

# MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE

REVISED STATUTES

OF THE

STATE OF MAINE

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## CHAPTER 57.

### LAWS RELATING TO LIQUOR.

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#### Definitions

Sec. 1. Definitions. 1933, c. 300, §§ 4, 16. 1937, c. 232, § 1. 1943, c. 302, § 1; c. 350, § 4. The following words and phrases, unless the context clearly indicates otherwise, shall have the following meaning when used in any statute or law relating to intoxicating liquor:

"Alcohol" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar, potatoes, or other substances including all dilutions and mixtures of these substances.

"Apple wine" as used in section 14 shall mean "liquor" made from apples.

"Club" shall mean any reputable group of individuals incorporated and which is organized and operated in a bona fide manner, solely for objects of a recreational, social, patriotic, or fraternal nature and not for pecuniary gain and shall have been in continuous existence and operation for at least 2 full years immediately preceding the date of its application for a license under the provisions of this chapter, and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of members and shall hold regular meetings, conduct its business through officers regularly elected, and charge and collect dues from elected members.

"Commission" shall mean the state liquor commission.

"Corporation" shall mean a corporation organized and incorporated under the laws of this state, or authorized to transact business within this state.

"Dining-cars" and "cars supplying food" shall mean and include cars in which

food is prepared and served and also other cars, for accommodations in which an extra charge is made, in which food is served from a dining-car, or from a car supplying food, in the same train.

"Hotel" shall mean any reputable place operated by responsible persons of good reputation, where the public may, for a consideration, obtain sleeping accommodations and meals and which has a public dining-room or rooms operated by the same management, and a kitchen, apart from the public dining-room or rooms, in which food is regularly prepared for the public on the same premises.

"Intoxicating liquor" shall have the same meaning as the word "liquor" herein defined.

"Licensee" shall mean and include both the person to whom a license of any kind is issued by the commission and the premises upon which the privileges of the license are to be exercised and includes all licenses issued by the commission.

"Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption, which contains more than 1% of alcohol by volume.

"Person" shall mean an individual, copartnership, corporation, or voluntary association.

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and regularly used for the purpose of providing food for the public, and provided with adequate and sanitary kitchen and dining-room equipment and capacity for preparing and serving suitable food for the public.

"Spirits" shall mean any liquor produced by distillation or if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind.

"Wholesaler" shall mean and include persons licensed by the commission to engage in the purchase and resale of malt or brewed beverages in the original containers, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises of said wholesaler.

"Wine" shall mean any liquor produced by natural fermentation.

### Local Option

Sec. 2. Local Option. 1933, c. 300, § 17. 1935, c. 157. 1937, c. 238, § 4. 1939, c. 177. 1941, c. 97. 1943, c. 230. The aldermen of cities, the selectmen of towns, and the assessors of plantations are empowered and directed to notify the inhabitants of their respective cities, towns, and plantations to meet, in the manner prescribed by law for the calling and holding of biennial meetings of said inhabitants for the election of senators and representatives, at the time of holding such biennial meeting to give in their votes upon the following questions:

I. Shall state stores for the sale of liquor be operated by permission of the state liquor commission in this city or town?

II. Shall licenses be granted in this city or town under regulation of the state liquor commission for the sale herein of wine and spirits to be consumed on the premises?

III. (1939, c. 177) Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale, and other malt liquors) to be consumed on the premises?

IV. (1939, c. 177) (1943, c. 230) Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale, and other malt liquors) not to be consumed on the premises?

Upon receipt of a petition of electors resident in that city or town in writing addressed to the secretary of state and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that city or town, which petition shall be filed with the secretary of state on or before the 1st day of July preceding the day of the biennial election, the ballots for that city or town shall carry the following additional question:

V. (1943, c. 230) Shall licenses be granted in this city or town for the sale therein under the regulation of the state liquor commission of wine and spirits to be consumed on the premises of a hotel or club that operates only during the months of June, July, August, and September?

The secretary of state shall prepare and furnish to the several cities, towns, and plantations ballots in manner and form as prescribed in section 5 of chapter 5 for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in said chapter 5.

The inhabitants of the several cities, towns, and plantations shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No", and the ballots shall be received, sorted, counted, and declared in open ward, town, and plantation meetings and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall canvass the same and the results shall be determined as provided in section 52 of chapter 5.

