

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 295

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In Senate, March 28, 1919.

On motion by Mr. Davies of Cumberland placed on file and 500 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

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STATE OF MAINE

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

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Gentlemen of the Seventy-ninth Legislature:

At the very time when the victory of national prohibition is being celebrated and Maine is rightly hailed as the pioneer in this great human welfare movement, we are in grave danger of stumbling into a pitfall which will bring us into unenviable notoriety throughout the country.

For lack of precise definition regarding the percentage of alcohol in non-malt alcoholic beverages, our courts have held the question whether such a beverage was intoxicating to be in each instance a question of fact. In the case of non-malt liquors containing less than three per cent of alcohol proof of actual intoxication has been required in order to show the beverage to be intoxicating liquor. In practice such evidence is

always extremely difficult to secure especially in search and seizure cases and the result has been immunity for purveyors of various "near-beers" containing less than three per cent of alcohol.

The places where such beverages are sold are often centers for distribution of stronger intoxicants whenever these can be smuggled into the state. The sale of such beverages, even if confined strictly within the ostensible limits of "near-beer" tends to create the appetite for alcohol among boys and young men who would not otherwise acquire it.

So far as I know, Maine is now the only "dry" state which permits the sale of beverages containing so large a per cent of alcohol. In my address at the opening of the session I confidently appealed to you to take action which would make the definition of intoxicating liquors in this respect harmonize with that of other dry states and the federal government. The New Hampshire Legislature has just refused to legalize the sale of beer containing as much as two and three-quarters per cent alcohol. You have had before you a bill defining the percentage of alcohol in intoxicating liquors. I hope that the unfavorable action taken on this bill in both branches may be reconsidered and the standard of our Maine law be brought up to that of our neighboring state of New Hampshire.

CARL E. MILLIKEN,

Governor.

Dated at the  
Executive Chambers  
March 28, 1919.