

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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1895.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 160.

An Act to regulate the purchase and sale of Intoxicating Liquors by Cities and Towns.

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, as amended by chapter one hundred and forty of the public laws of eighteen hundred and eighty-seven, is hereby further amended, so as to read as follows :

Sec. 15, ch. 27,
R. S., as
amended by
ch. 140, Public
Laws of 1887,
amended.

SECT. 15. The governor with the advice and consent of the council, shall appoint a commissioner to furnish municipal officers of towns and cities in this state, with pure, unadulterated, intoxicating liquors, to be kept and sold for medicinal, mechanical and manufacturing purposes. Said commissioner shall reside in this state and shall have his place of business in this state, at such place as shall be approved by the governor and council, and shall hold his office for the term of four years, unless sooner removed by the governor with the advice and consent of the council, and until another is appointed in his stead, and shall 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 also be entitled to interest on the average capital actually invested by him in his stock of liquors, to be determined by the governor and council.'

State liquor
commissioner.

—how
appointed.

—term of
office.

—salary of.

—expenses of
office.

SECT. 2. The commissioner shall keep in stock, at all times at his said place of business in this state, a sufficient stock of liquors to supply the demands of all duly authorized town and city agencies of this state for not exceeding two months, and all such agencies shall be supplied from said stock so kept at his said place of business in this state, and from no other source and in no other manner. If the governor and council are of opinion that said commissioner is carrying a larger amount of stock than is necessary to comply with the provisions of this act, they may direct him to discontinue purchases until said stock is reduced to such an amount as they may order. All alcohol, whiskey, brandy,

Towns shall
be furnished
by commis-
sioner, and
from no other
source.

—amount of
stock to be
carried.

—analysis of
liquors.

CHAP. 160

rum and gin hereafter purchased by such commissioner, otherwise than in bottles, as hereinafter provided, shall be analyzed at the commissioner's place of business in this state by a competent assayer, appointed by the governor and council. But the governor and council may authorize the purchase, by the commissioner, of any of said kinds of liquors, in bottles, if deemed expedient, and in such case may cause the same to be inspected and tested in such manner as they may determine. All other intoxicating liquors purchased by the commissioner shall be inspected, tested or analyzed, by a competent assayer, at said place of business, in such manner as the governor and council may direct. All intoxicating liquors shall be purchased subject to such analysis, test or inspection, to be reshipped to the seller at the seller's expense, if found to be impure. The commissioner shall not sell such liquors, nor deliver them to the authorized agencies of cities and towns, unless so analyzed, tested or inspected as aforesaid, at the place of business of said commissioner and found to be pure. The compensation of such assayers shall be fixed by the governor and council, and with their reasonable expenses, shall be paid out of the state treasury.

Liquors shall be inspected.

Liquors shall be purchased, subject to analysis.

No liquors shall be sold unless inspected.

Compensation of assayers.

Each invoice of liquors sold shall contain copy of assayers certificate.

SECT. 3. On the back of each invoice of liquors sold as aforesaid, to towns and cities, shall be written or printed a copy of the assayer's analysis, or certificate of inspection, certified to by said commissioner, and it shall be the duty of the agents of such cities and towns to preserve such invoices and certificates for public inspection, for one year after receiving the same. Each invoice shall state both the price actually paid by the commissioner for the liquors, and the price at which they are sold to the city or town.

Commissioner prohibited from borrowing money.

SECT. 4. The commissioner is prohibited from borrowing money of any party or parties of whom he may purchase liquors. He shall not sell to municipal officers of this state any intoxicating liquors, except such as have been inspected or tested and found to be pure, in the manner aforesaid, under a penalty of not less than one hundred or more than five hundred dollars, to be recovered by indictment. He shall take of such officers for such pure, unadulterated liquors and for all malt liquors sold to them, ten 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.

Penalty for selling liquor not inspected.

Profit of 10 per cent shall be charged, and paid to the state.

SECT. 5. The commissioner shall, on or before the last day of each month, report to the governor and council the names of the towns to which liquors have been sold, of the persons buying for said towns, the kind and quantity sold to each, and the price paid for the same. He shall also, at the same time, make report to the governor and council of all liquors purchased by him, enumerating the different kinds and the quantity of each kind, price paid and the terms of payment, also the names of parties of whom the liquors were purchased, and their place of business and date of purchase.

CHAP. 160

Report shall be made monthly, to governor and council.

SECT. 6. The commissioner shall before entering upon 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 the state as well as for the benefit of such towns as may be injured by a breach of the conditions, and 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, after the same shall have been analyzed or tested by an assayer, to be appointed by the governor and council, and found to be pure; 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.

