

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 204

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*House of Representatives, Feb. 15, 1911.*

*Introduced by Mr. Otis of Rockland, who moved its reference to the Committee on Temperance. By him tabled for printing pending reference to a committee.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT to carry into effect Article 26 of the Constitution of  
Maine.

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

Section 1. The manufacture of intoxicating liquors and  
2 the sale and keeping for sale thereof, except for medicinal  
3 and mechanical purposes and the arts are hereby pro-  
4 hibited. The penalty for each violation of this provision  
5 shall be six months imprisonment in the County Jail at  
6 hard labor.

Sect. 2. Regulations for the sale and keeping for sale  
2 of such liquors for medicinal and mechanical purposes and  
3 the arts shall be as follows:

(a) The Municipal Officers of the several cities, towns  
5 and plantations of this state, shall annually on the first  
6 Monday of May, designate certain persons to sell intoxi-  
7 cating liquor for the purpose named, after application by  
8 said person or persons which shall be filed at least one  
9 week prior to said appointment, and after said Municipal  
10 Officers shall have made due investigations and shall be  
11 satisfied that said applicant or applicants are of good char-  
12 acter and possessed of a high sense of honor.

(b) Every person appointed as aforesaid, shall be sworn  
14 to the faithful discharge of his duty and shall give bond in  
15 such sum as the Municipal Officers shall require to secure  
16 the fulfillment of the provisions of this act.

(c) Every person appointed pursuant to this act, shall  
18 within fourteen days after the approval of his bond by the  
19 Municipal Officers procure a stock of such intoxicating  
20 liquors for the purposes of this act, of such variety and  
21 quantity as in his judgment is required by the needs of  
22 the community which he serves.

(d) Any person appointed pursuant to this act may sell  
24 such liquors personally or by his agent or servant, for  
25 whose acts he shall be held responsible as for his own. He  
26 shall sell such liquors either with or without combination  
27 with drugs or other ingredients as shall serve to make  
28 same more effective or palatable for the purposes for which  
29 same may be sold pursuant to this act, provided however,

30 that all such sales shall be made in conformity with the  
31 Pharmaceutical and pure food laws.

(e) Every person appointed pursuant to this act, shall  
33 file with the city or town clerk a description of the premises  
34 wherein he is authorized to sell intoxicating liquors pur-  
35 suant to law and the sale by him, his clerk, servant or  
36 agent for any other purposes in any other place shall be  
37 a violation of his bond, provided however, that nothing  
38 herein contained shall prevent a person from being au-  
39 thorized pursuant to this act to sell intoxicating liquors  
40 in more than one place in the same city or town upon com-  
41 pliance with all other terms and conditions of this act.

(f) It shall be the duty of any person appointed and  
43 duly qualified pursuant to this act to diligently and faith-  
44 fully inquire into all violations of Section 1 of this act  
45 with all the power, authority and responsibility vested in  
46 sheriffs or police officers relative to same, which power and  
47 authority is hereby expressly conferred on any person ap-  
48 pointed as aforesaid.

(g) The Municipal Officers shall have access to all  
50 premises where liquors are sold pursuant to this act, at all  
51 times for the inspection of same and to secure compliance  
52 with this act.

(h) Any person appointed pursuant to this act, shall be  
54 invested with full discretion in making sales of intoxicating  
55 liquors for medicinal and mechanical purposes and the arts,

56 being held to full responsibility for the exercise of such  
57 discretion as is hereinafter provided.

Sect. 3. The County Commissioners in each county are  
2 hereby constituted a court for the determination of issues  
3 arising under the following provisions of this law; said  
4 board shall annually during the month of May give a hear-  
5 ing, due notice of which shall be published once a week  
6 for three successive weeks in some paper in the County,  
7 the last publication of which shall be one week at least,  
8 prior to the date of said hearing. At the hearing thus  
9 provided for, said board shall take evidence, from which  
10 together with their records, and the records of cities, towns  
11 and plantations within their county furnished to them by the  
12 municipal officers thereof, shall determine the amount of  
13 financial injury done to the several communities because  
14 of the use of intoxicating liquors and the illegal sale of  
15 same. The amount in money so determined shall be equal-  
16 ly assessed among the several personal appointed pursuant  
17 to this act in and for said county and the amount so as-  
18 sessed shall be recoverable in an action of the bond given  
19 pursuant to this act, one of the conditions of which bond  
20 shall be the payment of such sums assessed as aforesaid.  
21 Any action brought to recover such sums shall be in the  
22 name of the county and be prosecuted by the county at-  
23 torney and all money so recovered shall be converted into  
24 the county treasury and apportioned among the various mu-

25 municipalities as the board of county commissioners shall de-  
26 termine.

Sect. 4. All acts and parts of acts inconsistent herewith  
2 are hereby repealed.

Sect. 5. Sections fourteen, fifteen, sixteen, seventeen,  
2 eighteen, nineteen, twenty, twenty-one, twenty-two, twen-  
3 ty-three, twenty-four, twenty-five, twenty-six, twenty-sev-  
4 en, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two,  
5 thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven,  
6 thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-  
7 three, forty-four, forty-five, forty-six, forty-seven, forty-  
8 eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-  
9 four, fifty-five, fifty-six, fifty-nine, and sixty, sixty-four,  
10 sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine,  
11 seventy-one and seventy-two of chapter twenty-nine of the  
12 Revised Statutes of Maine are hereby repealed.

Sect. 6. Section sixty-three of chapter twenty-nine of the  
2 Revised Statutes of Maine is hereby amended, by striking  
3 out the last three lines of same so that said Section as  
4 amended shall read as follows: 'In appeals, the proceedings  
5 shall be the same in the appellate court as they would be  
6 in the court of the magistrate, and shall be conducted in  
7 said appellate court by the attorney for the state. The jury  
8 shall find specially under the direction of the court, on all  
9 facts necessary to determine the adjudication thereof, and  
10 if a respondent fails to appear for trial in the appellate court  
11 the judgment of the court below if against him shall be

12 affirmed. No portion of the penalty of any recognizance  
13 taken under so much of this chapter as relates to intoxicating  
14 liquors shall be remitted by any court in any suit thereon,  
15 nor shall a surety in any such recognizance be discharged  
16 from his liability therein by a surrender of his principal in  
17 court after he has been defaulted upon his recognizance un-  
18 less the principal has been actually sentenced upon the in-  
19 dictment or complaint on which the recognizance was taken.

Sect. 7. Section one of Chapter twenty-one of the Revised  
2 Statutes is hereby amended by omitting after the word "ill-  
3 fame" in the first line, "or for the illegal sale or keep-  
4 ing of intoxicating liquors" and by omitting, beginning in  
5 the third line "all houses, shops or places where intoxicating  
6 liquors are sold for tippling purposes, and all places of  
7 resort where intoxicating liquors are kept, sold, given  
8 away, drank or dispensed in any manner not provided for  
9 by law" so that said Section as amended shall read as fol-  
10 lows:

'Section 1. All places used as houses of ill-fame, or re-  
12 sorted to for lewdness or gambling, are common nuisances.  
13 The Supreme Judicial Court shall have jurisdiction in equity  
14 upon information filed by the county attorney or upon pe-  
15 tition of not less than twenty legal voters of such town or  
16 city, setting forth any of the facts contained herein, to re-  
17 strain, enjoin or abate, the same, and an injunction for such  
18 purpose may be issued by said court or any justice there-  
19 of.'