

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 307.

STATE OF MAINE.

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

AN ACT to amend chapter 27 of the Revised Statutes as amended by the Public Laws of 1885, chapters 359, 366 ; Public Laws of 1887, chapters 14, 140 ; Public Laws of 1889, chapter 159 ; and Public Laws of 1891, chapters 45, 132, relating to the sale of intoxicating liquors ; and also to amend chapter 28 of the Revised Statutes as amended by the Public Laws of 1885, chapter 379, and Public Laws of 1891, chapter 105, relating to apothecaries and the sale of poisons.

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

SECTION 1. All intoxicating liquors purchased by or in the
2 possession of the State liquor commissioner shall be tested
3 by authority of the State board of health and sealed in
4 packages. Each package shall bear a certificate by au-
5 thority of the State board of health certifying to the

6 purity of the enclosed liquors, the kind and quantity. It
7 shall also be numbered with one number of an unbroken,
8 unduplicated series which shall be recorded and registered
9 on the books of the State liquor commissioner. He shall
10 keep a record of the number of each package sold by him
11 and the full address of the party buying, also the kind and
12 quantity sold and the price received, which record shall
13 be at all times open to public inspection.

SECT. 2. No person in the State of Maine after the first
2 day of July in the year 1893 shall have in his posses-
3 sion any intoxicating liquors either for sale or for use in
4 conducting any business till he has first obtained a permit
5 in writing to do so, under penalty of imprisonment for three
6 months and fine of two hundred dollars in addition thereto.

The mayor and aldermen of a city or selectmen of a
8 town or plantation only shall have authority to issue such
9 a permit.

SECT. 3. If any person except a registered apothecary
2 of the first grade shall make application in writing to the
3 municipal officers of any city, town or plantation in which
4 he is doing business as provided in section two of this act,
5 stating his business and place of business and that it is
6 necessary for him to have in his possession intoxicating
7 liquors, and specifying as nearly as may be what kinds
8 and what amount it will be necessary to have on hand at
9 any one time, such municipal officers, if satisfied of the
10 truth of said applicant's statements, may issue to him a
11 permit to have in his possession intoxicating liquors for
12 the purpose of conducting his business and for such pur-
13 pose only, specifying in such permit to whom it is issued,
14 for what business and in what place, both of which shall

15 be particularly set out, and the kinds and quantities of
16 liquor that may be kept. But before issuing such
17 permit said municipal officers shall take a bond with
18 two sufficient sureties running to the treasurer of the
19 town, and in a sum not less than five hundred dollars
20 conditioned that the said applicant shall violate no pro-
21 vision of chapter 17 or 27 of the Revised Statutes or
22 amendments thereto relating to the purchase, sale, having
23 in possession, keeping for sale or use in business intox-
24 icating liquors, and all such bonds and all such applica-
25 tions shall be recorded as provided in section 15 of this
26 act; such permit shall expire on the first day of May next
27 after the date thereof. But nothing in this act shall
28 authorize any sale or keeping for sale of intoxicating
29 liquors by any other person than a duly authorized agent
30 of the city, town or plantation. The fee for issuing such
31 permit shall be fifty cents and fifty cents to the town
32 clerk for recording the same. This section also shall
33 fully apply to all agents of cities, towns or plantations
34 authorized by law to sell intoxicating liquors, except reg-
35 istered apothecaries of the first grade, and for sufficient
36 reason the municipal officers may revoke any such permit,
37 which reasons shall be stated in writing in the order
38 revoking such permit.

SECT. 4. If any person holding a permit under this
2 act shall make application to the municipal officers of the
3 town in which he does business, which application shall be
4 in writing, stating that he needs intoxicating liquor in the
5 transaction of his business, and stating the kind and quan-
6 tity and tenders the cost of such liquors and the cost of
7 transportation, said municipal officers shall purchase for

8 him of the State liquor commissioners such liquors and
9 deliver them to said applicant. No person shall purchase
10 intoxicating liquors for sale or for use in business other-
11 wise than as provided in this section under penalty of
12 imprisonment for three months and fine of two hundred
13 dollars in addition.

Persons appointed agents under the provisions of section
15 twenty-one of chapter twenty-seven of the Revised
16 Statutes as amended, shall be known as regular agents,
17 and those appointed under the provisions of this act shall
18 be known as special agents. No city, town or plantation
19 shall purchase liquors for special agents except as pro-
20 vided in this section.

SECT. 5. The State liquor commissioner shall sell no
2 intoxicating liquors except to municipal officers of towns,
3 cities and plantations in this State nor any such liquors
4 except such as are sealed as provided in section one of
5 this act. No municipal officer shall purchase any intox-
6 icating liquors by virtue of his office except of the State
7 liquor commissioner and sealed in packages as prescribed
8 in section one of this act. No authorized agent of any
9 city, town or plantation nor any person authorized to
10 have in his possession intoxicating liquors as provided in
11 section three of this act, shall purchase such liquors except
12 as provided in section four of this act, nor at any time
13 have in his possession intoxicating liquors for use in his
14 business or for sale except such as were purchased as
15 provided in section four of this act and are sealed as pro-
16 vided in section one of this act. The State liquor agent,
17 municipal officers, authorized agents of cities, towns or
18 plantations and all persons authorized to sell or keep

19 intoxicating liquors as provided in section three of this
20 act shall faithfully keep all records and accounts of the
21 purchase, sale or other disposition of intoxicating liquors
22 as provided by law. Whosoever violates the provisions
23 of this section shall be punished by imprisonment for
24 three months and a fine of two hundred dollars in addi-
25 tion thereto.

