

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1880.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1880.

CHAP. 247 company's shares owned in the state, the remainder to be retained for the use of the state.

Inconsistent acts repealed.

SECT. 5. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect when approved.

Approved March 19, 1880.

Chapter 247.

An act amendatory of chapters seventeen and twenty-seven of the Revised Statutes in relation to common nuisances and the sale of intoxicating liquors.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Sec. 1, ch. 17, R. S., amended.

SECT. 1. Section one of chapter seventeen of the revised statutes is hereby amended by inserting after the word "liquors," the words 'and all places of resort where intoxicating liquors are kept, sold, given away, drunk, or dispensed in any manner not provided for by law,' so that the section, as amended, shall read as follows :

Houses of ill-fame, etc., common nuisances.

'SECT. 1. All places used as houses of ill-fame, resorted to for lewdness or gambling, for the illegal sale or keeping of intoxicating liquors, and all places of resort where intoxicating liquors are kept, sold, given away, drunk, or dispensed in any manner, not provided for by law, are common nuisances.'

Sec. 22, ch. 27, R. S., as amended by chapter 215, public laws 1877, amended.

SECT. 2. Section twenty-two of chapter twenty-seven of the revised statutes, as amended by chapter two hundred and fifteen of the public laws of eighteen hundred and seventy-seven is hereby further amended by inserting after the word "purposes," the words 'or as a beverage,' so that said section, as amended, shall read as follows :

Sale of intoxicating liquors prohibited.

'SECT. 22. No person shall be allowed at any time, to sell, by himself, his clerk, servant or agent, directly or indirectly, any intoxicating liquors, of whatever origin, except as hereinafter provided ; wine, ale, porter, strong beer, lager beer, and all other malt liquors, and cider when kept or deposited with intent to sell the same for tipping purposes, or as a beverage, as well as all other distilled spirits, shall be considered intoxicating within the meaning of this chapter ; but

Liquors considered intoxicating.

this enumeration shall not prevent any other pure or mixed liquors from being considered intoxicating.' CHAP. 247

SECT. 3. Section twenty-five of chapter twenty-seven of the revised statutes is hereby amended by inserting after the word "case," the words 'when sold in quantities of five gallons or upwards, delivered and taken away at one time,' so that said section as amended shall read as follows :

Sec. 25, ch. 27, R. S., amended.

'SECT. 25. The provisions of this chapter shall not extend to the manufacture and sale of unadulterated cider, in any case when sold in quantities of five gallons or upwards, delivered and taken away at one time.'

Sale of cider restricted.

SECT. 4. Upon petition and representation of thirty or more well known tax-payers in any county, that the provisions of chapters seventeen and twenty-seven of the revised statutes, and acts additional thereto and amendatory thereof, are not faithfully enforced by county or local officers, it shall be the duty of the governor and council to inquire into such representations, and if, in their judgment, such representations are well founded, the governor, by and with the consent of the council, shall appoint two or more constables for such county, whose duty shall be to diligently enforce the provisions of said chapters and acts, and for this purpose such constables shall have like powers and duties as sheriffs and deputies. For such services said constables shall receive the same compensation as is provided by law for sheriffs and deputies.

Constables may be appointed by governor.

—compensation.

SECT. 5. To amend chapter sixty-two of the public laws, relating to sheriffs and county attorneys, by striking out section four of said chapter and substituting therefor the following: 'Whenever the governor shall, after investigation and hearing of the parties, be satisfied that any county attorney has wilfully refused or neglected to discharge the duties imposed upon him by this act, it shall be his duty to remove such attorney from office, and fill his place by appointment.'

Sec. 4, ch. 62, public laws, stricken out.

County attorneys may be removed for cause.

SECT. 6. Section forty-nine of chapter twenty-seven of the revised statutes, as amended by chapter two hundred and fifty-five of the public laws of eighteen hundred and seventy-four, is hereby amended by adding after the last word in said section, the following words, viz: 'But said punishment, or any part thereof, shall not be remitted unless the prisoner, under oath, gives information from whom and where he pro-

Sec. 49, ch. 27, R. S., as amended by ch. 255, public laws 1874, amended.

