

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

in which such election is held, and for candidates for electors of president and vice president on or before the tenth of October in each year when such election is held. Such certificates and papers for the nomination of candidates for the offices of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least seven days, exclusive of Sundays, previous to the day of such election. With nomination papers and certificates shall also be filed the consent in writing of the person nominated.'

Approved March 26, 1903.

CHAP. 170

10 of year in which election is held.
—for electors, on or before October 10 of year in which election is held.
—for city officers at least seven days previous to day of election, exclusive of Sundays.

Chapter 170.

An Act to amend Section thirty-eight of Chapter twenty-seven of the Revised Statutes and Section forty of Chapter twenty-seven of the Revised Statutes as amended by Chapter one hundred forty of the Public Laws of eighteen hundred and eighty-seven and Chapter one hundred thirty-two of the Public Laws of eighteen hundred and ninety-one, relating to Intoxicating Liquors.

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

Section 1. Section thirty-eight of chapter twenty-seven of the revised statutes is hereby amended by adding thereto the following words, 'whoever violates this section shall be fined one hundred dollars and costs or be imprisoned sixty days,' so that said section as amended shall read as follows:

'Section 38. Whoever shall deposit or have in his possession intoxicating liquors with intent to sell the same in the state in violation of law, or with intent that same shall be sold by any person, or to aid or assist any person in such sale. Whoever violates this section shall be fined one hundred dollars and costs or be imprisoned sixty days.'

Section 2. Section forty 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, and chapter one hundred and thirty-two of the public laws of eighteen hundred and ninety-one, is hereby amended by striking out the words "or has reason to believe that said person has concealed them about his person, to search said person, and if such liquors are found upon the person or premises, to arrest him" in the sixteenth, seventeenth, eighteenth and nineteenth lines of said section, and insert in the place thereof the words 'to arrest said person' and by striking out the words "found upon the person in the premises described in this section" in the twenty-sixth and twenty-seventh lines of said section and inserting in place thereof the words 'kept and deposited by him in any place,' so that said section as amended shall read as follows:

Section 38 of chapter 27, R. S., amended.

Possession of intoxicating liquors with intent to sell, etc.

—penalty for.

Section 40 of chapter 27, R. S., as amended by chapter 140, public laws of 1887, and chapter 132, public laws of 1891, further amended.

CHAP. 170

Search and seizure process, for intoxicating liquors, proceedings in.

'Section 40. If any person competent to be a witness in civil suits, make 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 to arrest said person and hold him to answer as keeping said liquors intended for unlawful sale. Any person who may be suspected of selling from, or keeping for illegal sale in his pockets, intoxicating liquors, may be searched in the same manner and by the same process as is provided for the search of places and if liquors are found upon his person, may be held to answer as though such liquors were kept and deposited by him in any place. If fluids are poured out or otherwise destroyed by the tenant, assistant or other person, when premises are about to be searched, manifestly for the purpose of preventing their seizure by officers authorized to make such search and seizure, such fluids may be held to have been intoxicating and intended for unlawful sale, and the penalties shall be the same as if said liquors had been seized. 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 costs and in addition thereto be imprisoned sixty days. In default of payment of fine and costs the party shall be imprisoned sixty days additional. 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.'

--pocket sales.

--when fluids are poured out.

--penalty.

--payment of U. S. special tax, prima facie evidence.