

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

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tributaries between the first and thirtieth days of April, nor to smelts taken in Casco bay between the fifteenth day of September and the first day of October, nor to smelts taken in Franklin bay between the first day of April and the first day of May, nor to smelts taken in Little Kennebec bay, so called, or in Narraguagus bay or river, in the county of Washington, between the first day of April and the first day of May, nor to smelts taken in West Bay and West Bay stream, so called, in the town of Gouldsboro, Hancock county, between the first and the fifteenth days of April, nor to smelts taken in Passamaquoddy bay between the first day of September and the first day of October.'

Approved March 18, 1905.

Chapter 92.

An Act to provide for the better enforcement of the laws against the manufacture and sale of Intoxicating Liquors.

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

Commission, of whom to be composed.

Section 1. The governor is hereby authorized to appoint a commission consisting of three persons, one of whom shall be a lawyer, two members of said commission shall be from the dominant political party and one from the political party casting the next highest vote at the last state election.

—salary of members of.

Each member of said commission shall be paid a salary of fifteen hundred dollars per year and actual expenses.

—salary, how payable.

The salary shall be payable in four quarterly payments on the first days of January, April, July and October.

—shall have office at state capitol.

Said commissioners shall be provided with an office at the state capitol, with suitable furniture, stationery and other necessary facilities for transacting the business of the commission, and may employ a clerk at the expense of the state.

—may employ clerk.

Shall be known as enforcement commissioners.

Section 2. Said commissioners shall be known as enforcement commissioners and with the advice and under the direction of the governor shall have, and are hereby authorized to exercise in any part of the state, all the common law and statutory powers of sheriffs in their respective counties in the enforcement of the law against the manufacture and sale of intoxicating liquors.

—powers of commission.

May appoint deputy enforcement commissioners

Section 3. Said commission shall appoint such number of deputy enforcement commissioners as in its judgment may be necessary, who shall have the same powers as are given said commissioners under the preceding section. Such deputies shall

be appointed in writing signed by a majority of said commissioners, which appointment shall be recorded in the office of said commission, and shall hold office during the pleasure of said commission. Upon being discharged they shall immediately surrender their certificate of appointment and all papers and other property relating to their office.

—powers of deputies.

—shall be appointed in writing.

—tenure of deputies.

Section 4. Said commissioners and deputies shall be sworn and give bonds to the state for the faithful discharge of their duties, the commissioners in the sum of five thousand dollars and the deputies in the sum of twenty-five hundred dollars.

Commissioners and deputies shall be sworn.
—shall give bonds.

Any party injured by the official misdoing of any deputy, having first obtained judgment against him and failed to satisfy the execution issued thereon on demand, may, at his own expense, in the name of the commissioners, for the time being, institute suit upon such bond in the county in which the original judgment was obtained or in the county in which such deputy resides, for the purpose of collecting such judgment. The name of the party for whose benefit the suit is brought shall be stated in the declaration and endorsed on the writ and such party shall alone be liable for costs unless the court for good cause shown shall require other endorsers.

—party injured by official misdoing of deputy, how he may proceed.

Section 5. It shall be the duty of the said deputy enforcement commissioners to exercise all the powers herein conferred when, where and as directed by said commission, and for their services, they shall be paid three dollars per day and the actual expenses occasioned by the performance of such duty, and shall, at such time as may be fixed by the commission, present their accounts for approval and after approval the governor and council shall draw their warrant against any moneys in the treasury not otherwise appropriated, in payment thereof.

Duty of deputy enforcement commissioners.

—compensation of deputies.

Section 6. There shall be taxed for said commissioners and deputies in the bills of costs the same fees as sheriffs and witnesses have been heretofore entitled to receive, which shall be paid directly to the state treasury.

Same costs and fees shall be taxed as for sheriffs and witnesses.