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cured the liquors upon which he became intoxicated,' so that said section as amended shall read as follows :

Punishment for intoxication.

'SECT. 49. Any person hereafter found intoxicated in any streets or highways, or being intoxicated in his own house, or in any other building or place, who shall become quarrelsome, or in any other way disturb the public peace or that of his own or any other family, so as to render it necessary for the police or peace officers to interfere, may be taken into custody by any sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer or watchman, and committed to the watch house or restrained in some other suitable place, till a complaint can be made and warrant issued in due form, upon which he may be arrested and tried, and if found guilty of being intoxicated in the streets or highways, or of being intoxicated in his own house or any other building or place, and becoming quarrelsome and disturbing the public peace, or that of his own or any other family, he shall be punished by fine not exceeding ten dollars, or by imprisonment in the common jail or house of correction, not exceeding thirty days. For the second offense such person may be punished by fine not exceeding twenty dollars, or by imprisonment not more than ninety days. The judge or justice may remit any portion of said punishment, and order the prisoner discharged, whenever he shall become satisfied that the objects of this law and the good of the public and the prisoner would be advanced thereby. But said punishment or any part thereof shall not be remitted unless the prisoner, under oath, gives information from whom and where he procured the liquors upon which he became intoxicated.'

—for second offense.

Remittance of punishment restricted.

Sec. 35, ch. 27, R. S., amended.

SECT. 7. Section thirty-five of chapter twenty-seven of the revised statutes, is hereby amended by substituting the words 'one hundred' for the word "fifty," in the twenty-ninth line ; in the thirty-first line by substituting the word 'ninety' for the word "thirty," and adding after the word "jail," the words 'at hard labor ;' in the thirty-second line by substituting the word 'six' for the word "three," and by adding after the word "month," 'at hard labor ;' in the thirty-seventh line, by substituting the word 'six' for the word "three," and adding after the word "months" the words 'at hard labor,' so that said section as amended shall read as follows :

SECT. 35. If any person competent to be a witness in civil suits shall make complaint upon oath or affirmation, before any judge of any municipal or police court or trial justice, that he believes intoxicating liquors are unlawfully kept or deposited in any place in the state by any person or persons, and that said liquors are intended for sale within this state in violation of law, such magistrate shall issue his warrant, directed to any officer having power to serve criminal process, commanding such officer to search the premises described and specially designated in such complaint and warrant, and if said intoxicating liquors are there found, to seize the same, with the vessels in which they are contained, and them safely keep until final action on the same, and make immediate return of said warrant. The name of the person so keeping as aforesaid said liquors, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said warrant, if he shall find said liquors, or shall have reason to believe such person has concealed them about his or her person, to arrest such person or persons and have him or them forthwith before such magistrate for trial. If the name of the person keeping such liquors is unknown to the complainant, he shall so allege in his complaint, and such magistrate shall thereupon issue his warrant as provided in the first clause of this section. If upon trial, the court, upon the evidence adduced, shall be of the opinion that the liquor was so as aforesaid kept and intended for unlawful sale by the person or persons named in said complaint, or by any other person or persons with his or their knowledge or consent, he or they shall be found guilty thereof, and sentenced to pay a fine of one hundred dollars and costs of prosecution, and in default of payment thereof to be imprisoned ninety days in the county jail, at hard labor, or instead of such fine shall be imprisoned in the county jail six months at hard labor. On every subsequent conviction after the first offense described in this section, the person or persons found guilty shall pay a fine of one hundred dollars and costs of prosecution, and stand committed until the same be paid; and in addition thereto shall be imprisoned in the county jail six months at hard labor.

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Warrants of search and seizure may be granted on complaint.

Name to be stated in complaint.

Penalty if found guilty.

—on subsequent conviction.

SECT. 8. This act shall take effect when approved.

Approved March 19, 1880.