

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE NO. 37

In House of Representatives, Jan. 28, 1915.

Ordered, That one thousand copies be printed and that the same be referred to the Committee on Temperance.

Committee on Reference.

Presented by Mr. Fassett of Portland.

STATE OF MAINE

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

AN ACT to provide for the sale of intoxicating liquors for medicinal and mechanical purposes and for the arts.

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

Section 1. This act shall apply only to duly registered
2 apothecaries or druggists, actively engaged in the business
3 of selling drugs and medicines in this state at wholesale or
4 retail, whether as individual, a firm or corporation; and to
5 regular registered physicians in actual practice who prepare
6 and dispense their own medicines to patients.

S. ct. 2. The intoxicating liquors intended and allowed to
2 be sold under the provisions of this act are those enumer-

3 ated and designated as such, in the United States Pharma-
4 copeia including still and sparkling wines for medicinal pur-
5 poses only and they shall be of the commercial standard,
6 quality and chemical composition therein given; and it shall
7 be deemed a violation of the provisions of this act for per-
8 sons engaged in the sale of drugs and medicines as provided
9 in section 1, to sell or deal in any other intoxicating liquors.

Sect. 3. It shall not be lawful for any registered druggist,
2 apothecary or person whose business consists in whole or
3 in part of the sale of drugs and medicines, directly or in-
4 directly by himself, his clerk, agent or servant, at any time
5 to sell, furnish, give or deliver any spirituous, malt, brewed,
6 fermented or vinous liquors, or any mixed liquor, a part of
7 which is spirituous, malt, brewed, fermented or vinous, to
8 a minor except for medicinal and mechanical purposes and
9 for the arts, on the written order of the parent or guardian
10 of such minor, nor to any adult person whatever who is at
11 the time intoxicated, nor to any person in the habit of get-
12 ting intoxicated, nor to any person mentioned in section 4,
13 chapter 69, R. S., nor to any person whose husband, wife,
14 parent, child, guardian, employer, or the municipal officers
15 of the city or town, shall forbid the same, nor to any per-
16 son whatever, to be used as a beverage.

Sect. 4. But it shall be lawful for any apothecary, drug-
2 gist or physician mentioned in section 1, to sell the intoxi-
3 cating liquors herein designated for medicinal and mechani-

cal purposes and for the arts but for no other purpose, subject to the following restrictions and conditions:

Every such person or persons dealing in drugs and medicines shall procure and keep a suitable blank book in which shall be recorded by himself, his clerk, or employee, the names of all persons applying for such liquors, for any of the lawful purposes herein given, the date of each sale, the amount and kind of liquor sold to each person and the purpose for which the same is to be applied as stated by the purchaser, which book shall be kept in the store of such person or persons for a period of at least six years and shall be open to all persons for examination during all business hours; and the failure to keep a record of each such sale or delivery of liquor above named, shall subject such person or persons to the penalties provided in this act.

Sect. 5. Every such person or persons before commencing business under the provisions of this act, shall on or before the first Monday of May and annually thereafter, execute and file with the county treasurer in the county wherein such person is doing business, a bond to said treasurer in the penal sum of one thousand dollars for persons engaged in the retail drug business and in the sum of two thousand dollars for persons engaged in the wholesale drug business, with two good and sufficient sureties approved by the county commissioners of the county, which bond shall be in lieu of all other bonds and which shall substantially read as follows:

BOND.

Know all men by these presents, that I.
15 as principal and as sureties are held and
16 firmly bound to the treasurer of county in
17 the state of Maine, in the sum of dollars,
18 to the payment whereof well and truly we bind ourselves,
19 our heirs, executors and administrators firmly by these pres-
20 ents.

Sealed with our seals and dated this day
22 of in the year of our Lord one thousand nine
23 hundred and

Whereas the above named principal proposes to carry on
25 the (retail or wholesale) business of apothecary or druggist
26 at in the county of and
27 state of Maine.

