

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Sixth Legislature.

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SENATE.

No. 97.

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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 28 of the Revised Statutes, in  
relation 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. Section five of chapter twenty-eight of the  
2 Revised Statutes, is hereby amended by striking out all  
3 after the word "utility," in the fourth line.

SECT. 2. Nothing in this act shall authorize the sale of  
2 any alcoholic liquors by any apothecary, except as herein-  
3 after provided.

SECT. 3. Any registered apothecary of the first grade  
2 may present to the clerk of the supreme judicial court of  
3 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  
6 apothecary, and upon his signing a written request for a  
7 permit, approved by the municipal officers of the city or  
8 town in which he desires to do business, stating the town  
9 and the particular building in said town in which he  
10 wishes to keep and sell such liquors in connection with  
11 his said business, pursuant to this act, and upon his filing  
12 a bond as hereinafter stated, said clerk shall issue to such  
13 apothecary under the seal of the court, a permit to keep  
14 and sell such liquors pursuant to this act, in said town and  
15 said building only, which said permit shall expire on the  
16 first day of May next following.

17 Said permit shall be in substance as follows :

#### STATE OF MAINE.

19 \_\_\_\_\_ss.

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

21 Whereas \_\_\_\_\_ has this day exhibited to me his  
22 certificate as an apothecary of the first grade issued to  
23 him, which said certificate is dated \_\_\_\_\_ and signed  
24 by \_\_\_\_\_ ; and has also requested in writing that a  
25 permit be issued to him to keep and sell in connection  
26 with his apothecary business intoxicating liquors for medi-  
27 cinal purposes only in the town of \_\_\_\_\_ in said county,  
28 and in a building situated on \_\_\_\_\_ street, and num-  
29 bered \_\_\_\_\_ , which said application has been approved by  
30 the municipal officers of said town in writing.

Now, therefore, this permit is issued to said  
32 to keep and sell such liquors in said town and said build-  
33 ing only, and only in connection with his apothecary

34 business and pursuant to the statutes in such case made  
35 and provided.

No apothecary shall be entitled to have more than one  
37 permit under this act in force at any one time, and the  
38 permit issued by the clerk of courts shall be recorded by  
39 him in a book kept for that purpose, and such apothecary  
40 shall keep such permit conspicuously posted in his place  
41 of business.

The clerk of courts when he issues a permit to any  
43 apothecary to sell said liquors, shall take a bond to the  
44 treasurer of the county, or his successors in office, in the  
45 sum of five hundred dollars, with two sufficient sureties  
46 approved by said clerk, conditioned that if such apothecary  
47 shall conform to all the provisions of the Revised Statutes  
48 of this State in relation to apothecaries, and the sale of  
49 poisons, and shall not violate any law of the State rela-  
50 tive to the sale of intoxicating liquors, then this obligation  
51 shall be void, otherwise shall remain in full force.

And in any suit upon said bond when its conditions have  
53 been broken or violated the treasurer shall recover  
54 the full penalty of the bond.

For issuing such permit and recording the same, the said  
56 apothecary shall pay the said clerk the sum of two dollars,  
57 for the use of said clerk.

SECT. 4. Whenever any person twenty-one years of  
2 age, and personally known to such apothecary, shall  
3 apply at the store of any apothecary having such permit,  
4 for any alcoholic 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 medicinal purposes only, stating his name, residence

8 and that he is twenty-one years of age, the kind and  
 9 quantity of liquors desired, and shall also present at the  
 10 same time a prescription for such liquors from a physician  
 11 known by such apothecary to be in regular practice,  
 12 which said prescription shall state the name of the person  
 13 for whom such liquors are prescribed, such apothecary,  
 14 if he believes such statement to be true and that such  
 15 prescription was given in good faith, is hereby authorized  
 16 to sell to such person, not exceeding one quart of such  
 17 liquors upon any one application and corresponding pre-  
 18 scription. Each such prescription shall be immediately  
 19 attached to its corresponding statement, and the state-  
 20 ment, so taken with such prescription so attached  
 21 thereto shall be kept on file by such apothecary  
 22 and shall be witnessed by the apothecary or assistant  
 23 who makes such sale and shall be open to inspection at  
 24 all reasonable hours.

The said statement shall be in substance as follows :

I, \_\_\_\_\_ hereby certify that I reside at  
 27 County of \_\_\_\_\_ ; that I am twenty-one years of  
 28 age ; that I desire to purchase as per accompanying pre-  
 29 scription which I have obtained in good faith  
 30 of \_\_\_\_\_ to be used by myself (or \_\_\_\_\_ a  
 31 member of my family) for medicinal purposes only ; that  
 32 it is not intended to be used as a beverage nor to sell  
 33 nor to give away. I therefore make application to  
 34 \_\_\_\_\_ apothecary, to sell me such liquors.

