

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1885.

Chapter 366.

An Act amendatory of and additional to chapter twenty-seven, Revised Statutes, in relation to the sale of Intoxicating Liquors.

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

SECT. 1. Section thirty of chapter twenty-seven of the revised statutes, is hereby amended by striking out the words "one hundred dollars," in the sixth line, and inserting the words, 'five hundred dollars and costs;' and after the word "committed," in the last line, the words, 'and in default of payment thereof, shall be imprisoned for a term of not less than two nor more than six months;' so that said section, as amended, shall read as follows :

Sec. 30, ch. 27,
R. S., amended.

'SECT. 30. 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, or obtaining or offering to obtain, orders for the sale or delivery of any intoxicating or fermented liquors, in any quantity, under a penalty of not less than twenty nor more than five hundred dollars and costs, for each offer to take an order, and for each order taken, and for each sale so made, to be recovered on complaint or by indictment; half to the complainant and half to the county in which the offence is committed; and in default of payment thereof, said person shall be imprisoned for a term of not less than two nor more than six months.'

Traveling liquor
peddlers and
dealers, pun-
ished.

—penalty.

—how recovered.

—to whom it
accrues.

—alternative
penalty.

SECT. 2. Section thirty-four of chapter twenty-seven of the revised statutes is hereby amended by striking out all of said section after the words "first conviction," in the third line, and substituting the following words: 'Not less than thirty nor more than one hundred dollars, or he may be imprisoned not less than thirty nor more than ninety days, or he may be punished by both at the discretion of the court; and on every subsequent conviction he shall be punished by fine, not more than two hundred dollars, and be imprisoned not less than two nor more than six months,' so that said section, as amended, shall read as follows :

Sec. 34, ch. 27,
R. S., amended.

'SECT. 34. Whoever by himself, clerk, servant or agent, at any time sells any intoxicating liquor in violation of this chapter, forfeits, on first conviction, not less than thirty nor more than one hundred dollars, or he may be imprisoned not

Penalties for
selling liquors in
violation of law.

—first conviction

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—subsequent convictions.

less than thirty nor more than ninety days, or he may be punished by both at the discretion of the court; and on every subsequent conviction he shall be punished by fine, not more than two hundred dollars, and be imprisoned not less than two nor more than six months.'

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

SECT. 3. Section thirty-five of chapter twenty-seven of the revised statutes is hereby amended by inserting after the word "months," in the fourth line, the words 'or both fine and imprisonment may be imposed at the discretion of the court,' so that said section, as amended, shall read as follows:

Common sellers.
punishment.

'SECT. 35. No person shall be a common seller of intoxicating liquors. Whoever violates this section shall be fined one hundred dollars, and in default of payment of fine and costs he shall be imprisoned sixty days, or instead of such fine he may be imprisoned three months, or both fine and imprisonment may be imposed at the discretion of the court. On a second and every subsequent conviction, he shall be fined two hundred dollars and imprisoned four months; and in default of payment of fine and costs, he shall be punished by four months' additional imprisonment.'

—second and subsequent convictions.

Sec. 37, ch. 27, R. S., amended.

SECT. 4. Section thirty-seven of chapter twenty-seven of the revised statutes is hereby amended by striking out all of said section after the words "tippling shop," in line four, and substituting the following words: 'and upon the first conviction, shall be fined one hundred dollars and costs, and in default of payment shall be imprisoned three months, or instead of such fine and costs shall be imprisoned three months, or both at the discretion of the court, and on every subsequent conviction six months in addition to fine and costs;' so that said section, as amended, shall read as follows:

Drinking houses prohibited.

—defined.

—penalty.

'SECT. 37. No person shall keep a drinking house and tippling shop. Whoever sells intoxicating liquors in any building, vessel or boat, contrary to law, and the same are there drank, is guilty of keeping a drinking house and tippling shop, and upon the first conviction shall be fined one hundred dollars and costs, and in default of payment, shall be imprisoned three months, or instead of such fine and costs, shall be imprisoned three months, or both, at the discretion of the court, and on every subsequent conviction, six months in addition to fine and costs.'