And whereas the said principal has covenanted and agreed
29 and doth hereby covenant and agree as follows:

That he will not directly or indirectly by himself, his clerk,
31 agent, or servant at any time, sell, furnish, give or deliver
32 any spirituous, malt, brewed, fermented or vinous liquor,
33 or any mixed liquor, a part of which is spirituous, malt,
34 brewed, fermented or vinous, to any minor except for me-
35 dicinal and mechanical purposes and for the arts, and only
36 upon the written order of his parent or guardian; nor to
37 any adult person whatever who is at the time intoxicated;
38 nor to any person who is in the habit of getting intoxicated.

39 nor to any Indian or person designated in section 4, chapter
 40 69, R. S.; nor to any person whose husband, wife, parent,
 41 child, guardian, employer or the municipal officers of the
 42 city or town have forbidden the same; that he will sell such
 43 liquors for medicinal and mechanical purposes and for the
 44 arts only; that he will pay all damages actual and exem-
 45 plary that may be adjudged to any person or persons for
 46 injuries inflicted upon them either in person, his property
 47 or means or support by reason of his selling, furnishing,
 48 giving or delivering any such liquors, contrary to the pro-
 49 visions of this act.

Now the condition of this obligation is such that if said
 51 principal shall well and truly keep and perform all and sin-
 52 gular the foregoing covenants and agreements and shall pay
 53 any judgment for actual or exemplary damages that may
 54 be recovered against him in any court of competent juris-
 55 diction and all fines that may be imposed upon him for vio-
 56 lations of this act then this obligation shall be null and void,
 57 otherwise the same shall be in full force and effect.

58 Signed and sealed in the Seal
 59 presence of Seal
 Seal

Sect. 6. The foregoing bond shall be recorded by the coun-
 2 ty clerk in a book kept for that purpose, before it is filed

3 with the county treasurer. Said clerk shall also furnish
4 each person with a certificate that he has complied with the
5 provisions of the law in filing the required bond; he shall
6 also notify the board of commissioners of pharmacy and
7 the board of registration of medicine of the conviction men-
8 tioned in section 7 of this act. For recording the bond and
9 furnishing the certificate herein specified, he shall be paid
10 the sum of one dollar, by the party furnishing the bond.

Sect. 7. Upon a third conviction in any court of competent
2 jurisdiction under the provisions of this act the certificate
3 of any such apothecary, druggist or physician shall be re-
4 voked by the board of commissioners of pharmacy or the
5 board of registration of medicine, and shall not be renewed
6 for a period of five years from the date of such revocation
7 nor shall any such person so convicted be allowed to carry on
8 the business of an apothecary or druggist or practice medi-
9 cine within the state for said period of five years, and such
10 revocation shall be made by said boards forthwith after
11 notice has been received from the county clerk as provided
12 in section 6.

Sect. 8. Every apothecary, druggist or physician who sells
2 intoxicating liquors under the provisions of this act, shall
3 on the last day of April and on the last day of November,
4 annually make a true and detailed statement of the amount
5 and kinds of liquor he has bought and sold during the pre-
6 ceding six months and the amount of such liquors on hand,

7 which statement shall be sworn to and without delay filed
8 with the county clerk to be preserved by him.

Sect. 9. Any person making an application for intoxicating liquors under this act who knowingly misrepresents, falsifies or deceives in giving the name of the applicant, the name of the purchaser, or person for whom the liquor or liquors are obtained or the purposes for which they are obtained shall be deemed guilty of a misdemeanor and be punished by the penalties provided in section 11 of this act.

Sect. 10. The county attorney upon complaint of any inhabitant of the county shall prosecute all violations of the provisions of this act.

Sect. 11. Any person violating the provisions of this act, shall upon conviction be deemed guilty of a misdemeanor and be punished by a fine of not less than twenty-five nor more than two hundred dollars for each conviction and costs of prosecution or in lieu thereof by imprisonment in the county jail for not less than ten nor more than ninety days.