SECT. 6. No person authorized by this act to have in
2 his possession any intoxicating liquors shall break the
3 seal of any package, provided that any such person au-
4 thorized to have in his possession any intoxicating liquors
5 for conducting his business may break any package for
6 immediate use in such business. But before breaking
7 such package he shall record in a book suitable for the
8 purpose the registered number of the package, the kind
9 and quantity of the liquor, the purpose for which used,
10 fully stated, and the date; which record shall be open for
11 public inspection. Whoever violates this section shall be
12 punished by imprisonment for three months and in addi-
13 tion thereto fined two hundred dollars.

SECT. 7. Section twenty-six of the Revised Statutes
2 are hereby amended so as to read as follows:

‘Section 26. No such liquors owned by any city, town
4 or plantation, or kept by any agent thereof as provided
5 by law, are protected against seizure and forfeiture under
6 the provisions hereof, by reason of such ownership, unless
7 all packages are sealed as required in section one of this
8 act and conspicuously marked with the name of such
9 municipality and of its agent. When such liquors are
10 seized, bearing such marks as are herein required, if such
11 liquors are in fact not owned by any such municipality,

12 such false and fraudulent marking is conclusive evidence
13 that the same are kept or deposited for unlawful sale, and
14 renders them liable to forfeiture under this chapter. The
15 liquor kept for sale by such agents shall not be adulter-
16 ated or factitious; and they shall not be protected from
17 seizure and forfeiture by reason of being kept for sale by
18 such agents, if they have knowledge that the same are
19 adulterated or factitious.'

SECT. 8. Section 2, chapter 132 of the Public Laws of
2 1891, is hereby amended so as to read as follows:

'Section 2. No person shall knowingly bring into the
4 State or knowingly transport from place to place in the
5 State, any intoxicating liquors, with intent to sell the
6 same in the State in violation of law, or with intent that
7 the same shall be sold by any person, or to aid any per-
8 son in such sale, under penalty of two hundred dollars
9 and cost for each offence, and in addition thereto shall be
10 punished by imprisonment for three months. In default
11 of payment of said fine and costs, the convicted party
12 shall suffer an additional imprisonment for three months.
13 Any servant, agent or employee of any railroad corpora-
14 tion, or any express company doing business in this
15 State, who shall remove any intoxicating liquors from
16 any railroad car at any place other than the usual and
17 established stations, depots or places of business of such
18 railroad corporation, or who shall aid in or consent to
19 such removal, shall be subject to a penalty of fifty dollars
20 for every such offence; provided that said penalty shall not
21 apply to any liquor in transit when changed from car to car
22 to facilitate transportation. All such liquors intended for
23 unlawful sale in the State may be seized while in transit

24 and proceeded against the same as if they were unlawfully
 25 kept and deposited in any place. And any steamboat, sailing
 26 vessel, railroad or express company knowingly transport-
 27 ing or bringing such liquors into the State or transporting
 28 them from place to place in the State, or knowingly so
 29 transporting any intoxicating liquor not the property of
 30 the State liquor agent and addressed to him, or in the
 31 custody and keeping of an officer of the State of Maine,
 32 or enclosed in packages as provided in section one of this
 33 act, shall be punished upon conviction, by a fine of five
 34 hundred dollars and costs for each offence. Knowledge
 35 on the part of any authorized agent of such company
 36 shall be deemed knowledge of the corporation.

SECT. 9. If any registered apothecary of the first grade
 2 shall exhibit to the mayor and aldermen of the city or
 3 selectmen of the town in which he is actually doing
 4 business as apothecary, his certificate under which he is
 5 then doing business and shall satisfy them that he is of
 6 good moral character, and not addicted to the use of
 7 intoxicating liquors and that he is *bona fide* engaged in
 8 the business of apothecary, and shall file with them a
 9 bond as below provided, they shall constitute him an
 10 agent of such town, city or plantation and issue to him a
 11 permit in the following form substantially :

Whereas, of has this day exhibited
 13 to us his certificate as an apothecary of the first grade,
 14 under which he is now doing business as an apothecary,
 15 issued to him the said by authority of the com-
 16 missioners of pharmacy, dated and signed by
 17 , and has also requested in writing that a per-
 18 mit be issued to him to sell in connection with his apoth-

19 ecary business intoxicating liquors for medicinal,
20 mechanical and scientific purposes, and in accordance with
21 the laws of the State, and in the town of _____, and
22 in the store used and occupied by him as an apothecary
23 store, numbered _____ on _____ street (or otherwise
24 specially described); and

