

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 534

STATE OF MAINE.

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

AN ACT to provide for the better enforcement of the laws
against the sale of intoxicating liquors.

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

Section 1. It shall be the duty of the attorney-general to
2 make diligent inquiry into the manner of the enforcement
3 by county attorney, sheriffs, and municipal officers within
4 each county of the State, of the provisions of chapter 22 and
5 chapter 29 of the Revised Statutes relating to the manu-
6 facture and sale of intoxicating liquors, which said pro-
7 visions shall hereinafter in this act be called the prohibitory
8 law.

Sect. 2. If the attorney-general upon investigation is satisfied that the county attorney for any county fails to perform the duties imposed upon him by said chapters as to the enforcement of the prohibitory law, he shall at once notify such county attorney in writing to that effect and if thereafter in the judgment of the attorney-general he still fails to perform his said duties, the attorney-general shall thereupon file with the governor an information in writing setting forth said facts and the governor shall forthwith appoint with the advice and consent of the council, a special attorney for the State to perform the said duties in the place of the said county attorney. Such special attorney shall be duly sworn and shall have and exercise for the purposes of the enforcement of the prohibitory law, all the powers of attorney for the State for said county and such county attorney shall cease to exercise said powers for the enforcement of said law while he continues to hold such office unless the governor and council upon the recommendation of the attorney-general or otherwise shall sooner deem it proper to revoke the appointment of such special attorney and recommit the performance of said duties to such county attorney. Said special attorney shall be entitled to reasonable compensation for the services rendered by him under the provisions of this act and the charges therefor shall be audited by the governor and council and paid out of the State treasury upon warrants issued therefor and the amount thereof shall be deducted from the salary of such county attorney.

Sect. 3. If the attorney-general upon investigation is satisfied that the provisions of the prohibitory law are not faithfully enforced in any county he shall at once notify in writing, to that effect, the sheriff and any other officer in said county whose duty it is to enforce the provisions of said law and whom he has reason to believe is failing to perform said

7 duty, and direct such sheriff or other officer to faithfully
8 enforce said law; and if, thereafter, in the judgment of the
9 attorney-general, the provisions of the said law are not faith-
10 fully enforced in said county he shall thereupon file with the
11 governor an information in writing setting forth said fact
12 and the governor shall forthwith appoint, with the advice and
13 consent of the council, a special enforcement commissioner
14 for said county, who shall be a resident thereof and whose
15 duty it shall be faithfully to enforce the provisions of the
16 prohibitory law with said county. Such commissioner
17 shall be duly sworn and shall have and exercise within the
18 county for which he has been appointed, all the powers now
19 possessed by the sheriff, for the enforcement of the pro-
20 hibitory law. He shall receive for his services the sum of
21 five dollars (\$5.00) per day and actual expenses including
22 a reasonable sum for office rent and other necessary facilities
23 for transacting the business of his office. Before entering
24 upon his duties he shall give bond to the State treasurer in
25 the sum of five thousand dollars (\$5,000.00), conditioned
26 for the faithful performance of his duties, with two suffi-
27 cient sureties approved by the county commissioners for said
28 county, which bond shall remain on file in the office of the
29 State treasurer.

Sect. 4. Said commissioner shall appoint such number of
2 deputies as the governor and council shall deem necessary
3 for the effective enforcement of the prohibitory law in such
4 county, which number shall be specified in the appointment
5 of said commissioner. Such deputies shall hold office during
6 the pleasure of said commissioner and shall be responsible
7 to him for any official neglect or misconduct. They shall
8 be duly sworn and it shall be their duty under the direction
9 of said commissioner faithfully to enforce the provisions of
10 the prohibitory law within the county for which they are

11 appointed and they shall have and exercise within said county
12 all the powers possessed by deputy sheriffs, police officers or
13 constables for the enforcement of said law. Said deputies
14 shall receive as compensation for their services the sum of
15 three dollars (\$3.00) per day for each day during which they
16 are actually employed in the performance of said duties and
17 their actual expenses incurred in performing the same.

Sect. 5. The accounts of said commissioner and his deputies for services and expenses shall be presented to the county commissioners of such county and audited by them each month and shall be paid out of the treasury of such county upon warrants issued by them. The same fees shall be taxed for the services of said commissioner and deputies for travel, arrests, conveyance and other costs as are now allowed by statute for like services by sheriffs and their deputies and such fees and costs together with all fines or penalties recovered in prosecutions or proceedings instituted by said commissioner or his deputies in the enforcement of said law under the provisions of this act shall be paid into the county treasury of that county where such fines and costs are recovered.

Sect. 6. The governor may, with the advice and consent of the council, at any time upon the recommendation of the attorney-general or otherwise if satisfied that the services of such commissioner and his deputies are no longer necessary for the proper enforcement of the prohibitory law in such county, revoke the appointment of such commissioner, which revocation shall likewise terminate the appointment and authority of all his deputies. The governor may also at any time remove said commissioner for cause and appoint another in his place.

Sect. 7. Nothing in this act shall in any way relieve sheriffs of counties and their deputies or the municipal officers

3 of cities and towns of the duties imposed upon them for the
4 enforcement of the prohibitory law.

Sect. 8. This act shall take effect when approved.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 14, 1905.

Tabled pending reference to a committee by Mr. HIGGINS of Limerick and ordered printed.

E. M. THOMPSON, *Clerk.*