

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 677

STATE OF MAINE.

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

AN ACT to regulate the purchase and sale of intoxicating
liquors by State Liquor Commissoiner and by Town Liquor
Agents.

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

Section 1. The state liquor commissioner, under the direc-
2 tion of the governor and council, shall purchase for the state,
3 at the expense of the state, a sufficient stock of liquors to
4 supply the demands of all duly authorized town and city
5 agencies of this state, for not exceeding three months; and
6 all such agencies shall be supplied from said stock so kept,
7 and from no other source and in no other manner. If the
8 governor and council are of the opinion that said commis-

9 sioner is carrying a larger amount of stock than is necessary
10 to comply with the provisions of this section, they may
11 require him to discontinue purchases until said stock is
12 reduced to such an amount as they may order. He shall
13 purchase only liquors of standard brand and quality. Before
14 purchasing he shall advertise in such papers in Boston, New
15 York and other cities as are approved of by the governor
16 and council, for sealed proposals for supplying the state with
17 such intoxicating liquors as it may require for the purposes
18 of this act within the six months following the acceptance
19 of such proposal. Such advertisement shall be published
20 twice a week for two successive weeks, the last publication
21 to be at least two weeks prior to the time specified therein
22 for the closing of said proposals. Such proposals shall be
23 addressed to the state liquor commissioner at Augusta, and
24 shall remain sealed until opened in the presence of a com-
25 mittee of the executive council at a time specified in said
26 advertisement. Said commissioner shall, upon request of
27 any responsible dealer, mail a statement setting forth the
28 different kinds, brands and qualities of liquors upon which
29 bids are required, giving approximate estimates of the
30 amount of each kind which will be required under the con-
31 tract, and a blank form of the contract and bond which will
32 be required. Such contract shall require the successful
33 bidder to furnish the state, from time to time, in quantities
34 of not less than ten gallons at any one time, such liquors of
35 the kinds and qualities and at the prices therein specified as
36 said commissioner shall order during the six months follow-
37 ing the acceptance of such bid. No contract shall be ac-

38 cepted unless the faithful performance of the same is secured
39 by a bond in the penal sum of not less than twenty per cent
40 of the estimated total value of the liquors to be furnished by
41 said contractor, with surety or sureties approved by the gov-
42 ernor and council. Said bond shall be made payable to the
43 state of Maine, and shall be deposited with the state treas-
44 urer. The bids shall state the prices of the liquors delivered
45 at the state's store or warehouse.

Sect. 2. All liquors purchased by said commissioner and
2 furnished by said contractors must be of the standard and
3 purity required by, and must be guaranteed under, the laws
4 of Congress in force at the time of such contract relative to
5 food and drugs.

Sect. 3. The liquors purchased by said commissioner shall
2 be put up in sealed bottles, casks or other packages of con-
3 venient size for distribution by the town agencies. Every
4 bottle, cask and package, as soon as the same is received by
5 said commissioner, shall be labeled with a label on which
6 shall be conspicuously stamped or printed the name of this
7 state, the name of the contractor, the date of invoice and the
8 serial number as hereinafter provided, the name of the state
9 liquor commissioner, and such other words as the governor
10 and council may require.

Sect. 4. Beginning with the first day of July in each year,
2 the serial numbers shall commence with "1" and run con-
3 secutively during the twelve months succeeding; and each
4 bottle, cask or package shall be numbered by the liquor com-
5 missioner consecutively as the same is received from the
6 contractor; and a record thereof shall be made and kept by
7 said commissioner, stating from whom and when received,

8 and to whom and when delivered, and the kind and quality
9 of the liquor and the amount contained in such bottle, cask
10 or package.

Sect. 5. The liquor commissioner, subject to the approval
2 of the governor and council, shall establish the prices at
3 which such liquors shall be furnished to the town agencies,
4 which shall not exceed ten per cent above the cost of such
5 liquors to the state.

