

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 285

In Senate, March 26, 1923.

Reported by Mr. Spencer from Committee on Temperance
and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

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 Nineteen Hundred and Seventeen, as
Amended by Chapter Sixty-three of the Public Laws of
Nineteen Hundred and Twenty-one, 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 intoxicat-

7 ing liquor in the possession of or in the control of any person
8 transporting the same without being in possession of a per-
9 mit therefor duly issued under authority by the provisions
10 of the national prohibition act of October twenty-eight,
11 nineteen hundred nineteen and amendments thereto provid-
12 ing for the enforcement of the eighteenth amendment to the
13 constitution of the United States;’ by striking out the words
14 “using them for the transportation of intoxicating liquors
15 intended for sale within the state,” in the fourth and fifth
16 lines, and inserting in place thereof the following: ‘except
17 an officer of enforcement in possession of the same to be
18 used as evidence,’ so that said chapter as amended shall read
19 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 person
5 transporting the same without being in possession of a per-
6 mit therefor duly issued under authority by the provisions
7 of the national prohibition act of October twenty-eight,
8 nineteen hundred nineteen, and amendments thereto provid-
9 ing for the enforcement of the eighteenth amendment to the
10 constitution of the United States, found within the state in
11 the possession or in the control of any person, shall be seized
12 by any officer seizing the liquors transported therein, shall
13 be libelled as is provided for the libelling of intoxicating
14 liquors and the vessels in which they are contained under

15 chapter one hundred twenty-seven of the revised statutes,
16 and shall be declared forfeited by the court and sold in the
17 same manner as is provided for the sale of vessels contain-
18 ing intoxicating liquors.'

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. Any right, interest or title of any person or cor-
2 poration other than the person or persons in possession or
3 control of any such automobile, truck, wagon, boat, vessel
4 or vehicle shall also be forfeited unless the possession or
5 control of the person using the same for the unlawful trans-
6 portation aforesaid shall be without the knowledge of the
7 person or corporation claiming such right, interest or title.

'Any claimant of any right, interest or title in such auto-
2 mobile, truck, wagon, boat, vessel or vehicle must allege and
3 prove that the possession and control of the same was with-
4 out his knowledge or consent or the knowledge or consent
5 of any person holding title under or by virtue of a contract
6 with him.'

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

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