

# MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H   L E G I S L A T U R E

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**Legislative Document**

**No. 1351**

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H. P. 1975

In House, March 15, 1949

Referred to the Committee on Temperance, sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Bubar of Blaine

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Re-Establishing Prohibition.**

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

**Sec. 1. R. S., c. 57, repealed and replaced, exceptions.** Chapter 57 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof except sections 68, 69, 74-84, inclusive, 86-88, inclusive, 90-94, inclusive, and section 97, which are reallocated to become a part of new chapter 57, as follows:

**'CHAPTER 57.**

**INTOXICATING LIQUORS.**

Section	1	Manufacture.
Sections	2-5	Transportation.
Sections	6-15	Sale.
Sections	16-17	Possession.
Sections	18-19	Intoxication.
Sections	20-31	Enforcement.
Sections	32-44	Search and Seizure.
Section	45	Forms.

### Manufacture.

Sec. 1. Manufacturing intoxicating liquors prohibited; exception for extracts. Whoever manufactures or attempts to manufacture any intoxicating liquors, except cider, and whoever has in his possession any wort or mash fit for distillation or for the production of distilled spirits, or has in his possession any worm, still or other device for the purpose of manufacturing intoxicating liquors, shall be punished by a fine of not less than \$100, nor more than \$1,000 and costs of prosecution, and by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of fine and costs be imprisoned for not less than 60 days nor more than 6 months additional; and said wort, mash, worm, still or other device shall be seized by any officer having authority to seize intoxicating liquors and shall be declared forfeited by the court or magistrate having cognizance of the case, and ordered destroyed. Alcohol may be used in the manufacture of flavoring extracts and syrups, Jamaica ginger not included, provided such extracts and syrups contain no more alcohol than is necessary for extraction, solution and preservation, and measures up to the standards prescribed and published by the commissioner of internal revenue and are unfit for use as beverages or for intoxicating beverage purposes.

### Transportation.

Sec. 2. Traveling liquor peddlers, dealers, and solicitors; penalty. No person shall travel from town to town, or from place to place, in any city, town or plantation, on foot or by public or private conveyance, either by land or water, carrying for sale or offering for sale intoxicating or fermented liquors, and no person shall solicit, obtain or offer to obtain orders for the sale or delivery of any intoxicating or fermented liquors, in any quantity. Any person violating the provisions of this section shall be punished by a fine of not less than \$100, nor more than \$500 and costs, and in addition thereto by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of said fine and costs, by imprisonment for 6 months additional.

Sec. 3. Transportation of intoxicating liquors without federal permit prohibited; penalty. 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 possession of a permit therefor duly issued under authority conferred by the provisions of the national prohibition act of October 28, 1919, and amended thereto, providing for the enforcement of the 18th amendment to the constitution of the United States.

Whoever violates the provisions of this section shall be punished by a fine of not less than \$300, nor more than \$600 and costs, and in addition thereto, by imprisonment for not less than 3 months, nor more than 6 months, and in default of payment of fine and cost, by imprisonment for 6 months additional; provided, that if the person so convicted shall have been theretofore convicted of a violation of any of the provisions of this chapter he shall be punished by a fine of not less than \$500, nor more than \$1,000 and costs, and in addition thereto by imprisonment for not less than 6 months, nor more than 11 months, and in default of payment of said fine and costs, by imprisonment for 6 months additional.

Sec. 4. Transportation of intoxicating liquors in another's vehicle without written consent; penalty. Any person who transports into this state or from place to place therein contrary to law, any intoxicating liquor in any automobile, truck, wagon, boat, vessel or vehicle of any kind, not a common carrier, without the consent in writing to such transportation signed by the owner thereof and also by the mortgagee thereof and also by all parties to any agreement by which said automobile, truck, wagon, boat, vessel or vehicle is to remain the property of the seller until paid for, whether said agreement is or is called a note, lease, conditional sale, purchase on installments, or by any other name or in whatever form it may be, and also all other persons who have any right, title, and interest in such automobile, truck, wagon, boat, vessel or vehicle, shall be punished by a fine of not less than \$500, nor more than \$1,000 and costs, and in addition thereto by imprisonment for not less than 6 months, nor more than 2 years, and in default of payment of fine and costs, by imprisonment for six months additional, and such sentence shall be additional to any other sentence imposed for any other offense committed by such person.

