

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 503

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## STATE OF MAINE.

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

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

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

Section 1. The State liquor commissioner, under the di-  
2 rection of the governor and council, shall purchase for the  
3 State at the expense of the State, a sufficient stock of liquors  
4 to supply the demands of all duly authorized town and city  
5 agencies, for not exceeding three months; and all such  
6 agencies shall be supplied from said stock so kept, and from  
7 no other source and in no other manner. Said stock may

8 include alcohol, one grade of whiskey, one grade of rum,  
9 one grade of gin, one grade of brandy, and one grade of  
10 wine, all of standard brand and quality, and guaranteed  
11 under the United States laws relating to foods and drugs.

On or before June 1st and December 1st of each year,  
13 the State liquor commissioner shall advertise for at least  
14 two successive weeks in such papers as the governor and  
15 council may direct, for sealed proposals for supplying the  
16 State with such alcoholic liquors as it may require for the  
17 purposes of this act within the six months beginning on  
18 the following July 1st and January 1st respectively. The  
19 last advertisement shall be at least two weeks before the  
20 time specified therein for the closing of said proposals.  
21 Sealed proposals shall be addressed to the State liquor  
22 commissioner at Augusta and shall remain sealed until  
23 opened in the presence of a committee of the executive  
24 council at a time specified in said advertisement. Said com-  
25 missioner shall, upon the request of any responsible dealer,  
26 mail a statement setting forth the different kinds and quali-  
27 ties of liquors upon which bids are required giving approxi-  
28 mate estimates of the amount of each kind which will be  
29 required under the contract, and a blank form of the con-  
30 tract and bond which will be required. Such contract shall  
31 require the successful bidder to furnish the State from  
32 time to time, in quantities of not less than ten gallons at  
33 any one time, such liquors of the kinds and qualities and  
34 at the prices therein specified as said commissioner shall

35 order during the six months following the acceptance of  
36 such bid. No contract shall be accepted unless the faith-  
37 ful performance of the same is secured by a bond in the  
38 penal sum of not less than twenty per cent of the estimated  
39 total value of the liquors to be furnished by said con-  
40 tractor, with surety or sureties approved by the governor  
41 and council. Said bond shall be made payable to the State  
42 of Maine, and shall be deposited with the State treasurer.  
43 The bids shall state the price of the liquors delivered at  
44 the State's store or warehouse.

All bills for liquors purchased in accordance with the pro-  
46 visions of this act shall be paid by the State treasurer after  
47 they have been certified by the State auditor and approved  
48 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  
3 the State, a suitable store or warehouse for the keeping  
4 of said liquors and suitable facilities for receiving, unpack-  
5 ing, labeling and shipping such liquors. He shall receive  
6 no compensation for his services other than his salary fixed  
7 by law. Subject to the approval of the governor and coun-  
8 cil, he shall fix the prices at which liquors shall be fur-  
9 nished to the town agencies, not to exceed five per cent  
10 above the cost of such 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  
5 unbroken. Every bottle, cask, or package, as soon as the  
6 same is received by said commissioner, shall be labeled  
7 with a label on which shall be conspicuously stamped or  
8 printed the name of the State, the name of the contractor,  
9 the date of invoice and the serial number as hereinafter  
10 provided, and such other words as the governor and council  
11 may require.

Beginning with the first day of July in each year, the serial  
13 numbers shall begin with "1" and run consecutively during  
14 the twelve months succeeding for each separate kind and  
15 grade of liquor; and each bottle, cask or package shall be  
16 numbered consecutively as the same is received from the  
17 contractor; and a record thereof shall be made and kept  
18 by said commissioner, stating from whom and when re-  
19 ceived, to whom and when delivered, the kind and quality  
20 of the liquor and the amount contained in such bottle, cask  
21 or 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  
5 of the same, collect the amount thereof from said town;  
6 all such bills not paid within thirty days shall be collected

7 from the said town by the State treasurer in the same  
8 manner 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 succeeding  
8 for each separate kind and grade of liquor; and an invoice  
9 record thereof shall be made and kept by said town agent,  
10 stating the State serial number, the town serial number,  
11 the amount, kind and quality of liquor contained in such  
12 package and the date when received. The town agent shall  
13 also keep a sales book in which at the time when each sale  
14 is made, and in the presence of the purchaser, he shall enter  
15 the sale, showing the town serial number, the State serial  
16 number, the date of sale, the kind, amount and price of the  
17 liquor, the name and address of the purchaser.

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

Sect. 7. No town agent shall mix or adulterate any liquors  
2 in his custody, or open or permit to be opened in his store  
3 or warehouse any bottle, cask or package containing intoxi-

4 cating liquor, or sell the same except in the original pack-  
5 age with the requisite label or labels, or purchase, sell or  
6 dispose of any liquors except as provided in this act.

Sect. 8. When any town liquor agency is closed by order  
2 of the selectmen or municipal officers, the stock of liquors  
3 on hand may be returned to the State warehouse, freight  
4 or express prepaid, and the town shall be paid therefor  
5 from the State treasury, the price which the State is at  
6 that time paying for liquors of like kind and quality.

Sect. 9. This act shall take effect July 1, 1909, except  
2 that the time for opening sealed proposals for furnishing  
3 liquors to the State until Jan. 1, 1910, shall be extended  
4 until such time after July 1 as the governor and council  
5 may direct in order to provide sufficient time for advertis-  
6 ing according to the provisions of this act.

Sect. 10. 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. 11. 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  
4 to the lawful standard; and his bill therefor shall be paid

5 from the State treasury on the approval of the governor  
6 and council. The liquors so turned over to the State by  
7 the liquor commissioner shall be labeled and numbered as  
8 hereinbefore provided for liquors purchased by contract.

Sect. 12. On the first day of July, 1909, every town liquor  
2 agent shall make out and send to the State liquor commis-  
3 sioner a sworn statement showing in detail the stock of  
4 liquors on hand in his agency on that day. The liquors  
5 on hand in each agency on July 1st, shall be labeled and  
6 numbered as hereinbefore provided for liquors purchased  
7 of the State liquor commissioner, and in addition to the  
8 words provided by this act, the label shall contain the words  
9 "On hand July 1, 1909." Such liquors, so labeled, may be  
10 sold by the town liquor agent in accordance with the pro-  
11 visions of this act.

Sect. 13. 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. 14. All acts and parts of acts, so far as the same  
2 are inconsistent with this act, are hereby repealed.



STATE OF MAINE.

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IN SENATE,

March 31, 1909.

Reported by Mr. IRVING from the Committee on Temperance and laid on the table to be printed under the joint rules.

F. G. FARRINGTON, *Secretary*.