

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 251

Chapter 251.

An Act in relation to possession under defective proceeding in Eminent Domain.

Be it enacted by the People of the State of Maine, as follows:

To cure defect in taking under eminent domain.

Whenever any taking or attempted taking under power of eminent domain shall, in any action now pending or hereafter commenced, have been adjudged defective either from formal errors in proceedings or through failure to provide, in an act expressly conferring the right of eminent domain, for any act or proceeding necessary to carry out such taking, which failure shall be deemed a substantial error by a court of last resort in this state, and judgment of title in the plaintiff shall be given, judgment of ouster or writ of possession shall be stayed until the corporation vested with the power of eminent domain shall have had opportunity to retake pursuant to the act conferring the power, if the error is formal, and until remedial legislation shall have been obtained at a session of the legislature next after the rendition of judgment when the error is substantial, and a new taking had pursuant to the amended act; but the new taking shall be had within ninety days from the rendition of said judgment when the error is merely formal, and within six months from the adjournment of the legislature next after the rendition of judgment when the error is substantial. And nothing herein contained shall preclude or stay any action at law for damages, and the owner of the land may maintain an action for damages the same as if in possession.

Approved April 2, 1909.

Chapter 252.

An Act to regulate the purchase and sale of Intoxicating Liquors by the State Liquor Commissioner and by town Liquor Agents.

Be it enacted by the People of the State of Maine, as follows:

State liquor commissioner shall purchase all liquor for town agencies.

—towns shall be supplied by commissioner, and from no other source.

Section 1. The state liquor commissioner, under the direction of the governor and council, shall purchase for the state, at the expense of the state, a sufficient stock of liquors to supply the demands of all duly authorized town and city agencies, for not exceeding three months; and all such agencies shall be supplied from said stock so kept, and from no other source and in no other manner. Said stock may include alcohol, one grade of whiskey, one grade of rum, one grade of gin, one grade of brandy, and one grade of wine, all of standard brand and quality, and guaranteed under the United States laws relating to foods and drugs.

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On or before June first and December first of each year, the state liquor commissioner shall advertise for at least two successive weeks in such papers as the governor and council may direct, for sealed proposals for supplying the state with such alcoholic liquors as it may require for the purposes of this act within the six months beginning on the following July first and January first respectively. The last advertisement shall be at least two weeks before the time specified therein for the closing of said proposals. Sealed proposals shall be addressed to the state liquor commissioner at Augusta and shall remain sealed until opened in the presence of a committee of the executive council at a time specified in said advertisement. Said commissioner shall, upon the request of any responsible dealer, mail a statement setting forth the different kinds and qualities of liquors upon which bids are required, giving approximate estimates of the amount of each kind which will be required under the contract, and a blank form of the contract and bond which will be required. Such contract shall require the successful bidder to furnish the state from time to time, in quantities of not less than ten gallons at any one time, such liquors of the kinds and qualities and at the prices therein specified as said commissioner shall order during the six months following acceptance of such bid. No contract shall be accepted unless the faithful performance of the same is secured by a bond in the penal sum of not less than twenty per cent of the estimated total value of the liquors to be furnished by said contractor, with surety or sureties approved by the governor and council. Said bond shall be made payable to the state of Maine, and shall be deposited with the state treasurer. The bids shall state the price of the liquors delivered at the state's store or warehouse.

—commissioner shall advertise for sealed proposals for supplying liquor.

—proposals to be opened in presence of committee of executive council at Augusta.

—liquors to be furnished in quantities as ordered by commissioner.

—bond shall be required.

All bills for liquor purchased in accordance with the provisions of this act shall be paid by the state treasurer after they have been certified by the state auditor and approved by the governor and council.

—bills to be paid by state treasurer.

Section 2. The liquor commissioner, with the approval of the governor and council, shall provide, at the expense of the state, a suitable store or warehouse for the keeping of said liquors and suitable facilities for receiving, unpacking, labeling and shipping said liquors. He shall receive no compensation for his services other than his salary fixed by law. Subject to the approval of the governor and council, he shall fix the prices at which liquors shall be furnished to the town agencies, not to exceed five per cent above the cost of such liquors to the state.

Commissioner shall provide, at expense of the state, suitable warehouse.

—compensation of commissioner.

—prices of liquor, how fixed.

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Liquors shall be in sealed packages and re-shipped with seals unbroken.

—packages shall be labeled.

—serial number on each package.

Bill of invoices shall be sent to town treasurer, and duplicate to state treasurer.

—collection of unpaid bills by State treasurer.

Packages received at town agency, how labeled.

—town agents to keep sales book.

Section 3. The liquors purchased by said commissioner shall be in sealed bottles, casks or other packages of convenient size and when sold to the town agencies shall be re-shipped in the original bottles, casks, or packages with the seals unbroken. Every bottle, cask or package, as soon as the same is received by said commissioner, shall be labeled with a label on which shall be conspicuously stamped or printed the name of the state, the name of the contractor, the date of invoice and the serial number as hereinafter provided, and such other words as the governor and council may require.

Beginning with the first day of July in each year, the serial number shall begin with "one" and run consecutively during the twelve months succeeding for each separate kind and grade of liquor; and each bottle, cask or package shall be numbered consecutively as the same is received from the contractor; and a record thereof shall be made and kept by said commissioner, stating from whom and when received, to whom and when delivered, the kind and quality of the liquor and the amount contained in such bottle, cask or package.