Sec. 5. Express companies, etc., to require receipt from consignee or agent, before delivery of intoxicants; penalty. It shall be unlawful for any transportation company, express company, corporation or individual to deliver any intoxicating liquors at any place other than the regular place of business of said company or individual or to deliver any intoxicating liquors to any person, firm or corporation other than the person, firm or corporation to whom it has been consigned, unless upon written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name; and in all cases, before delivery is made, said company or individual shall require the consignee, or his agent, in each instance duly authorized thereto in writing, personally to sign a receipt in a book kept for such purpose, which said receipt shall reveal the

name of the person to whom the liquors were shipped, the amount and kind and the date when delivered and the persons by whom and to whom delivered, except that in case of partnerships and corporations, a partner or duly authorized officer of the corporation may receipt for liquors consigned to their principals, and the book of receipts above described shall be kept permanently in such places of business and shall be open to inspection by any state, county or municipal officer during regular business hours, and such book shall constitute prima facie evidence of the facts therein stated and be admissible as evidence in any court in this state having jurisdiction over offenses named in this chapter and chapter 128. Any officer of any transportation company or express company or any other person who knowingly delivers intoxicating liquors contrary to the provisions hereof shall be punished by a fine of not less than \$100 nor more than \$500 and costs and by imprisonment for not less than 2 months nor more than 6 months and in default of payment of said fine and costs by imprisonment for 6 months additional. Any person who knowingly receipts for any intoxicating liquors contrary to the provisions of this section shall be punished by imprisonment for not less than 2 months.

#### Sale.

Sec. 6. Sale of intoxicating liquors prohibited; definition. No person shall at any time, by himself, his clerk, servant or agent, directly or indirectly, sell any intoxicating liquors, of whatever origin; wine, ale, porter, strong beer, lager beer and all other malt liquors and cider, (except new cider which shall have not so far advanced in the natural process of fermentation as to contain more than  $\frac{1}{2}$  of 1% of alcohol by volume, and cider which has been so treated as to prevent fermentation and which does not contain  $\frac{1}{2}$  of 1% of alcohol by volume, and cider sold to manufacturers of vinegar to be used in manufacture of vinegar, and for no other purpose) and all distilled spirits, as well as any beverage containing  $\frac{1}{2}$  of 1% of alcohol by volume, are declared intoxicating within the meaning of this chapter; but this enumeration shall not prevent any other pure or mixed liquors from being considered intoxicating.

Sec. 7. Penalty for selling. Whoever by himself, clerk, servant or agent, sells any intoxicating liquors, or who knowingly sell any extract or syrup for intoxicating beverage purposes, or who sells any of the same under circumstances from which the seller might reasonably adduce the intention of the purchaser to be to use them for such purposes, in violation of law, shall be punished by a fine of not less than \$100, nor more than \$500 and costs and in addition thereto by imprisonment for not less than 2

months, nor more than 6 months, and in default of payment of said fine and costs by imprisonment for not less than 2 months nor more than 6 months additional, and on each subsequent conviction he shall be punished by a fine of \$500 and costs and in addition thereto by imprisonment for 6 months, and in default of payment of said fine and costs by imprisonment for 6 months additional. Any person who aids in the sale of intoxicating liquor, by acting as agent, broker, clerk, employee, servant or otherwise, or in any manner aids or assists in violating any provision of law relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties.

Sec. 8 Sale of substance which when compressed produce intoxicating liquid prohibited; penalty. No person shall sell any substance which when compressed produces a liquid containing more than  $\frac{1}{2}$  of 1% of alcohol with a knowledge or having reasonable cause to believe that same is to be so compressed and the liquid so produced is to be used as a beverage. Any person violating the provision of this section shall be punished by a fine of not less than \$300, nor more than \$500, and by imprisonment for not less than 3 months, nor more than 6 months.

