

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

---

# Sixty-Seventh Legislature.

---

HOUSE

No. 256.

---

## STATE OF MAINE.

---

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

---

AN ACT to amend section one of chapter 135, and sections  
thirty-one, thirty-four, thirty-five, thirty-seven and forty,  
of chapter 27 of the Revised Statutes.

---

SECTION 1. Be it enacted by the Senate and House of  
2 Representatives in legislature assembled that section one  
3 of chapter 135 of the Revised Statutes as amended by  
4 chapter 248 of the Public Laws of 1893 is hereby  
5 amended so that said section one shall read as follows :

‘Section 1. No person shall be punished for an offense  
7 until convicted thereof in a court having jurisdiction of  
8 the person and case. When no punishment is provided  
9 by statute, a person convicted in such a case shall not be  
10 imprisoned for more than one year, nor fined exceeding  
11 five hundred dollars. In all cases where a fine is imposed

12 the party shall be sentenced to pay the costs of prosecu-  
13 tion.'

SECT. 2. This act shall take effect upon approval.

SECT. 2. Be it enacted by the Senate and House of  
2 Representatives in legislature assembled that section thir-  
3 ty-one of chapter 27 of the Revised Statutes, as amended  
4 by chapter 307 of the Public Laws of 1893, is hereby  
5 amended so that said section as amended shall read as fol-  
6 lows :

'Section 31. No person shall knowingly bring into the  
8 state, or knowingly transport from place to place in the  
9 state, any intoxicating liquors with intent to sell the same  
10 in the state in violation of law, or with the intent that the  
11 same shall be sold by any person, or to aid any person in  
12 such sale, under a penalty of one hundred dollars for  
13 each offense, and in addition thereto an imprisonment of  
14 three months at hard labor. For the second and any  
15 other conviction the penalty is two hundred dollars and  
16 imprisonment of six months at hard labor. A previous  
17 conviction of the violation of any provision of chapter 27  
18 of the Revised Statutes, or of any other act relating to  
19 the liquor traffic, is a previous conviction for the purpose  
20 of this section or any other relating to intoxicating  
21 liquors, whatever the date of said previous conviction  
22 may be.

Any servant, agent or employee of any railroad corpo-  
24 ration or of any express company doing business in this  
25 state who shall remove any intoxicating liquor from any  
26 railroad car at any place other than the usual and estab-  
27 lished stations, depots or places of business of such rail-  
28 road corporation, or who shall aid in or consent to such  
29 removal, shall pay one hundred dollars for every such

30 offense ; provided that such penalty shall not apply to any  
31 liquor in transit when changed from car to car to facilitate  
32 transportation.'

SECT. 3. Section thirty-four, chapter 27, of the Revised  
2 Statutes is hereby amended so that said section thirty-four  
3 shall read as follows :

'Section 34. Whoever by himself, clerk, servant or  
5 agent sells any intoxicating liquors in this state in viola-  
6 tion of law shall pay a fine of one hundred dollars, and in  
7 addition thereto shall be imprisoned three months. In  
8 default of said payment he shall be imprisoned three  
9 months additional, and on each subsequent conviction of  
10 the violation of any provision of the 27th chapter of the  
11 Revised Statutes, or of any other act relating to the liquor  
12 traffic, he shall pay a fine of two hundred dollars, and in  
13 addition thereto shall be imprisoned six months ; and in  
14 default of payment of said fine he shall be imprisoned six  
15 months additional. In every case of conviction of viola-  
16 tion of any provision of any law relating to alcoholic  
17 liquors said conviction shall carry with it all costs arising  
18 in said case. Any clerk, servant, agent or other person  
19 in the employment or on the premises of another who in  
20 any manner aids in carrying on the business of selling or  
21 keeping for sale intoxicating liquors, and any person who  
22 shall in any manner help any one by watching, keeping  
23 guard or otherwise to avoid detection in the business of a  
24 liquor seller, or in any manner aids or assists in violating  
25 any provision of this act, or any other act relating to  
26 intoxicating liquors, is equally guilty with the principal,  
27 and shall suffer like penalties. All such liquors intended  
28 or supposed to be intended for unlawful sale in the state  
29 may be seized while in transit and proceeded against the

30 same as if they were unlawfully kept or deposited in any  
31 place, and any steamboat, railroad or express company  
32 knowingly transporting or bringing such liquors into the  
33 state shall upon conviction pay a fine of two hundred dol-  
34 lars and costs for each offense. Defendants in every case  
35 of conviction under any act relating to intoxicating liquors  
36 shall in addition to the fine pay all costs involved in said  
37 case.