Section 7. The said commission, upon being satisfied that the local authorities fail to enforce the law against the manufacture and sale of intoxicating liquors in any city or town of the state, shall, subject to the limitations of section two, instruct the deputy commissioners in the county, and may send one or more deputy commissioners from some other section of the state to enforce said law.

When local authorities fail to enforce prohibitory law, commission may enforce.

Section 8. The governor may, after notice to and an opportunity for the attorney for the state for any county to show cause why the same should not be done, create to continue

Governor may create office of special attorney

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under certain conditions.

—Powers of special attorney.

—compensation of.

Disposal of fines collected, how made.

—clerks of court shall certify list of fines, to commission.

—commission shall determine what moneys are due from county to state.

Sheriffs and municipal officers are not relieved from performance of duties, by this act.

Commissioners may be removed by governor.

during his pleasure, the office of special attorney for the state in such county and appoint an attorney to perform the duties thereof. Such appointee shall, under the direction of the governor, have and exercise the same powers now vested in the attorney for the state for such county in all prosecutions relating to the law against the manufacture and sale of intoxicating liquors, and shall have full charge and control thereof; he shall receive such reasonable compensation for services rendered in vacation and term time as the justice presiding at each criminal term in the county shall fix, to be allowed in the bill of costs for that term and paid by the county.

Section 9. All fines collected by prosecutions undertaken by said commission or its deputies shall be divided equally between the state and the county in which the prosecution is had, except during the time when a special attorney is appointed to perform the duties of the attorney for the state for said county, in which event all fines collected on prosecutions instituted during such time by said commission or its deputies or by said special attorney shall take part, shall be paid to the state. Each clerk of the court shall within thirty days after the adjournment of each criminal term, certify to said commission a list of all fines collected in his county since his last return, which list shall show the origin of the case in which they were collected, and so far as exhibited by the papers or records, the connection of any of the special officials herein provided for, therewith. Said commission shall determine what moneys are due from any county to the state under the provisions hereof, and such sum shall be paid by the county treasurer to the treasurer of the state within thirty days after said commission shall notify the county commissioners of any county of its determination.

Section 10. Nothing in this act shall in any way relieve the sheriffs or the municipal officers of cities and towns, or except when such special attorney has been appointed, the attorney for the state for the county, of the duties devolving upon them for the enforcement of the law against the manufacture and sale of intoxicating liquors, and all fines collected by prosecutions instituted by them, except those in which such special attorney shall take part, shall be paid entirely to the county wherein the conviction is secured.

Section 11. Whenever, in the judgment of the governor, either of said commissioners is negligent in the performance of his duty, it shall be the duty of the governor, and he is hereby authorized to remove said commissioner from office.

Section 12. Whenever, in the judgment of the governor, the commission is no longer necessary, he is hereby authorized to remove from office all members of said commission, and the commission shall be thereby suspended, until such time as he deems its services are again required.

Commission
may be
suspended,
by governor.

Section 13. This act shall take effect when approved.

Approved March 18, 1905.

Chapter 93.

An Act to amend section four of chapter one hundred and twenty-eight of the Revised Statutes, relating to injury to property used for public water supplies.

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

Section four of chapter one hundred and twenty-eight of the revised statutes is hereby amended by striking out the words "or town" in the second line, and inserting in place thereof the words 'town or municipal corporation,' and also by striking out in the fifth line thereof the words "or town," and inserting in place thereof the words 'town or municipal corporation,' so that said section, as amended, shall read as follows:

Section 4,
chapter 128,
R. S.,
amended.

'Section 4. Whoever wilfully injures any property of any water company, or of any city, town or municipal corporation used by it in supplying water to its inhabitants, shall be punished by a fine not exceeding one thousand dollars and by imprisonment not exceeding one year; and such persons shall also forfeit and pay to such water company, city, town or municipal corporation, three times the amount of actual damages sustained, to be recovered in an action on the case.'

Penalty for
injuring
property of
any water
company.

Approved March 21, 1905.