

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

SENATE.

No. 234

STATE OF MAINE.

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

AN ACT to amend section thirty-eight of chapter twenty-seven of the Revised Statutes and section forty of chapter twenty-seven of the Revised Statutes as amended by chapter one hundred forty of the Public Laws of eighteen hundred eighty-seven, and chapter one hundred thirty-two of the Public Laws of eighteen hundred ninety-one, relating to intoxicating liquors.

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

Section 1. Section thirty-eight of chapter twenty-seven of
2 the Revised Statutes is hereby amended by adding thereto
3 the following words, 'whoever violates this section shall be
4 fined one hundred dollars and costs or be imprisoned sixty
5 days,' so that section as amended shall read as follows:

'Sect. 38. Whoever shall deposit or have in his possession
7 intoxicating liquors with intent to sell the same in the state

8 in violation of law, or with intent that same shall be sold by
9 any person, or to aid or assist any person in such sale.
10 Whoever violates this section shall be fined one hundred dol-
11 lars and costs or be imprisoned sixty days.'

Sect. 2. Section forty of chapter twenty-seven of the Re-
2 vised Statutes as amended by chapter one hundred and forty
3 of the Public laws of eighteen hundred and eighty-seven, and
4 chapter one hundred and thirty-two of the Public Laws of
5 eighteen hundred and ninety-one, is hereby amended by strik-
6 ing out the words "or has reason to believe that said person
7 has concealed them about his person, to search said person,
8 and if such liquors are found upon the person or premises,
9 to arrest him" in the sixteenth, seventeenth, eighteenth and
10 nineteenth lines of said section, and insert in the place thereof
11 the words 'to arrest said person' and by striking out the
12 words "found upon the person in the premises described in
13 this section" in the twenty-sixth and twenty-seventh lines of
14 said section and inserting in place thereof the words 'kept
15 and deposited by him in any place', so that said section as
16 amended shall read as follows:

'Sect. 40. If any person competent to be a witness in civil
18 suits, makes sworn complaint before any judge of a munic-
19 ipal or police court or trial justice, that he believes that intox-
20 icating liquors are unlawfully kept or deposited in any place
21 in the state by any person, and that the same are intended for
22 sale within the state in violation of law, such magistrate shall
23 issue his warrant, directed to any officer having power to serve
24 criminal process, commanding him to search the premises
25 described and specially designated in such complaint and
26 warrant, and if said liquors are there found to seize the same,
27 with the vessels in which they are contained, and them safely
28 keep until final action thereon, and make immediate return
29 on said warrant. The name of the person so keeping said liq-
30 uors as aforesaid, if known to the complainant, shall be stated

31 in such complaint, and the officer shall be commanded by said
32 warrant, if he finds said liquors to arrest said person and hold
33 him to answer as keeping said liquors intended for unlawful
34 sale. Any person who may be suspected of selling from, or
35 keeping for illegal sale in his pockets, intoxicating liquors,
36 may be searched in the same manner and by the same process
37 as is provided for the search of places and if liquors
38 are found upon his person, may be held to answer as though
39 such liquors were kept and deposited by him in any place. If
40 fluids are poured out or otherwise destroyed by the tenant,
41 assistant or other person, when premises are about to be
42 searched, manifestly for the purpose of preventing their seiz-
43 ure by officers authorized to make such search and seizure,
44 such fluids may be held to have been intoxicating and in-
45 tended for unlawful sale, and the penalties shall be the same
46 as if said liquors had been seized. If the name of the person
47 keeping such liquors is unknown to the complainant, he shall so
48 allege in his complaint, and the magistrate shall thereupon
49 issue his warrant as provided in the first sentence of this sec-
50 tion. If upon trial, the court is of the opinion that the liquor
51 was so aforesaid kept and intended for unlawful sale, by the
52 person named in said complaint, or by any other person with
53 his knowledge or consent, he shall be found guilty thereof,
54 and sentenced to a fine of one hundred dollars and costs and
55 in addition thereto be imprisoned sixty days. In default of
56 payment of fine and costs the party shall be imprisoned sixty
57 days additional. The payment of the United States special
58 tax as a liquor seller, or notice of any kind in any place of
59 resort, indicating that intoxicating liquors are there sold, kept
60 or given away unlawfully, shall be held to be prima facie
61 evidence that the person or persons paying said tax, and the
62 party or parties displaying said notices, are common sellers
63 of intoxicating liquors, and the premises so kept by them
64 common nuisances.'

STATE OF MAINE.

IN SENATE, March 18, 1903.

Reported by Mr. GOODWIN from Committee on Revision of Statutes,
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.