It is the special duty of the mayors, city marshals and  
39 police of cities, as well as that of sheriffs and their depu-  
40 ties, and selectmen and constables of towns and planta-  
41 tions, to be active, vigilant and faithful in detecting and  
42 bringing to speedy punishment any and all persons guilty  
43 of violating this or any other law relating to intoxicating  
44 liquors.'

SECT. 4. Section thirty-five of chapter twenty-seven of  
2 the Revised Statutes is hereby amended so that said sec-  
3 tion thirty-five shall read as follows :

'Section 35. No person shall be a common seller of  
5 intoxicating liquors. Whoever violates this section shall  
6 be fined two hundred dollars, and in addition thereto shall  
7 be imprisoned three months. In default of said payment  
8 he shall have an additional imprisonment of six months.  
9 On a second and every subsequent conviction he shall be  
10 fined two hundred dollars and shall be imprisoned six  
11 months. In default of payment of said fine and costs he  
12 shall have an additional imprisonment of six months. Any  
13 keeper of a grog shop, any one who has or keeps intoxi-  
14 cating liquors intended for unlawful sale; any one who  
15 has paid the special United States tax as a seller of strong  
16 liquors; any one who gives notice of any kind that he  
17 sells or furnishes intoxicating liquors, is a common seller

18 of such liquors within the meaning of this section, as are  
19 his clerks, servants or assistants, who shall be held to  
20 answer as is the principal. Any indictment, complaint  
21 or warrant made in the enforcement of this or any other  
22 act relating to intoxicating liquors shall be amended before  
23 sentence in any case of misnomer of the defendant when  
24 known that said defendant is the party intended to be  
25 described, and shall be amended also if necessary in any  
26 error of date or locality.

In case of conviction of any party for violation of any  
28 provision of the twenty-seventh chapter of the Revised  
29 Statutes, or any other act relating to intoxicating liquors,  
30 before any municipal or police court or any trial justice  
31 where no appeal has been taken to a higher court, it shall  
32 be the duty of the judges of said courts and of said trial  
33 justices within a week after said conviction to notify of  
34 such conviction the clerk of the Superior and Supreme  
35 courts of the county where said conviction was had, who  
36 shall forthwith notify the prosecuting officer of said county  
37 thereof, who in all cases relating to violation of any law  
38 concerning intoxicating liquors that he may have to deal  
39 with by appeal or indictment shall always without fail  
40 allege a former conviction in complaint, warrant or indict-  
41 ment in every case where there has been such former con-  
42 viction.

No person engaged in the liquor traffic, directly or indi-  
44 rectly, or who has been convicted of violation of any law  
45 relating to intoxicating liquors, is competent to sit upon  
46 any jury, and it is the duty of the judge at every term of  
47 court to see that the juries are free from such membership.  
48 Any such persons answering falsely to inquiries of the

49 court on this matter shall on conviction be imprisoned six  
50 months at hard labor.'

SECT. 5. Section thirty-seven of chapter twenty-seven  
2 of the Revised Statutes is hereby amended so that said  
3 section thirty-seven shall read as follows :

'Section 37. No person shall keep a drinking house and  
5 tippling shop. Whoever sells intoxicating liquors or keeps  
6 such liquors for sale in any building, vessel or boat con-  
7 trary to law is guilty of keeping a drinking house and  
8 tippling shop and shall pay a fine of two hundred dollars  
9 and costs, and in addition thereto shall be imprisoned  
10 three months. In default of said payment he shall have  
11 an additional imprisonment of six months. On every sub-  
12 sequent conviction he shall pay a fine of two hundred dol-  
13 lars and costs and shall be imprisoned six months, and in  
14 default of said payment he shall have an additional  
15 imprisonment of six months.