Whereas, from the evidence produced us at a hearing
26 held at _____ on the _____ day of _____ 18____, at _____ o'clock
27 in _____, notice of which hearing had been published
28 for three weeks successively next before the time of said
29 hearing in _____, a newspaper published in this county,
30 it appeared that said applicant was of good moral charac-
31 ter and not addicted to the use of intoxicating liquors,
32 and that he is, *bona fide*, engaged in the business of
33 apothecary in the town or city of _____;—

Now, therefore, this permit is issued to said applicant to
35 keep and sell such intoxicating liquors in said building
36 only, and only for the purposes set out in his application,
37 and pursuant to the laws of the State, and shall be in full
38 force and effect till the first day of May next after the
39 date hereof, unless, for sufficient cause, it is sooner
40 revoked by us.

Such permit may be renewed from time to time in the
42 same manner in which it was first issued. The fee for
43 issuing such permit shall be one dollar and one dollar to
44 the town clerk for recording the same. Said applicant
45 shall pay all expenses of publication.

No apothecary shall be entitled to recover more than one
47 permit under this act and the permit issued by said muni-
48 cipal officers shall be recorded in the office of the town
49 clerk, which record shall be open at all times for public
50 inspection.

Such apothecary shall at all times keep such permit conspicuously posted in his place of business, and for failure to do so it may be revoked by said municipal officers.

But before the said municipal officers issue such permit they shall take from such apothecary a good and sufficient bond with two sufficient sureties running to the treasurer of said town or his successors in office, for the amount of one thousand dollars, approved by such municipal officers and conditioned that such apothecary shall conform to all provisions of chapters, 17, 27 and 28 of the Revised Statutes and amendments thereto relating to the sale, keeping for sale, purchase, and use in business of intoxicating liquors.

And in any suit upon such bond when its conditions have been broken, the treasurer shall recover the full penalty.

SECT. 10. Whenever any person twenty-one years of age and personally known to such apothecary shall apply at the store of any apothecary having such permit, for any intoxicating liquors, and shall make a written or printed statement signed by him in ink, that such liquors are necessary and are to be used by himself or his family for lawful purposes, which shall be fully set out, stating his name, residence, and that he is twenty-one years of age, the kind and quantity of liquors desired, such [apothecary, if he believes such statements to be true, by himself in person or by his registered assistant, is hereby authorized to sell to such person not exceeding one quart of such liquors upon any one such application. Such statement so taken shall be numbered in the order in which it is taken and kept on file by such apothecary, and shall be witnessed by the apothecary or by the

47 application, the registered number of the package, the
48 name and residence of subscribing witness if any, and
49 signature of apothecary or of his registered clerk who
50 delivered the liquor, which record shall be open at all
51 reasonable times to public inspection.

SECT. 11. Any apothecary or other person who wil-
2 fully destroys any application, certificate or other record
3 of the sale or other disposition of intoxicating liquors,
4 or any apothecary who neglects wilfully to make such
5 record in the manner and form provided in this act, or any
6 person who makes any false statement or signs any other
7 name than his own, or gives any other address than his
8 own, either to obtain or to assist another to obtain any
9 intoxicating liquors, shall be punished by imprisonment
10 for three months and in addition thereto fined two hun-
11 dred dollars ; and for all acts done by his clerk, servant
12 or agent under the provisions of this act, such apothecary
13 shall be equally responsible as though he did them
14 himself.

SECT. 12. All applications and statements shall be
2 kept on file that are provided for in this act ; and on the
3 first day of January and July in each year, shall be de-
4 posited with the clerk of courts in the county. With
5 them such apothecary shall deposit an affidavit that the
6 liquors therein described are all he has sold during the
7 preceding six months. All such applications and state-
8 ments shall be consecutively numbered in the order in
9 which they were taken by such apothecary, and shall be
10 bound by said clerk in a manner to make inspection easy,
11 and shall be kept for one year by such clerk.

SECT. 13. No apothecary appointed agent to sell intoxi-

2 eating liquors under this act shall receive any compensation
3 except pay for actual services in dispensing them. No
4 liquors shall be purchased by the city or town for such
5 apothecary or for agents not apothecaries, but he shall obtain
6 his liquors as provided in section five.

SECT. 14. Section five of chapter twenty-eight of the
2 Revised Statutes is hereby amended so as to read as fol-
3 lows :

‘Section 5. Apothecaries registered as herein provided,
5 may keep under such restrictions as the legislature may
6 impose, all medicines and poisons authorized by the
7 United States Dispensatory and Pharmacopia as of recog-
8 nized medical utility ; *provided*, that nothing herein con-
9 tained shall authorize the sale of intoxicating liquors in
10 any manner not specially authorized by law.’

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 9, 1893.

Tabled, pending reference to Committee on Temperance, by Mr.
GOWER of Winthrop, and ordered printed.

W. S. COTTON, Clerk.