

# MAINE STATE LEGISLATURE

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# Seventieth Legislature.

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HOUSE.

No. 232

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ONE.

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AN ACT to permit registered apothecaries to sell Pure Liquors  
for lawful purposes.

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

Section 1. Any person permitted by the laws of this state  
2 to carry on the apothecary business, and who has an estab-  
3 lished place of business in any city or town in the state, may  
4 be allowed to sell pure liquors for medicinal, mechanical and  
5 manufacturing purposes and for no other purpose, under the  
6 following conditions and restrictions :

Sect. 2. Such permission must first be obtained from  
2 the municipal officers of the city or town where such place of  
3 business is located, on or before May 1st, annually. The  
4 permission shall in no case be granted, unless the party apply-  
5 ing for it fully meets the requirements of this act ; nor shall  
6 it be renewed or continued if the party applying for the same  
7 has willfully or knowingly violated or been convicted of

8 violating the provisions of this act, either by himself or his  
9 duly authorized agent.

Sect. 3. No person shall be granted the privileges of this  
2 act, unless he has been duly qualified and registered by the  
3 State Board of Pharmacy, to carry on the apothecary busi-  
4 ness and who regularly makes a business of compounding  
5 medicines, filling physicians' prescriptions, or selling poisons ;  
6 and no sale of liquor shall be made for the purposes herein  
7 named, by any one who is not a duly registered apothecary  
8 or his registered assistant.

Under this act, an apothecary can sell only to actual, known  
10 residents of the city or town in which he is doing business or  
11 to actual, known residents of a city or town immediately  
12 adjoining ; and in no case shall liquors thus sold, be consumed  
13 or used in the store or on the premises where such purchase  
14 is made.

Sect. 4. No apothecary, authorized as aforesaid to sell  
2 intoxicating liquors, shall sell the same to any person or per-  
3 sons whom he knows or has reasons to believe, would use  
4 such liquors for tippling purposes, and all the provisions of  
5 Section 23 of Chapter 27 of the Revised Statutes as to the  
6 sale of intoxicating liquors are hereby made a part of this act.

Sect. 5. Apothecaries having fully complied with the provis-  
2 ions of this act are hereby authorized to keep such liquors in  
3 stock as are required and recognized as necessary by the  
4 United States Dispensatory and Pharmacopœia, in com-  
5 pounding medicines, in amounts not exceeding five gallons  
6 of each kind of liquor, except in the case of alcohol, where  
7 the maximum amount of ten gallons may be kept. Supplies  
8 of these liquors shall be kept continuously on shelves, in the  
9 same manner as chemicals, drugs and medicines, in bottles  
10 of not less than two quarts each, plainly marked with the  
11 word "pure" (giving the name of the liquor) and followed

12 by the words) “for medicinal, mechanical and manufactur-  
13 ing purposes.” And all sales permitted under this act shall  
14 be made from such bottles. The remainder of the stock of  
15 liquors, which is not contained in the bottles before men-  
16 tioned, shall be kept in a convenient place, easy of access and  
17 plainly and correctly marked.

Sect. 6. All apothecaries authorized to sell liquors under  
2 this act shall keep a correct record of each sale, in a suitable  
3 book, giving the name of the person to whom sold, his resi-  
4 dence in full, the date of the sale, the amount of liquor sold,  
5 for what purpose, the price, the kind, the quantity and by  
6 whom procured, which record shall be open to the inspection  
7 of the city or town authorities, during business hours. A  
8 sworn statement and duplicate copy of such record shall be  
9 made and filed every three months, viz.: on the first of Jan-  
10 uary, April, July and October, annually, with the clerk of the  
11 city or town in which the place of business is located.

All such records shall be preserved by the city or town  
13 clerk for at least one year, and shall be open to the inspec-  
14 tion of any resident of the city or town at all reasonable  
15 hours.

Each city or town shall publish a statement in its annual  
17 report, compiled from such duplicate records, giving the  
18 quantity,, in gallons, of the various kinds of liquor sold dur-  
19 ing the year, the total amount for which they were sold,  
20 and the income to the city or town from such source.

Sect. 7. Five per cent. of the amount for which the liquors  
2 are sold shall be paid into the city or town treasury every  
3 three months, at the times when the sworn statement and  
4 duplicate copies mentioned in the preceding section are filed,  
5 to be used for defraying the current expenses of the local  
6 board of health.

A failure or neglect to promptly comply with the provisions 8 of this and the preceding section, shall render the permission 9 granted in section 2 of this act, null and void.

Sect. 8. An apothecary doing business under this act shall 2 be permitted to purchase pure liquors from the State agency 3 or from any other parties from whom they may be lawfully 4 purchased. But such liquors shall not be purchased unless 5 they have been analyzed and tested by a competent assayer 6 and have upon them a printed copy of the assayer's analysis, 7 and a certificate of inspection properly certifying that they 8 are pure. Whoever knowingly violates this section shall be 9 subject to the penalties imposed by section 34, as amended, 10 of chapter 27 of the Revised Statutes.

Sect. 9. Any apothecary violating the provisions of this act 2 shall be subject to such fines and penalties, not otherwise 3 specified, as are imposed by chapter 27 of the Revised Statu- 4 tes, including amendments and additions thereto, for the 5 unlawful sale of liquor.

Sect. 10. So much of section 5 of chapter 28 of the Re- 2 vised Statutes, relating to apothecaries and the sale of poisons, 3 as is inconsistent with this act is hereby repealed.

Sect. 11. This act shall take effect when approved.

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## STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 26, 1901.

Tabled pending reference by Mr. WILSON of Brunswick, and ordered printed.

W. S. COTTON, *Clerk.*