If a majority of the votes cast in a city or town in answer to question I is in the affirmative, the commission may operate therein a state store or stores for the sale of liquor, subject to all provisions of law.

If a majority of such votes in answer to question II is in the affirmative, the commission may issue licenses for the sale therein of wine and spirits for consumption on the premises, subject to all provisions of law.

If a majority of such votes in answer to question III is in the affirmative, the commission may issue licenses for the sale therein of malt liquor to be consumed on the premises, subject to all provisions of law.

If a majority of such votes in answer to question IV is in the affirmative, the commission may issue licenses for the sale therein of malt liquor not to be consumed on the premises, subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question V are in the affirmative, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of a hotel or club therein that operates only during the months of June, July, August, and September.

If a majority of such votes cast on question I is in the negative, the operation of state stores in that city or town for a period of 2 calendar years next following shall be unlawful.

If a majority of such votes cast on question II is in the negative, licenses shall not be issued for the sale therein of wines and spirits for consumption on the premises, for the 2 calendar years next following.

If a majority of such votes cast on question III is in the negative, licenses for the sale therein of malt liquor to be consumed on the premises shall not be issued, for the 2 calendar years next following.

If a majority of such votes cast on question IV is in the negative, licenses for

the sale therein of malt liquor not to be consumed on the premises shall not be issued for the 2 calendar years next following.

If a majority of the votes cast on question V are in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of a hotel or club that operates therein only during the months of June, July, August, and September for the 2 calendar years next following.

In case of a tie vote on any of the preceding questions, the law shall remain as it was before the voting.

Upon this ballot no other referendum question shall be printed.

### Appointment and Qualification of Commission; Powers and Duties

**Sec. 3. State liquor commission and appointment thereof.** 1933, c. 268, § 1; c. 300, § 1. The state liquor commission, as heretofore established, shall consist of 3 members to be appointed by the governor, with the advice and consent of the council, to serve for 3 years or during the pleasure of the governor and council. The governor shall designate one of the members to be its chairman and not more than 2 members thereof shall belong to the same political party. Any vacancy shall be filled by appointment for a like term.

**Sec. 4. Eligibility of members and employees.** 1933, c. 268, § 4; c. 300, § 3. No person shall be eligible for appointment as a member of the commission or as an employee of the commission in any capacity who has any connection with, official, professional, or otherwise, or who owns any stock in a corporation interested either directly or indirectly in the manufacture or sale of liquor or who has been convicted of the breach of any state or federal law regulating the manufacture, sale, or transportation of intoxicating liquor.

**Sec. 5. Salaries and expenses of members.** 1933, c. 268, § 2; c. 300, §§ 2, 6. The salary of the chairman of the commission shall be \$4,000 per year and the salary of each of the other members shall be \$3,000 per year, and in addition each member shall be allowed his reasonable expense incurred in the performance of his duties, provided, however, that such expense shall not include travel between his place of residence and the commission office, or board and lodging in the city or town where such office is located.

**Sec. 6. Powers and duties of commission.** 1933, c. 268, §§ 5, 7; c. 298; c. 300, §§ 3, 5, 7. 1935, c. 179, §§ 1, 2, 5. 1937, c. 221; c. 232, § 2; c. 237, §§ 19, 22, 23, 24; c. 247; c. 250. 1939, c. 96. 1943, c. 320. The commission shall have the following powers and duties:

**I.** (1935, c. 179, § 1) (1937, c. 232, § 2; c. 237, § 22; c. 250) To have general supervision of manufacturing, importing, storing, transporting, and exclusive control of the sale of all liquors.

**II.** (1937, c. 232, § 2; c. 250) To have control and supervision of the purchase, importation, transportation, and sale of alcohol; and to make rules and regulations for such purchase, importation, transportation, and sale of same to any industrial establishment in this state for industrial uses, or schools, colleges, and state institutions for laboratory use only, or to hospitals for medicinal use therein only, or to any licensed pharmacist in this state for use in the compounding of prescriptions and other medicinal use but not for sale by such pharmacists unless compounded with or mixed with other substances, or to any physician, surgeon, osteopath, chiropractor, optometrist, dentist, or veterinarian for medicinal use only.

See § 26, re renewals.

III. (1933, c. 268, § 5) To adopt rules and regulations for the administration of the law relating to malt liquor and for the supervision and regulation of the manufacture, sale, and transportation of malt liquor throughout the state; the manufacture, sale, and transportation of which is permitted and authorized.