Cases arising under this act and any other act relating  
17 to intoxicating liquors shall take precedence in the courts  
18 of all others except where parties are actually in jail await-  
19 ing trial ; they shall not be continued for trial or sentence ;  
20 they shall be promptly tried and when convicted shall be  
21 promptly sentenced. Courts shall have no power to  
22 diminish or in any way to change the penalties of fine and  
23 imprisonment. No such cases shall be nol prossed or sus-  
24 pended except for good and sufficient reason and with  
25 consent of the court, which reason shall be entered in full  
26 upon the docket.'

SECT. 6. Section forty of chapter twenty-seven of the  
2 Revised Statutes is hereby amended so that said section  
3 forty shall read as follows :

‘Section 40. If any person competent to be a witness  
5 in civil suits makes sworn complaint before any judge of  
6 a municipal or police court or trial justice that he believes  
7 that intoxicating liquors are kept or deposited in any place  
8 in the state by any person, and that the same are intended  
9 for sale within the state in violation of law, such magis-  
10 trate shall issue his warrant, directed to any officer having  
11 power to serve criminal process, commanding him to search  
12 the premises described and specially designated in such  
13 complaint and warrant, and if said liquors are there found  
14 to seize the same, with the vessels in which they are con-  
15 tained, and them safely keep until final action thereon,  
16 and make return of said warrant without unnecessary delay.  
17 The person so keeping said liquors, or supposed to be so  
18 keeping them, shall be immediately arrested by said officer.  
19 The name of the person so keeping said liquors, or sup-  
20 posed to be keeping them, if known to the complainant,  
21 shall be stated in such complaint; and the officer shall be  
22 commanded by said warrant, if he finds said liquors or  
23 believes that such person has them concealed about his  
24 person, to search his person and have him forthwith before  
25 such magistrate for trial. If the name of the person keep-  
26 ing such liquors is unknown to the complainant, he shall  
27 so allege in his complaint, and the magistrate shall there-  
28 upon issue his warrant as provided in the first sentence of  
29 this section.

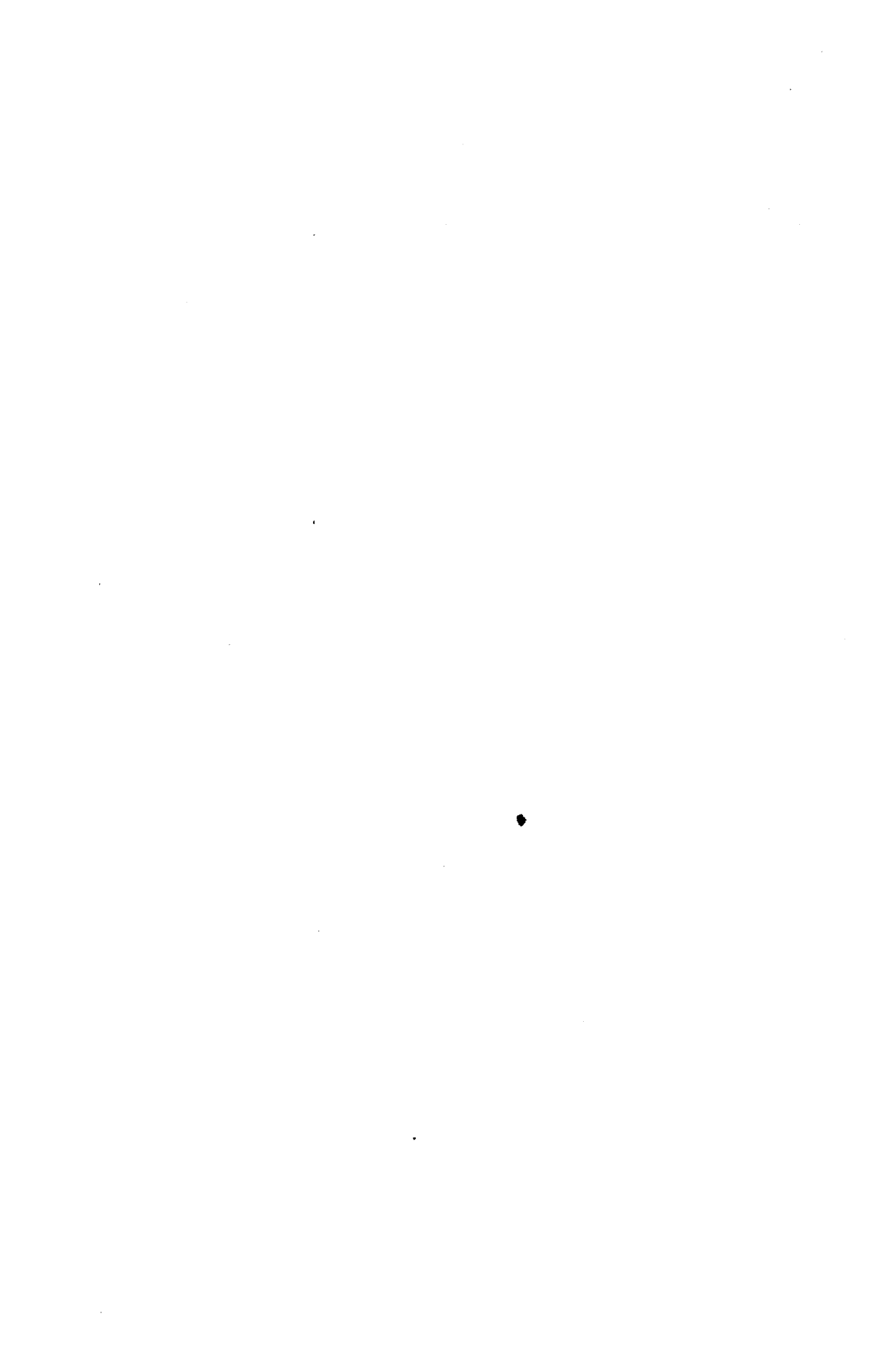
If upon trial the court is of the opinion that the liquor  
31 aforesaid was so kept and intended for unlawful sale by  
32 the person named in said complaint, or by any other per-  
33 son with his knowledge or consent, he shall be found  
34 guilty thereof and sentenced to a fine of two hundred dol-



