

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 315

STATE OF MAINE.

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

AN ACT to regulate the purchase and sale of intoxicating liquors by the State liquor commissioner and by town liquor agents.

Be it enacted by the People of the State of Maine, as follows:

Section 1. The State liquor commissioner, under the direction of the Governor and Council, shall purchase for the State at the expense of the State, a sufficient stock of liquors to supply the demands of all duly authorized town and city agencies, for not exceeding three months, and all such agencies shall be supplied from said stock so kept, and from no other source and in no other manner. Said stock may include alcohol, two grades of whiskey, one grade of rum, one grade of gin, one grade of brandy, and one grade of

10 wine, all of standard brand and quality, and guaranteed un-
11 der the United States laws relating to foods and drugs.

On or before June 1st and December 1st of each year, the
13 State liquor commissioner shall advertise for at least two
14 successive weeks in such papers as the governor and coun-
15 cil may direct, for sealed proposals for supplying the State
16 with such alcoholic liquors as it may require for the pur-
17 poses of this act within the six months beginning on the
18 following July 1st and January 1st respectively. The last
19 advertisement shall be at least two weeks before the time
20 specified therein for the closing of said proposals. Sealed
21 proposals shall be addressed to the State liquor commissioner
22 at Augusta and shall remain sealed until opened in the pres-
23 ence of a committee of the executive council at a time speci-
24 fied in said advertisement. Said commissioner shall, upon
25 the request of any responsible dealer, mail a statement set-
26 ting forth the different kinds, and qualities of liquors upon
27 which bids are required, giving approximate estimates of the
28 amount of each kind which will be required under the con-
29 tract, and a blank form of the contract and bond which will
30 be required. Such contract shall require the successful bid-
31 der to furnish the State from time to time, in quantities of
32 not less than ten gallons at any one time, such liquors of the
33 kinds and qualities and at the prices therein specified as said
34 commissioner shall order during the six months following
35 the acceptance of said bid. No contract shall be accepted
36 unless the faithful performance of the same is secured by a

37 bond in the penal sum of not less than twenty per cent of
38 the estimated total value of the liquors to be furnished by
39 said contractor, with surety or sureties approved by the
40 governor and council. Said bond shall be made payable
41 to the State of Maine, and shall be deposited with the State
42 treasurer. The bids shall state the price of the liquors de-
43 livered at the State's store or warehouse.

All bills for liquors purchased in accordance with the pro-
45 visions of this act shall be paid by the State treasurer after
46 they have been certified by the State auditor and approved
47 by the governor and council.

Sect. 2. The liquor commissioner, with the approval of
2 the governor and council, shall provide, at the expense of the
3 State, a suitable store or warehouse for the keeping of said
4 liquors and suitable facilities for receiving, unpacking, label-
5 ing and shipping said liquors. He shall receive no com-
6 pensation for his services other than his salary fixed by law.
7 Subject to the approval of the governor and council, he shall
8 fix the prices at which liquors shall be furnished to the town
9 agencies, not to exceed five per cent above the cost of such
10 liquors to the State.

Sect. 3. The liquors purchased by said commissioner shall
2 be in sealed bottles, casks or other packages of convenient
3 size and when sold to the town agencies shall be re-shipped
4 in the original bottles, casks, or packages with the seals un-
5 broken. Every bottle, cask, or package, as soon as the same
6 is received by said commissioner, shall be labeled with a

7 label on which shall be conspicuously stamped or printed
8 the name of the State, the name of the contractor, the date
9 of invoice and the serial number as hereinafter provided, and
10 such other words as the governor and council may require.

Beginning with the first day of July in each year, the serial
12 numbers shall begin with "1" and run consecutively during
13 the twelve months succeeding for each separate kind and
14 grade of liquor; and such bottle, cask, or package shall be
15 numbered consecutively as the same is received from the
16 contractor; and a record thereof shall be made and kept by
17 said commissioner, stating from whom and when received,
18 to whom and when delivered, the kind and quality of the
19 liquor and the amount contained in such bottle, cask, or
20 package.

Sect. 4. 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 thereof 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. All
6 such bills not paid within thirty days shall be collected from
7 the said town by the State treasurer in the same manner
8 as State taxes are collected.