IV. (1933, c. 298; c. 300, § 7) To buy and have in their possession wine and spirits for sale to the public. Such wine and spirits shall be purchased by the commission directly and not through the state purchasing agent and shall be free from adulteration and misbranding. The commission shall in their purchases of liquors give priority, wherever feasible, to those made from the agricultural products of this state.

V. (1933, c. 300, § 7) To sell at retail in original packages and for cash, either over the counter or by shipment to points within the state, wine and spirits of all kinds for consumption off the premises at state stores to be operated under the direction of the commission.

VI. (1933, c. 268, § 5) (1935, c. 179, § 1) (1937, c. 237, § 22) To issue, renew, suspend, and revoke all licenses provided for by this chapter and to hold hearings thereon.

VII. (1935, c. 179, § 1) (1937, c. 237, § 22) (1939, c. 96) To adopt rules, requirements, and regulations, the observance of which shall be conditions precedent to the granting of any license to sell liquor, including malt liquor. These rules, requirements, and regulations may include the character of any applicant, the location of the place of business, and the manner in which it has been operated; and the determination by the commission whether or not to grant a license shall be final.

VIII. (1935, c. 179, § 2) To establish regulations for clarifying, carrying out, enforcing, and preventing violation of all or any of the laws pertaining to liquor, which regulations shall have the force and effect of law unless and until set aside by some court of competent jurisdiction or revoked by the commission.

IX. (1935, c. 179, § 1) (1937, c. 237, § 22) To refuse to issue licenses to persons, corporations, associations, or partnerships who have been convicted, or whose officers have been convicted, of a breach of any state or federal law relating to the manufacture, sale, possession, or transportation of liquor within 5 years next prior to the filing of his or its application.

X. (1935, c. 179, § 2) (1937, c. 237, § 19) To prevent the sale by licensees of wine and spirits to minors, persons under the influence of liquor, or to an interdicted person.

XI. (1935, c. 179, § 2) To publish at least annually on or before June 30th in a convenient pamphlet form all regulations then in force and to furnish copies of such pamphlets to every licensee authorized by law to sell liquor.

XII. (1933, c. 300, § 7) To establish prices for retail sale which shall be uniform throughout the state.

XIII. (1935, c. 179, § 2) To shorten by regulation the permissible hours of sale in state stores.

XIV. (1933, c. 300, § 3) (1937, c. 221) To employ, subject to the provisions of the personnel law, such clerical and other assistants, and make such expenditures, as may be necessary to carry into effect the purposes of this chapter.

XV. (1937, c. 237, § 24; c. 247) (1943, c. 320) To appoint, subject to the approval of the governor and council, a chief inspector and as many inspectors as may from time to time be found necessary, to serve during the pleasure of the commission, whose compensation shall be fixed by the commission, subject to the approval of the governor and council.

The inspectors shall be under the direct supervision and control of the chief inspector. The chief inspector and inspectors shall be charged with the duty of inquiring into all violations of law pertaining to the sale, possession, manufacture, and transportation of intoxicating liquor and of arresting all violators thereof and prosecuting all offenders against the same. They shall have the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties in connection with the laws pertaining to the sale, possession, manufacture, and transportation of intoxicating liquor.

**XVI.** (1937, c. 237, § 23) A single commissioner may conduct hearings in any matter pending before the commission. He shall, after holding the hearing, file with the commission all papers connected with the case, a transcript of all the testimony, and a report of his findings. The commission shall review the evidence and examine all papers and the findings of the single commissioner before rendering their decision.

**XVII.** (1935, c. 179, § 5) Any member of the commission may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any question in dispute before them or to any matter involved in a hearing. Witness fees in all proceedings shall be the same as for witnesses before the superior court.

**XVIII.** (1933, c. 268, § 5) To make an annual report to the governor of their activities and of the amount of malt liquor license fees collected together with such other information as they deem advisable or as the governor may require.