Bond.

—how liquors shall be disposed of, in case of vacancy.

SECT. 7. Hereafter whenever any town or city agency shall have been abolished, the commissioner shall receive back all such liquors purchased of the liquor commissioner as they may have remaining on hand, after the same shall have been analyzed or tested, and found to be pure and unadulterated, under such conditions and regulations as the governor and council may prescribe.

How liquors in town shall be disposed of, when agency is abolished.

SECT. 8. The commissioner shall keep a sample of all spirituous liquors analyzed, labeling the same, and marking them by number or otherwise, to conform with assayer's certificate, and shall keep such samples during his term of office. The governor and council may cause the commissioner's stock to be inspected at any time by a competent assayer. A committee of the executive council shall visit the commissioner's place of business as often as once every six months, and make

Shall keep samples of liquor, analyzed.

—stock may be inspected any time.

Committee of council shall visit commissioner, once in six months.

CHAP. 160

a careful and complete examination of the records of the office, including all the bills of purchases and accounts of sales. The governor and council shall correct any and all abuses, if any exist; and refusal on the part of said commissioner to comply with their order or directions relative thereto, shall be good and sufficient cause for immediate removal from office.

Governor and council shall cause inspection of stock held by towns, annually.

SECT. 9. The governor and council are hereby directed to cause an inspection of the stock in each town or city agency, at least once in each year in towns, and twice in each year in cities, and for that purpose they are hereby authorized to employ competent assayers, and empower them to enter at such times as they may be directed by the governor and council, and without notice, any city or town agency in this state, to test the purity of all of the intoxicating liquors kept therein. And the governor and council may also authorize such examination on complaint of the municipal officers in a town and at the expense of such town. Any assayer making any examination provided for by this section, shall examine the invoices of the liquors purchased, and compare his analysis with that written or printed on such invoices. He shall report immediately the result of his examination to the municipal officers, and also to the governor and council.

Town agency conducted in violation of law, may be closed.

SECT. 10. Upon petition and representation, in writing, to any single justice of the supreme judicial court, in term time or vacation, of ten or more well known tax payers of any city or town in which a liquor agency is established that said agency is being conducted in violation or evasion of the law creating the same, specifying in said petition the violation complained of, such justice, after reasonable notice to said city or town, if, upon hearing, it is shown that said agency is not being conducted in accordance with the law authorizing the establishment of the same, may order said agency closed, and the liquors found therein forfeited to the state.

Municipal officers shall not purchase of any other person than commissioner, nor shall they sell impure liquors.

SECT. 11. If a municipal officer buys any intoxicating liquors, to be sold according to law, of any other person than the commissioner, or knowingly obtains them from any other source than the commissioner's stock at his place of business, or if any duly authorized town or city agent, or any person in his employment or by his direction, sells or furnishes for

sale, any such liquors as have been decreed to be forfeited, or found to be impure as aforesaid, or causes any intoxicating or malt liquors which he or they keep for sale to be adulterated, by mixing the same with any coloring matter, drug or ingredient, or mixes the same with other liquors of different kind or quality, or with water, or sells or exposes for sale such liquors as are adulterated, he shall be punished as provided in section thirty-five of said chapter twenty-seven as amended. —penalty.

SECT. 12. The governor and council shall annually cause the reports of the commissioner and assayers made to them to be printed, and one copy sent to the municipal officers of each town, maintaining an agency. Report shall be printed.

SECT. 13. Sections seventeen and eighteen of chapter twenty-seven of the revised statutes, and all other acts and parts of acts, inconsistent with this act, are hereby repealed. Inconsistent acts, repealed.

Approved March 26, 1895.

Chapter 161.

An Act to amend Section one hundred of Chapter forty-seven of the Revised Statutes, relating to investments in Savings Banks, as heretofore amended.

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

SECT. 1. Section one hundred of chapter forty-seven of the revised statutes as amended by chapter one hundred and ninety-five of the public laws of eighteen hundred and ninety-three, is hereby amended by striking out the whole of said section and inserting in place thereof the following :

‘SECT. 100. Savings banks and institutions for savings are restricted to and hereafter may invest their deposits in the public funds of any of the New England states, including bonds of the counties, cities and towns of the same ; in the public funds of the United States and District of Columbia ; in the stock of any bank or banking association incorporated under authority of this state ; in the stock of any bank or banking association incorporated under the authority of the United States, if located within the New England states ; in the public funds of the states of New York, Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Kansas and Nebraska ;

Sec. 100, ch. 47, R. S., as amended by ch. 195, Public Laws of 1893, amended.

Investment of deposits.