

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 639

House of Representatives, March 10, 1915.

On motion by Mr. Fossett of Portland was retabled, and 500 copies ordered printed.

FORTUNAT BELLEAU, Clerk Pro Tem.

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. 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 provi-
5 sions of this act, may sell and dispense, but only for medici-
6 nal and mechanical purposes and for the arts, such intoxi-
7 cating 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 deal-
2 ing in drugs or medicines at wholesale or retail, shall, before
3 selling or dispensing such intoxicating liquors under the
4 provisions of this act, first make application to the municipal
5 officers of the town in which his business is located for a
6 permit so to do. Such application shall set forth under
7 oath the name, residence and place of business of the appli-
8 cant, and that neither he nor any servant, employee, agent,
9 clerk or co-partner of such applicant, or any officer or em-
10 ployee of the corporation for which such permit is sought
11 has been convicted of any offenses under chapter 29 of
12 the revised statutes, or of a similar offense in any other state
13 within one year of the date of such application, and shall
14 pay to the treasurer of the city or town the sum of five
15 dollars for a retail druggist and the sum of twenty-five dol-
16 lars for a wholesale druggist, for the use of the state, and
17 one dollar for the use of the clerk of such city or town for
18 keeping the records required by this act. The municipal
19 officers upon being satisfied as to the facts set forth in such
20 application, may issue a permit to any such druggist or
21 apothecary, which shall authorize him to sell and dispense
22 such intoxicating liquors under this act until the first day
23 of May following. All moneys collected for the benefit of
24 the state under this section shall be immediately forwarded

25 to the state treasurer and be credited to the appropriation
26 of the board of commissioners of pharmacy to defray the
27 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
5 who is apparently under the influence of intoxicating liquors,
6 or whom he, or the person so selling, furnishing or de-
7 livering such liquors, knows to be habitually addicted to
8 the excessive use of intoxicating liquors as a beverage, nor
9 to any person not known to him to be the person he repre-
10 sents himself to be, unless such person presents a prescrip-
11 tion signed by a reputable physician actively engaged in
12 practice within this state, nor to any person who has been
13 arrested on the charge of intoxication within six months
14 prior to the date of such sale or delivery, nor to any per-
15 son mentioned in section 4 of chapter 69 of the revised
16 statutes, nor to any person whose husband, wife, parent,
17 child, guardian, employer, or any of the municipal officers
18 of the town or city in which such person resides, or any
19 agent of any society for the protection of children, shall in
20 writing forbid the same, nor to any person whatsoever to
21 be used as a beverage.

Sect. 4. It shall be lawful for any such druggist or apothecary
2 who has obtained the permit provided for in section
3 2 of this act, to sell and dispense any of the intoxicating

4 liquors 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
10 record sheet to be furnished by the secretary of the board
11 of commissioners of pharmacy. There shall also be re-
12 corded opposite the name of the person to whom such liquor
13 is delivered, the date, kind and amount of liquor sold or
14 delivered and the purpose for which the same is obtained,
15 which shall all be recorded before delivery. Any false state-
16 ments or deception practiced by the person obtaining such
17 liquors, or failure to keep a correct and full record of every
18 such sale or delivery, of such liquors, shall be a violation
19 of this act and **subject the offender to the penalties here-**
20 **after provided.** On the first day of each month every re-
21 tail druggist shall return to the clerk of the city or town
22 in which he does business, the forms or record sheets con-
23 taining the sales and deliveries of all intoxicating liquors
24 dispensed by him during the month last past, which shall
25 be kept in a book or binding suitable for the purpose and
26 become a part of the public records of such city or town
27 and so remain for a period of at least three years. Any
28 failure to make such return within five days after the first
29 day of each month shall be deemed a violation of this act
30 and shall work a forfeiture of the permit of the druggist

31 failing to make such return within said time and any sales
32 or deliveries of any such intoxicating liquors after such
33 permit is forfeited shall render such druggist subject to
34 any of the penalties provided in chapters 22 and 29 of the
35 revised statutes.

Sect. 5. Every such druggist or apothecary engaged in
2 the wholesale dispensing of drugs and medicines having
3 obtained the permit provided for in section 2, may lawfully
4 sell the intoxicating liquors described in section 1, but only
5 to such druggists as have obtained the permit provided for
6 in said section 2. Every such wholesale druggist shall keep
7 a record of all such sales according to such forms as may
8 be prescribed by the secretary of the board of commis-
9 sioners of pharmacy, in which shall be kept the name and
10 place of business of the purchaser, the amount and kind
11 of liquor sold or delivered and the date of delivery. No
12 such wholesale druggist shall sell and dispense any such
13 liquors at retail without also obtaining a retailer's permit
14 as provided in section 2 and conforming to the other pro-
15 visions of this act relating to retailers. Quarterly on the
16 first day of January, April, July and October, every such
17 wholesale druggist shall make a return to the city clerk
18 showing the names of the purchasers, the kind and amount
19 of all such liquors sold by him at wholesale in the preceding
20 three months, which shall be kept on file as a public record
21 for a period of at least three years.