35 lars and in addition thereto to an imprisonment of three  
36 months at hard labor. In default of payment of the fine  
37 aforesaid and costs, he shall have six months additional  
38 imprisonment, also at hard labor. On every subsequent  
39 conviction of the violation of any provision of this or any  
40 other act relating to intoxicating liquors he shall be fined  
41 two hundred dollars and costs, and in addition thereto  
42 shall be imprisoned six months at hard labor. In default  
43 of payment of fine and costs aforesaid he shall have an  
44 additional imprisonment of six months, also at hard labor.  
45 The payment of the United States special tax as a liquor  
46 seller, or notice of any kind in any place of resort, indi-  
47 cating that intoxicating liquors are there sold, kept or  
48 given away shall be held to be conclusive proof that the  
49 person or persons paying said tax, and the party or parties  
50 displaying said notices, are common sellers of intoxicating  
51 liquors; that they keep such liquors for unlawful sale;  
52 and the premises so kept by them are common nuisances;  
53 unless the parties aforesaid satisfy the court that they  
54 have not in any way, directly or indirectly, violated the  
55 law, as the payment of said tax and giving or displaying  
56 notices as aforesaid plainly show.

In case of appeal from any sentence under this or any  
58 other act relating to intoxicating liquors, the respondent  
59 shall recognize with two good and sufficient sureties in the  
60 sum of one thousand dollars for his prompt appearance  
61 before the court to which the case has been appealed, and  
62 to abide by its final decision. He shall also recognize  
63 with two other good and sufficient sureties in the sum of  
64 one thousand dollars that he will not violate any provision  
65 of the 27th chapter of the Revised Statutes or of any

66 other act relating to intoxicating liquors before the final  
67 settlement of the case on which said appeal has been  
68 taken. Said sureties shall justify to the value of two  
69 thousand dollars in unencumbered real estate on which  
70 said recognizances shall have a prior lien.



STATE OF MAINE.

---

HOUSE OF REPRESENTATIVES, }  
February 28, 1895. }

Reported by Mr. CHUTE of Harrison, from Committee on Temper-  
ance, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*