

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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.
1887.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1887.

SECT. 10. Nothing in this act shall apply to any manufacturing establishment or business, the materials and products of which are perishable and require immediate labor thereon, to prevent decay thereof or damage thereto.

Act shall not apply to certain manufactures.

SECT. 11. This act shall take effect July one, eighteen hundred and eighty-seven.

When act shall take effect.

Approved March 17, 1887.

Chapter 140.

An Act amendatory of and additional to chapter twenty-seven of the Revised Statutes, and amendatory of chapter three hundred and fifty-nine and of chapter three hundred and sixty-six of the Public Laws of eighteen hundred and eighty-five, relating to the sale of Intoxicating Liquors.

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

SECT. 1. Section fifteen of chapter twenty-seven of the revised statutes is hereby amended, so as to read as follows :

Sec. 15, ch. 27, R. S., amended.

SECT. 15. The governor, with the advice and consent of the council, shall appoint a commissioner to furnish municipal officers of towns in this state, and duly authorized agents of other states, with pure, unadulterated, intoxicating liquors, to be kept and sold for medicinal, mechanical and manufacturing purposes. Said commissioner shall reside and have his place of residence in this state, and hold his office during the pleasure of the governor and council and until another is appointed in his stead, and be paid an annual salary of fifteen hundred dollars, payable quarterly out of the state treasury. He shall be allowed reasonable expenses of office, and present his account, under oath, with vouchers therefor, to the governor and council, annually, in December to the last day of the preceding month, who shall audit the same and direct payment from the state treasury. He shall not sell to municipal officers of this state, any intoxicating or fermented liquors except such as have been tested and found to be pure by a competent assayer, under a penalty of not less than fifty nor more than two hundred dollars, to be recovered by indictment. He shall take of such officers, for such pure and unadulterated liquors sold to them, six per cent above the cost thereof, at the place where they were by him purchased, and pay the same over to the state treasurer, on or before the first day of January, annually. He shall, before entering upon

State commissioner, how appointed.

—term of office.

—salary of.

—expenses of office.

—penalty for selling impure liquors.

—he shall take a commission of 6 per cent, and pay the same into state treasury.

CHAP. 140

—shall give bond.

—in case of resignation, removal, or death, successor shall take and pay for liquors.

Sec. 20, amended.

Act does not apply to sale of pure cider.

—exception.

Sec. 31, amended.

Intoxicating liquors not to be brought into the state for unlawful sale.

—liquors shall not be removed from cars, between stations.

the duties of his office, give a bond to the treasurer of state, in the penal sum of not less than ten thousand dollars, for the benefit of such towns as may be injured by a breach of the conditions, for the faithful performance of his duties and compliance with such regulations and conditions as the governor and council prescribe. In case of his resignation, removal from office, or death, and the appointment of a successor, the stock of liquors remaining on hand at the time of his resignation, removal or death, shall be taken at cost by the new commissioner, and he shall, before entering upon his office, pay for the same in cash or settle therefor, to the satisfaction of his predecessor or his legal representatives.'

SECT. 2. Section twenty-nine of chapter twenty-seven of the revised statutes, is hereby amended, by striking out all of said section after the word "purposes" in the third line, so that said section as amended, shall read as follows :

'SECT. 29. This chapter does not apply to the sale of unadulterated cider, unless the same is sold to be used as a beverage or for tipping purposes.'

SECT. 3. Section thirty-one of chapter twenty-seven of the revised statutes, is hereby amended, by inserting after the word "offence," in the fifth line, the following words: 'Any servant, agent or employe of any railroad corporation, or of any express company doing business in this state, who shall remove any intoxicating liquor from any railroad car, at any place other than the usual and established stations, depots or places of business of such railroad corporations, or who shall aid in or consent to such removal, shall be subject to a penalty of fifty dollars for every such offence, provided, that said penalty shall not apply to any liquor in transit when changed from car to car to facilitate transportation,' so that said section as amended, shall read as follows :

'SECT. 31. No person shall knowingly bring into the state, or knowingly transport from place to place in the state, any intoxicating liquors, with intent to sell the same in the state in violation of law, or with intent that the same shall be sold by any person, or to aid any person in such sale, under a penalty of fifty dollars for each offence. Any servant, agent or employe of any railroad corporation, or of any express company doing business in this state, who shall remove any intoxicating liquors from any railroad car at any

place other than the usual and established stations, depots or places of business of such railroad corporation, or who shall aid in or consent to such removal, shall be subject to a penalty of fifty dollars for every such offence; provided, that said penalty shall not apply to any liquor in transit when changed from car to car to facilitate transportation. All such liquors intended for unlawful sale in the state, may be seized while in transit and proceeded against, the same as if they were unlawfully kept and deposited in any place.'

