

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 267

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 commissioner 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 re-
11 quire him to discontinue purchases until said stock is reduced
12 to such an amount as they may order. He shall purchase
13 only liquors of standard brand and quality. Before pur-
14 chasing, 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 bid-
33 der to furnish the state, from time to time, in quantities of
34 not less than ten gallons at any one time, such liquors of the
35 kinds and qualities and at the prices therein specified as said
36 commissioner shall order during the six months following

37 the acceptance of such bid. No contract shall be accepted
38 unless the faithful performance of the same is secured by
39 a bond in the penal sum of not less than twenty per cent of
40 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 to 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 con-
6 tractor; and a record thereof shall be made and kept by said
7 commissioner, stating from whom and when received, and
8 to whom and when delivered, and the kind and quality of
9 the liquor and the amount contained in such bottle, cask or
10 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 five per cent above the cost of such
5 liquors to the state.

Sect. 6. The liquor commissioner, with the approval of
2 the governor and council, shall provide, at the expense of
3 the 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 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
3 said town, and a duplicate of the same shall be sent to the

4 state treasurer, who shall, within thirty days after the receipt
5 of 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, cask 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. Begin-
6 ning on the first day of July of each year, such town serial
7 numbers shall commence with "1" and run consecutively
8 during the twelve months succeeding; and an invoice record
9 thereof shall be made and kept by said town agent, stating
10 said state serial number, the town serial number, the amount,
11 kind and quality of liquor contained in such package and
12 the date when received; and the town agent shall also keep
13 a sales book in which he shall enter each sale, showing the
14 town serial number, the state serial number, the date of sale,
15 the kind, amount and price of the liquor, and the name and
16 residence of the purchaser.

Sect. 12. The town agent, subject to the approval of the
2 municipal officers, shall fix the retail price of such liquors
3 not exceeding five per cent advance over the price paid to the
4 state, and the cost of transportation.

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

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

Sect. 14. Neither the liquor commissioner nor any town
2 agent shall open, or permit to be opened, in his store or
3 warehouse, any bottle, cask or package containing intoxi-
4 cating liquor, or sell the same except in the original package
5 with 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 agency shall purchase,
2 sell 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 shall be punished by imprisonment not less than sixty days,
4 nor exceeding one year.

Sect. 18. When any town liquor agency is closed by order
2 of the selectmen, the stock of liquors on hand may be re-
3 turned to the state warehouse, freight or express prepaid,
4 and the town shall be paid therefor from the state treasury,
5 the price which the state is at that time paying for liquors
6 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
4 and council, shall, on or before the first day of June, adver-
5 tise for sealed proposals for supplying the state with liquors
6 as hereinbefore provided, for the six months beginning on
7 the 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 therefore shall be paid from
5 the state treasury on the approval of the governor and coun-
6 cil. The liquors so turned over to the state by the liquor
7 commissioner shall be labeled and numbered as hereinbefore
8 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
4 law.

Sect. 23. Until the first day of July, 1907, the state liquor commissioner shall purchase only such liquors as shall be absolutely necessary to supply the immediate needs of the town liquor agencies; and shall furnish to such town agencies only such liquors as are necessary for their immediate needs. Until the first day of July, 1907, no liquors shall be furnished by the state liquor commissioner to any town agency except upon the sworn inventory of the stock of liquors which such town agency has on hand at the time of such order and showing such immediate necessity. On the first day of July, 1907, every town liquor agent shall make out and sent to the state liquor commissioner, a sworn statement showing in detail the stock of liquors on hand in his agency on that day.

Sect. 24. All acts and parts of acts so far as the same are inconsistent with this act, are hereby repealed.

STATE OF MAINE.

IN SENATE, March 14, 1907.

Presented by Mr. HESELTON of Kennebec and laid on table for printing on motion of same Senator pending reference to Committee on Temperance.

F. G. FARRINGTON, *Secretary*