

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

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

[supplied from page 1 of volume]

CHAP. 291

tage is received other than is herein specified; provided that this chapter shall not prohibit such free or reduced rates by public utilities as is defined and provided for in the acts of Congress entitled, "An Act to Regulate Commerce" and acts amendatory thereof, nor free or reduced transportation to the officers of leased lines or to police officers or firemen in uniform or of municipal fire apparatus, call men of fire departments wearing badges, while going to or returning from fires, chiefs, captains, sergeants, lieutenants and inspectors of police departments, in plain clothes and wearing badges, editors and regular reporters of newspapers, nor free transportation under the provision of section fifty-one of chapter fifty-six; nor shall it be construed to prohibit any public utility from granting service at free or reduced rates for charitable or benevolent purposes, nor to prohibit any public utility from supplying water and service free or at reduced or special rates to any person, firm or corporation for fire protection purposes through or by means of any apparatus or appliances furnished, installed or maintained by such person, firm or corporation, provided the same be approved by the commission; nor shall it be unlawful for any public utility to make special rates to its employees or in cases of emergency service, nor shall the furnishing by any public utility of any product or service at the rates and upon terms and conditions provided for in any contract in existence January first, nineteen hundred thirteen be construed as constituting a discrimination or undue or unreasonable preference, or advantage within the meaning specified; provided, however, that when any such contract or contracts are or become terminable by notice of such utility the commission shall have power in its discretion to direct by order that such contract or contracts shall be terminated by such utility as and when directed by such order; and provided, further, that it shall be lawful for any public utility to make a contract for a definite term subject to the approval of the commission, for its product or service, but such published rates shall not be changed during the term of the contract without the consent of the commission. Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not more than one thousand dollars for each offense.'

Approved April 7, 1917.

Chapter 291.

An Act to Amend Chapter One Hundred and Twenty-seven of the Revised Statutes, to Make Plain the Penalties Imposed under Certain Sections thereof.

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

Sec. 1. R. S., c. 127, §. 19, relating to traveling liquor peddlers and solicitors, amended. Section nineteen of chapter one hundred and twenty-seven of the revised statutes is hereby amended by striking out the last sentence thereof and substituting therefor the following: 'Any person violating the provisions of this section shall be fined not less than one hundred nor more than five hundred dollars and costs, and in addition thereto be imprisoned not less than two nor more than six months, and in default

CHAP. 291

of payment of said fine and costs he shall be imprisoned six months additional,' so that said section as amended shall read as follows:

'Sec. 19. Fine increased and jail sentence mandatory. No person shall travel from town to town, or from place to place, in any city, town or plantation, on foot or by public or private conveyance, either by land or water, carrying for sale or offering for sale intoxicating or fermented liquors, and no person shall solicit, obtain or offer to obtain orders for the sale or delivery of any intoxicating or fermented liquors, in any quantity. Any person violating the provisions of this section shall be fined not less than one hundred nor more than five hundred dollars and costs, and in addition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months additional.'

Sec. 2. R. S., c. 127, §. 20, relating to transportation in the state of intoxicating liquors, amended. Section twenty of chapter one hundred twenty-seven of the revised statutes is hereby amended by striking out all of said section after the word "imprisonment" in the sixth line thereof and inserting in the place thereof the following: 'Any servant, agent or employee of any transportation corporation or of any express company doing business in this state, who shall remove any intoxicating liquors from any railroad car, boat or other conveyance at any place other than the usual and established stations or places of business of such transportation company, to which said liquors are billed, or who shall aid in or consent to such removal, shall be subject to a penalty of fifty dollars and thirty days' imprisonment for every such offense, provided that said penalty shall not apply in cases where liquor in transit was changed from car to car or boat to boat to facilitate transportation. During the time intoxicating liquors are in possession of transportation and express companies, they shall allow free access and examination of the same to any officer charged with the enforcement of law, and shall furnish him all information in their possession in regard to said intoxicating liquors, including the privilege of examining any books and papers pertaining to the same. All such liquors intended for unlawful sale in the state shall be seized while in transit and proceeded against the same as if they were unlawfully kept and deposited in any place,' so that said section as amended shall read as follows:

'Sec. 20. Jail sentence added to fine and made obligatory; officers to have free access; transportation companies to furnish information. No person shall 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 so sold by any person, or to aid any person in such sale, under a penalty of not less than fifty nor more than one hundred dollars, and sixty days' imprisonment. Any servant, agent or employee of any transportation corporation or of any express company doing business in this state, who shall remove any intoxicating liquors from any railroad car, boat or other conveyance at any place other than the usual and established stations or places of business of such transportation company, to which said liquors are billed, or who shall aid in or consent to

such removal, shall be subject to a penalty of one hundred dollars and thirty days' imprisonment for every such offense, provided that said penalty shall not apply in cases where liquor in transit was changed from car to car, or boat to boat, to facilitate transportation. During the time intoxicating liquors are in the possession of transportation and express companies, they shall allow free access to and examination of the same to any officer charged with the enforcement of law, and shall furnish him all information in their possession in regard to said intoxicating liquors, including the privilege of examining any books and papers pertaining to the same. All such liquors intended for unlawful sale in the state shall be seized while in transit and proceeded against the same as if they were unlawfully kept and deposited in any place.'

Sec. 3. R. S., c. 127, §. 22, relating to sale of intoxicating liquor, responsibility of employees, amended. Section twenty-two of chapter one hundred twenty-seven, revised statutes, is hereby amended by striking out all of said section after the word "law" in the third line thereof and substituting therefor the following: 'shall be punished by a fine of not less than one hundred nor more than five hundred dollars and costs and in addition thereto be imprisoned for not less than two nor more than six months and in default of payment of said fine and costs he shall be imprisoned not less than two nor more than six months additional, and on each subsequent conviction he shall be punished by a fine of five 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 or assists in violating any provisions of law relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties,' so that said section as amended shall read as follows:

'Sec. 22. Fine and jail penalty increased. Whoever by himself, clerk, servant or agent, sells any intoxicating liquors in this state, in violation of law, shall be punished by a fine of not less than one hundred nor more than five hundred dollars and costs and in addition thereto be imprisoned for not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned not less than two nor more than six months additional, and on each subsequent conviction he shall be punished by a fine of five 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 or assists in violating any provision of law relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties.'

Sec. 4. R. S., c. 127, §. 23, relating to common sellers, increased. Section twenty-three of chapter one hundred and twenty-seven, revised statutes, is hereby amended by striking out all of said section after the words "this section" in the second line thereof, and by substituting there-

CHAP. 291

for the words, 'shall be punished by a fine of not less than one hundred nor more than five hundred dollars and costs, and in addition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months additional,' so that said section as amended shall read as follows:

'Sec. 23. Maximum penalty increased to \$500; must serve two months in jail and may be sentenced to six; penalty in case of default increased. No person shall be a common seller of intoxicating liquors. Whoever violates this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars and costs, and in addition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months additional.'

Sec. 5. R. S., c. 127, §. 24, relating to drinking houses and tippling shops, amended. Section twenty-four of chapter one hundred and twenty-seven, revised statutes, is hereby amended by striking out all of said section after the words "conviction thereof" in the fifth line thereof and substituting therefor the following, 'shall be fined not less than one hundred nor more than five hundred dollars and costs and in addition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months additional,' so that said section as amended shall read as follows:

'Sec. 24. Maximum fine increased to \$500; may be imprisoned six months. 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 drunk, is guilty of keeping a drinking house and tippling shop, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars and costs and in addition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months additional.'

Sec. 6. R. S., c. 127, §. 27, relating to possession or deposit of intoxicating liquor with intent to sell, amended. Section twenty-seven of chapter one hundred and twenty-seven of the revised statutes is hereby amended by striking out all of said section and inserting therefor the following:

'Sec. 27. Provisions made to include ordering, transporting or causing to be transported; penalty increased. No person shall deposit, or have in his possession, or order, transport or cause to be transported into the State of Maine any intoxicating liquors with intent to sell the same in the State of Maine in violation of law, or with intent that the same shall be sold by any person or to aid or assist any person in such sale. Whoever violates this section shall be fined not less than one hundred dollars nor more than five hundred dollars and costs, and in addition thereto be imprisoned for not less than two months nor more than six months, and in default of payment of said fines and costs, he shall be imprisoned six months additional.'

Sec. 7. R. S., c. 127, §. 29, relating to search and seizure in respect to intoxicating liquors, amended. Section twenty-nine of chapter one hundred and twenty-seven of the revised statutes is hereby amended by striking out all of said section after the word "thereof" in the thirty-first line thereof and substituting therefor the following: 'and sentenced to a fine not less than one hundred nor more than five hundred dollars and costs and in addition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months additional. The payment of the United States special tax at 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:

'Sec. 29. Maximum penalty increased to \$500 and costs and six months' imprisonment. 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 of 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 find 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 not less than one hundred nor more than five hundred dollars and costs and in ad-

CHAP. 291

dition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months 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.'