Sec. 9. Sale of cider, prohibited; exceptions. The sale of cider which shall contain more than  $\frac{1}{2}$  of 1% of alcohol by volume is hereby declared to be unlawful, except that it may be sold to manufacturers of vinegar to be used in the manufacture of vinegar and for no other purpose. Manufacturers of vinegar shall make use of cider purchased by them as authorized by this section in the manufacture of vinegar, and for no other purpose, and shall keep a record of all such purchases of cider, which shall be retained by them and which shall be open at all reasonable times to the inspection of any officer charged with the duty of the enforcement of law, for a period of 3 years from the date of such purchase, and which shall show as to each purchase, its date, the quantity purchased, the price at which purchased, and the name and address of the seller.

Sec. 10 Penalties. Whoever is convicted of violation of any of the provisions of section 9 shall be punished by a fine of not less than \$100, nor more than \$500 and costs and in addition thereto by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of said fine and costs, by imprisonment for not less than two months, nor more than six months additional, and on each subsequent conviction he shall be punished by a fine of \$500 and costs, and in addition thereto by imprisonment for 6 months, and in default of payment of said fine and costs, by imprisonment for six months additional, provided that in case of violation of

the provisions relating to the making and keeping of record of purchases punishment by imprisonment shall be in the discretion of the court.

Sec. 11. Label required on all liquors containing alcohol. All ale, beer, and other liquors kept for sale in this state of which alcohol is an ingredient or constituent part, shall be plainly labeled by having conspicuously affixed on the vessels in which they are contained, a paper label showing in print the percentage of alcohol contained in said liquors. Any liquors not so labelled shall be deemed to be intoxicating liquors, within the meaning of the statute, shall be subject to seizure and shall be disposed of in the manner provided for disposing of intoxicating liquors. Any person who keeps and offers for sale any such liquors not so labeled shall be punished by a fine of \$100 and costs, and by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of said fine and costs, by imprisonment for 6 months additional.

Sec. 12. (Section 68 of chapter 57 is hereby reallocated to be section 12.)

Sec. 13. Drinking-houses and tippling-shops; penalty. No person shall keep a drinking-house and tippling-shop. Whoever sells intoxicating liquors in any building, vessel or boat, contrary to law, if the same are there drank, is guilty of keeping a drinking-house and tippling-shop, and upon conviction thereof shall be punished by a fine of not less than \$100, nor more than \$500 and costs and in addition thereto by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of said fine and costs by imprisonment for 6 months additional.

Sec. 14. Advertising liquors for sale; penalty. Whoever advertises or gives notice of the sale or keeping for sale of intoxicating liquors, or knowingly publishes any newspaper in which such notices are given, shall be punished by a fine of \$20 and costs, to be recovered by complaint. One-half of said fine shall be paid to the complainant and  $\frac{1}{2}$  to the town in which said notice is published.

Sec. 15. (Section 69 of chapter 57 is hereby reallocated to be section 15.)

#### Possession.

Sec. 16. Deposit, possession, etc., with intent of sale. No person shall deposit, or have in his possession, or order, transport or cause to be transported into the state, or from place to place therein, any intoxicating liquors with intent to sell the same, or with intent that the same shall be sold by any person or aid or assist any person in such sale. Whoever vio-

lates this section shall be punished by a fine of not less than \$100, nor more than \$500 and costs, and in addition thereto by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of said fines and costs, by imprisonment for 6 months additional.

Sec. 17. Loitering with liquor on person; penalty. No person shall loiter on or about the streets and highways or in or about any building or place of business with intoxicating liquors about his person. Whoever violates this section shall be punished by a fine of \$100 and costs and by imprisonment for 30 days, and in default of payment of said fine and costs, by imprisonment for 60 days additional.

#### Intoxication.

Sec. 18. Intoxication and disturbance; penalty. Whoever is found intoxicated in any street, highway, or other public place, shall be punished for the first offense by a fine of not more than \$10, or by imprisonment for not more than 30 days, and upon any subsequent conviction by imprisonment for not more than 90 days, except that in any county where a county farm for the reformation of inebriates has been established, any male person who has been previously convicted of intoxication may be sentenced to said farm for a period of not less than 90 days nor more than 11 months. Whoever is found intoxicated in his own house, or in any other building or place, disturbing the public peace, or the peace of his own or any other family, shall be punished for the first and any subsequent conviction, as provided in the preceding clause of this section. Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, constable, marshal, police officer or watchman, and committed to the watchhouse or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried.

