

# MAINE STATE LEGISLATURE

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# Sixty-Seventh Legislature.

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SENATE.

No. 247.

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## STATE OF MAINE.

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

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AN ACT to regulate the purchase and sale of Intoxicating  
Liquors by Cities and Towns.

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*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 one hundred  
3 and forty of the Public Laws of eighteen hundred and  
4 eighty-seven, is hereby further amended, so as to read as  
5 follows:

‘Section 15. The governor with the advice and consent  
7 of the council, shall appoint a commissioner to furnish  
8 municipal officers of towns and cities in this state, with  
9 pure, unadulterated, intoxicating liquors, to be kept and  
10 sold for medicinal, mechanical and manufacturing pur-  
11 poses. Said commissioner shall reside in this state and

12 shall have his place of business in this state, at such place  
13 as shall be approved by the governor and council, and  
14 shall hold his office for the term of four years, unless  
15 sooner removed by the governor with the advice and con-  
16 sent of the council, and until another is appointed in his  
17 stead, and shall be paid an annual salary of fifteen hun-  
18 dred dollars, payable quarterly out of the state treasury.  
19 He shall be allowed reasonable expenses of office, and  
20 present his account, under oath, with vouchers therefor  
21 to the governor and council, annually, in December, to  
22 the last day of the preceding month, who shall audit the  
23 same and direct payment from the state treasury. He  
24 shall also be entitled to interest on the average capital  
25 actually invested by him in his stock of liquors, to be  
26 determined by the governor and council.'

SECT. 2. The commissioner shall keep in stock, at all  
2 times at his said place of business in this state, a sufficient  
3 stock of liquors to supply the demands of all duly author-  
4 ized town and city agencies of this state for not exceeding  
5 two months, and all such agencies shall be supplied from  
6 said stock so kept at his said place of business in this  
7 state, and from no other source and in no other manner.  
8 If the governor and council are of opinion that said com-  
9 missioner is carrying a larger amount of stock than is  
10 necessary to comply with the provisions of this act, they  
11 may direct him to discontinue purchases until said stock  
12 is reduced to such an amount as they may order. All  
13 alcohol, whiskey, brandy, rum and gin hereafter purchased  
14 by such commissioner, otherwise than in bottles, as here-  
15 inafter provided, shall be analyzed at the commissioner's  
16 place of business in this state by a competent assayer,

17 appointed by the governor and council. But the gov-  
18 ernor and council may authorize the purchase by the  
19 commissioner, of any of said kinds of liquors, in bot-  
20 tles, if deemed expedient, and in such case, may cause the  
21 same to be inspected and tested in such manner as they  
22 may determine. All other intoxicating liquors purchased by  
23 the commissioner shall be inspected, tested, or analyzed,  
24 by a competent assayer, at said place of business, in such  
25 manner as the governor and council may direct. All  
26 intoxicating liquors shall be purchased subject to such  
27 analysis, test, or inspection, to be reshipped to the seller  
28 at the seller's expense, if found to be impure. The com-  
29 missioner shall not sell such liquors, nor deliver them to  
30 the authorized agencies of cities and towns, unless so  
31 analyzed, tested or inspected as aforesaid, at the place of  
32 business of said commissioner and found to be pure. The  
33 compensation of such assayers shall be fixed by the gov-  
34 ernor and council, and with their reasonable expenses,  
35 shall be paid out of the state treasury.

SECT. 3. On the back of each invoice of liquors sold as  
2 aforesaid, to towns and cities, shall be written or printed  
3 a copy of the assayer's analysis, or certificate of inspection,  
4 certified to by said commissioner, and it shall be the duty  
5 of the agents of such cities and towns to preserve such  
6 invoices and certificates for public inspection, for one year  
7 after receiving the same. Each invoice shall state both  
8 the price actually paid by the commissioner for the liquors,  
9 and the price at which they are sold to the city or town.

SECT. 4. The commissioner is prohibited from borrow-  
2 ing money of any party or parties of whom he may pur-  
3 chase liquors. He shall not sell to municipal officers of

4 this state any intoxicating liquors, except such as have  
5 been inspected or tested and found to be pure, in the  
6 manner aforesaid, under a penalty of not less than one  
7 hundred or more than five hundred dollars, to be recov-  
8 ered by indictment. He shall take of such officers for  
9 such pure, unadulterated liquors and for all malt liquors  
10 sold to them, ten per cent above the cost thereof at the  
11 place where they were by him purchased, and pay the  
12 same over to the state treasurer on or before the first day  
13 of January, annually.

SECT. 5. The commissioner shall, on or before the last  
2 day of each month, report to the governor and council  
3 the names of the towns to which liquors have been sold,  
4 of the persons buying for said towns, the kind and quan-  
5 tity sold to each, and the price paid for the same. He  
6 shall also, at the same time, make report to the governor  
7 and council of all liquors purchased by him, enumerating  
8 the different kinds and the quantity of each kind, price  
9 paid and the terms of payment, also the names of parties  
10 of whom the liquors were purchased, and their place of  
11 business and date of purchase.