Sec. 8. R. S., c. 127, §. 45, relating to delivery, evidence of sale, complaints, responsibility of municipal officers, etc., amended. Section forty-five of chapter one hundred twenty-seven of the revised statutes is hereby amended by striking out all the words after the word "costs" in the twelfth line thereof and substituting therefor the following: 'The mayor, aldermen, selectmen, assessors and constables, in every city, town and plantation, shall make complaint and prosecute all violations and promptly enforce the laws of this chapter; and the wilful or corrupt neglect or refusal of any of the said officials to enforce the said laws shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year. If a municipal officer, after being furnished with a written notice of a violation of this chapter, signed by two persons competent to be witnesses in civil suits, and containing the names and residences of the witnesses to prove such offense, wilfully neglects or refuses to institute proceedings therefor, he shall be fined not less than twenty, nor more than fifty dollars, to be recovered by indictment. The oath required of any such officer to the complaint may be, in substance, that from a written notice signed by two persons competent to be witnesses in civil suits, he believes the complaint signed by him to be true. If an execution or other final process, issued in any civil or criminal suit instituted under this chapter is placed in the hands of any proper officer to be by him executed, and he unreasonably neglects or refuses so to do, an action may be commenced against him by any voter in the county, and prosecuted to final judgment which shall be for the full amount of the judgment and interest on such execution; and if it is a process that requires him to take and commit an offender to prison, the damages shall not be less than fifty, nor more than five hundred dollars. Selectmen of towns herein mentioned include assessors of plantations. In suits, complaints, indictments or other proceedings for a violation of any provision of this chapter relating to intoxicating liquors, other than for the first offense, it is not requisite to set forth particularly the record of a former conviction, but it is sufficient to allege briefly, that such person has been convicted of a violation of any particular provision, or as a common seller, as the case may be, and such allegation in any criminal process, legally amendable in any stage of the proceedings before final judgment, may be amended, without terms, and as a matter of right. Any process civil or criminal, legally amendable, may, in any stage of the proceedings, be amended in any matter of form, without costs, on motion at any time before final judgment,' so that said section as amended shall read as follows:

'Sec. 45. Penalty for wilful refusal or neglect of municipal officers to make complaint or to enforce liquor laws. Whenever an unlawful sale is

CHAP. 291

alleged, and a delivery proved, it is not necessary to prove a payment, but such delivery is sufficient evidence of sale. A partner in business is liable for the unlawful keeping or selling of his copartner, done in the copartnership business, or by any other person, in any shop, store or other place of business, of such copartnership, with his knowledge or assent. A principal and his agent, clerk and servant, may all be included in the same complaint and process. The mayor or aldermen, selectmen, or assessors, may cause a suit to be commenced on any bond or recognizance given under this chapter in which his city, town or plantation is interested, and the same shall be prosecuted to final judgment unless paid in full with costs. The mayor, aldermen, selectmen, assessors and constables, in every city, town and plantation, shall make complaint and prosecute all violations and promptly enforce the laws of this chapter; and the wilful or corrupt neglect or refusal of any of the said officials to enforce the said laws shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year. If a municipal officer, after being furnished with a written notice of a violation of this chapter, signed by two persons competent to be witnesses in civil suits, and containing the names and residences of the witnesses to prove such offense, wilfully neglects or refuses to institute proceedings therefor, he shall be fined not less than twenty, nor more than fifty dollars, to be recovered by indictment. The oath required of any such officer to the complaint may be, in substance, that from a written notice signed by two persons competent to be witnesses in civil suits, he believes the complaint signed by him to be true. If an execution or other final process, issued in any civil or criminal suit instituted under this chapter is placed in the hands of any proper officer to be by him executed, and he unreasonably neglects or refuses so to do, an action may be commenced against him by any voter in the county, and prosecuted to final judgment which shall be for the full amount of the judgment and interest on such execution; and if it is a process that requires him to take and commit an offender to prison, the damages shall not be less than fifty, nor more than five hundred dollars. Selectmen of towns herein mentioned include assessors of plantations. In suits, complaints, indictments or other proceedings for a violation of any provision of this chapter relating to intoxicating liquors, other than for the first offense, it is not requisite to set forth particularly the record of a former conviction, but it is sufficient to allege briefly, that such person has been convicted of a violation of any particular provision, or as a common seller, as the case may be, and such allegation in any criminal process, legally amendable in any stage of the proceedings before final judgment, may be amended, without terms, and as a matter of right. Any process civil or criminal, legally amendable, may, in any stage of the proceedings, be amended in any matter of form, without costs, on motion at any time before final judgment.'

Approved April 7, 1917.