

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

SENATE.

No. 142

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 is hereby authorized to appoint a
2 commission consisting of three persons, one of whom shall
3 be a lawyer, two members of said commission shall be from
4 the dominant political party and one from the political party
5 casting the next highest vote at the last State election.

Each member of said commission shall be paid a salary of
7 fifteen hundred dollars per year and actual expenses.

The salary shall be payable in four quarterly payments on
9 the first days of January, April, July and October.

Said commissioners shall be provided with an office at the
11 State capitol, with suitable furniture, stationery and other
12 necessary facilities for transacting the business of the com-
13 mission, and may employ a clerk at the expense of the State.

Sect. 2. Said commissioners shall be known as enforce-
2 ment commissioners and with the advice and under the direc-
3 tion of the governor shall have, and are hereby authorized
4 to exercise in any part of the State, all the common law and
5 statutory powers of sheriffs in their respective counties in
6 the enforcement of the law against the manufacture and sale
7 of intoxicating liquors.

Sect. 3. Said commission shall appoint such number of
2 deputy enforcement commissioners as in its judgment may
3 be necessary, who shall have the same powers as are given
4 said commissioners under the preceding section. Such depu-
5 ties shall be appointed in writing signed by a majority of said
6 commissioners, which appointment shall be recorded in the
7 office of said commission, and shall hold office during the
8 pleasure of said commission. Upon being discharged they
9 shall immediately surrender their certificate of appointment
10 and all papers and other property relating to their office.

Sect. 4. Said commissioners and deputies shall be sworn
2 and give bonds to the State for the faithful discharge of their
3 duties, the commissioners in the sum of five thousand dollars
4 and the deputies in the sum of twenty-five hundred dollars.

Any party injured by the official misdoing of any deputy,
6 having first obtained judgment against him and failed to
7 satisfy the execution issued thereon on demand, may, at his
8 own expense, in the name of the commissioners, for the time
9 being, institute suit upon such bond in the county in which
10 the original judgment was obtained or in the county in which
11 such deputy resides, for the purpose of collecting such judg-
12 ment. The name of the party for whose benefit the suit is
13 brought shall be stated in the declaration and endorsed on

14 the writ and such party shall alone be liable for costs unless
15 the court for good cause shown shall require other endorsers.

Sect. 5. It shall be the duty of said deputy enforcement
2 commissioners to exercise all the powers herein conferred
3 when, where and as directed by said commission, and for
4 their services, they shall be paid three dollars per day and
5 the actual expenses occasioned by the performance of such
6 duty, and shall, at such time as may be fixed by the commis-
7 sion, present their accounts for approval and after approval
8 the governor and council shall draw their warrant against
9 any moneys in the treasury not otherwise appropriated, in
10 payment thereof.

Sect. 6. There shall be taxed for said commissioners and
2 deputies in the bills of costs the same fees as sheriffs and wit-
3 nesses have been heretofore entitled to receive, which shall
4 be paid directly to the State treasury.

Sect. 7. The said commission, upon being satisfied that
2 the local authorities fail to enforce the law against the man-
3 ufacture and sale of intoxicating liquors in any city or town
4 of the State, shall, subject to the limitations of section two,
5 instruct the deputy commissioners in the county, and may
6 send one or more deputy commissioners from some other
7 section of the State to enforce said law.

Sect. 8. The governor may, after notice to and an oppor-
2 tunity for the attorney for the State for any county to show
3 cause why the same should not be done, create to continue
4 during his pleasure, the office of special attorney for the
5 State in such county and appoint an attorney to perform the
6 duties thereof. Such appointee shall, under the direction of
7 the governor, have and exercise the same powers now vested
8 in the attorney for the State for such county in all prosecu-
9 tions relating to the law against the manufacture and sale of
10 intoxicating liquors, and shall have full charge and control
11 thereof; he shall receive such reasonable compensation for

12 services rendered in vacation and term time as the justice
13 presiding at each criminal term in the county shall fix to be
14 allowed in the bill of costs for that term and paid by the
15 county.

Sect. 9. All fines collected by prosecutions undertaken by
2 said commission or its deputies shall be divided equally
3 between the State and the county in which the prosecution is
4 had, except during the time when a special attorney is
5 appointed to perform the duties of the attorney for the State
6 for said county, in which event all fines collected on prosecu-
7 tions instituted during such time by said commission or its
8 deputies or by said special attorney, and half of all other fines
9 in all cases in which such attorney shall take part, shall be
10 paid to the State. Each clerk of the court shall within thirty
11 days after the adjournment of each criminal term, certify to
12 said commission a list of all fines collected in his county since
13 his last return, which list shall show the origin of the case
14 in which they were collected, and so far as exhibited by the
15 papers or records, the connection of any of the special offi-
16 cials herein provided for, therewith. Said commission shall
17 determine what moneys are due from any county to the State
18 under the provisions hereof, and such sum shall be paid by
19 the county treasurer to the treasurer of the State within thirty
20 days after said commission shall notify the county commis-
21 sioners of any county of its determination.

Sect. 10. Nothing in this act shall in any way relieve the
2 sheriffs or the municipal officers of cities and towns, or
3 except when such special attorney has been appointed, the
4 attorney for the State for the county, of the duties devolving
5 upon them for the enforcement of the law against the manu-
6 facture and sale of intoxicating liquors, and all fines collected
7 by prosecutions instituted by them, except those in which
8 such special attorney shall take part, shall be paid entirely to
9 the county wherein the conviction is secured.

Sect. 11. Whenever, in the judgment of the governor,
2 either of said commissioners is 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. 12. Whenever, in the judgment of the governor, the
2 commission is no longer necessary, he is hereby authorized
3 to remove from office all members of said commission, and
4 the commission shall be thereby suspended, until such time
5 as he deems its services are again required.

Sect. 13. This act shall take effect when approved.

A.

The committee on temperance, to which was referred bill entitled "An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors," have had the same under consideration and ask leave to report that the same ought to pass in new draft.

B. M. PIKE,
S. P. MILLS,
F. I. BROWN,
A. P. HOWES,
A. E. IRVING,

For the Committee.

B.

The committee on temperance, to which was referred the bill entitled "An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors," have had the same under consideration and ask leave to report that the same ought not to pass.

M. T. O'BRIEN,
J. M. HUTCHINS,
JAS. H. DOWNS,
ISAIAH D. LEIGHTON,
W. E. SANBORN,

For the Committee.

STATE OF MAINE.

IN SENATE, March 2, 1905.

Pending acceptance of either report, laid on table to be printed, on motion by Mr. MILLS of Hancock, and assigned for consideration on Wednesday, March 8th.

KENDALL M. DUNBAR, *Secretary*.