SECT. 5. Section forty-six, chapter twenty-seven of the revised statutes is amended by adding thereto the following words: 'All dumps or appliances for concealing, disguising or destroying liquors, so that the same cannot be seized or identified, found in the possession or under the control of any person or persons, shall be taken by the officers making said search or seizure, so far as the same is practicable, together with all bottles and drinking glasses or vessels found in the possession or under the control of any such person or persons, and carried before the next grand jury sitting in said county where said seizure and search is made, and the same together with all evidences of such dumps or appliances for concealing, disguising or destroying liquors, shall be presented to said grand jury for their consideration, and the same shall thereafter be subject to the order of the court issuing the warrant for said search and seizure,' so that said section when amended shall read as follows:

'SECT. 46. If an officer having a warrant, issued under this chapter, committed to him, directing him to seize any liquors, and to arrest the owner or keeper thereof, is prevented from seizing the liquors by their being poured out or otherwise destroyed, he shall arrest the alleged owner or keeper named in the warrant, and bring him before the magistrate, and make return upon the warrant that he was prevented from seizing said liquors by their being poured out or otherwise destroyed, as the case may be, and in his return he shall state the quantity so poured out or destroyed, as nearly as may be, and the magistrate shall put the owner or keeper so arrested upon trial; and if it is proved that such liquors as were described in the warrant were so poured out or destroyed, and that they were so kept or deposited and intended for unlawful sale, and that the person so arrested was owner or keeper thereof, he shall be punished in the same manner as if the liquors described in the warrant and in the return had been seized on the warrant and brought before the magistrate by the officer. All dumps or appliances for concealing, disguising or destroying liquors, so that the same cannot be seized or identified, found in the possession or under the control of any person or persons, shall be taken by the officer making said search or seizure, so far as the same is practicable, together with all bottles and drinking glasses or vessels found

Sec. 46, ch. 27,
R. S., amended.

Officer having a
warrant, duty of
when prevented.

—to arrest the
alleged owner.
—how to make
return in such
cases.

—trial of owner.

—penalty.

—dumps and
appliances for
preventing
seizure or identi-
fication of liquors,
shall be taken
and presented to
grand jury for
consideration.

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in the possession or under the control of any such person or persons, and carried before the next grand jury sitting in said county where said seizure and search is made, and the same, together with all evidences of such dumps or appliances for concealing, disguising or destroying liquors, shall be presented to said grand jury for their consideration, and the same shall thereafter be subject to the order of the court issuing the warrant for said search and seizure.'

Sec. 48, ch. 27.
R. S., amended.

SECT. 6. Section forty-eight, chapter twenty-seven, revised statutes, is hereby amended by striking out the word "may," in the fifth and ninth lines, and substituting the word 'shall,' and by striking out the words "be fined not exceeding ten dollars, or imprisoned not exceeding thirty days," in the tenth and eleventh lines, and substituting therefor the words 'shall be imprisoned not less than five nor more than thirty days,' and by striking out the words "may be fined not exceeding twenty dollars, or imprisoned not more than ninety days," and substituting the words 'shall be imprisoned not less than ten nor more than ninety days.' Said section is further amended by striking out the word "or," at the beginning of the second line, and inserting the words 'shall be punished as hereinafter provided, and any person,' so that the section, as amended, shall read as follows :

Persons drunk in streets, and drunken disturbers of peace anywhere, shall be taken into custody.

'SECT. 48. Any person found intoxicated in any street or highway shall be punished as hereinafter provided, and any person who, being intoxicated in his own house, or in any other building or place, becomes quarrelsome, or in any other way disturbs 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, shall 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, until a complaint can be made and warrant issued in due form, upon which he shall be arrested and tried, and if found guilty of being intoxicated as aforesaid, he shall be imprisoned not less than five, nor more than thirty days. For the second offence he shall be imprisoned not less than ten, nor more than ninety days. The judge or justice may remit any portion of said punishment, and order the prisoner discharged, whenever he becomes satisfied that the objects of the law and

—formal arrest and trial.