Section 4. A bill for all invoices sold by said commissioner to any town agency shall be sent to the town treasurer of said town, and a duplicate thereof shall be sent to the state treasurer, who shall, within thirty days after the receipt of the same, collect the amount thereof from said town; all such bills not paid within thirty days shall be collected from the said town by the state treasurer in the same manner as state taxes are collected.

Section 5. Every bottle, cask or package, as soon as it is received by any town agency, shall be labeled with a label on which shall be conspicuously stamped or printed the name of such town, the date when received by such town, and a town serial number. Beginning with July first of each year, such town serial number shall begin with "one" and run consecutively during the twelve months succeeding for each separate kind and grade of liquor; and an invoice record thereof shall be made and kept by said town agent, stating the state serial number, the town serial number, the amount, kind and quality of liquor contained in such package and the date when received. The town agent shall also keep a sales book in which at the time when each sale is made, and in the presence of the purchaser, he shall enter the sale, showing the town serial number, the state serial number, the date of sale, the kind, amount and price of the liquor, the name and address of the purchaser.

Section 6. The town agent, subject to the approval of the governor and council, shall fix the retail price of liquors sold by him, so that the net profit to the town shall in no case, exceed ten per cent.

Retail price of liquors, how fixed.

Section 7. No town agent shall mix or adulterate any liquors in his custody, or open or permit to be opened in his store or warehouse any bottle, cask or package containing intoxicating liquor, or sell the same except in the original package with the requisite label or labels, or purchase, sell or dispose of any liquors except as provided in this act.

Liquors shall not be mixed or adulterated.

—to be sold in original package.

Section 8. When any town liquor agency is closed by order of the selectmen or municipal officers, the stock of liquors on hand may be returned to the state warehouse, freight or express prepaid, and the town shall be paid therefor from the state treasury, the price which the state is at that time paying for liquors of like kind and quality.

Liquor to be returned to state warehouse when town agency is closed.

Section 9. This act shall take effect July one, nineteen hundred and nine, except that the time for opening sealed proposals for furnishing liquors to the state until January one, nineteen hundred and ten, shall be extended until such time after July one as the governor and council may direct in order to provide sufficient time for advertising according to the provisions of this act.

When act shall take effect.

Section 10. Until the first day of July nineteen hundred and nine, the state liquor commissioner shall purchase only such liquors as shall be absolutely necessary to supply the immediate needs of the town liquor agencies, and shall furnish no liquors to any town agency except upon the sworn inventory of the stock of liquors which such town agency has on hand at the time of such order showing such immediate necessity.

Until July 1, 1909, commissioner shall purchase liquor only for immediate needs of agencies.

Section 11. On the first day of July, nineteen hundred and nine, the state liquor commissioner shall turn over to the state at cost such stock of liquors as he has on hand, lawfully purchased and up to the lawful standard; and his bill therefor shall be paid from the state treasury on the approval of the governor and council. The liquors so turned over to the state by the liquor commissioner shall be labeled and numbered as hereinbefore provided for liquors purchased by contract.

Commissioner shall turn over to state, at cost, liquors on hand July 1, 1909.

Section 12. On the first day of July, nineteen hundred and nine, every town liquor agent shall make out and send to the state liquor commissioner a sworn statement showing in detail the stock of liquors on hand in his agency on that day. The liquors on hand in each agency on July first, shall be labeled and numbered as hereinbefore provided for liquors purchased of the state liquor commissioner, and in addition to the words pro-

Liquors on hand in town agencies July 1, 1909.

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vided by this act, the label shall contain the words 'on hand July one, nineteen hundred and nine.' Such liquors, so labeled, may be sold by the town liquor agent in accordance with the provisions of this act.

Penalty for violation of this act.

Section 13. Any violation of the provisions of this act shall be punished by imprisonment not less than sixty days nor exceeding one year.

Inconsistent acts repealed.

Section 14. All acts and parts of acts, so far as the same are inconsistent with this act, are hereby repealed.

Approved April 2, 1909.

Chapter 253.

An Act to amend Section twenty-two of Chapter thirty-two of the Revised Statutes, as amended by Section five of Chapter one hundred thirty-two, of the Public Laws of nineteen hundred five, relating to payment of damage done to growing crops by deer.

Be it enacted by the People of the State of Maine, as follows:

Section 22, chapter 32, R. S., as amended by section 5, chapter 132, public laws, 1905, further amended.

—payment for crops.

Section twenty-two of chapter thirty-two of the revised statutes, as amended by section five of chapter one hundred thirty-two of the public laws of nineteen hundred and five, is hereby amended by inserting after the word "deer" in the twenty-fifth line of said section, as amended, the words, 'but not more than seventy-five dollars shall be paid any one person in any one year for damage done by deer to growing crops.'

Approved April 2, 1909.

Chapter 254.

An Act to amend Section eleven of Chapter thirty-nine of the Revised Statutes, relating to the sale of Milk.

Be it enacted by the People of the State of Maine, as follows:

Section 11, chapter 39, R. S., amended.

All measures used in sale of milk to be sealed by wine measure.

Section eleven of chapter thirty-nine of the revised statutes is hereby amended so as to read as follows:

'Section 11. All measures, cans or other vessels, used in the sale of milk, shall be sealed by the sealer of weights and measures, by wine measure, containing thirty-two ounces to the quart, and all quart bottles containing less than thirty-two ounces or more than thirty-two ounces and six drams, all pint bottles containing less than sixteen ounces or more than sixteen ounces and four drams, and all half pint bottles containing less than eight ounces or more than eight ounces and two drams, shall be condemned; all bottles within the above limits shall be