

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 83

STATE OF MAINE.

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

AN ACT to permit registered apothecaries to sell alcoholic
liquors for medicinal and mechanical purposes only.

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

Section 1. Registered apothecaries, actively engaged in the
2 drug business, may sell alcoholic liquors to be used for
3 medicinal and mechanical purposes only, subject to the
4 restrictions hereinafter provided.

Sect. 2. Sales may be made to any adult person personally
2 known to the apothecary, or properly identified, for the use
3 of himself and family, of not more than one quart of alco-
4 holic liquors during any one week unless written objections
5 thereto shall have been filed with such apothecary as to a
6 specified individual by some relative, or a municipal or other
7 officer, or justice of the peace ; provided, however, that in no
8 case shall alcoholic liquors be sold to be drunk on the prem-

9 ises. The limit in quantity of alcoholic liquors, specified
 10 hereunder, shall not apply to wholesale druggists in making
 11 sales to registered apothecaries or to registered physicians,
 12 but shall apply in full force to all sales by wholesale drug-
 13 gists to all others.

Sect. 3. No sales shall be made unless such purchaser is
 2 personally known to the registered apothecary, or is properly
 3 identified, and shall first file with said registered apothecary
 4 a certificate signed by himself as follows:

I.....of....., wish to purchase of.....,
 6 a registered apothecary of....., Maine, the alcoholic
 7 liquors hereinafter enumerated, to wit:to be
 8 used by myself or family for medicinal or mechanical pur-
 9 poses. I will not use the same, nor allow its use by others,
 10 for tipping purposes. Including the above purchase there
 11 has not been purchased for all the members of my family
 12 more than one quart of alcoholic liquors during the seven
 13 days last passed. I am over twenty-one years of age. I
 14 have never been convicted of intoxication nor of violating
 15 the provisions of the act authorizing this purchase.

16 Date.

Signature.

Sect. 4. Every registered apothecary shall preserve in book
 2 form such certificate, which shall state to whom each sale is
 3 made, the kind and amount of alcoholic liquor sold and for
 4 what purpose to be used, and said certificates shall be kept
 5 by said apothecary as a record of sales under the provisions
 6 of this act; and the objections specified in section 2 of this
 7 shall be by him received and filed as a record of objections.
 8 All records of certificates and objections required to be kept
 9 hereunder shall be open to the inspection of any adult citizen
 10 of the State and produced in court whenever required. The
 11 certificates in blank shall be of uniform size throughout the
 12 State and shall be printed by the public printer, and fur-
 13 nished in book form by the secretary of the State at cost.

Sect. 5. No registered apothecary shall sell said liquors by
2 clerk or agent unless such clerk or agent be a registered
3 apothecary or qualified assistant, in which case he also shall
4 be subject to the provisions of this act, but no such clerk or
5 agent is hereby authorized to make said sales for any apothecary
6 whose certificate of registration has been revoked.

Sect. 6. Annually on the 31st day of December, each registered
2 apothecary shall make a detailed and complete report
3 of his sales of alcoholic liquors. This report shall state the
4 amount of his sales of each kind of alcoholic liquors made
5 during the year and shall be forwarded on or before the tenth
6 day of the following month to the secretary of State, who
7 shall summarize these reports showing the sales by individual
8 druggists and the annual sales of various liquors in each
9 town, city and county of the State and he shall refer his
10 report to the governor and council, who shall order the same
11 to be printed for public distribution.

Sect. 7. Whoever presents to any registered apothecary a
2 written certificate for the purpose of purchasing or obtaining
3 alcoholic liquors as provided by this act in which there is any
4 false statement of fact or fraudulent or deceitful promise,
5 or with intent to evade the purpose hereof, shall be punished
6 by imprisonment in the county jail for the term of thirty
7 days.

Sect. 8. Any registered apothecary who fails to so preserve
2 the certificates, or fraudulently destroys or conceals any written
3 objections filed under the provision of section 2 of this
4 act, or sells alcoholic liquors to any person not personally
5 known to him or not properly identified, as provided in section
6 3 of this act, or neglects to keep or refuses to exhibit
7 the record, as provided in section 4 of this act, or who neglects
8 or refuses to make a correct annual report, as provided
9 in section 6 of this act, or who sells alcoholic liquors except

10 in compliance with the provisions hereof, or sells upon cer-
11 tificate which he has reason to believe contains a false state-
12 ment of fact or a fraudulent or deceitful promise or is not
13 filed in good faith, or who sells liquor to be drunk on the
14 premises, shall be liable to the penalties prescribed in section
15 42 of chapter 29 of the Revised Statutes, and in addition to
16 such penalties his registration as a pharmacist and his certifi-
17 cate thereof shall by said conviction become null and void
18 and it shall be the duty of the board of commissioners of
19 pharmacy upon proof of such conviction to revoke such
20 registration, as provided in section 6 of chapter 30 of the
21 Revised Statutes.

Sect. 9. The fact that any registered apothecary has paid
2 a tax to the United States government for the right to sell
3 such alcoholic liquors shall not be prima facie evidence that
4 he has made sales in violation of the provisions of this act
5 of chapter twenty-nine of the Revised Statutes.

Sect. 10. This act and the provisions hereof shall be kept
2 posted by each registered apothecary in his place of business.

Sect. 11. This act shall be in effect when approved and
2 signed by the governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, February 9, 1905.

Tabled pending reference to a committee by Mr. HOWES of Pal-
myra and ordered printed.

E. M. THOMPSON, *Clerk.*