Sect. 6. The liquor commissioner, with the approval of the
2 governor and council, shall provide, at the expense of the
3 state, suitable store or warehouse for the keeping of said
4 liquors.

Sect. 7. Said commissioner shall receive no compensation
2 for his official services other than his salary fixed by law.

Sect. 8. Said liquors, when sold to the town agencies, shall
2 be shipped in the original sealed bottles, casks and packages.

Sect. 9. Liquors purchased by the state under the fore-
2 going provisions of this act shall be paid for by the state
3 treasurer only upon the warrant of the governor, after the
4 bills have been approved by the governor and council.

Sect. 10. A bill for all invoices sold by said commissioner
2 to any town agency shall be sent to the town treasurer of said
3 town, and a duplicate of the same shall be sent to the state
4 treasurer, who shall, within thirty days after the receipt of
5 the same, collect the amount thereof from said town; and
6 if not paid within said thirty days, shall be collected from
7 said town in the same manner as state taxes are collected.

Sect. 11. Every bottle, cash or package, as soon as it is
2 received by any town agency, shall be labeled with a label on

3 which shall be conspicuously stamped or printed the name
4 of such town, the name of the town agent, the date when
5 received by said town, and a town serial number. Beginning
6 on the first day of July of each year, such town serial num-
7 bers shall commence with "1" and run consecutively during
8 the twelve months succeeding; and an invoice record thereof
9 shall be made and kept by said town agent, stating said state
10 serial number, the town serial number, the amount, kind and
11 quality of liquor contained in such package and the date
12 when received; and the town agent shall also keep a sales
13 book in which he shall enter each sale, showing the town
14 serial number, the state serial number, the date of sale, the
15 kind, amount and price of the liquor, and the name and resi-
16 dence of the purchaser.

Sect. 12. Each town liquor agent, subject to the approval
2 of the governor and council, and subject to be changed by
3 them from time to time, shall fix the retail price at which
4 such liquors shall be sold by his agency, which retail price
5 shall be limited as near as practicable to the cost of such
6 liquors at said town agency and a gross profit sufficient to
7 reimburse the town for the expenses of conducting such
8 liquor agency, including his salary and clerk or clerks hire.
9 The town agent shall be paid a salary to be fixed by the
10 municipal officers of his town and shall not be paid or allowed
11 any commission or any other emolument or perquisite for
12 services in such capacity.

Sect. 13. In addition to the restrictions provided in section
2 28 of chapter 29 of the Revised Statutes, the town agent
3 shall not sell intoxicating liquor to any person with whom he

4 is not acquainted, except upon the prescription of a reputable
5 practicing physician, which prescription he shall keep on
6 file.

Sect. 14. Neither the liquor commissioner nor any town
2 agent shall open, or permit to be opened, in his store or ware-
3 house, any bottle, cask or package containing intoxicating
4 liquor, or sell the same except in the original package with
5 the requisite label, or labels, as the case may be.

Sect. 15. Neither the state liquor commissioner, nor any
2 town agent shall mix or adulterate any liquors in his custody,
3 so purchased under the provisions of this act.

Sect. 16. No town or town liquor agent shall purchase, sell
2 or dispose of any liquors except as provided in this act.

Sect. 17. Any violation of the provisions of this act by
2 the state liquor commissioner, or by any town liquor agent,
3 or his clerk or assistant, shall be punished by imprisonment
4 not less than sixty days, nor exceeding one year.

Sect. 18. When any town liquor agency is closed by an
2 order of the municipal officers, the stock of liquors on hand
3 may be returned to the state warehouse, freight or express
4 prepaid, and the town shall be paid therefor from the state
5 treasury, the price which the state is at that time paying for
6 liquors of like kind and quality.

