

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 496

In House of Representatives, March 3, 1915.

On motion of Mr. Fossett, five hundred copies ordered printed.

C. C. HARVEY, Clerk.

STATE OF MAINE

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. Any duly registered druggist or apothecary
2 actively engaged in the business of dealing in drugs and
3 medicines in this state, at wholesale or retail, whether as an
4 individual, firm or corporation, by conforming to the pro-
5 visions of this act, may sell and dispense, but only for medi-
6 cinal and mechanical purposes and for the arts, such intox-
7 icating liquors as are classed as medicinal in the United
8 States Pharmacopeia and no others. All such intoxicating
9 liquors so sold and dispensed shall be of the commercial
10 standard, quality and chemical composition defined in said
11 United States Pharmacopeia.

Sect. 2. Every such druggist or apothecary, whether dealing in drugs or medicines at wholesale or retail, shall, before selling or dispensing such intoxicating liquors under the provisions of this act, first make application to the municipal officers of the town in which his business is located for a permit so to do. Such application shall set forth under oath the name, residence and place of business of the applicant, and that neither he nor any servant, employee, agent, clerk or co-partner of such applicant, or any officer or employee of the corporation for which such permit is sought has been convicted of any offenses under chapter 29 of the revised statutes, or of a similar offense in any other state within one year of the date of such application, and shall pay to the treasurer of the city or town the sum of five dollars for a retail druggist and the sum of twenty-five dollars for a wholesale druggist, for the use of the state, and one dollar for the use of the clerk of such city or town for keeping the records required by this act. The municipal officers upon being satisfied as to the facts set forth in such application, may issue a permit to any such druggist or apothecary, which shall authorize him to sell and dispense such intoxicating liquors under this act until the first day of May following. All moneys collected for the benefit of the state under this section shall be immediately forwarded to the State Treasurer and be credited to the appropriation of the Board of Commissioners of Pharmacy to defray the expenses of administering this act.

Sect. 3. It shall not be lawful for any such druggist or
2 apothecary, directly or indirectly, by himself, his clerk,
3 agent, or servant, at any time to sell, furnish or deliver any
4 such intoxicating liquors to any minor or to any person who
5 is apparently under the influence of intoxicating liquors, or
6 whom he, or the person so selling, furnishing or delivering
7 such liquors, knows to be habitually addicted to the excessive
8 use of intoxicating liquors as a beverage, nor to any per-
9 son not known to him to be the person he represents himself
10 to be, unless such person presents a prescription signed by
11 a reputable physician actively engaged in practice within
12 this state, nor to any person who has been arrested on the
13 charge of intoxication within six months prior to the date
14 of such sale or delivery, nor to any person mentioned in
15 section 4 of chapter 69 of the revised statutes, nor to any
16 person whose husband, wife, parent, child, guardian, em-
17 ployer, or any of the municipal officers of the town or city
18 in which such person resides, or any agent of any society
19 for the protection of children, shall in writing forbid the
20 same, nor to any person whatsoever to be used as a bev-
21 erage.

Sect. 4. It shall be lawful for any such druggist or apoth-
2 ecary who has obtained the permit provided for in section 2
3 of this act, to sell and dispense any of the intoxicating liq-
4 uors described in section 1 for medicinal and mechanical
5 purposes and for the arts, but for no other purposes and
6 under the following conditions: Every person purchasing

7 or obtaining any such intoxicating liquors of a retail drug-
8 gist or apothecary, shall subscribe his own name and that
9 of the person for whom it is obtained, upon a form or record
10 sheet to be furnished by the Secretary of the Board of Com-
11 missioners of Pharmacy. There shall also be recorded op-
12 posite the name of the person to whom such liquor is de-
13 livered, the date, kind and amount of liquor sold or deliv-
14 ered and the purpose for which the same is obtained, which
15 shall all be recorded before delivery. Any false statements
16 or deception practiced by the person obtaining such liq-
17 uors, or failure to keep a correct and full record of every
18 such sale or delivery, of such liquors, shall be a violation of
19 this act and subject the offender to the penalties hereinafter
20 provided. On the first day of each month every retail drug-
21 gist shall return to the clerk of the city or town in which he
22 does business, the forms or record sheets containing the
23 sales and deliveries of all intoxicating liquors dispensed by
24 him during the month last past, which shall be kept in a book
25 or binding suitable for the purpose and become a part of the
26 public records of such city or town and so remain for a pe-
27 riod of at least three years. Any failure to make such re-
28 turn within five days after the first day of each month shall
29 be deemed a violation of this act and shall work a forfeiture
30 of the permit of the druggist failing to make such return
31 within said time and any sales or deliveries of any such in-
32 toxicating liquors after such permit is forfeited shall ren-
33 der such druggist subject to any of the penalties provided
34 in chapters 22 and 29 of the revised statutes.