Sec. 19. Responsibility for injuries by drunken persons. Every wife, child, parent, guardian, husband or other person who is injured in person, property, means of support, or otherwise, by any intoxicated person, or by reason of the intoxication of any person, has a right of action in his own name against any one who by selling or giving any intoxicating liquors, or otherwise, has caused or contributed to the intoxication of such person; and in such action the plaintiff may recover both actual and exemplary damages. The owner, lessee or person renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein, is liable, severally or jointly with the person selling or giving intoxicating liquors as aforesaid. And in actions by a wife, husband, parent or child,



general reputation of such relationship is prima facie evidence thereof, and the amount recovered by a wife or child shall be her or his sole and separate property.

#### Enforcement.

Sec. 20. Indictment when necessary; jurisdiction; bail. Prosecutions for manufacturing liquors in violation of law, for keeping drinking-houses and tippling-shops, and for being common sellers of intoxicating liquors, shall be by indictment; but in all other prosecutions under this chapter, except when otherwise expressly provided, judges of municipal and police courts and trial justices have by complaint, jurisdiction, original and concurrent with the superior court. All prosecutions in the superior court shall be by indictment. Said magistrates, in cases not within their jurisdiction, may examine and hold to bail. And in appeals from any judgment or sentence before such magistrate, the penal sum in every recognizance shall be not less than \$500. No recognizance before such magistrate or court, shall be in a sum less than \$500. And in no case shall the penal sum of the recognizance be reduced after being fixed by the court.

Sec. 21. Previous convictions to be alleged; indictments not to be dismissed, but by order of court; penalty for failure to prosecute. Every trial justice, recorder, clerk and judge of a municipal or police court, and every county attorney, having knowledge of a previous conviction of any person accused of violating any of the provisions of this chapter, in preparing complaints, warrants or indictments, shall allege such previous conviction thereon; and after such indictment is entered in court, no county attorney shall dismiss or fail to prosecute it except by special order of said court. If any trial justice, recorder, clerk or judge of a municipal or police court, or county attorney, neglects or refuses to allege such previous conviction, or if any county attorney fails so to prosecute, he forfeits \$100 in each case, to be recovered in an action of debt, to be brought by the attorney-general in behalf of the state.

Sec. 22. (Section 74 of chapter 57 is hereby reallocated to be section 22.)

Sec. 22-A. (Section 75 of chapter 57 is hereby reallocated to be section 22-A.)

Sec. 23. (Section 76 of chapter 57 is hereby reallocated to be section 23.)

Sec. 24. (Section 77 of chapter 57 is hereby reallocated to be section 24.)

Sec. 25. (Section 78 of chapter 57 is hereby reallocated to be section 25.)

Sec. 26. Proceedings under this chapter not barred within 6 years; absence deducted. The offenses described in this chapter fall within section 17 of chapter 132, and no such offense is barred by any period of time less than 6 years after the commission thereof. No portion of time during which the offender is not usually and publicly a resident of this state shall be a part of said 6 years.

Sec. 27. Law applies to importations in original package. All the provisions of this chapter, chapter 128, section 25 of chapter 134, and section 1 of chapter 136, so far as they relate to intoxicating liquors, are hereby made to apply to all intoxicating liquor imported in the original package.

Sec. 28. (Section 79 of chapter 57 is hereby reallocated to be section 28.)

Sec. 29. (Section 80 of chapter 57 is hereby reallocated to be section 29.)

Sec. 30. (Section 81 of chapter 57 is hereby reallocated to be section 30.)

Sec. 31. (Section 82 of chapter 57 is hereby reallocated to be section 31.)

#### Search and Seizure.

Sec. 32. Liquors kept or deposited for unlawful sale forfeited; seizure without warrant. Intoxicating liquors kept or deposited in the state, intended for sale, and the vessels in which they are contained, are contraband and shall be forfeited to the county in which they are seized. And in all cases where an officer may seize intoxicating liquors or the vessels containing them, upon a warrant, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.

