

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 77

In Senate, Feb. 9, 1923.

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

L. ERNEST THORNTON, Secretary.

Presented by Senator Clark of Lincoln.

STATE OF MAINE

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

AN ACT to Amend Section Forty, Chapter One Hundred Twenty-seven, Revised Statutes, Relating to the Prosecutions for Violation of Laws Regarding Sale and Manufacture of Intoxicating Liquors, Amended.

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

Amend section forty, chapter one hundred twenty-seven, 2 revised statutes, as amended by chapter one hundred eight, 3 laws of nineteen hundred nineteen, by adding thereto the 4 following, 'and in no case shall the penal sum of the 5 recognizance be reduced after being fixed by the court,' 6 so that said section as amended shall read as follows:

'Sect. 40. Prosecutions for manufacturing liquors in vio-

2 lation of law, for keeping drinking-houses and tipping-
3 shops, and for being common sellers of intoxicating liquors,
4 shall be by indictment; but in all other prosecutions under
5 this chapter, except when otherwise expressly provided,
6 judges of municipal and police courts and trial justices have
7 by complaint, jurisdiction, original and concurrent with the
8 supreme judicial and superior courts. All prosecutions in
9 the supreme judicial and superior courts shall be by indict-
10 ment. Said magistrates, in cases not within their juris-
11 diction, may examine and hold to bail. And in appeals
12 from any judgment or sentence before such magistrate, the
13 penal sum in every recognizance shall be not less than five
14 hundred dollars. No recognizance before such magistrate,
15 shall be in a sum less than five hundred dollars; nor in the
16 supreme judicial or superior court in less than five hun-
17 dred dollars. And in no case shall the penal sum of the
18 recognizance be reduced after being fixed by the court.'