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

(Apothecary)

(Assistant Apothecary)

No apothecary shall sell more than one quantity of such  
40 liquors upon any one such statement and prescription,  
41 and if he does not personally know the applicant, such  
42 applicant shall be identified in writing on the statement  
43 by some person known to the apothecary. Whenever  
44 any physician in regular practice shall apply at the store  
45 of any apothecary having a permit as provided in this  
46 act for any alcoholic liquors and shall make a written or  
47 printed statement signed by him in ink, stating his name  
48 and residence and that he is a physician in regular prac-  
49 tice, and that such liquors are necessary and are to be  
50 used by such physician in his regular practice, in com-  
51 pounding his medicines, also stating the kind and quantity  
52 of liquors desired, such apothecary, if such applicant is  
53 personally known to him to be a physician in regular  
54 practice, and if he believes such statement to be true, by  
55 himself in person or his registered assistant, is hereby  
56 authorized to sell to such physician not exceeding one  
57 quart of such liquors upon any one application. Such  
58 statement shall be kept on file by such apothecary and  
59 shall be witnessed by the apothecary or assistant who  
60 makes such sale and shall be open to inspection at all  
61 reasonable times. No apothecary shall sell more than  
62 one quantity of such liquors to a physician upon any one  
63 such statement. Such applications and statements and  
64 prescriptions so to be kept on file by such apothecary  
65 shall be kept by such apothecary until the first day of  
66 January and July of each year, and all such statements  
67 and prescriptions then on hand shall (together with the  
68 affidavit of such apothecary, that the liquors therein men-  
69 tioned are all of the alcoholic liquors sold by him during

70 the preceding six months) within ten days thereafter be  
71 deposited with the clerk of courts of the county where  
72 such apothecary does business, consecutively numbered  
73 and bound in some convenient form to be easily inspected,  
74 and by such clerk shall be kept for public inspection for  
75 the space of at least one year.

SECT. 5. Any apothecary not having a permit as pro-  
2 vided in this act, shall be liable for the violation of any  
3 law relative to the keeping and sale of intoxicating liquors  
4 and shall be subject to the processes and penalties pre-  
5 scribed for such violations.

SECT. 6. Any apothecary having such permit who shall  
2 sell any alcoholic liquors without taking and filing such  
3 statements and prescriptions, or who shall allow any such  
4 liquors to be drank in or upon the premises, or who shall  
5 sell any such liquors except in strict conformity with this  
6 act, shall be liable to any of the processes and penalties  
7 prescribed in the Revised Statutes of this State relating to  
8 the sale of intoxicating liquors, as if no such permit had  
9 been issued to him.

SECT. 7. Any person who wilfully falsely makes any  
2 such statement, as is provided in section four of this act,  
3 for the purpose of obtaining such liquors as a beverage,  
4 or for any other than medicinal purposes, or who shall  
5 sign any name except his own to such statement, shall be  
6 deemed guilty of a misdemeanor, and shall for each offence  
7 forfeit the sum of ten dollars and be imprisoned thirty  
8 days.

SECT. 8. Any person who shall obtain any such liquors  
2 from any apothecary having such permit, by any false  
3 statement, false representation or false pretence, or who

4 shall obtain any prescription on which such liquors are  
5 obtained from any physician by any false representation,  
6 to such physician, shall be punished by a fine not exceed-  
7 ing fifty dollars, and by imprisonment not exceeding thirty  
8 days.

SECT. 9. Whenever any apothecary having such permit  
2 shall have been convicted of any violation of the Revised  
3 Statutes, in relation to the sale of intoxicating liquors,  
4 such apothecary so convicted shall thereafter be deprived  
5 of the benefit of his certificate of registration as such  
6 apothecary, in addition to the other penalties prescribed  
7 by law.

It shall be the duty of the clerk of courts of each county,  
9 and the judges of municipal courts and trial justices,  
10 whenever any person has been convicted in such courts  
11 of the violations of the provisions of this act, or when it  
12 is made to appear to such clerk, judge or justice that  
13 any registered apothecary has been convicted in his court  
14 of a violation of the Revised Statutes or amendments  
15 thereof, in relation to the sale of alcoholic liquors, to  
16 forthwith notify the commissioners of pharmacy of such  
17 conviction under his hand. The commissioners of phar-  
18 macy shall thereupon revoke the certificate of registration  
19 of such apothecary, and shall give notice to such apothec-  
20 ary of such revocation; and shall notify the clerk of  
21 courts in the county where such apothecary does business,  
22 that such apothecary's certificate of registration is  
23 revoked, and the clerk shall thereupon revoke and cancel  
24 the permit of such apothecary.

SECT. 10. Any person who shall wilfully destroy any  
2 statement or prescription on which such liquors have been



3 obtained, or any apothecary who shall wilfully neglect to  
4 keep and deposit such statements and prescriptions, with  
5 the affidavit, according to the provisions of this act, shall  
6 be punished by a fine of not less than ten dollars for each  
7 statement or prescription so destroyed or not deposited  
8 with the clerk of courts, and in addition thereto, shall be  
9 punished by imprisonment not exceeding thirty days.

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

## MAJORITY REPORT.

The Committee on Judiciary to which was referred the bill entitled "An Act to amend chapter 28 of the Revised Statutes, in relation to Apothecaries and the sale of Poisons," have had the same under consideration, and a majority of the committee ask leave to report the same in a new draft, under title of "An Act to mend chapter 28 of the Revised Statutes, in relation to Apothecaries and the sale of Poisons," and that it ought to pass.

PEAKS,  
MAYO,  
DREW,  
HAMLIN,  
SPRAGUE,  
BIRD.





STATE OF MAINE.

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IN SENATE, February 25, 1893.

Pending acceptance of the report, laid on table to be printed on motion  
by Mr. PEAKS of Piscataquis.

KENDALL M. DUNBAR, *Secretary.*