 of the Public Laws  
2 of eighteen hundred and eighty-seven is hereby amended  
3 by inserting after the word "person," in the first line,  
4 the words 'or corporation,' and after the word "offence,"  
5 in the sixth line, the words 'proof of knowledge on the  
6 part of any servant, agent or employe of any person or  
7 corporation whose duty it is; as such agent or employe, to  
8 handle any merchandise that is being transported from  
9 one place to another, shall be deemed sufficient to charge  
10 such person or corporation with the knowledge contem-  
11 plated by this section,' and after the word "removal,"  
12 in the twelfth line, the words 'or shall conceal any such  
13 intoxicating liquors in or around any depots, stations or  
14 other buildings,' so that said section, as amended, shall  
15 read as follows :

'SECT. 31. No person or corporation shall knowingly  
17 bring into the State, or knowingly transport from place  
18 to place in the State, any intoxicating liquors, with intent  
19 to sell the same in the State in violation of law, or with  
20 intent that the same shall be sold by any person, or to aid  
21 any person in such sale, under a penalty of fifty dollars

22 for each offence. Proof of knowledge on the part of any  
23 servant, agent or employe of any person or corporation  
24 whose duty it is, as such agent or employe, to handle any  
25 merchandise that is being transported from one place to  
26 another, shall be deemed sufficient to charge such person  
27 or corporation with the knowledge contemplated by this  
28 section. Any servant, agent or employe of any railroad  
29 corporation or of any express company doing business in  
30 this State, who shall remove any intoxicating liquors  
31 from any railroad car, at any place other than the usual  
32 established stations, depots or places of business of such  
33 railroad corporation, or who shall aid in or consent to  
34 such removal, or shall conceal any such intoxicating  
35 liquors in or around any depots, stations, or other build-  
36 ings, shall be subject to a penalty of fifty dollars for every  
37 such offence; *provided*, that said penalty shall not apply  
38 to any liquor in transit from car to car to facilitate trans-  
39 portation. All such liquors intended for unlawful sale in  
40 the State may be seized while in transit and proceeded  
41 against, the same as if they were unlawfully kept and de-  
42 posited in any place.'

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

'SECT. 33. No person shall at any time, by himself,  
7 his clerk, servant or agent, directly or indirectly, sell any  
8 intoxicating liquors, of whatever origin, except as herein-  
9 before provided, wine, ale, porter, strong beer, lager  
10 beer, and all other malt liquors, and cider, when kept or

11 deposited with intent to sell the same for tippling pur-  
12 poses, or as a beverage, as well as all distilled spirits, are  
13 declared intoxicating within the meaning of this chapter ;  
14 but this enumeration shall not prevent any other pure or  
15 mixed liquors from being considered intoxicating. Any  
16 beverage containing more than three per cent of alcohol  
17 by volume at sixty degrees Fahrenheit, shall be deemed  
18 to be intoxicating liquors within the meaning of this  
19 chapter.'

SECT. 5. Section seven of chapter three hundred and  
2 sixty-six of the public laws of 1885, amendatory of sec-  
3 tion sixty-two of chapter twenty-seven of the Revised  
4 Statutes, is hereby amended by inserting after the word  
5 "county," in the sixth line, the words "or the State," so  
6 that said section sixty-two shall read as follows :

'SECT. 62. Upon petition and representation of thirty or  
8 more well known tax-payers in any county, that chapters  
9 seventeen and twenty-seven are not faithfully enforced by  
10 county or local officers, the governor and council shall  
11 inquire into such representations, and if, in their judg-  
12 ment, they are well founded, the governor, with the ad-  
13 vice and consent of council, shall appoint two or more  
14 constables for such county or the State, who shall dili-  
15 gently enforce said chapters, and for this purpose such  
16 constables shall have like powers and duties as sheriffs  
17 and deputies. For such services such constables shall  
18 receive the same compensation as sheriffs and deputies.  
19 State constables appointed under this section, shall give  
20 bonds, with sufficient sureties, in the sum of five hundred  
21 dollars, for the faithful performance of their duties, and  
22 said constables may be removed from office by the gov-

23 ernor and council, for good and sufficient reasons, and  
24 their places may be filled by appointment.'

SECT. 6. Chapter twenty-seven of the Revised Statutes  
2 is hereby amended by adding the following section to said  
3 chapter :

'SECT. 64. In all cases in which it is provided in this  
5 chapter that fine and imprisonment shall be imposed as a  
6 sentence, the court shall impose both, and the provisions  
7 of section one of chapter one hundred and thirty-five shall  
8 not apply.'

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 20, 1889. }

Reported from Committee on Temperance by Mr. CURTIS of Paris;  
ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*