

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh  
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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

As Passed by the Eighty-Sixth Legislature

AT THE  
SPECIAL SESSION, DECEMBER 4-20

**1933**

Supplementary to Public Laws of the Regular Session and Special  
Session of November 14.

[supplied from page 23 of volume]

## Chapter 296.

AN ACT to Amend Chapter One Hundred Thirty-seven of the Revised Statutes by Repealing Those Portions Designed for the Enforcement of Federal Prohibition.

**Emergency preamble.** Whereas: The present provisions of the laws of the state of Maine render it impossible for physicians and hospitals to secure intoxicating liquors for medicinal purposes, and

Whereas; The necessity of procuring intoxicating liquors for medicinal purposes is forcing physicians and hospitals within the state to violate the law to procure intoxicating liquors for such medicinal purposes, and

Whereas; In the opinion of the legislature the most feasible way to permit the handling of intoxicants for medicinal purposes will be to return to the system of law in effect prior to the adoption of Federal prohibition, and

Whereas; In the opinion of the legislature these facts constitute an emergency within the meaning of section 16 of Article XXXI of the constitution of the state of Maine, and immediately necessary for the preservation of the public peace, health and safety, now therefore

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

**Sec. 1. R. S., c. 137, § 1, amended.** Section 1 of chapter 137 of the revised statutes is hereby amended by striking out all of said section and substituting in place thereof the following:

**'Sec. 1. Manufacture of intoxicating liquor regulated.** Whoever manufactures for sale any intoxicating liquor, except cider, and whoever sells any intoxicating liquor manufactured by him in this state, except cider, shall be punished by a fine of not less than \$100 nor more than \$1,000 and costs of prosecution, and by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of fine and costs be imprisoned for not less than 60 days nor more than 6 months additional.'

**Sec. 2. R. S., c. 137, § 3, amended.** Section 3 of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

**'Sec. 3. Transportation of intoxicating liquor regulated.** No person shall knowingly transport from place to place in this state, any intoxicating liquors, with intent to sell the same in this 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 \$300 nor more than \$600 and costs, and in addition thereto, by imprisonment of not less than

3 months nor more than 6 months, and in default of the payment of fine and costs by imprisonment for 6 months additional.'

Sec. 3. R. S., c. 137, § 4, repealed. Section 4 of said chapter is hereby repealed.

Sec. 4. R. S., c. 137, § 6, amended. Section 6 of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'Sec. 6. Sale of intoxicating liquor, regulated. No person shall at any time, by himself, his clerk, servant or agent, either directly or indirectly, sell any intoxicating liquors, of whatever origin; all distilled spirits and all beverages containing more than 4% of alcohol by volume are declared to be intoxicating within the meaning of this chapter.'

Sec. 5. R. S., c. 137, § 7, amended. Section 7 of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'Sec. 7. Penalty for illegal sale. 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 \$100 nor more than \$500 and costs and in addition thereto by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of said fine and costs by imprisonment for not less than 2 months nor more than 6 months additional, and on each subsequent conviction he shall be punished by a fine of \$500 and costs and in addition thereto by imprisonment for 6 months, and in default of payment of said fine and costs by imprisonment for 6 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. 6. R. S., c. 137, § 8, repealed. Section 8 of said chapter is hereby repealed.

Sec. 7. R. S., c. 137, § 9, repealed. Section 9 of said chapter is hereby repealed.

Sec. 8. R. S., c. 137, § 10, repealed. Section 10 of said chapter is hereby repealed.

Sec. 9. R. S., c. 137, § 16, amended. Section 16 of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'Sec. 16. Illegal deposit; penalty. No person shall deposit or have in

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his possession any intoxicating liquors with intent to sell the same in this state in violation of law, or with intent that the same shall be so sold by any person, or to aid or assist any person in such sale. Whoever violates this section shall be punished by a fine of not less than \$100 nor more than \$500 and costs, and in addition thereto by imprisonment for not less than 2 months nor more than 6 months, and in default of payment of said fines and costs, by imprisonment for 6 months additional.'

**Sec. 10. R. S., c. 137, amended.** Said chapter is hereby amended by inserting a new section to follow section 21 and to be numbered section 21-A and to read as follows:

'**Sec. 21-A. Continuances for sentences regulated.** When a person has been convicted in the superior court of a violation of any of the provisions of this chapter the county attorney shall have him sentenced at the same term, unless for reasons satisfactory to the court, the case is continued for sentence one term, but no longer.'

**Sec. 11. R. S., c. 137, § 32, amended.** Section 32 of said chapter is hereby amended by striking out all of said section and substituting in place thereof the following:

'**Sec. 32. Seizure of intoxicating liquors regulated.** Intoxicating liquors kept and deposited in this state, intended for unlawful sale in this state, and the vessels in which they are contained, are contraband and forfeited to the county in which they are so kept at the time when they are seized under this chapter. And in all cases where an officer may seize intoxicating liquors or the vessels containing them, upon a warrant, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.'

**Sec. 12. R. S., c. 137, § 37, amended.** Section 37 of said chapter is hereby amended by striking out the 2nd paragraph thereof.

**Sec. 13. R. S., c. 137, § 44, amended.** Section 44 of said chapter is hereby amended by striking out the first form contained therein.

**Sec. 14. Validity of act.** If for any reason any section, subsection, sentence, clause or phrase of the foregoing sections of this act shall be held unconstitutional, such decision shall not affect the validity of any other portion. It is hereby declared to be the legislative intent that said sections would have been adopted had such void or ineffective article, section, subsection, sentence, clause or phrase not been included therein.

**Sec. 15. Emergency clause.** In view of the emergency recited in the preamble, this act shall take effect when approved.