

MAINE STATE LEGISLATURE

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Sixty-Fifth Legislature.

HOUSE.

No. 300.

STATE OF MAINE.

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

AN ACT amendatory and additional of sections thirty-five and
thirty-six of chapter thirty-nine of the Revised Statutes, relating
to bottled soda, mineral waters and small beer.

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

SECTION 1. Section thirty-five of said chapter is hereby amend-
ed so as to read as follows :

‘All persons or corporations engaged in the manufacture and sale
of soda water, mineral and aerated waters, ginger ale, small
beer, spruce beer, white beer, milk, cream, or other similar bev-
erages, in syphons, boxes, cans, bottles, kegs or other vessels,
with their names, or other marks or devices branded, stamped,
engraved, etched, blown, impressed or otherwise produced upon
such syphons, boxes, cans, bottles, kegs or anything connected
therewith and appertaining thereto, may file in the office of the
town or city clerk in which their principal place of business is

12 situated, a description of the names and marks aforesaid used
13 by them, and cause the same to be published once a week for
14 three successive weeks, in any weekly paper published in the
15 county in which said notice may have been filed as aforesaid.'

SECT. 2. Section thirty-six of said chapter is hereby amended
2 so as to read as follows :

'Whoever knowingly and wilfully, without the written consent
4 of the owner, uses, buys, sells, fills or traffics in any such syphon,
5 box, can, bottle, keg or other vessel so marked as aforesaid, or
6 defaces, covers up or obliterates the names, marks or devices
7 thereon, with intent to use, fill, buy, sell, dispose of or traffic
8 therein, or to convert the same to his own use, unless purchased
9 of the lawful owner, shall, on complaint, be punished by impris-
10 onment, not less than ten nor more than thirty days, or by fine
11 of fifty cents for each such syphon, box, can, bottle, keg or other
12 vessel so used, bought, sold, filled, trafficked in or disposed of,
13 or by both such imprisonment and fine, in the discretion of the
14 magistrate hearing the complaint; and the said magistrate on
15 finding such person or persons guilty, shall impose the punish-
16 ment herein prescribed and shall award possession of the prop-
17 erty taken to the owner thereof.'

SECT. 3. Whenever any person or corporation by its agent,
2 shall make complaint on oath to any magistrate or court, author-
3 ized to issue warrants in criminal cases, that he has reason to
4 believe and does believe that any of his or said corporation's
5 syphons, boxes, cans, bottles, kegs or other vessels, a descrip-
6 tion of the names, marks or devices whereon, has been so filed
7 and published as aforesaid, are being unlawfully used, filled,
8 bought, sold, disposed of or trafficked in, or unlawfully had by
9 any person or corporation, manufacturing or selling said bever-
10 ages or liquids, or by any junk dealer or dealer in second hand
11 articles, or by any vender of such syphons, boxes, cans, bottles,
12 kegs or other vessels, the said magistrate shall, thereupon, issue
13 a search warrant to search therefor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 21, 1891.

Reported by Mr. DRUMMOND of Portland, from Committee on
Legal Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*