SECT. 6. The commissioner shall, before entering upon  
2 the duties of his office, give a bond to the treasurer of  
3 state, in the penal sum of not less than ten thousand dol-  
4 lars, for the benefit of the state as well as for the benefit  
5 of such towns as may be injured by a breach of the con-  
6 ditions, and for the faithful performance of his duties and  
7 compliance with such regulations and conditions as the  
8 governor and council prescribe. In case of his resigna-  
9 tion, removal from office or death, and the appointment  
10 of a successor, the stock of liquors remaining on hand at  
11 the time of his resignation, removal or death, shall be

12 taken at cost by the new commissioner, after the same  
13 shall have been analyzed or tested by an assayer, to be  
14 appointed by the governor and council, and found to be  
15 pure; and he shall, before entering upon his office, pay  
16 for the same in cash, or settle therefor to the satisfaction  
17 of his predecessor or his legal representatives.

SECT. 7. Hereafter whenever any town or city agency  
2 shall have been abolished, the commissioner shall receive  
3 back all such liquors purchased of the liquor commissioner  
4 as they may have remaining on hand, after the same shall  
5 have been analyzed, or tested, and found to be pure and  
6 unadulterated, under such conditions and regulations as  
7 the governor and council may prescribe.

SECT. 8. The commissioner shall keep a sample of all  
2 spirituous liquors analyzed, labeling the same, and mark-  
3 ing them by number or otherwise, to conform with assay-  
4 er's certificate, and shall keep such samples during his  
5 term of office. The governor and council may cause the  
6 commissioner's stock to be inspected at any time by a  
7 competent assayer. A committee of the executive coun-  
8 cil shall visit the commissioner's place of business as often  
9 as once every six months, and make a careful and com-  
10 plete examination of the records of the office, including  
11 all the bills of purchases and accounts of sales. The gov-  
12 ernor and council shall correct any and all abuses, if any  
13 exist; and refusal on the part of said commissioner to  
14 comply with their order or directions relative thereto,  
15 shall be good and sufficient cause for immediate removal  
16 from office.

SECT. 9. The governor and council are hereby directed  
2 to cause an inspection of the stock in each town or city

3 agency, at least once in each year in towns, and twice in  
4 each year in cities, and for that purpose they are hereby  
5 authorized to employ competent assayers, and empower  
6 them to enter at such times as they may be directed by  
7 the governor and council, and without notice, any city  
8 or town agency in this state, to test the purity of all of  
9 the intoxicating liquors kept therein. And the governor  
10 and council may also authorize such examination on com-  
11 plaint of the municipal officers in a town and at the  
12 expense of such town. Any assayer making any exami-  
13 ation provided for by this section, shall examine the in-  
14 voices of the liquors purchased, and compare his analysis  
15 with that written or printed on such invoices. He shall  
16 report immediately the result of his examination to the  
17 municipal officers, and also to the governor and council.

SECT. 10. Upon petition and representation, in writ-  
2 ing, to any single justice of the supreme judicial court, in  
3 term time or vacation, of ten or more well known tax  
4 payers of any city or town in which a liquor agency is  
5 established, that said agency is being conducted in viola-  
6 tion or evasion of the law creating the same, specifying in  
7 said petition the violation complained of, such justice,  
8 after reasonable notice to said city or town, if, upon hear-  
9 ing, it is shown that said agency is not being conducted  
10 in accordance with the law authorizing the establishment  
11 of the same, may order said agency closed, and the liquors  
12 found therein forfeited to the state.

SECT. 11. If a municipal officer buys any intoxicating  
2 liquors, to be sold according to law, of any other person  
3 than the commissioner, or knowingly obtains them from  
4 any other source than the commissioner's stock at his

5 place of business, or if any duly authorized town or city  
6 agent, or any person in his employment or by his direc-  
7 tion, sells, or furnishes for sale, any such liquors as have  
8 been decreed to be forfeited, or found to be impure as  
9 aforesaid, or causes any intoxicating or malt liquors which  
10 he or they keep for sale to be adulterated, by mixing the  
11 same with any coloring matter, drug or ingredient, or  
12 mixes the same with other liquors of different kind or  
13 quality, or with water, or sells or exposes for sale such  
14 liquors as are adulterated, he shall be punished as provided  
15 in section thirty-five of said chapter twenty-seven as  
16 amended.

SECT. 12. The governor and council shall annually  
2 cause the reports of the commissioner and assayers made to  
3 them to be printed, and one copy sent to the municipal  
4 officers of each town, maintaining an agency.

SECT. 13. Sections seventeen and eighteen of chapter  
2 twenty-seven of the Revised Statutes, and all other acts  
3 and parts of acts inconsistent with this act, are hereby  
4 repealed.



STATE OF MAINE.

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IN SENATE, March 16, 1895.

Reported by Mr. SPOFFORD, from Committee on Judiciary, and laid  
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*