

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 61

In Senate, Feb. 8, 1923.

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

L. ERNEST THORNTON, Secretary.

Presented by Senator Spencer of York.

STATE OF MAINE

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

AN ACT to Amend Chapter Two Hundred and Ninety-four of
the Public Laws of 1917, as Amended by Chapter Sixty-three
of the Public Laws of 1921, Relating to Intoxicating Liquors.

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

Section 1. Chapter two hundred ninety-four of the public
2 laws of nineteen hundred seventeen, as amended by chapter
3 sixty-three of the public laws of nineteen hundred twenty-
4 one, is hereby further amended by striking out the words
5 "illegal sale within the state" in the third line and inserting
6 in place thereof the following: 'sale or containing intoxi-
7 cating liquor in the possession of or in the control of any
8 person transporting the same without being in possession of

9 a permit therefor duly issued under authority by the pro-
10 visions of the national prohibition act of October twenty-
11 eight, nineteen hundred nineteen and amendments thereto
12 providing for the enforcement of the eighteenth amend-
13 ment to the constitution of the United States'; by striking
14 out the words "using them for the transportation of intoxi-
15 cating liquors intended for sale within the state," in the
16 fourth and fifth lines, and by adding at the end of said
17 section the following: 'any claimant of any such boat, vessel,
18 or vehicle must allege and prove that the use of such boat,
19 vessel or vehicle for the transportation of intoxicating
20 liquors as aforesaid was without his knowledge or consent,'
21 so that said chapter as amended shall read as follows:

'All automobiles, trucks, wagons, boats or vessels and
2 vehicles of every kind, not common carriers, containing in-
3 toxicating liquors intended for sale or containing intoxicat-
4 ing liquor in the possession of or in the control of any
5 person transporting the same without being in possession
6 of a permit therefor duly issued under authority by the
7 provisions of the national prohibition act of October twenty-
8 eight, nineteen hundred nineteen, and amendments thereto
9 providing for the enforcement of the eighteenth amend-
10 ment to the constitution of the United States found within
11 the state in the possession or in the control of any person,
12 shall be seized by any officer seizing the liquors transported
13 therein, shall be libelled as is provided for the libelling of
14 intoxicating liquors and the vessels in which they are con-

15 tained under chapter one hundred twenty-seven of the re-
16 vised statutes, and shall be declared forfeited by the court
17 and sold in the same manner as is provided for the sale of
18 vessels containing intoxicating liquors. Any claimant of
19 any such boat, vessel, or vehicle must allege and prove that
20 the use of such boat, vessel or vehicle for the transportation
21 of intoxicating liquors as aforesaid was without his knowl-
22 edge or consent.'

Sect. 2. Chapter two hundred ninety-four of the public
2 laws of nineteen hundred seventeen, as amended by chapter
3 sixty-three of the public laws of nineteen hundred twenty-
4 one is hereby further amended by adding thereto the follow-
5 ing sections:

'Sect. 2. Whoever aids in the sale of any intoxicating
2 liquor in this state in violation of law by acting as agent,
3 broker, employee, or messenger for either the buyer, or the
4 seller, thereof shall be punished by a fine of not less than
5 one hundred nor more than five hundred dollars and costs
6 and in addition be imprisoned not less than two nor more
7 than six months and in default of payment of said fine and
8 costs he shall be imprisoned not less than two nor more
9 than six months additional.

'Sect. 3. Any person who shall transport into this state
2 or from place to place therein contrary to law, any intoxi-
3 cating liquor in any automobile, truck, wagon, boat, vessel
4 or vehicle of any kind, not a common carrier, without the
5 consent in writing to such transportation signed by the

6 owner thereof and also by the mortgagee thereof and also
7 by all parties to any agreement by which said automobile,
8 truck, wagon, boat, vessel or vehicle is to remain the prop-
9 erty of the seller until paid for, whether said agreement is
10 or is called a note, lease, conditional sale, purchase on in-
11 stalments or by any other name or in whatever form it may
12 be, and also by all other persons who have any right, title
13 and interest in such automobile, truck, wagon, boat, vessel
14 or vehicle, shall be fined not less than five hundred dollars
15 nor more than one thousand dollars and costs and in addi-
16 tion thereto shall be imprisoned not less than six months
17 nor more than two years and in default of payment of fine
18 and costs shall be imprisoned six months additional and
19 such sentence shall be additional to any other sentence
20 imposed for any other offense committed by such person.'