

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 314.

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## STATE OF MAINE.

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

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AN ACT to amend chapter twenty-seven of the Revised Statutes as amended by chapter three hundred and sixty-six of the Public Laws of 1885 and chapter one hundred and forty of the Public Laws of 1887, relating to Intoxicating Liquors.

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

SECTION 1. Amend section fourteen of chapter twenty-  
2 seven of the Revised Statutes by adding thereto, the fol-  
3 lowing: 'Any citizen of the State may prosecute for any  
4 violation of any of the preceding sections of this act, in the  
5 same manner as the licensing board may prosecute,' so that  
6 said section shall read as follows:

‘Section 14. The licensing board shall prosecute for  
8 any violations of the foregoing sections that come to their  
9 knowledge, by complaint, indictment or action of debt ;  
10 and all penalties recovered shall inure to the town where  
11 the offense is committed. Any citizen of the State may  
12 prosecute for any violation of any of the preceding sec-  
13 tions of this act in the same manner as the licensing board  
14 may prosecute.’

SECT. 2. Section thirty-one of chapter twenty-seven of  
2 the Revised Statutes, as amended by section three of the  
3 public laws of 1887, is hereby amended, so that said  
4 section tion as amended, shall read as follows :

‘Section 31. No person shall knowingly bring into the  
6 State or knowingly transport from place to place in the  
7 State, any intoxicating liquors, with intent to sell the  
8 same in the State in violation of law, or with intent that  
9 the same shall be sold by any person, or to aid any person  
10 in such sale, under a penalty of five hundred dollars and  
11 costs for each offence, and in addition thereto shall be  
12 imprisoned one year. In default of payment of said fine  
13 and costs the party shall suffer an additional imprisonment  
14 of one year. Any servant, agent or employe of any rail-  
15 road corporation, or of any express company doing busi-  
16 ness in this State, who shall remove any intoxicating  
17 liquors from any railroad car at any place other than the  
18 usual and established stations, depots or places of business  
19 of such railroad corporation or who shall aid in or consent  
20 to such removal, shall be subject to a penalty of fifty dol-  
21 lars for every such offence ; provided, that said penalty  
22 shall not apply to any liquor in transit when changed from  
23 car to car to facilitate transportation. All such liquors

24 intended for unlawful sale in the State, may be seized  
25 while in transit and proceeded against the same as if they  
26 were unlawfully kept and deposited in any place. And  
27 any steamboat, railroad or express company knowingly  
28 transporting or bringing such liquors into the State shall  
29 be punished, upon conviction, by a fine of five hundred  
30 dollars and costs for each offence. Knowledge on the  
31 part of any authorized agent of such company shall be  
32 deemed knowledge of the corporation.'

SECT. 3. Section seven of chapter one hundred and  
2 forty of the public laws of 1887, amendatory of section  
3 thirty-seven of chapter twenty-seven of the Revised Stat-  
4 utes, is hereby amended so that said section thirty-seven,  
5 as amended, shall read as follows :

'Section 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  
9 are there drank, is guilty of keeping a drinking house and  
10 tippling shop, and upon conviction thereof shall be fined  
11 one hundred dollars and costs, and in addition thereto be  
12 imprisoned sixty days. In default of payment of said fine  
13 and costs, the party shall suffer an additional imprison-  
14 ment of sixty days.'

SECT. 4. Section eight of the public laws of 1887,  
2 amendatory of section forty of chapter twenty-seven of  
3 the Revised Statutes is hereby amended so that said section  
4 forty, as amended, shall read as follows :

'Section 40. If any person competent to be a witness  
6 in civil suits, makes sworn complaint before any judge of  
7 a municipal or police court or trial justice, that he believes  
8 that intoxicating liquors are unlawfully kept or deposited

9 in an place in the State by any person, and that the same  
10 are intended for sale within the State in violation of law,  
11 such magistrate shall issue his warrant, directed to any  
12 officer having power to serve criminal process, command-  
13 ing him to search the premises described and specially  
14 designated in such complaint and warrant, and if said  
15 liquors are there found, to seize the same, with the vessels  
16 in which they are contained, and them safely keep until  
17 final action thereon, and make immediate return on said  
18 warrant. The name of the person so keeping said liquors  
19 as aforesaid, if known to the complainant, shall be stated  
20 in such complaint, and the officer shall be commanded by  
21 said warrant, if he finds said liquors or has reason to  
22 believe that such person has concealed them about his  
23 person to search the said person, and if such liquors are  
24 found upon his premises or person to arrest him and hold  
25 him to answer as keeping said liquors intended for unlaw-  
26 ful sale. Any person who may be suspected of selling  
27 from, or keeping for illegal sale in his pockets, intoxi-  
28 cating liquors may be searched in the same manner  
29 and by the same process as is provided for and if  
30 liquors are found the search of places upon his per-  
31 son may be held to answer as though such liquors were  
32 found upon the person in the premises described in this  
33 section. If fluids are poured out or otherwise destroyed  
34 by the tenant, assistant or other person, when premises  
35 are about to be searched manifestly for the purpose of  
36 preventing their seizure by officers authorized to make  
37 such search and seizure, said fluids may be held to  
38 have been intoxicating and intended for unlawful sale,  
39 and the penalties shall be the same as if said liquors had

