

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Sixth Legislature.

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HOUSE.

No. 382.

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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 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.

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

SECTION 1. All intoxicating liquors lawfully on sale in  
2 the State either by a town liquor agent or by a registered

3 apothecary of the first grade, shall have been, before  
4 coming into their possession, tested by authority of the  
5 State board of health and sealed in packages of glass or  
6 stone which shall be provided by the parties for whom  
7 the testing and sealing is to be done. Each package  
8 shall bear a certificate by authority of the State board of  
9 health certifying to the purity of the enclosed liquors,  
10 the kind and quantity. It shall also be numbered with  
11 one number of an unbroken, unduplicated series which  
12 shall be recorded and registered on the books of the State  
13 board of health. The State board of health shall keep  
14 a record of the number of each package tested, sealed  
15 and shipped, and the full address of the party to whom  
16 shipped, also the kind and quantity, which record shall  
17 be at all times open to public inspection, and shall be  
18 returned to the governor and council annually. The  
19 municipal authorities or apothecaries shall pay to the  
20 State board of health a reasonable compensation for the  
21 labor performed by them in this connection.

SECT. 2. No person in the State of Maine after the  
2 first day of July in the year 1893 shall have in his posses-  
3 sion any intoxicating liquors for sale till he has first  
4 obtained a permit in writing to do so, under penalty of  
5 imprisonment for three months and fine of two hundred  
6 dollars in addition thereto. The mayor and aldermen of  
7 a city or selectmen of a town or plantation only shall have  
8 authority to issue such a permit.

SECT. 3. No person authorized by this act to have in  
2 his possession any intoxicating liquors for sale shall break  
3 the seal of any package, provided that any such person  
4 authorized to have in his possession any intoxicating

5 liquors for conducting his business may break any pack-  
6 age for immediate use in such business. But before  
7 breaking such package he shall record in a book suitable  
8 for the purpose the registered number of the package,  
9 the kind and quantity of the liquor, the purpose for  
10 which used, fully stated, and the date; which record  
11 shall be open for public inspection. Whoever violates  
12 this section shall be punished by imprisonment for three  
13 months and in addition thereto fined two hundred dollars.

SECT. 4. Section twenty six of the Revised Statutes  
2 are hereby amended so as to read as follows :

‘No such liquors owned by any city, town or plantation,  
4 or kept by any agent thereof or apothecary 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 or of the apothecary. When  
10 such liquors are seized, bearing such marks as are herein  
11 required, if such liquors are in fact not owned by any  
12 such municipality, or apothecary, such false and fraudu-  
13 lent marking is conclusive evidence that the same are kept  
14 or deposited for unlawful sale, and renders them liable  
15 to forfeiture under this chapter. The liquor kept for sale  
16 by such town agents or apothecaries shall not be adulter-  
17 ated or factitious; and they shall not be protected from  
18 seizure and forfeiture by reason of being kept for sale by  
19 such agents or apothecaries, if they have knowledge that  
20 the same are adulterated or factitious.’

SECT. 5. Municipal authorities who appoint town liquor  
2 agents and all apothecaries who hold permits to sell liquor

3 under this act shall purchase all liquors outside the State,  
4 and shall cause them to be shipped to the State board of  
5 health, which shall dispose of them as directed in section  
6 one of this act. Town agents shall furnish liquors only  
7 under the same regulations and restrictions as are described  
8 in section seven of this act relating to apothecaries.

SECT. 6. 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 busi-  
4 ness as apothecary, his certificate under which he is then  
5 doing business and shall satisfy them that he is of good  
6 moral character, and not addicted to the use of intoxi-  
7 cating liquors and that he is *bona fide* engaged in the  
8 business of apothecary, and shall file with them a bond  
9 as below provided, they shall constitute him an agent of  
10 such town, city or plantation and issue to him a permit  
11 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 permit  
18 be issued to him to sell in connection with his apothecary  
19 business intoxicating liquors for medicinal, mechanical  
20 and scientific purposes, and in accordance with the laws  
21 of the State, and in the town of                   , and in the store  
22 used and occupied by him as an apothecary store,  
23 numbered                    on                    street (or otherwise specially  
24 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 con-  
52 spicuously posted in his place of business, and for failure  
53 to do so it may be revoked by said municipal officers.

But before the said municipal officers issue such permit  
55 they shall take from such apothecary a good and suffi-  
56 cient bond with two sufficient sureties running to the  
57 treasurer of said town or his successors in office, for the

58 amount of one thousand dollars, approved by such  
59 municipal officers and conditioned that such apothecary  
60 shall conform to all provisions of chapters, 17, 27 and  
61 28 of the Revised Statutes and amendments thereto  
62 relating to the sale, keeping for sale, purchase, and use  
63 in business of intoxicating liquors.