—penalty.

—proviso.

—may be seized while in transit.

SECT. 4. Section thirty-three of chapter twenty-seven of the revised statutes, is hereby amended, by striking out, in the fifth, sixth and seventh lines, the words "unless in quantities of five gallons or more, delivered and taken away at one time," so that said section as amended, shall read as follows:

Sec. 33, amended.

'SECT. 33. No person shall at any time, by himself, his clerk, servant or agent, directly or indirectly, sell any intoxicating liquors, of whatever origin, except as hereinbefore 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 tippling purposes, or as a beverage, as well as all distilled spirits, 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.'

Sale of intoxicating liquors, prohibited.

—intoxicants, defined.

SECT. 5. Section two of chapter three hundred and sixty-six of the public laws of eighteen hundred and eighty-five, amendatory of section thirty-four, chapter twenty-seven of the revised statutes, is hereby amended, so that said section thirty-four shall read as follows:

Sec. 2, ch. 366, public laws of 1885, amended.

'SECT. 34. Whoever by himself, clerk, servant or agent, sells any intoxicating liquors in this state, in violation of law, shall pay a fine of not less than fifty dollars and costs, and in addition thereto be imprisoned thirty days. In default of said payment he shall be imprisoned thirty days additional, and on each subsequent conviction he shall be punished by a fine of two hundred dollars and costs, and in addition thereto be imprisoned six months, and in default of payment of said fine and costs, he shall be imprisoned six months additional. Any clerk, servant, agent or other person in the employment or on the premises of another, who violates or in any manner aids

Penalties for selling liquors in violation of law.

—subsequent convictions.

—clerk, servant, or agent, assisting in violations, subject to same penalties.

CHAP. 140

or assists in violating any provisions of this act, or any other act relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties.'

Sec. 3, amended.

SECT. 6. Section three of chapter three hundred and sixty-six of the public laws of eighteen hundred and eighty-five, amendatory of section thirty-five of chapter twenty-seven of the revised statutes, is hereby amended, so that said section thirty-five shall read as follows :

Common sellers.

'SECT. 35. No person shall be a common seller of intoxicating liquors. Whoever violates this section shall be fined one hundred dollars and imprisoned thirty days, or instead of such fine he may be imprisoned sixty days additional. 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.'

—punishment.

—second and subsequent convictions.

Sec. 4, amended.

SECT. 7. Section four of chapter three hundred and sixty-six of the public laws of eighteen hundred and eighty-five, amendatory of section thirty-seven of chapter twenty-seven of the revised statutes, is hereby amended, so that said section thirty-seven shall read as follows :

Drinking houses, prohibited.

'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 be imprisoned sixty days, or instead of such fine and costs, shall be imprisoned three months, and on every subsequent conviction shall be punished by a fine of two hundred dollars and costs, and be imprisoned six months.'

—defined.

—penalty.

Sec. 40, ch. 27, R. S., amended.

SECT. 8. Section forty of chapter twenty-seven of the revised statutes, is hereby amended, by adding to said section the following : 'The payment of the United States special tax, as a liquor seller, or 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 paying said tax, and the party or parties displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them, common nuisances,' so that said section as amended, shall read as follows :

'SECT. 40. 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 within the state 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 them safely keep until final action thereon, and make immediate return on 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 liquors or has reason to believe that such person has concealed them about his person, to arrest him and have him 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 the magistrate shall thereupon issue his warrant as provided in the first sentence of this section. If, upon trial, the court is of the opinion that the liquor was so aforesaid 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 sentenced to a fine of one hundred dollars, and in default of payment of fine and costs, to be imprisoned ninety days at hard labor, or instead of such fine, he may be imprisoned six months at hard labor. On every subsequent conviction he shall be fined one hundred dollars and stand committed until the fine and costs are paid; and in addition thereto, he shall be imprisoned six months at hard labor. The payment of the United States special tax as a liquor seller, or 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 paying said tax, and the party or parties displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them common nuisances.'