Sec. 33. Warrants for search and seizure; fluids poured out to prevent seizure may be held to have been intended for unlawful sale; notice of liquors for sale, prima facie evidence of common sellers. If any person competent to be a witness in civil suits makes sworn complaint before any judge of a municipal or police court or trial justice, that he believes that intoxicating liquors are unlawfully kept or deposited in any place in the state by any person, and that the same are intended for sale in violation of law, such magistrate shall issue his warrant directed to any officer having power to serve criminal process, commanding him to search the premises

described and specially designated in such complaint and warrant, and if said liquors are there found, to seize the same, with the vessels in which they are contained, and then safely keep until final action thereon, and make immediate return of said warrant. The name of the person so keeping said liquors as aforesaid, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said warrant if he finds said liquor to arrest said person and hold him to answer as keeping said liquors intended for unlawful sale. Any person who may be suspected of selling from, or keeping for illegal sale in his pockets, intoxicating liquors, may be searched in the same manner and by the same process as is provided for the search of places, and if liquors are found upon his person, may be held to answer as though such liquors were kept and deposited by him in any place. If fluids are poured out or otherwise destroyed by the tenant, assistant or other person, when premises are about to be searched, manifestly for the purpose of preventing their seizure by officers authorized to make such search and seizure, such fluids may be held to have been intoxicated if said liquors had been seized. If the name of the person keeping such liquors is unknown to the complainant, he shall so allege in his complaint, and the magistrate shall thereupon issue his warrant as provided in the 1st sentence of this section. If upon trial, the court is of the opinion that the liquor was so kept and intended for unlawful sale, by the person named in said complaint, or by any other person with his knowledge or consent, he shall be found guilty thereof, and punished by a fine of not less than \$100, nor more than \$500 and costs and in addition thereto by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of said fine and costs by imprisonment for 6 months additional. Notice of any kind in any place of resort, indicating that intoxicating liquors are there sold, kept or given away unlawfully shall be held to be prima facie evidence that the person or persons displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them common nuisances.

Sec. 34. (Section 86 of chapter 57 is hereby reallocated to be section 34.)

Sec. 35. (Section 87 of chapter 57 is hereby reallocated to be section 35.)

Sec. 36. (Section 88 of chapter 57 is hereby reallocated to be section 36.)

Sec. 37. Disposal of forfeited liquors. All spirituous and distilled liquors and all other liquors, declared forfeited by any court under this

chapter, which shall have been found by said court to contain more than 20% of alcohol, shall, by order of the court rendering final judgment thereon, be turned over to the sheriff of the county where such seizure was made, by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to said court; and said sheriff shall receipt to said officer therefor; said sheriff shall mingle said liquors together and as soon as he has accumulated a quantity equal to 5 barrels, he shall ship the same to some responsible rectifying distiller, outside of this state, and have the alcohol redistilled therefrom, as is hereinafter provided. Said sheriffs shall annually contract with some responsible rectifying distiller, outside the limits of this state, to take such liquors and distill the alcohol therefrom, and to account for and pay over to the treasurer of the county from which said liquors are received, in cash, at an agreed price for each gallon of 100° strength, determined by the United States internal revenue inspector at place of rectification. Before delivering any liquor under the aforesaid contract, the said sheriff shall take a bond, with sureties residing in this state, and to be approved by the treasurer of the county, from said rectifying distiller to the treasurer of his county, in the penal sum of \$1000, conditioned that all of said liquors so received under said contract, shall be rectified and the alcohol distilled therefrom, and that the contractor will account for and pay over to the treasurer of said county from which said liquors are received, in cash, the amount due under said contract. In all suits upon bonds given under this section the damages shall be the full penal sum of said bond. All other liquors, and whenever by reason of the operation of any federal law or regulation it is impractical otherwise to comply with the provisions of this section, all liquors, except cider, declared forfeited by any court under this chapter, shall, by order of the court rendering final judgment thereon, be destroyed by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to said court. Such liquors shall be destroyed by pouring them upon the ground or into some public sewer. A record of vessels forfeited shall be kept by each officer, and returned to the county commissioners once in each 3 months, and once in 6 months, or oftener, if they deem it advisable the commissioners shall order such officers to sell the vessels at public or private sale, and pay the proceeds thereof into the county treasury.