40 been seized. If the name of the person keeping such  
41 liquors is unknown to the complainant, he shall so allege  
42 in his complaint, and the magistrate shall thereupon issue  
43 his warrant as provided in the first sentence of this section.  
44 If upon trial, the court is of the opinion that the liquor  
45 was so aforesaid kept and intended for unlawful sale, by  
46 the person named in said complaint, or by any other  
47 person with his knowledge or consent, he shall be found  
48 guilty thereof, and sentenced to a fine of one hundred  
49 dollars and costs and in addition thereto be imprisoned  
50 sixty days. In default of payment of fine and costs the  
51 party shall be imprisoned sixty days additional. The  
52 payment of the United States special tax as a liquor  
53 seller, or notice of any kind in any place of resort,  
54 indicating that intoxicating liquors are there sold, kept or  
55 given away unlawfully, shall be held to be prima facie  
56 evidence that the person or persons paying said tax, and  
57 the party or parties displaying said notices, are common  
58 sellers of intoxicating liquors, and the premises so kept  
59 by them common nuisances.'

SECT. 5. Section forty-five of the Revised Statutes is  
2 hereby amended so that when amended it shall read as  
3 follows :

'Section 45. If complaint is made upon oath to any  
5 magistrate against any claimant under this chapter, alleg-  
6 ing that the liquors so claimed by him were, prior to, and  
7 at the time when the same were seized, kept or deposited  
8 by said claimant, or by some person by his authority, and  
9 intended for unlawful sale in this State, either by such  
10 person, or the said claimant, the magistrate shall issue  
11 his warrant against such claimant so charged, and he shall

12 be arrested thereon, and be brought before such magis-  
13 trate, and on conviction shall be punished as is provided  
14 in the preceding section.'

SECT. 6. Section ten of chapter one hundred and forty  
2 of the public laws of 1887, amendatory of section forty-  
3 eight of chapter twenty-seven of the Revised Statutes is  
4 hereby amended so that the said section shall read as  
5 follows :

'Section 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  
9 imprisonment not exceeding thirty days, and upon any  
10 subsequent conviction by imprisonment for thirty days.  
11 Any person found intoxicated in his own house, or in any  
12 other building or place, who is quarrelsome and is dis-  
13 turbing the public peace, or the peace of his own or any  
14 other family, shall be punished for the first and any  
15 subsequent conviction, as provided in the preceding clause  
16 of this section. Any such intoxicated person shall be  
17 taken into custody by any sheriff, deputy sheriff, constable,  
18 marshal, deputy marshal, police officer or watchman, and  
19 committed to the watch house or police station or re-  
20 strained in some other suitable place, until a complaint  
21 can be made and a warrant issued against him, upon which  
22 he may be arrested and tried.'

SECT. 7. Amend section sixty of chapter twenty-seven  
2 so as to read as follows :

'Section 60. Sheriffs and their deputies and county  
4 attorneys shall diligently and faithfully inquire into all  
5 violations of law, within their respective counties, and  
6 institute proceedings against violations or supposed viola-

7 tions of law, and particularly the laws against the illegal  
8 sale of intoxicating liquors, and the keeping of drinking  
9 houses and tippling shops, gambling houses or places, and  
10 houses of ill-fame, either by promptly entering a com-  
11 plaint before a magistrate and executing the warrants  
12 issued thereon, or by furnishing the county attorney  
13 promptly, and without delay, with the names of alleged  
14 offenders and of the witnesses. For services under this  
15 section, sheriffs, and their deputies acting under their  
16 directions, shall receive the same per diem compensation,  
17 as for attendance on the supreme judicial court, and the  
18 same fees for travel as for the service of warrants in  
19 criminal cases, together with such necessary incidental  
20 expenses as are just and proper; bills for which shall be  
21 audited by the county commissioners, and paid from the  
22 county treasurer. But said commissioners shall not allow  
23 any per diem compensation to said sheriffs or their depu-  
24 ties, for any day for which said sheriffs or their deputies  
25 are entitled to fees or compensation for attendance at or  
26 service in any court.'

SECT. 8. Cases arising under chapters seventeen and  
2 twenty-seven of the Revised Statutes, or under this act  
3 shall not be continued for trial if the witnesses can be  
4 found, or for sentence; they shall be promptly tried and on  
5 conviction shall be promptly sentenced. The courts shall  
6 not reduce or in any way modify the penalties of fine and  
7 imprisonment fixed by this act or any other act relating to  
8 intoxicating liquors. The full penalties shall be enforced  
9 in each and every case.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES. }  
March 26, 1891. }

Tabled, pending second reading by Mr. PORTER of Bangor, and  
ordered printed.

W. S. COTTON, *Clerk.*