—penalty.

—second offence.

—punishment may be remitted.

the good of the public and the prisoner would be advanced thereby. But no part of said punishment shall be remitted, unless the prisoner, under oath, gives information from whom and where he procured the liquors by which he became intoxicated.'

—remittal of punishment restricted.

SECT. 7. Section sixty-two of chapter twenty-seven of the revised statutes is hereby amended by adding thereto the following words: 'State constables appointed under this section shall give bonds, with sufficient sureties, in the sum of five hundred dollars for the faithful performance of their duties, and said constables may be removed from office by the governor and council for good and sufficient reasons, and their places may be filled by appointment;' so that said section, as amended, shall read as follows :

Sec. 62, ch. 27, R. S., amended.

'SECT. 62. Upon petition and representation of thirty or more well known tax payers in any county, that chapters seventeen and twenty-seven are not faithfully enforced by county or local officers, the governor and council shall inquire into such representations, and if, in their judgment, they are well founded, the governor, with the advice and consent of council, shall appoint two or more constables for such county, who shall diligently enforce said chapters, and for this purpose such constables shall have like powers and duties as sheriffs and deputies. For such services such constables shall receive the same compensation as sheriffs and deputies. State constables appointed under this section shall give bonds, with sufficient sureties, in the sum of five hundred dollars for the faithful performance of their duties, and said constables may be removed from office by the governor and council for good and sufficient reasons, and their places may be filled by appointment.'

When constables may be appointed by governor to enforce chapters 17 and 27.

—pay.

—shall give bonds.

—may be removed.

SECT. 8. 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 fined for such offence the sum of twenty dollars and costs, to be recovered by complaint. One-half of said fine to complainant and other one-half to the town in which said notice is published.

Penalty for advertising sale of liquors.

—to whom it accrues

SECT. 9. It shall be the duty of the clerk of courts, within thirty days after the adjournment of any superior or supreme judicial court, to publish in some newspaper of the

Clerk of courts shall publish disposition of all appealed cases and indictments.

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county, the disposition of all appealed cases and indictments for violations of the laws regulating the use and sale of intoxicating liquors.

Approved March 6, 1885.

Chapter 367.

An Act for the Protection of Legitimate Trade.

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

Owner of goods brought into the state after April 1, and placed on sale for a time less than one year, shall pay license fee.

SECT. 1. Any person who shall bring into this state a stock of goods, wares or merchandise, after the the first day of April, and shall lease, hire or occupy any store, shop or room, for the sale thereof, and shall continue such sale in such town or city for a space of time less than one year, shall pay to the treasurer of such town or city, for the use of such town or city, as license for such sale, a sum equal to the percentage of the last preceding taxation in such town or city, to be assessed upon such stock of goods, wares and merchandise, according to the average quantity of such goods, wares and merchandise so kept for sale.

—how assessed.

—when fec may be refunded.

SECT. 2. If such stock of goods, wares or merchandise remain in such town or city on or after the first day of April following, thus being liable to ordinary taxation, such an amount of license, provided in section one of this act, shall be refunded by the treasurer, at the time of the payment of the ordinary taxes on said goods, wares and merchandise.

Owner shall render statement of value of goods to assessors.

SECT. 3. Any person having such goods, wares and merchandise for sale, as hereinbefore provided, shall, upon request of the assessors, render to them a true statement of the average quantity and value of such goods, wares and merchandise kept for sale, in the manner and for the time mentioned in section one of this act.

—penalty for refusal, to comply with this act.

SECT. 4. Refusal to comply with the provisions of the foregoing sections of this act, shall be punished by a fine of not less than five dollars or more than twenty dollars for each and every day such goods, wares or merchandise are exposed for sale.