

# MAINE STATE LEGISLATURE

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# Sixty-Sixth Legislature.

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HOUSE.

No. 219.

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## STATE OF MAINE.

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

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AN ACT to permit regular Registered Apothecaries to sell  
Spirituous Liquors, for Lawful Purposes, under certain  
Restrictions hereinafter named.

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

SECTION 1. Nothing in this act shall authorize the sale  
2 of intoxicating liquors, by any apothecary, except as here-  
3 inafter provided.

SECT. 2. Any registered apothecary of the first grade,  
2 may present to the clerk of the supreme judicial court,  
3 of the county in which he resides and does business, his  
4 certificate as such apothecary, and under which certificate  
5 he is then personally carrying on the business of an apoth-  
6 ecary, and upon his signing a written request for a per-

7 mit, stating the town, the name of the street and num-  
8 ber, if any, of the building in said town, in which he  
9 wishes to keep and sell such liquors in connection with  
10 his apothecary business, pursuant to this act, and upon  
11 his filing a bond as hereinafter stated, said clerk shall  
12 issue to such apothecary, under the seal of the court, a  
13 permit to keep and sell such liquors pursuant to this act,  
14 in said town and said building only.

The form of said permit shall be as follows :

### STATE OF MAINE.

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Clerk's Office, Supreme Judicial Court, A. D. 189 .

Whereas, a regular registered apothecary, has  
20 this day exhibited to me his certificate as an apothecary,  
21 which is dated and signed by and has  
22 also requested in writing that a permit be issued to him  
23 to keep and sell intoxicating liquors for lawful purposes  
24 only, in connection with his apothecary business in the  
25 town of in said county and in a building situated  
26 on street, and numbered . Now therefore,  
27 this permit is issued to the said to keep and sell  
28 such liquors in said town and said building only, in con-  
29 nection with his apothecary business and pursuant to this  
30 statute.

SECT. 3. No apothecary shall have more than one  
2 permit in force, under this act. at one time and it shall be  
3 kept posted in a conspicuous place in his place of business.

4 All permits shall be recorded by the clerk of courts in a  
5 book kept for that purpose.

For issuing such permit and recording the same the clerk  
7 shall be paid \$1.00 by the apothecary.

SECT. 4. The clerk of courts when he issues such a  
2 permit to any apothecary, shall take a bond to the treas-  
3 urer of the county, or to his successors in office, in the  
4 sum of \$500, with two sufficient sureties approved by  
5 himself, conditioned that if such apothecary shall con-  
6 form to all the provisions of this act, and shall not violate  
7 any law of the State relative to the sale and use of intox-  
8 icating liquors, then this obligation shall be void, other-  
9 wise shall remain in full force.

Such bonds shall be examined by the respective treas-  
11 urers during the month of January each year and if not  
12 satisfactory, a new bond shall be given. In any suit  
13 upon said bond, when its conditions have been broken or  
14 violated, the treasurer shall recover the full penalty of  
15 the bond.

SECT. 5. If any person, personally known to the apothec-  
2 ary, twenty-one years of age, and actually a resident of  
3 the town or ward, except as provided in section seventeen,  
4 in which such apothecary does business, shall make appli-  
5 cation at the store of any apothecary having the permit  
6 granted in section two of this act, and shall make a written  
7 or printed statement signed by him in ink, that the liquors  
8 applied for are necessary and to be actually used for him-  
9 self or a member of his family, for medicinal purposes

10 only, stating that he is twenty-one years of age, giving  
 11 his name, residence, including name of street and number,  
 12 if any, the kind and quantity of liquors desired, the  
 13 particular person for whom and the special use for which  
 14 they are desired, such apothecary, if he has reasons to  
 15 believe such statements are true, personally or by his  
 16 authorized assistant, is hereby empowered to sell to such  
 17 applicants, not exceeding one quart of such liquors, upon  
 18 any one application.

Such statements shall be witnessed by the apothecary or  
 20 the assistant who makes such sale. A record of all state-  
 21 ments made, including the number, date, name of appli-  
 22 cant and residence, amount and kind of liquor, for whom  
 23 and for what specific purpose obtained, shall be kept in a  
 24 book provided for that purpose. This record together  
 25 with the original applications shall be open to the inspec-  
 26 tion of the county attorney, the sheriff and his deputies,  
 27 and the residents of the city or town in which the store  
 28 is located, at all reasonable hours.

The form of the application shall be as follows :

I, \_\_\_\_\_, hereby certify that I reside at  
 31 county of \_\_\_\_\_, that I am twenty-one years of age ;  
 32 that I desire to purchase \_\_\_\_\_ of \_\_\_\_\_ to be used  
 33 by \_\_\_\_\_ for \_\_\_\_\_ ; that it is not intended for a  
 34 beverage, nor to sell nor to give away. I therefore make  
 35 application to \_\_\_\_\_, apothecary, to sell me the same.

Subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 189 \_\_\_\_\_.

Witnessed by \_\_\_\_\_ Apothecary,  
 Assistant Apothecary.

Physicians prescriptions containing more than twenty-five  
40 per cent of spirituous liquors shall be subject to the pro-  
41 visions of this act.

Any apothecary designated in this act, is authorized to  
43 sell spirituous liquors, for mechanical and scientific  
44 purposes, as now provided by law at the town and city  
45 agencies, to the same amount and under the same restric-  
46 tions as provided in this act, for medicinal purposes.

SECT. 6. No apothecary shall sell more than one quart  
2 of intoxicating liquors upon any one statement or appli-  
3 cation, and if the applicant is not personally known he  
4 shall be identified by some person known to the apothec-  
5 ary.

