

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 17

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 manufacture and sale of intoxicating liquors.

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

Section 1. The governor, with the advice and consent of
2 the council, shall appoint a commission consisting of three
3 persons, two members of said commission shall be from the
4 dominant political party and one from the political party
5 casting the next highest vote at the last State election. One
6 of said commissioners shall be appointed for one year; one
7 for two years, and one for three years; and each commis-
8 sioner thereafter shall be appointed for the term of three
9 years, unless appointed to fill a vacancy caused by resigna-
10 tion, death or removal, in which case his term shall expire at
11 the time of the commissioner, whose place he was appointed
12 to fill, would have expired. Said commissioners shall be
13 authorized to enforce the laws against the manufacture and

14 sale of intoxicating liquors (hereafter in this act to be called
15 prohibitory law) as hereinafter provided. Said commis-
16 sioners shall be paid a salary of fifteen hundred dollars
17 (\$1,500) per year and actual expenses. The salary shall be
18 payable in four quarterly payments on the first days of Jan-
19 uary, April, July and October. Said commissioners shall be
20 provided with an office at the State capitol, with suitable
21 furniture, stationery, and other necessary facilities for trans-
22 acting the business of the commission, and may employ a
23 clerk.

Sect. 2. Said commissioners shall have, and are hereby
2 authorized to exercise in any part of the State, all the com-
3 mon law and statutory powers of sheriffs in their respective
4 counties in the enforcement of the prohibitory law; and shall
5 have an official badge similar to the badge of sheriff, on
6 which shall be inscribed "Enforcement Commissioner," which
7 badge shall be their insignia of authority.

Sect. 3. Said commission is hereby authorized to appoint
2 such number of deputy commissioners, as in its judgment,
3 may be necessary to carry out the provisions of this act.
4 Said deputy commissioners shall receive a certificate of
5 appointment, and an official badge similar to the badge of
6 deputy sheriff, on which shall be inscribed, "Special Enforce-
7 ment Deputy," which badge shall be their insignia of
8 authority.

Sect. 4. Said deputy commissioners shall hold their office
2 during the pleasure of the commission, and upon demand of
3 the commission, shall immediately return their certificate of
4 appointment and badge, together with all papers and docu-
5 ments belonging to or secured for the commission while act-
6 ing as deputy commissioner.

Sect. 5. Said deputy commissioners shall have, and are
2 hereby authorized to exercise in any section of the State all
3 the common law and statutory powers of deputy sheriffs in

4 their counties and city marshals, police officers, and watch-
5 men in the respective cities and towns of said State, (except-
6 ing the power to serve civil processes) in the enforcement of
7 the prohibitory law. It shall be the duty of the deputy com-
8 missioners to see that the law is enforced in all sections of
9 the State, and to co-operate with the sheriffs and their
10 deputies in the several counties, and the city marshals and
11 police officers of the several cities and the municipal officers
12 of towns in securing such result.

Sect. 6. Said deputy commissioners shall receive the sum
2 of three dollars (\$3.00) per day when on duty, and when
3 required to travel in the discharge of said duties shall be
4 paid their actual expenses, and their accounts shall, from time
5 to time, at the pleasure of the commission, be presented for
6 approval, and the governor and council shall issue their war-
7 rant for the payment of the fees and expenses audited and
8 approved by the commission.

Sect. 7. The said commission, upon being satisfied that the
2 local authorities fail to enforce the prohibitory law in any
3 city or town of the State may appoint one or more deputy
4 commissioners, resident of said city or town, or may send
5 one or more deputy commissioners, from some other section
6 of the State to said city or town for the purpose of better
7 enforcing said law.

Sect. 8. All fines collected from persons prosecuted by
2 authority of the commission under the provisions of this act,
3 shall be divided equally between the State and the county
4 wherein the conviction is secured.

Sect. 9. Nothing in this act shall in any way relieve the
2 sheriffs and county attorneys of counties or the municipal
3 officers of cities and towns of the duties devolving by law
4 upon* them for the enforcement of the prohibitory law, and
5 all fines collected by prosecutions instituted by them shall be
6 paid entirely to the county wherein the conviction is secured.

Sect 10. Whenever, in the judgment of the governor,
2 either of said commissioners are negligent in the performance
3 of his duty, it shall be the duty of the governor, and he is
4 hereby authorized to remove said commissioner from office.

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

STATE OF MAINE.

IN SENATE, January 24, 1905.

Presented by Mr. STURGIS of Cumberland, and on motion by same
Senator laid on table to be printed pending reference.

KENDALL M. DUNBAR, *Secretary*.