Sect. 5. Every such druggist or apothecary engaged in the
2 wholesale dispensing of drugs and medicines having obtained
3 the permit provided for in section 2, may lawfully sell the
4 intoxicating liquors described in section 1, but only to such
5 druggists as have obtained the permit provided for in said
6 section 2. Every such wholesale druggist shall keep a rec-
7 ord of all such sales according to such forms as may be pre-
8 scribed by the Secretary of the Board of Commissioners of
9 Pharmacy, in which shall be kept the name and place of busi-
10 ness of the purchaser, the amount and kind of liquor sold or
11 delivered and the date of delivery. No such wholesale drug-
12 gist shall sell and dispense any such liquors at retail with-
13 out also obtaining a retailer's permit as provided in section
14 2 and conforming to the other provisions of this act relat-
15 ing to retailers. Quarterly on the first day of January,
16 April, July and October, every such wholesale druggist shall
17 make a return to the city clerk showing the names of the pur-
18 chasers, the kind and amount of all such liquors sold by him
19 at wholesale in the preceding three months, which shall be
20 kept on file as a public record for a period of at least three
21 years.

Sect. 6. Every druggist or apothecary selling and dis-
2 pensing liquors at retail under this act shall on the first day
3 ecary has been guilty of any wilful violation of this act,
4 clerk of the city or town in which he does business, a state-
5 ment under oath showing the total amount expressed in
6 gallons and fractions thereof, of the several kinds of intoxi-

7 eating liquors purchased and sold by him during the pre-
8 vious six months, and the several amounts then on hand,
9 which return shall be preserved as a public record for at
10 least a period of three years from the date of filing.

Sect. 7. Upon complaint by any citizen to the municipal
2 officers of any city or town that any such druggist or apoth-
3 ecary has been guilty of any wilful violation of this act,
4 said municipal officers upon being satisfied of the truth of
5 such complaint, or upon being furnished with evidence of a
6 conviction of such druggist or apothecary for any violation
7 of this act, or of any of the provisions of chapter 29, of the
8 revised statutes, by any court of competent jurisdiction, shall
9 revoke any such permit and no such permit so revoked shall
10 be renewed for a period of one year. Upon a second con-
11 viction of any offense under chapter 29 of the revised stat-
12 utes, or upon any conviction under section 1 of chapter 22
13 of the revised statutes, the Board of Commissioners of
14 Pharmacy shall forthwith, and for any wilful violation of
15 this act, may revoke the registration certificate of any such
16 druggist or apothecary, and such druggist or apothecary shall
17 not again be registered for a period of five years, nor shall
18 he, during said period, be engaged or interested in, directly
19 or indirectly, either through himself or his agent, in the
20 business of dealing in drugs or medicines in this state under
21 a penalty of five dollars for each day he shall be so engaged
22 or interested in such business, to be recovered by complaint
23 or indictment.

Sect. 8. There shall be appointed by the Governor by and
2 with the consent of the Council, a Secretary of the Board of
3 Commissioners of Pharmacy, who shall serve for a term of
4 two years and shall receive a salary of fifteen hundred dol-
5 lars per year. He shall receive actual expenses when away
6 from his office at the State House in the discharge of his
7 duties. He shall keep the records of the Board and devote
8 the remainder of his time to the administration of this act.
9 He shall investigate all complaints of violations of this act
10 and institute prosecutions in case of violations. He shall
11 have the right at all times during business hours to enter all
12 stores or places of business to examine all records and books
13 required to be kept under this act, and all intoxicating liq-
14 uors kept by such druggist, take samples of the same for the
15 purpose of determining whether they meet the standard re-
16 quired by section 1 of this act, and shall report to the board
17 all violations and especially such convictions as require a
18 revocation of any certificate of registration, or any wilful
19 violation that would, in his opinion, warrant action by said
20 board. He shall annually make report to the Governor and
21 Council of the workings of this act. He may call special
22 meetings of said board whenever he has information of any
23 violation of this act requiring action by said board.