Warrants of search and seizure, may be granted on complaint.

—penalty.

—payment of U. S. tax as a liquor seller, prima facie evidence that person paying such tax is a common seller.

CHAP. 140

Sec. 8, ch. 359, public laws of 1885, amendatory of sec. 44 of ch. 27, R. S., repealed, and sec. 44, re-enacted.

SECT. 9. Section eight of chapter three hundred and fifty-nine of the public laws of eighteen hundred eighty-five, amendatory of section forty-four of chapter twenty-seven of the revised statutes, is hereby repealed, and said section forty-four of chapter twenty-seven of the revised statutes, is hereby revived and re-enacted.

Sec. 6, amended.

SECT. 10. Section six of chapter three hundred and sixty-six of the public laws of eighteen hundred and eighty-five, amendatory of section forty-eight of chapter twenty-seven of the revised statutes, is hereby amended, so that said section forty-eight shall read as follows :

Person drunk in streets, or his own house, and disturbers of the peace, how punished.

'SECT. 48. Any person found intoxicated in any street, highway or other public place, shall be punished for the first offence by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, and upon any subsequent conviction by imprisonment for thirty days. Any person found intoxicated in his own house, or in any other building or place, who is quarrelsome and is 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, deputy marshal, police officer or watchman, and committed to the watch house 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.'

—intoxicated person may be taken and held in custody till warrant can be issued against him.

Sec. 21, ch. 27, R. S., amended.

SECT. 11. Section twenty-one of chapter twenty-seven of the revised statutes, is hereby amended by inserting after the word "city," in the fifth line, the following words, 'who shall not be one of the municipal officers of said town or city,' so that said section as amended, shall read as follows :

Municipal officers to purchase.

'SECT. 21. The selectmen of any town, and mayor and aldermen of any city, may, on the first Monday of May, annually, or as soon thereafter as convenient, buy such quantity of intoxicating liquors as is necessary to be sold under this chapter, and may appoint some suitable person, agent of said town or city, who shall not be one of the municipal officers of said town or city, to sell the same at some convenient place therein, to be used for medicinal, mechanical and manufacturing purposes, and no other; such agent shall receive such compensation for his services and in the sale of such liquors,

—agents to be appointed to sell for certain purposes.

—their pay and duty.

shall conform to such regulations not inconsistent with law, as the board appointing him prescribes, and shall hold his situation for one year, unless sooner removed by them, or their successors. Vacancies occurring during the year, shall be filled in the same manner as original appointments are made. No such agent shall have any interest in such liquors or in the profits of the sale thereof. He may sell intoxicating liquors to such municipal officers, to be by them disposed of, in accordance with this chapter.'

—term.

—vacancies,
how filled.—not to be
interested.

Approved March 17, 1887.

Chapter 141.

An Act relating to the compensation of County Commissioners of the County of Sagadahoc.

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

SECT. 1. Each county commissioner for Sagadahoc county shall receive two dollars and fifty cents per day while actually employed in the service of the county, including the time spent in traveling, for which he shall have eight cents a mile for the distance actually traveled; but he shall not have more than one travel in the same hearing or session, nor for more than two adjournments of any regular term, nor for services or travel on more than one petition or case at the same time, nor anything for travel or attendance at the legislature connected with the annual county estimates, nor for any additional trouble or expense of any kind.

Compensation of
co. commissioners
of Sagadahoc
county,
fixed.

SECT. 2. This act shall take effect when approved.

Approved March 17, 1887.

Chapter 142.

An Act to amend sections ninety-two, ninety-five, one hundred and one hundred and nineteen of chapter forty-seven of the Revised Statutes, relating to Savings Banks.

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

SECT. 1. Section ninety-two, chapter forty-seven of the revised statutes is hereby amended by striking out the words "not more than three of whom shall be directors in any national bank, nor more than two of them," and insert in the

Sec. 92, ch. 47,
R. S., amended.