

# MAINE STATE LEGISLATURE

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**EIGHTY-FIRST LEGISLATURE**

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**SENATE**

**NO. 121**

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In Senate, Feb. 20, 1923.

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

L. ERNEST THORNTON, Secretary.

Presented by Senator Cram of Cumberland.

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**STATE OF MAINE**

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

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AN ACT to Amend Chapter One Hundred and Twenty-seven of the Revised Statutes with Reference to Sale of Intoxicating Liquors.

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

Section 1. Section twenty of chapter one hundred and twenty-seven of the revised statutes as amended by chapter two hundred and ninety-one of the public laws of 1917 is hereby further amended by striking out all of said section and inserting in lieu thereof the following:

'Sect. 20. No person shall knowingly transport into this state or from place to place therein, any intoxicating liquor or aid any person in such transportation without being in

4 possession of a permit thereof duly issued under authority  
5 conferred by the provisions of the national prohibition act  
6 of October 28, 1919, and amendments thereto providing for  
7 the enforcement of the eighteenth amendment to the con-  
8 stitution of the United States; and the failure of any per-  
9 son so transporting intoxicating liquor to exhibit such per-  
10 mit when requested to do so by any duly qualified officer  
11 charged with the duty of enforcing the provisions of this  
12 chapter shall be deemed to be prima facie evidence that no  
13 such permit exists.

‘Whoever violates the provisions of this section shall be  
2 fined not less than three hundred nor more than six hundred  
3 dollars and costs and in addition thereto shall be imprisoned  
4 for not less than three months nor more than six months  
5 and in default of payment of fine and costs shall be im-  
6 prisoned for six months additional, provided that if the  
7 person so convicted shall have been theretofore convicted  
8 of a violation of any of the provisions of this chapter, he  
9 shall be fined not less than five hundred nor more than one  
10 thousand dollars and costs and in addition thereto shall be  
11 imprisoned not less than six months nor more than one  
12 year and in default of payment of said fine and costs shall  
13 suffer imprisonment for six months additional.’

Sect. 2. Section twenty-seven of chapter one hundred and  
2 twenty-seven of the revised statutes as amended by chapter  
3 two hundred and ninety-one of the public laws of 1917 is  
4 hereby further amended by striking out the words “in the

5 state of Maine in violation of law” in the third and fourth  
6 lines thereof so that said section as amended shall read as  
7 follows:

‘Sect. 27. Provisions made to include ordering, trans-  
2 porting or causing to be transported. No person shall  
3 deposit, or have in his possession, or order, transport or  
4 cause to be transported into the state of Maine any intoxi-  
5 cating liquors with intent to sell the same, or with intent  
6 that the same shall be sold by any person or to aid or assist  
7 any person in such sale. Whoever violates this section  
8 shall be fined not less than one hundred dollars nor more  
9 than five hundred dollars and costs, and in addition thereto  
10 be imprisoned for not less than two months nor more than  
11 six months, and in default of payment of said fine and  
12 costs, he shall be imprisoned six months additional.’

Sect. 3. Section twenty-eight of chapter one hundred and  
2 twenty-seven of the revised statutes is hereby amended by  
3 striking out the words “unlawful” in the second line thereof,  
4 and the words “in the state” in the third line thereof, so  
5 that said section as amended shall read as follows:

‘Sect. 28. Liquors for unlawful sale, forfeited. Intoxi-  
2 cating liquors kept and deposited in the state, intended for  
3 sale, and the vessels in which they are contained, are con-  
4 traband and forfeited to the county in which they are so  
5 kept at the time when they are seized under this chapter.  
6 And in all cases where an officer may seize intoxicating  
7 liquors or the vessels containing them, upon a warrant, and

8 keep them in some safe place for a reasonable time until he  
9 can procure such warrant.'

Sect. 4. Chapter one hundred and twenty-seven of the  
2 revised statutes is hereby amended by adding thereto the  
3 following sections:

'Sect. 58, penalty for aiding in the sale of intoxicating  
2 liquor. Whoever aids in the sale of any intoxicating liquor  
3 in this state in violation of law by acting as agent, broker,  
4 employee, or messenger for either the buyer or the seller,  
5 thereof shall be punished by a fine of not less than one  
6 hundred nor more than five hundred dollars and costs and  
7 in addition be imprisoned not less than two nor more than  
8 six months and in default of payment of said fine and costs  
9 he shall be imprisoned not less than two nor more than six  
10 months additional.'

'Sect. 59, penalty for transporting intoxicating liquor in  
2 vehicle without consent of its owner. Any person who  
3 shall transport into this state or from place to place therein  
4 contrary to law, any intoxicating liquor in any automobile,  
5 truck, wagon, boat, vessel, or vehicle of any kind, not a  
6 common carrier without the consent in writing to such  
7 transportation of the owner thereof and also of the mort-  
8 gagee thereof and also of all parties to any agreement by  
9 which said automobile, truck, wagon, boat, vessel, or vehicle  
10 is to remain the property of the seller until paid for, whether  
11 said agreement is or is called a note, lease, conditional sale,  
12 purchase on installments or by any other name or in what-

13 ever form it may be, and also of all other persons who have  
14 any right, title and interest in such automobile, truck, wagon,  
15 boat, vessel, or vehicle, shall be fined not less than five  
16 hundred dollars nor more than one thousand dollars and  
17 costs and in addition thereto shall be imprisoned not less  
18 than six months nor more than two years and in default  
19 of payment of fine and costs shall be imprisoned six months  
20 additional and such sentence shall be additional to any other  
21 sentence imposed for any other offense committed by such  
22 person.

Sect. 5. Section twenty-one of chapter one hundred and  
2 twenty-seven of the revised statutes as amended by chapter  
3 two hundred and thirty-five of the public laws of 1919 is  
4 hereby amended by striking out from said amended section  
5 in the eighth line thereof the words "now or hereafter de-  
6 clared" and by inserting after the words "enactment" in the  
7 seventh line thereof the words 'heretofore made' and by  
8 inserting after the words "United States" in the eighth line  
9 thereof the words 'heretofore declared,' so that said section,  
10 as amended, shall read as follows:

'Sect. 21. Term "intoxicating liquors" redefined to accord  
2 with federal law. No person shall at any time, by himself,  
3 his clerk, servant or agent, directly or indirectly, sell any  
4 intoxicating liquors, of whatever origin; wine, ale, porter,  
5 strong beer, lager beer and all other malt liquors, and cider  
6 when kept or deposited with intent to sell the same for  
7 tipping purposes, or as a beverage, and all distilled spirits,

8 as well as any beverage containing a percentage of alcohol,  
9 which by federal enactment heretofore made, or by decision  
10 of the supreme court of the United States heretofore de-  
11 clared, renders a beverage intoxicating, are declared in-  
12 toxicating within the meaning of this chapter; but this  
13 enumeration shall not prevent any other pure or mixed  
14 liquors from being considered intoxicating.'