

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 969

H. P. No. 255

House of Representatives, Mar. 3, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wing of Auburn.

STATE OF MAINE

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

AN ACT Relieving the State of the Necessity of Alleging and Proving the Non-existence of a Federal Permit in Proceedings for Punishment for Unlawful Transportation of Liquor and for Forfeiture of Vehicles, Boats, Etc.

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

Section 1. Section twenty of chapter one hundred and 2 twenty-seven of the revised statutes, as amended by chapter two hundred and ninety-one of the public laws of nine- 3 teen hundred and seventeen and by chapter one hundred and 4 sixty-seven of the public laws of nineteen hundred and 5 twenty-three, is hereby further amended by striking out of 6 said section, the clause, "and the failure of any person sc 7

8 transporting intoxicating liquor to exhibit such permit when
9 requested to do so, by any duly qualified officer charged
10 with the duty of enforcing the provisions of this chapter,
11 shall be deemed to be prima facie evidence that no such per-
12 mit exists," and substituting therefor the following: 'and in
13 any prosecution under this section it shall not be incumbent
14 on the state to allege and prove that the respondent did not
15 possess such a permit,' so that said section as amended, shall
16 read as follows:

'Sect. 20. No person shall knowingly transport into this
2 state or from place to place therein any intoxicating liquor,
3 or aid any person in such transportation without being in
4 possession of a permit therefor, duly issued under author-
5 ity conferred by the provisions of the National Prohibition
6 Act of October twenty-eighth, nineteen hundred and nine-
7 teen, and amendments thereto, providing for the enforce-
8 ment of the Eighteenth Amendment to the Constitution of
9 the United States; and in any prosecution under this section
10 it shall not be incumbent on the state to allege and prove
11 that the respondent did not possess such a permit. Who-
12 ever violates the provisions of this section shall be fined
13 not less than three hundred nor more than six hundred dol-
14 lars and costs, and in addition thereto shall be imprisoned
15 for not less than three months nor more than six months
16 and in default of payment of fine and costs shall be impris-
17 oned for six months additional; provided, that if the person
18 so convicted shall have been theretofore convicted of a vio-

19 lation of any of the provisions of this chapter he shall be
20 fined not less than five hundred, nor more than one thou-
21 sand dollars and costs, and in addition thereto shall be im-
22 prisoned not less than six months nor more than one year
23 and in default of payment of said fine and costs shall suffer
24 imprisonment for six months additional.'

Sect. 2. Chapter two hundred and ninety-four of the pub-
2 lic laws of nineteen hundred and seventeen as amended by
3 chapter sixty-three of the public laws of nineteen hundred
4 and twenty-one and by chapter two hundred and four of
5 the public laws of nineteen hundred and twenty-three, is
6 hereby further amended by adding thereto the following
7 words: 'In any proceeding under this section it shall not be
8 incumbent on the state to allege and prove that such person
9 was not in possession of such permit,' so that said section
10 as amended will read:

'Section 1. All automobiles, trucks, wagons, boats or
2 vessels and vehicles of every kind, not common carriers,
3 containing intoxicating liquors intended for sale or con-
4 taining intoxicating liquor in the possession of or in the
5 control of any person transporting the same without being
6 in possession of a permit therefor duly issued under au-
7 thority by the provisions of the national prohibition act of
8 October twenty-eight, nineteen hundred and nineteen, and
9 amendments thereto, providing for the enforcement of the
10 eighteenth amendment to the constitution of the United
11 States, found within the state in the possession or in the

12 control of any person, shall be seized by any officer seizing
13 the liquors transported therein, shall be libeled as is pro-
14 vided for the libeling of intoxicating liquors and the vessels
15 in which they are contained under chapter one hundred and
16 twenty-seven of the revised statutes, and shall be declared
17 forfeited by the court and sold in the same manner as is
18 provided for the sale of vessels containing intoxicating li-
19 quors. In any proceeding under this section it shall not
20 be incumbent on the state to allege and prove that such
21 person was not in possession of such permit.'