

# 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

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

---

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.

---

KENNEBEC JOURNAL PRINT SHOP  
AUGUSTA, MAINE

1925

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-second Legislature

**1925**

[supplied from page 1 of volume]

## CHAP. 116

thereto, and such orders shall have the same force, and place the same obligations upon railroad corporations as when required under the provisions of this section.'

Sec. 2. Until November 1, 1925, legal to sound whistles 80 or 60 rods from crossings. Until November 1, 1925, it shall be legal to sound the said whistles at either eighty or sixty rods from such crossings.

Approved April 2, 1925.

---

## Chapter 116.

An Act to Relieve the State of the Necessity of Alleging and Proving the Non-existence of a Federal Permit in Proceedings for Punishment for Unlawful Transportation of Liquor and for Forfeiture of Vehicles, Boats, etc.

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

Sec. 1. R. S., c. 127, sec. 20; P. L., 1917, c. 291; 1923, c. 167; relating to transporting intoxicating liquors, amended. Section twenty of chapter one hundred and twenty-seven of the revised statutes, as amended by chapter two hundred and ninety-one of the public laws of nineteen hundred and seventeen and by chapter one hundred and sixty-seven of the public laws of nineteen hundred and twenty-three, is hereby further amended by striking out of said section, the clause, "and the failure of any person so transporting intoxicating liquor to exhibit such permit when requested to do so, by any duly qualified officer charged with the duty of enforcing the provisions of this chapter, shall be deemed to be prima facie evidence that no such permit exists," and substituting therefor the following: 'and in any prosecution under this section it shall not be incumbent on the state to allege and prove that the respondent did not possess such a permit,' so that said section, as amended, shall read as follows:

'Sec. 20. Allegation and proof of not holding a federal permit not required of state in prosecutions. No person shall knowingly transport into this state or from place to place therein any intoxicating liquor, or aid any person in such transportation without being in possession of a permit therefor duly issued under authority conferred by the provisions of the national prohibition act of October twenty-eight, nineteen hundred and nineteen, and amendments thereto, providing for the enforcement of the eighteenth amendment to the constitution of the United States; and in any prosecution under this section it shall not be incumbent on the state to allege and prove that the respondent did not possess such a permit. Whoever violates the provisions of this section shall be fined not less than three hundred nor more than six hundred dollars and costs, and in addition thereto, shall be imprisoned for not less than three months nor more than six

months, and in default of payment of fine and costs shall be imprisoned for six months additional; provided, that if the person so convicted shall have been theretofore convicted of a violation of any of the provisions of this chapter he shall be fined not less than five hundred, nor more than one thousand dollars and costs, and in addition thereto shall be imprisoned not less than six months nor more than one year and in default of payment of said fine and costs shall suffer imprisonment for six months additional.'

**Sec. 2.** P. L., 1917, c. 294, sec. 1; 1921, c. 63; 1923, c. 204; relating to seizure of automobiles, vehicles and boats used for illegal transportation of intoxicating liquors, amended. Section one of chapter two hundred and ninety-four of the public laws of nineteen hundred and seventeen as amended by chapter sixty-three of the public laws of nineteen hundred and twenty-one and by chapter two hundred and four of the public laws of nineteen hundred and twenty-three, is hereby further amended by adding thereto, the following words: 'In any proceeding under this section it shall not be incumbent on the state to allege and prove that such person was not in possession of such permit,' so that said section, as amended, shall read as follows:

'**Sec. 1. Allegation and proof of not holding a federal permit not required of state in proceedings.** All automobiles, trucks, wagons, boats or vessels and vehicles of every kind, not common carriers, containing intoxicating liquors intended for sale or containing intoxicating liquor in the possession of or in the control of any person transporting the same without being in possession of a permit therefor duly issued under authority by the provisions of the national prohibition act of October twenty-eight, nineteen hundred and nineteen, and amendments thereto, providing for the enforcement of the eighteenth amendment to the constitution of the United States, found within the state in the possession or in the control of any person, shall be seized by any officer seizing the liquors transported therein, shall be libeled as is provided for the libeling of intoxicating liquors and the vessels in which they are contained under chapter one hundred and twenty-seven of the revised statutes, and shall be declared forfeited by the court and sold in the same manner as is provided for the sale of vessels containing intoxicating liquors. In any proceeding under this section it shall not be incumbent on the state to allege and prove that such person was not in possession of such permit.'

Approved April 2, 1925.