Sect. 9. Every such druggist or apothecary before ob-
2 taining a permit under the provisions of section 2, shall
3 execute and file with the treasurer of the city or town where-
4 in he is doing business, a bond to said treasurer in the penal

5 sum of five hundred dollars in a town, and one thousand
 6 dollars in a city, for persons engaged in the retail drug
 7 business, and in the sum of two thousand dollars for per-
 8 sons engaged in the wholesale drug business, with two good
 9 and sufficient sureties approved by the municipal officers,
 10 which bonds shall be in lieu of all other bonds and which
 11 shall substantially read as follows:

BOND.

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

Sealed with our seals and dated this.....
 22 day 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 wholesale business of apothecary or druggist at
 26in 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
 31 clerk, agent or servant, at any time, sell, furnish, give or

32 deliver any intoxicating liquors to any minor or to any per-
33 son who is apparently under the influence of intoxicating
34 liquors, or whom he, or the person so selling, furnishing or
35 delivering such liquors, knows to be habitually addicted to
36 the excessive use of intoxicating liquors as a beverage, nor
37 to any person not known to him to be the person he repre-
38 sents himself to be, unless such person presents a prescrip-
39 tion signed by a reputable physician actively engaged in
40 practice within this state, nor to any person who has been
41 arrested on the charge of intoxication within six months
42 prior to the date of such sale or delivery, nor to any person
43 mentioned in section 4 of chapter 60 of the revised statutes,
44 nor to any person whose husband, wife, parent, child, guard-
45 ian, employer, or any of the municipal officers of the town
46 or city in which such person resides, or any agent of any
47 society for the protection of children, shall forbid the same,
48 nor to any person whatsoever to be used as a beverage; nor
49 to any adult person whatever who is at the time intoxicated;
50 nor to any person who is in the habit of getting intoxicated;
51 nor to any Indian or person designated in section 5, chapter
52 60 of the revised statutes, nor to any person whose husband,
53 wife, parent, child, guardian, employer or the municipal offi-
54 cers of the city or town have forbidden the same; that he
55 will not sell such liquors to any person except for medicinal
56 and mechanical purposes and for the arts; that he will pay
57 all damages actual and exemplary that may be adjudged to
58 any person or persons for injuries inflicted upon them either

59 in person, his property or means of support by reason of
60 his selling, furnishing, giving or delivering any such liquors,
61 contrary to the provisions of this act.

Now the conditions of this obligation are such that if said
63 principal shall well and truly keep and perform all and
64 singular the foregoing covenants and agreements and shall
65 pay any judgment for actual or exemplary damages that
66 may be recovered against him in any court of competent
67 jurisdiction and all fines that may be imposed upon him
68 for violation of this act, then this obligation shall be null
69 and void, otherwise the same shall be in full force and effect.

70 Signed and sealed in the

71 presence of,

72 Seal

73 Seal

74 Seal

Sect. 10. The county attorney of the several counties shall
2 prosecute all violations of the provisions of this act.

Sect. 11. Any person violating the provisions of this act,
2 shall upon conviction be deemed guilty of a misdemeanor
3 and be punished by a fine of not less than twenty-five dollars
4 nor more than five hundred dollars for each conviction and
5 costs of prosecution, or in lieu thereof by imprisonment in
6 the county jail for not less than ten nor more than ninety
7 days, but nothing herein contained shall be construed as
8 exempting any person who sells or dispenses intoxicating
9 liquors contrary to the provisions of this act, from the pen-

10 alties imposed under section 1 of chapter 22 and under chap-
11 ter 29 of the revised statutes.