

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 54

In Senate, Feb. 7, 1923.

Referred to Committee on Temperance and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Sargent of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Amend Section Forty-five, Chapter One Hundred and Twenty-seven Revised Statutes, as Amended by Chapter Two Hundred and Ninety-one, Public Laws of 1921, Relating to Intoxicating Liquor.

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

Section forty-five, chapter one hundred twenty-seven re-
vised statutes as amended by chapter two hundred ninety-
one, public laws of nineteen hundred and seventeen is here-
by further amended by inserting after the period in the
seventeenth line of said section the words 'and all fines
resulting from such prosecutions by said municipal officers
shall accrue to the town or city wherein the convictions

8 occur and shall be paid to the treasurer of such city or
9 town,' so that said section as amended shall read as follows:

'Sect. 45. Whenever an unlawful sale is alleged, and a
2 delivery proved, it is not necessary to prove a payment, but
3 such delivery is sufficient evidence of sale. A partner in
4 business is liable for the unlawful keeping or selling of his
5 copartner, done in the copartnership business, or by any
6 other person, in any shop, store or other place of business,
7 of such copartnership, with his knowledge or assent. A
8 principal and his agent, clerk and servant, may all be includ-
9 ed in the same complaint and process. The mayor or alder-
10 men, selectmen, or assessors, may cause a suit to be com-
11 menced on any bond or recognizance given under this
12 chapter in which his city, town or plantation is interested,
13 and the same shall be prosecuted to final judgment unless
14 paid in full with costs. The mayor, aldermen, selectmen,
15 assessors and constables, in every city, town and plantation,
16 shall make complaint and prosecute all violations and
17 promptly enforce the laws of this chapter; and the wilful
18 or corrupt neglect or refusal of any of the said officials to
19 enforce the said laws shall be punished by a fine not ex-
20 ceeding one thousand dollars or by imprisonment not ex-
21 ceeding one year. And all fines resulting from such prose-
22 cutions by said municipal officers shall accrue to the town
23 or city wherein the convictions occur and shall be paid to
24 the treasurer of such city or town. If a municipal officer,
25 after being furnished with a written notice of a violation

26 of this chapter, signed by two persons competent to be
27 witnesses in civil suits, and containing the names and resi-
28 dences of the witnesses to prove such offense, wilfully
29 neglects or refuses to institute proceedings therefor, he
30 shall be fined not less than twenty, nor more than fifty
31 dollars, to be recovered by indictment. The oath required
32 of any such officer to the complaint may be, in substance,
33 that from a written notice signed by two persons competent
34 to be witnesses in civil suits, he believes the complaint
35 signed by him to be true. If an execution or other final
36 process, issued in any civil or criminal suit instituted under
37 this chapter is placed in the hands of any proper officer to be
38 by him executed, and he unreasonably neglects or refuses so
39 to do, an action may be commenced against him by any
40 voter in the county, and prosecuted to final judgment which
41 shall be for the full amount of the judgment and interest
42 on such execution; and if it is a process that requires him to
43 take and commit an offender to prison, the damages shall
44 not be less than fifty, nor more than five hundred dollars.
45 Selectmen of towns herein mentioned include assessors of
46 plantations. In suits, complaints, indictments or other pro-
47 ceedings for a violation of any provision of this chapter
48 relating to intoxicating liquors, other than for the first
49 offense, it is not requisite to set forth particularly the
50 record of a former conviction, but it is sufficient to allege
51 briefly, that such person has been convicted of a violation
52 of any particular provision, or as a common seller, as the

53 case may be, and such allegation in any criminal process,
54 legally amendable in any stage of the proceedings before
55 final judgment, may be amended, without terms, and as a
56 matter of right. Any process civil or criminal, legally
57 amendable, may, in any stage of the proceedings, be amend-
58 ed in any matter of form, without costs, on motion at any
59 time before final judgment.'