**Sec. 7. Penalty for non-compliance with subsection II of the preceding section.** 1937, c. 232, § 2; c. 250. No person shall purchase, import, transport, or sell alcohol in this state unless in accordance with the rules and regulations made by the commission under authority granted by subsection II of the preceding section. Whoever violates any of such rules and regulations shall be punished by a fine of not more than \$200, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

#### State Stores

**Sec. 8. State stores, etc., to be provided.** 1933, c. 300, § 8. The commission is authorized to lease and equip in the name of the state, such stores, warehouses, and other merchandising facilities for the sale of liquor as are necessary to carry out the provisions of this chapter but any lease or contract made pursuant hereto shall be approved by the attorney-general before becoming effective. Leases shall be limited to terms of not more than 2 years, and may be for seasonal occupancy. No such store shall be established within 300 feet of any public or private school, church, chapel, or parish house.

**Sec. 9. Special stores.** 1935, c. 179, § 3. The commission shall have authority to establish in cities and towns which vote in favor of the operation of state stores under local option provisions and where there is no state store, special or temporary stores to be occupied exclusively for the purpose in such cities or towns of selling liquor in sealed bottles, containers, or original packages for consumption off the premises under such regulations as they may determine.

**Sec. 10. Business hours for state stores.** 1933, c. 300, § 9. 1937, c. 147. State stores shall not be open on Sundays, court holidays, or on the day of the holding of a general election or state-wide primary or between the hours of 8



P. M. and 9 A. M., except on Saturdays when, if open, they may be kept open until 10 P. M., and the commission is authorized to regulate the opening and closing hours of each store within the provisions of this chapter. No sales shall be made therein to minors, or persons under the influence of liquor.

### Working Capital

Sec. 11. Determination of profits and distribution; working capital. 1933, c. 300, § 12. 1935, c. 24. 1939, c. 302. 1941, c. 90. 1943, c. 126. The net profits of the commission shall be general revenue of the state. The working capital of the liquor commission shall be an amount which will provide for a turnover of stock approximately 4 times annually and the maximum permanent working capital shall be established by appropriation by the legislature. The commission is authorized to keep and have on hand a stock of wines and spirits for sale, the value of which, computed on less carload price quotations f. o. b. warehouse filed by liquor and wine vendors, shall not at any time exceed the amount of working capital authorized. The permanent working capital of the commission may be supplemented by temporary loans from other state funds upon recommendation of the commission and by approval of the commissioner of finance and the governor and council. Such temporary advances received from other funds shall be repaid before the end of each calendar year. At any time the working capital exceeds the amount necessary to provide for a turnover of stock approximately 4 times annually, the governor and council upon recommendation of the commissioner of finance may authorize the return of such excess to the general fund of the state.

### Taxes on Liquor

Sec. 12. Consumers tax on spirituous and vinous liquor. 1941, c. 295, § 1. 1943, c. 302, § 11. All spirits and wines shall hereafter be sold by the commission at a price to be determined by the commission which will produce a state liquor tax of not less than 61% based on the less carload cost f. o. b., state liquor commission warehouse, excepting only that spirits and wines sold at wholesale under the provisions of section 41, may be sold at wholesale prices established pursuant to the provisions thereof. Any increased federal taxes levied on or after April 1, 1941 shall be added to the established price without mark-up. All net revenue derived from such tax shall be deposited to the credit of the general fund of the state.

### Licenses to Manufacture Liquor

Sec. 13. Licenses to manufacture liquor. 1933, c. 268, §§ 7, 8; c. 298. 1937, c. 235, § 2. The commission is authorized and empowered to issue licenses for the manufacture of liquor either distilled, spirituous, vinous, or fermented to distillers, brewers, and wineries operating under authority of federal law and under federal supervision. Distillers and brewers, using exclusively the agricultural products of this state as raw material for the production of alcohol or alcoholic liquor, shall pay an annual license fee of \$100. Distillers and brewers, using exclusively the products of other states as raw material, shall pay an annual license fee of \$3,000. Such licenses shall include the right to sell and distribute malt liquor at wholesale without the payment of any additional fee.

Distillers and brewers, using in part the agricultural products of this state, and in part those of other states as raw material, shall pay such fees as the commis-

sion may determine, to be directly proportioned as to the source and quantity of such raw material, and based upon the foregoing differential.

Wineries, using exclusively the agricultural products of this state as raw material, shall pay an annual license fee of \$50. Wineries, using in part the agricultural products of other states or foreign countries, shall pay, in addition to such license fee of \$50, an excise tax of 4c per gallon on liquid raw materials and 2c per pound on solid or semi-solid raw materials; the same being under the supervision of the commission which shall make necessary rules and regulations for their collection.