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

SECT. 7. Whenever any person twenty-one years of  
2 age and personally known to such apothecary shall apply  
3 at the store of any apothecary having such permit, for  
4 any intoxicating liquors, and shall make a written or  
5 printed statement signed by him in ink, that such liquors  
6 are necessary and are to be used by himself or his family  
7 for lawful purposes, which shall be fully set out, stating  
8 his name, residence, and that he is twenty-one years of  
9 age, the kind and quantity of liquors desired, such  
10 apothecary, if he believes such statements to be true, by  
11 himself in person or by his registered assistant, is hereby  
12 authorized to sell to such person not exceeding one quart  
13 of such liquors upon any one such application except it be  
14 alcohol for mechanical and manufacturing purposes. Such  
15 statement so taken shall be numbered in the order in  
16 which it is taken and kept on file by such apothecary,  
17 and shall be witnessed by the apothecary or by the  
18 assistant who makes such sale and shall be open to public  
19 inspection at all reasonable times. If such applicant is  
20 not known to the apothecary he may be identified by any  
21 person of good moral character who is known to the  
22 apothecary, and who knows the facts to be true as set  
23 out in the application. Such person shall also witness

24 the application. The application shall be in the following  
 25 form : I, hereby certify that I reside at No.  
 26 street, town or city of , that I am twenty-one years  
 27 of age, that I desire to purchase of to be used by  
 28 myself or (a member of my family) for the following  
 29 purposes only : that it is not intended for beverage pur-  
 30 poses nor to sell nor to give away. I therefore make  
 31 application to apothecary to sell me such liquors.  
 32 [Signed by applicant.]  
 33 Subscribed in my presence this day of , A. D.  
 34 Apothecary.  
 35 Ass't apothecary.

CERTIFICATE OF CERTIFYING WITNESS.

I am over twenty-one years of age. I am personally  
 38 acquainted with who makes application to  
 39 apothecary for intoxicating liquor, and am  
 40 also acquainted with said apothecary. I  
 41 know the statements made in his application numbered  
 42 to be true.

In addition to such applications and certificates, such  
 44 apothecary shall keep a book in which before he delivers  
 45 such intoxicating liquors he shall record the date, name  
 46 of purchaser, his residence fully given, the kind of liquor  
 47 sold, the quantity, the price received, the number of the  
 48 application, the registered number of the package, the  
 49 name and residence of subscribing witness if any, and  
 50 signature of apothecary or of his registered clerk who  
 51 delivered the liquor, which record shall be open at all  
 52 reasonable times to public inspection.

SECT. 8. Any apothecary or other person who wilfully  
 2 destroys any application, certificate or other record of



3 the sale or other disposition of intoxicating liquors, or  
4 any apothecary who neglects wilfully to make such record  
5 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 him-  
14 self.

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

SECT. 10. Section five of chapter twenty-eight of the  
2 Revised Statutes is hereby amended so as to read as fol-  
3 lows: 'Apothecaries registered as herein provided, may  
4 keep under such restrictions as the legislature may impose,  
5 all medicines and poisons authorized by the United States  
6 Dispensatory and Pharmacopia as of recognized medical  
7 utility; *provided*, that nothing herein contained shall  
8 authorize the sale of intoxicating liquors in any manner  
9 not specially authorized by law.'

SECT. 11. Any number of persons of good character  
2 over twenty-one years of age, not less than ten, residing  
3 in any town or city where any apothecary who has such  
4 permit does business may in writing petition a justice of  
5 the supreme judicial court to revoke the permit issued to  
6 any apothecary which petition shall state the name of  
7 such apothecary, the date of his permit, and the place  
8 where he does business, and that said apothecary has  
9 sold intoxicating liquors in violation of law, the said  
10 justice shall order personal notice of said petition and  
11 the time and place of hearing thereon to be given to said  
12 apothecary and upon hearing, said justice, if he finds that  
13 said apothecary has sold intoxicating liquors in violation  
14 of law, may revoke such permit, and thereupon it shall  
15 be null and void. The clerk of courts for such county  
16 shall make a record of such proceedings, and no other  
17 permit shall be issued to such apothecary without the  
18 consent of some justice of said court. Said apothecary  
19 may appeal from the finding of said justice, to the law  
20 court, sitting in the district where such apothecary does  
21 business, on the evidence reported at such hearing; but  
22 the judgment of said justice shall stand until reversed on  
23 appeal as aforesaid.

SECT. 12. Sections twenty-one and twenty-two of chap-  
2 ter twenty seven of the Revised Statutes, are hereby  
3 amended so as to read as follows:

‘The provisions of this act shall not apply to cities and  
5 towns where there is a registered apothecary of the first  
6 grade doing business, who holds a permit to sell intoxica-  
7 ting liquors according to section six of this act.’





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 22, 1893. }

Reported by Mr. WEBSTER of Newport, from Committee on Temperance, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*