Sect. 19. No person shall keep any liquor purchased or
2 received, directly or indirectly, from any town liquor agency,
3 except in the original bottle, cask or package with the state
4 and town labels thereon; and no person shall remove, deface
5 or destroy any state or town label so long as the bottle, cask
6 or package to which the same was affixed contains any of the
7 liquor originally contained therein. As soon as such bottle,

8 cask or package is emptied of its original contents the state
9 and town labels shall be removed. No person shall put any
10 intoxicating liquor into any bottle, cask or package to which
11 is affixed a state or town label. Whoever violates any of the
12 provisions of this section shall be punished by imprisonment
13 not less than sixty days, nor exceeding one year.

Sect. 20. The foregoing provisions of this act shall take
2 effect on the first day of July, 1907, except that the state
3 liquor commissioner, under the direction of the governor and
4 council, shall, on or before the first day of June, advertise
5 for sealed proposals for supplying the state with liquors as
6 hereinbefore provided, for the six months beginning on the
7 said first day of July.

Sect. 21. On the first day of July, 1907, the state liquor
2 commissioner shall turn over to the state, at cost, such stock
3 of liquors as he has on hand, lawfully purchased and up to
4 the lawful standard; and his bill therefor shall be paid
5 from the state treasury on the approval of the governor and
6 council. The liquors so turned over to the state by the
7 liquor commissioner shall be labeled and numbered as herein-
8 before provided for liquors purchased by contract.

Sect. 22. After the first day of July the town liquor agen-
2 cies may dispose of such liquors as they have lawfully pur-
3 chased and have on hand in the manner now provided by law.

Sect. 23. Until the first day of July, 1907, the state liquor
2 commissioner shall purchase only such liquors as shall be
3 absolutely necessary to supply the immediate needs of the
4 town liquor agencies; and shall furnish to such town agen-
5 cies only such liquors as are necessary for their immediate

6 needs. Until the first day of July, 1907, no liquors shall be
7 furnished by the state liquor commissioner to any town
8 agency except upon the sworn inventory of the stock of
9 liquors which such town agency has on hand at the time of
10 such order and showing such immediate necessity. On the
11 first day of July, 1907, every town liquor agent shall make
12 out and send to the state liquor commissioner, a sworn state-
13 ment showing in detail the stock of liquors on hand in his
14 agency on that day, which shall remain on file for public
15 inspection in the office of the state liquor commissioner.

Sect. 24. The words "bottle, cask, package" means respect-
2 ively as used in the foregoing sections of this act, a single
3 sealed vessel containing intoxicating liquor of convenient
4 size for distribution by town liquor agencies, but does not
5 apply to the boxes, crates or barrels in which said vessels
6 may be packed for shipment. Before shipment into the state
7 the contractor shall seal each such vessel in such manner as
8 the governor and council shall approve.

Sect. 25. The governor and council from time to time, at
2 their discretion, may employ a competent inspector of liquors.
3 Under the direction of the governor and council he shall
4 inspect the stock of liquors in and examine the books kept
5 by the state and town agencies, and enquire into the conduct
6 of the business of the state and town agencies and report to
7 the governor and council. The governor and council from
8 time to time may delegate to said inspector such of their
9 authority under this act as they see fit and may revoke the
10 same.

Upon general or special authority from the governor and
12 council said inspector, upon finding that the state liquor

13 agency or any town agency has been, or is being conducted
14 in violation of law, may take immediate possession of the
15 state or such town agency, its stock of liquor, books and all
16 other property thereto belonging, make a true inventory
17 thereof, close said agency and report his doings forthwith
18 to the governor. In such case the governor and council shall
19 immediately investigate the conduct of such agency and
20 authorize the reopening of such agency in such manner and
21 upon such conditions as they may prescribe. Said inspector
22 shall be paid by the state from the state treasury such com-
23 pensation as the governor and council, from time to time
24 allow, including actual expenses.

Sect. 26. All acts and parts of acts so far as the same are
2 inconsistent with this act, are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 26, 1907.

Tabled pending action on the motion to substitute the minority for the majority report, and bill in new draft ordered printed on motion of Mr. JOHNSON of Waterville.

E. M. THOMPSON, *Clerk.*