### Manufacture and Sale of Apple Wine

Sec. 14. Sale of apple wine, regulated; records; notice to the commissioner of quantity; apple wine, how sold; containers; interstate shipment; penalty. 1943, c. 350, §§ 1, 2, 3, 4, 5, 6, 7. The commission is authorized and empowered to issue licenses under the provisions of this section for the manufacture of apple wine from apples grown in this state. The annual fee for such license shall be \$100, and such license shall expire on August 31st of the year next ensuing.

The licensee or operator of an apple-winery under the provisions of this section shall keep an accurate record in detail showing the date and number of bushels by weight of apples received at such apple-winery, the number of gallons of apple wine manufactured therefrom, the name of the owner, and the place in the state where such apples were grown, together with such other information as may be required by the commission, and process the same in conformity with the regulations of the commission.

On or before September 1 in each year, any person, firm, or corporation, hereinafter called "owners", desiring to sell apples to said apple-wineries shall notify said apple-wineries in writing of the estimated number of bushels of apples such owner will sell to such apple-winery, and the locality wherein the apples from which such apple wine is to be manufactured are to be raised. Upon the acceptance by any apple-winery of the offer of such owner, such owner shall deliver to the apple-winery the number of bushels of apples. The commission is authorized to issue regulations so that not less than 40% of the established wholesale price shall be given to all such owners. In case the offering for sale of apples in any year is greater than is needed by the apple-winery, the purchase of the apples from the various owners shall be on a pro rata basis. The commission shall notify the apple-wineries of the amount of apple wine that it intends to purchase, and the price per gallon that it will pay, and shall pro rate its purchases from the apple-wineries according to the amounts offered for sale to the commission by the various apple-wineries.

All licenses issued by the commission for the sale of spirituous and vinous liquors shall contain an indorsement to the effect that the licensee is authorized to sell apple wine. The commission shall offer for sale at the various state liquor stores apple wine.

The commission shall cause each and every container taken from an apple-winery for sale to be labeled, marked, or branded as to the quantity contained in it, the place of origin, and the approximate per cent of alcoholic content by volume.

The commission is authorized to sell and ship apple wine to purchasers outside of the state under such rules and regulations as the commission may prescribe.

Whoever, other than the commission or the licensees as specified in this section, sells apple wine of more than 1% of alcoholic content by volume

shall be punished by a fine of not less than \$50, nor more than \$200, or by imprisonment for not less than 30 days, nor more than 90 days, or by both such fine and imprisonment.

### Malt Liquor; Regulation of Manufacture

Sec. 15. Manufacturers and officers not to be interested in wholesalers; commercial credit permitted. 1937, c. 140. No officer, director, or stockholder of a corporation which is the holder of a manufacturer's certificate of approval shall in any way be interested, either directly or indirectly, as a director, officer, or stockholder in any other corporation which is the holder of a wholesale license for the sale of malt liquor granted by this state; nor shall a manufacturer or holder of a certificate of approval either directly or indirectly loan any money, credit, or equivalent thereof to any wholesaler for equipping, fitting out, maintaining, or conducting, either in whole or in part, a business establishment where malt liquor is sold, excepting only the usual and customary commercial credit for malt liquor sold and delivered.

Sec. 16. Manufacturer or foreign wholesaler of malt liquor forbidden to sell or transport without permit; fees; reports. 1933, c. 268, § 19; c. 300, § 1. 1937, c. 236, § 1. No manufacturer or foreign wholesaler of malt liquor shall hold for sale, sell, or offer for sale, in intrastate commerce, any malt liquor or transport or cause the same to be transported into this state for resale unless such manufacturer or foreign wholesaler has obtained from the commission a certificate of approval. The fee therefor shall be \$100 per year, which sum shall accompany the application for such certificate.

All manufacturers or foreign wholesalers to whom certificates of approval have been granted shall furnish the commission with a copy of every invoice sent to Maine wholesale licensees. They shall also furnish a monthly report on or before the 10th day of each calendar month in such form as may be prescribed by the commission and, further, shall not ship or cause to be transported into this state any malt liquor until the commission has certified that the excise tax has been paid.

The purposes of this section are to regulate the importation, transportation, and sale of malt liquor, also in addition thereto, to regulate and control the collection of excise taxes.

The fees received under the provisions of this section shall be used by the commission for carrying out the purposes of this section.