Every application and statement kept on file by the  
7 apothecary, as provided by section five, shall within ten  
8 days after the first day of January and the first day of  
9 July, annually, be deposited with the clerk of courts of  
10 the county in which such apothecary does business, con-  
11 secutively numbered and bound in some convenient form  
12 to be easily inspected, and such clerk shall keep for pub-  
13 lic inspection the same for at least one year.

Every apothecary at such times shall make an affidavit  
15 as to the amount of the different kinds of liquors bought,  
16 the amount sold, during the preceding six months, or  
17 since the time of his last report, the amount then on hand  
18 and that the amount reported as sold includes all the  
19 intoxicating liquors sold during the time stated.

SECT. 7. Apothecaries having permission to sell liquors  
2 under this act, shall not sell to a person who is known to  
3 be an habitual drunkard, or who is known to make a bad  
4 use of intoxicating liquors, or who has been indicted or  
5 convicted of unlawfully selling such liquors.

SECT 8. No apothecary having such permit shall sell  
2 any intoxicating liquors without taking and filing the  
3 statement required in section five, nor allow any such  
4 liquors to be drank upon the premises, nor sell any such  
5 liquors except in conformity with this act.

SECT. 9. The selectmen of towns and plantations, the  
2 mayor and aldermen of cities, upon the application of  
3 any father, mother, husband, wife, child, member of fam-  
4 ily, or near relative; or at the request of any ten actual  
5 residents and voters of the town, city or plantation in  
6 writing; or without such a request, if in their judgment  
7 good order, sobriety, and the happiness of those con-  
8 cerned demand it, shall in writing, forbid any apothecary  
9 selling liquors to any particular person or persons whom  
10 they shall designate, within their town, city or plantation.

SECT. 10. Any apothecary violating any of the provi-  
2 sions of sections seven, eight and nine, shall be subject to  
3 the processes and penalties prescribed in chapter 27 of the  
4 Revised Statutes of this State as if no such permit had  
5 been issued to him.

SECT. 11. All permits granted by the clerk of courts  
2 in accordance with this act, must be endorsed by a majority  
3 of the select men in each town and plantation, and a

4 majority of the aldermen in each city, in which the apothecary resided, annually on or before the first of March, to be valid. The penalty for such neglect is the penalty of illegal sale as provided by the statutes.

SECT. 12. Any person who wilfully and falsely makes such statement as is required in section five, for the purpose of obtaining liquors for any other purpose than as provided in this act, or who signs any name to such statement except his own, shall be guilty of a misdemeanor and for each offence shall forfeit \$10 and be imprisoned thirty days.

SECT. 13. Whenever any apothecary shall have been convicted of any violation of this act and of chapter 27 of the Revised Statutes such apothecary shall be deprived of the benefit of his certificate for five years, and shall in addition to the other penalties of law, be debarred of the right to carry on the business of apothecary or druggist in this State until he has obtained another certificate.

SECT. 14. It shall be the duty of the clerk of courts of each county, the judges of municipal courts and trial justices, whenever any person has been convicted in such courts of a violation of the provisions of this act, or when it is made to appear to such clerk, judge or justice that any registered apothecary has been convicted in his court of a violation of chapter 27 of the Revised Statutes or amendments thereof, forthwith to notify the commissioners of pharmacy of such conviction.



The commissioners of pharmacy shall thereupon revoke  
11 the certificate of registration of such apothecary and shall  
12 give notice to the clerk of courts in the county where such  
13 apothecary does business that his certificate of registra-  
14 tion is revoked and if a permit has been issued by the  
15 clerk to such apothecary, the clerk shall thereupon  
16 revoke and cancel such permit.

SECT. 15. Any apothecary who shall wilfully neglect  
2 to keep and deposit with the clerk of courts, such state-  
3 ments and applications as required in this act, shall be  
4 punished by a fine of not less than ten dollars for each  
5 statement or application so lost or destroyed, or not  
6 deposited and in addition thereto shall be punished by  
7 imprisonment not exceeding thirty days.

SECT. 16. Ten or more legal voters residing in any  
2 town or city where any apothecary does business by a  
3 permit granted under this act, may in writing, petition  
4 a justice of the supreme judicial court, to revoke the  
5 permit issued to any apothecary. Such petition shall  
6 state the name of the apothecary against whom the com-  
7 plaint is brought, the date of his permit, the place where  
8 he does business, and the reason why they desire such  
9 permit to be revoked. Said justice shall order personal  
10 notice of said petition and the time and place of hearing  
11 thereon, to be given to said apothecary, and upon hearing  
12 said justice may, in his discretion, revoke such permit  
13 and thereafter it shall be null and void.

The clerk of courts of such county shall make a record  
15 of such proceedings and no other permit shall be issued  
16 to such apothecary within five years.

SECT. 17. Actual residents of plantations and wards of  
2 cities in which no regular registered apothecary resides,  
3 or does business, may, in accordance with the provisions  
4 of this act, purchase liquors of apothecaries permitted by  
5 this act, in the nearest adjoining town or ward.

SECT. 18. No town in which one or more apothecaries  
2 have availed themselves of the provisions of this act, shall  
3 maintain a liquor agency.

SECT. 19. This act shall take effect in twenty days from  
2 date of approval.





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 28, 1893. }

Tabled, pending reference to Committee on Judiciary, by Mr.  
CHURCHILL of Raymond, and ordered printed.

W. S. COTTON, *Clerk.*