All cider, declared forfeited by any court under this chapter, shall by order of the court rendering final judgment thereon, be turned over to the sheriff of the county where such seizure was made, by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to said court; and said sheriff shall receipt to said

officer therefor. Said sheriffs may sell and dispose of such cider to be used in the manufacture of vinegar and for no other purpose. A record of such sales shall be kept by each sheriff and he shall pay the proceeds from such sales into the county treasury. Before delivering any cider under any sale made in accordance with the provisions of this section, the said sheriff shall take a bond, with sureties residing in this state, and to be approved by the treasurer of the county, from the purchaser of such cider in the penal sum of double the amount of the value of such cider, conditioned that all of said cider so received under such sale, shall be used in the manufacture of vinegar and for no other purpose.

Sec. 38. (Section 90 of chapter 57 is hereby reallocated to be section 38.)

Sec. 39. (Section 91 of chapter 57 is hereby reallocated to be section 39.)

Sec. 40. (Section 92 of chapter 57 is hereby reallocated to be section 40.)

Sec. 41. (Section 93 of chapter 57 is hereby reallocated to be section 41.)

Sec. 42. (Section 83 of chapter 57 is hereby reallocated to be section 42.)

Sec. 43. (Section 84 of chapter 57 is hereby reallocated to be section 43.)

Sec. 44. (Section 94 of chapter 57 is hereby reallocated to be section 44.)

#### Forms.

Sec. 45. Forms; costs. R. S., c. 127, § 54. The forms herein set forth, with such changes as adapt them for use in cities, towns, and plantations, are sufficient in law, for all cases arising under the foregoing provisions, to which they purport to be adapted; and the costs to be taxed and allowed for the libel, shall be 50c; for entering the same, 30c; for trying the same, \$1; for a monition, 50c; for posting notices and return, \$1; order to restore or deliver, 25c; executing the order, 50c.

Form of indictment in case of common seller.

#### STATE OF MAINE.

“——, ss.— At the superior court begun and held at——, within and for the county of ——, on the —— Tuesday of ——, in the year of our Lord one thousand nine hundred ——:

The jurors for said state upon their oath present, that A. B., of ———, in said county, at ———, in said county of ———, on the ——— day of ———, in the year of our Lord one thousand nine hundred ———, and on divers other days and times between said ——— day of ——— aforesaid and the day of the finding of this indictment, was a common seller of intoxicating liquors, against the peace of said state, and contrary to the form of the statute in such case made and provided;" (in case of a former conviction add,) "and the jurors aforesaid, upon their oaths aforesaid, do further present, that said ——— ———, has been ——— before convicted of being a common seller of intoxicating liquors, under the laws of the state of Maine regulating the sale of intoxicating liquors, to wit:—at a term of the ——— court, begun and held at a—— within and for the county of B. on the third Tuesday of ——— in the year of our Lord one thousand nine hundred ———. A true bill:  
 ——— ———, County Attorney. ——— ———, Foreman."'

**Sec. 2. R. S., c. 57, § 97, reallocated.** Section 97 of chapter 57 of the revised statutes, except the 1st paragraph, is hereby reallocated to be a part of section 45 of new chapter 57.

**Referendum.** The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, at the next general or special state-wide election held on a 2nd Monday in September, to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be: "Shall 'An Act Re-Establishing Prohibition' passed by the 94th legislature be accepted?"

And the legal voters of said cities, towns and plantations shall indicate by a cross or check mark, placed within a square upon their ballots their opinion of the same, those in favor of said act voting "Yes" and those opposed to said act voting "No" and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same and if it shall appear that a majority of the legal voters voting on the question are in favor of the act, the governor shall forthwith make known the fact by his proclamation and the act shall thereupon become effective as of the date of said proclamation.

Secretary of state shall prepare ballots. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act accompanied by a copy thereof.