Sect. 5. Every bottle, cask, or package, as soon as it is
2 received by any town agency, shall be labeled with a label
3 on which shall be conspicuously stamped or printed the
4 name of such town, the date when received by such town,
5 and a town serial number. Beginning with July first of

6 each year, such town serial number shall begin with "1"
7 and run consecutively during the twelve months succeed-
8 ing for each separate kind and grade of liquor; and an in-
9 voice record thereof shall be made and kept by said town
10 agent, stating the State serial number, the town serial num-
11 ber, the amount, kind, and quality of liquor contained in
12 such package and the date when received. The town agent
13 shall also keep a sales book in which at the time when each
14 sale is made, and in the presence of the purchaser, he shall
15 enter the sale, showing the town serial number, the State
16 serial number, the date of sale, the kind, amount and price
17 of the liquor, the name and address of the purchaser, and
18 the name of the physician signing the prescription.

Sect. 6. The town agent, subject to the approval of the
2 governor and council, shall fix the retail price of liquors sold
3 by him, so that the net profit to the town shall in no case
4 exceed twenty per cent.

Sect. 7. 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 except upon
4 the written prescription of a reputable practicing physician,
5 which prescription he shall keep on file. Such prescription
6 shall state the name of the person who is to purchase the
7 liquor, the name of the person for whose use it is required,
8 and shall be signed by the physician. No physician shall
9 issue such prescription except for medicinal use.

Sect. 8. No town agent shall mix or adulterate any liquors in his custody, or open or permit to be opened in his store or warehouse any bottle, cask or package containing intoxicating liquor, or sell the same except in the original package with the requisite label or labels, or purchase, sell or dispose of any liquors except as provided in this act.

Sect. 9. No person shall keep any liquor purchased or received directly or indirectly, from any town liquor agency, except in the original bottle, cask, or package with the State and town labels thereon; and no person shall remove, deface, or destroy any State or town label so long as the bottle, cask, or package to which the same is affixed contains any of the liquor originally contained therein. As soon as such bottle, cask, or package is emptied of its original contents the State and town labels shall be removed. No person shall put any intoxicating liquor into any bottle, cask, or package to which is affixed a State or town label.

Sect. 10. When any town liquor agency is closed by order of the selectmen or municipal officers, the stock of liquors on hand may be returned to the State warehouse, freight or express prepaid, and the town shall be paid therefor from the State treasury, the price which the State is at that time paying for liquors of like kind and quality.

Sect. 11. This act shall take effect July 1, 1909, except that the time for opening sealed proposals for furnishing liquors to the State until Jan. 1, 1910, shall be extended until such time after July 1 as the governor and council may

5 direct in order to provide sufficient time for advertising ac-
6 cording to the provisions of this act.

Sect. 12. Until the first day of July 1909, 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 no liquors to any
5 town agency except upon the sworn inventory of the stock
6 of liquors which such town agency has on hand at the time
7 of such order showing such immediate necessity.

Sect. 13. On the first day of July, 1909, 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 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 labelled and numbered as herein be-
8 fore provided for liquors purchased by contract.

Sect. 14. On the first day of July 1909 every town liquor
2 commissioner shall make out and send to the State liquor
3 commissioner a sworn statement showing in detail the stock
4 of liquors on hand in his agency on that day. The liquors
5 on hand in each agency on July 1st shall be labeled and num-
6 bered as hereinbefore provided for liquors purchased of the
7 State liquor commissioner, and in addition to the words pro-
8 vided by this act, the label shall contain the words "On hand
9 July 1, 1909." Such liquors, so labeled, may be sold by the
10 town liquor agent in accordance with the provisions of this
11 act.

Sect. 15. Any violation of the provisions of this act shall
2 be punished by imprisonment not less than sixty days nor
3 exceeding one year.

Sect. 16. All acts and parts of acts, so far as the same are
2 inconsistent with this act, are hereby repealed.

STATE OF MAINE.

IN SENATE,

March 2, 1909.

Presented by Mr. MILLIKEN of Aroostook and on his motion tabled for printing pending reference to a committee.

F. G. FARRINGTON, *Secretary*.