

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1370

S. P. 490

In Senate, March 22, 1955

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Chapman of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Restoring Violations of the Liquor Law to the Operation of the
Criminal Law.**

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

Sec. 1. R. S., c. 61, § 27, amended. The second paragraph of section 27 of chapter 61 of the revised statutes, having to do with Sunday sale of liquor, is hereby repealed.

Sec. 2. R. S., c. 61, § 56, sub-§ II, ¶ H-1, additional. Subsection II of section 56 of chapter 61 of the revised statutes is hereby amended by adding a new paragraph to be numbered H-1, to read as follows :

'H-1. Conviction of violation of any law relating to sale of intoxicating liquor to minors, but a licensee selling to a minor believing said minor to be an adult after due inquiry and furnishing of fraudulent documentary proof purported to be issued by United States, State, church or municipal authority by said minor, may be held not administratively liable at the discretion of the Commission.'

Sec. 3. R. S., c. 61, § 56, sub-§ II, ¶ I, amended. Paragraph I of subsection II of section 56 of chapter 61 of the revised statutes is hereby amended to read as follows :

'I. Conviction of violation of any law of this State or of the United States relating to the manufacture, possession, transportation or sale of intoxicating liquor, except sales to minors;'

Sec. 4. R. S., c. 61, § 66, amended. Section 66 of chapter 61 of the revised statutes is hereby amended to read as follows:

'Sec. 66. Illegal sale of liquor. No person shall at any time in violation of any provision of this chapter by himself, his clerk, servant or agent, either directly or indirectly, sell any liquor of whatever origin.

Whoever, being licensed to sell liquor, by himself, his clerk, servant or agent sells any liquor in this State, 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 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 fine and costs, by imprisonment for 6 months additional.

Any person ~~or by himself~~ his clerk, ~~agent or servant or agent~~ who sells liquor within the State without a license shall be punished for the 1st offense by a fine of not less than \$300 and costs nor more than \$500 and costs, which fine and costs shall not be suspended, and an additional penalty of not more than 30 days in jail at the discretion of the court; and for a 2nd offense by a fine of not less than \$500 and costs nor more than \$1,000 and costs, which fine and costs shall not be suspended, and an additional penalty of not more than 60 days in jail at the discretion of the court; and for all subsequent offenses a fine of not less than \$1,000 and costs and 60 days in jail, which fine and costs and jail sentence shall not be suspended, and an additional penalty of 4 months in jail at the discretion of the court. Any clerk, servant, agent or other person in the employment or on the premises of another, who violates 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. 5. R. S., c. 61, § 57, amended. Section 57 of chapter 61 of the revised statutes is hereby amended by adding at the end thereof a new paragraph, to read as follows:

'The decision of the Commission in revoking or suspending any license shall be unaffected by any judgment of a court in any criminal prosecution under the provisions of this chapter and shall remain in full force and effect.'