Sect. 6. Every druggist or apothecary selling and dispensing liquors at retail under this act shall on the first day of April and October of each year file in the office of the clerk of the city or town in which he does business, a statement under oath showing the total amount expressed in gallons and fractions thereof, of the several kinds of intoxicating liquors purchased and sold by him during the previous six months, and the several amounts then on hand, which return shall be preserved as a public record for at least a period of three years from the date of filing.

Sect. 7. Upon complaint by any citizen to the municipal officers of any city or town that any such druggist or apothecary has been guilty of any wilful violation of this act, said municipal officers upon being satisfied of the truth of such complaint, or upon being furnished with evidence of a conviction of such druggist or apothecary for any violation of this act, or of any of the provisions of chapter 29, of the revised statutes, by any court of competent jurisdiction, shall revoke any such permit and no such permit so revoked shall be renewed for a period of one year. Upon a second conviction of any offense under chapter 29 of the revised statutes, or upon any conviction under section 1 of chapter 22 of the revised statutes, the board of commissioners of pharmacy shall forthwith, and for any wilful violation of this act may, revoke the registration certificate of any such druggist or apothecary, and such druggist or apothecary shall not again be registered for a period of five years, nor

18 shall he, during said period, be engaged or interested in,
19 directly or indirectly, either through himself or his agent,
20 in the business of dealing in drugs or medicines in this state
21 under a penalty of five dollars for each day he shall be so
22 engaged or interested in such business, to be recovered by
23 complaint 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
12 all stores or places of business to examine all records and
13 books required to be kept under this act, and all intoxicating
14 liquors kept by any such druggist, take samples of the same
15 for the purpose of determining whether they meet the stand-
16 ard required by section 1 of this act, and shall report to
17 the board all violations and especially such convictions as
18 require a revocation of any certificate of registration, or
19 any wilful violation that would, in his opinion, warrant
20 action by said Board. He shall annually make report to the
21 Governor and Council of the workings of this act. He may

22 call special meetings of said Board whenever he has infor-
 23 mation of any violation of this act requiring action by said
 24 Board.

Sect. 9. Every such druggist or apothecary before obtain-
 2 ing a permit under the provisions of section 2, shall execute
 3 and file with the treasurer of the city or town wherein he is
 4 doing business, a bond to said treasurer in the penal sum
 5 of five hundred dollars in a town, and one thousand dollars
 6 in a city, for persons engaged in the retail drug business,
 7 and in the sum of two thousand dollars for persons engaged
 8 in the wholesale drug business, with two good and sufficient
 9 sureties approved by the municipal officers, which bond
 10 shall be in lieu of all other bonds and which shall sub-
 11 stantially read as follows:

BOND.

KNOW ALL MEN BY THESE PRESENTS, that we.....
 14 as principal and.....and..... as
 15 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
 19 ourselves, our heirs, executors and administrators firmly by
 20 these presents.

Sealed with our seals and dated this..... day
 22 of in the year of our Lord one thou-
 23 sand nine hundred and.....

Whereas the above named principal proposes to carry on
25 the retail 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
31 clerk, agent or servant, at any time, sell, furnish, give or
32 deliver any intoxicating liquors to any minor or to any
33 person 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 Stat-
44 utes, nor to any person whose husband, wife, parent, child,
45 guardian, employer, or any of the municipal officers of the
46 town or city in which such person resides, or any agent
47 of any society for the protection of children, shall forbid
48 the same, nor to any person whatsoever to be used as a bev-
49 erage; nor to any adult person whatever who is at the time
50 intoxicated; nor to any person who is in the habit of getting

51 intoxicated; nor to any Indian or person designated in sec-
 52 tion 5, chapter 60 of the revised statutes, nor to any person
 53 whose husband, wife, parent, child, guardian, employer or
 54 the municipal officers of the city or town have forbidden
 55 the same; that he will not sell such liquors to any person
 56 except for medicinal and mechanical purposes and for the
 57 arts; that he will pay all damages actual and exemplary that
 58 may be adjudged to any person or persons for injuries in-
 59 flicted upon them either in person, his property or means
 60 of support by reason of his selling, furnishing, giving or
 61 delivering any such liquors, contrary to the provisions of
 62 this act.

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

72 Signed and sealed in the presence of,

..... Seal
 Seal
 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 dol-
4 lars nor more than five hundred dollars for each conviction
5 and costs of prosecution, or in lieu thereof by imprison-
6 ment in the county jail for not less than ten nor more than
7 ninety days, but nothing herein contained shall be con-
8 strued as exempting any person who sells or dispenses in-
9 toxicating liquors contrary to the provisions of this act,
10 from the penalties imposed under section 1 of chapter 22
11 and under chapter 29 of the revised statutes.