

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 106.

STATE OF MAINE.

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

AN ACT to amend Chapter twenty-seven, Revised Statutes,
relating to Intoxicating Liquors.

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

SECTION 1. Section fifteen of chapter twenty-seven of
2 the Revised Statutes as amended by chapter 140, Public
3 Laws of 1887 is hereby amended so as to read as follows:

4 Section 15. The governor, with the advice and consent
5 of the council, shall appoint a commissioner to furnish
6 municipal officers of towns in this State with pure,
7 unadulterated intoxicating liquors, to be kept and sold for
8 medicinal, mechanical and manufacturing purposes. Said
9 commissioner shall be a resident of this State and shall
10 have his place of business in such town or city of this
11 State as the governor with the advice and consent of the
12 council shall designate. He shall hold his office two years

13 unless sooner removed by the governor, with the advice
14 and consent of the council, or until his successor is duly
15 qualified. He shall not sell any intoxicating or fermented
16 liquors except such as have been tested by a competent
17 assayer and found to be pure. He shall have such liquors
18 put up in suitable packages. Each package shall be sealed
19 and labeled under his supervision and bear the printed or
20 written certificate of the assayer attesting the purity of
21 the liquor therein contained. He shall not furnish to any
22 person or persons except the municipal officers of towns
23 and cities in this State any intoxicating liquors for any
24 purpose whatsoever and before entering upon the duties of
25 his office he shall give a bond to the treasurer of State in
26 the penal sum of not less than two thousand dollars to be
27 approved by the governor and council for the faithful dis-
28 charge of his duties and compliance with such regulations
29 and conditions as the governor and council may prescribe.
30 In case of his resignation, removal from office, or death,
31 the governor and council shall cause an inventory to be
32 taken of all liquors in his possession and shall cause the
33 same to be turned over to his successor in office, who shall
34 give said commissioner his receipt therefor. The gover-
35 nor and council shall fix the price at which the commis-
36 sioner shall furnish each sealed package of liquor to the
37 city and town agencies. All liquors bought by him shall
38 be paid for by warrants drawn on the State treasurer by
39 the governor and council and all money paid by towns or
40 cities for liquors furnished by the commissioner shall be
41 paid directly to the State treasurer. The commissioner
42 shall receive for his services twelve hundred dollars an-
43 nually.'

SECT. 2. Section seventeen is hereby amended so as to
2 read as follows :

‘Section 17. If a municipal officer buys any intoxicating
4 liquors, to be sold according to law, of any other person than
5 the commissioner or officers mentioned in the preceding sec-
6 tion, or if he or any person in his employment, or by his
7 direction, sells or offers for sale any such liquors as have
8 been decreed to be forfeited, or causes any intoxicating or
9 malt liquors, which he or they keep for sale, to be adulter-
10 ated by mixing with the same any coloring matter, drug
11 or ingredient, or mixes the same with other liquors of a
12 different kind or quality or with water, or sells or exposes
13 for sale such liquors so adulterated, or keeps, sells or
14 exposes for sale any liquor in any other package than in
15 the unbroken packages described in section fifteen, or
16 breaks or causes to be broken any such original package
17 for the purpose of keeping for sale or selling such broken
18 package shall be deemed to be a common seller, and shall
19 be punished as is provided in section thirty-five, and the
20 city or town maintaining such agency in which such
21 liquors or broken packages as are herein described are
22 kept or found shall be guilty of maintaining a common
23 nuisance.’

SECT. 3. Section 18 is hereby amended so as to read
2 as follows :

‘Section 18. Said commissioners shall keep a record of
4 all liquors received by him, of the various kinds, sizes,
5 and number of packages put up by him, of the names of
6 the towns or cities to which such liquors and packages are
7 sold, and of the persons buying for said towns and cities,
8 the kind, and number of packages of each of kind of

9 liquor sold to each and the price at which it was sold, and
10 on the tenth day of each month he shall file with the gov-
11 ernor and council a true copy of such account for the
12 month next preceding and shall verify the same under
13 oath. He shall, annually, on or before the fifteenth day
14 of December, file with the governor and council a sum-
15 mary of the monthly reports for the year ending with the
16 last day of November, next preceding, to be by them laid
17 before the legislature.'

SECT. 4. Section 19 is hereby amended so as to read
2 as follows :

3 'Section 19. Agents of towns and cities are hereby
4 authorized to sell intoxicating liquors in such original and
5 unbroken packages only, as they shall obtain from the
6 state commissioner to the inhabitants of their respective
7 towns, and to no other person or persons whatsoever, for
8 medicinal, mechanical or manufacturing purposes only.
9 Such agents shall keep an accurate record, in a suitable
10 book, which shall at all times be open to public inspection,
11 of the kinds and amount of liquors, and the kind and
12 number of packages of each purchased and placed in their
13 charge, the price for the same and the date of each pur-
14 chase. They shall keep a like record which shall at all
15 times be open to public inspection and examination, of all
16 such liquors sold by them, with the date of each sale, the
17 name of the purchaser and the purpose for which it is pur-
18 chased, the kind and amount and the kind and number of
19 packages of each kind sold to each person, and the price
20 paid therefor; and on the tenth day of each month said
21 agents shall transmit to the governor and council a report,
22 on blanks furnished for that purpose, embodying the facts
23 recorded by them. If any such agent fails to keep such

24 record, or to transmit such report, he shall forfeit to his
25 town not less than twenty nor more than fifty dollars to
26 be recovered on complaint or indictment. Whoever
27 knowingly or willfully misrepresents to any such agent the
28 purpose for which he purchases any of such liquors forfeits
29 to the town where said agency is established, not less than
30 twenty nor more than fifty dollars to be recovered by com-
31 plaint or indictment.'

SECT. 5. Section twenty is hereby amended so as to
2 read as follows :

'Section 20. No contract made under this chapter shall
4 pledge the credit of the state for the payment of any sum
5 to said commissioner, or for the payment for any liquors
6 purchased by him, until such contract shall have been rati-
7 fied and approved by the governor and council.'

SECT. 6. Section twenty-six is hereby amended so as
2 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 vessels in which they are contained are at all times
8 conspicuously marked with the name of such municipality
9 and of its agent, and are in the original and unbroken
10 packages described in section fifteen. When such liquors are
11 seized, bearing such marks as are herein required, if such
12 liquors are in fact not owned by such municipality, or the
13 original packages are broken, such false and fraudulent
14 marking or breaking is conclusive evidence that the same
15 are kept or deposited for unlawful sale, and renders them
16 liable to forfeiture under this chapter.'

STATE OF MAINE.

IN SENATE, February 15, 1895.

Reported by Mr. HIGGINS, from Committee on the Judiciary to be printed and recommitted to the committee.

KENDALL M. DUNBAR, *Secretary.*