### Manufacture

Sec. 17. Illegal manufacture; penalty. R. S. c. 137, § 1. 1933, c. 226, § 3; c. 296, § 1. 1935, c. 179, § 1. 1937, c. 237, § 22. Any person not licensed by the commission who manufactures for sale any liquor, except cider, and any person who sells any liquor so 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, and by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of fine and costs, by imprisonment for not less than 60 days, nor more than 6 months, additional.

124 Me. 46; \*128 Me. 293, 415; 130 Me. 387; 132 Me. 512.

### Wholesalers' Licenses

Sec. 18. Licenses for wholesalers of malt liquor. 1933, c. 268, § 8; c. 300, § 1. 1935, c. 159. 1937, c. 235, § 2. 1943, c. 302, § 2. Licenses for the sale

Such wholesalers' licenses may be transferable as to premises in the town originally specified or to premises in another town.

Sec. 19. Interstate purchase or transportation of malt liquor by wholesalers. 1933, c. 268, § 20; c. 300, § 1. 1937, c. 236, § 1. No Maine wholesale licensee shall purchase or cause to be transported into this state any malt liquor from any person to whom a certificate of approval has not been granted by the commission.

No Maine wholesale licensee shall sell any malt liquor to another Maine wholesale licensee, which has not been purchased from a brewery or foreign wholesaler holding a certificate of approval.

Sec. 20. Excise taxes; deficiency account. 1937, c. 236, § 2. 1943, c. 284; c. 302, § 8. There shall be levied and imposed an excise tax on all malt liquor manufactured in this state of 5 1/3c per gallon to be paid by the manufacturer in addition to the fee provided by law. A wholesale licensee who imports malt liquor shall pay an excise tax on the following basis: case containing 24 12-ounce bottles, 36c; case containing 24 16-ounce bottles, 48c; case containing 12 24-ounce bottles, 36c; case containing 12 32-ounce bottles, 48c; \$4.96 for a barrel; \$2.48 for a half-barrel; and \$1.24 for a quarter-barrel. All money received by the commission under the provisions of this section shall be forthwith turned over to the treasurer of state. From such money so turned over to the treasurer of state there shall be credited the sum of \$100,000 annually to the account entitled "1937 deficiency account" on the books of the state controller until the said "1937 deficiency account" shall be entirely canceled. All other money so turned over to the treasurer of state shall remain in the general fund of the state.

The commission is authorized to give such proper credits and to make such proper tax adjustments as they may from time to time deem the wholesale licensee to be entitled to upon the filing of affidavits in such form as they may prescribe.

All taxes, excise and deficiency, on malt beverages imposed by the state shall not apply to malt beverages sold by wholesalers holding licenses from the commission to any instrumentality of the United States.

#### Provisions Applicable to all Licensees to Sell Liquor

Sec. 21. License on calendar year basis. 1937, c. 237, § 16. All licenses for the sale of liquor shall be issued on the calendar year basis.

Sec. 22. Hearings on applications for liquor licenses. 1937, c. 237, § 25. 1941, c. 93. The municipal officers, or in case of unincorporated places, the county commissioners of the county wherein such unincorporated place is located, shall hold public hearing for the consideration of all applications for liquor licenses requiring their approval, after giving public notice at the applicant's expense, which shall be prepaid, by causing a notice, stating the name and business address of the applicant and the time and place of hearing, to be printed for at least 6 consecutive days prior to the date of hearing in a daily newspaper published in the city or town in which the premises proposed to be licensed are situated; or, if no daily newspaper is so published, the notice shall be printed for the same period in a daily newspaper published in the county in which the premises are situated; or, if no daily newspaper is published in such town or county, then the notice shall be printed for 2 consecutive weeks prior to the date of hearing in a weekly newspaper published in the county.

#### Licenses for Retail Sale of Malt Liquor

Sec. 23. Retail licenses. 1933, c. 268, § 9; c. 300, § 1. Licenses for the sale and distribution of malt liquor at retail under such regulations as the commission may prescribe may be issued by the commission upon an application in such form as they may prescribe and upon payment of a fee as hereinafter provided. No person licensed to sell at retail shall sell malt liquor for consumption on the premises where sold except as hereinafter provided.

See 1943, c. 315, re licenses for sale of malt liquor to members of armed services.

Sec. 24. Applications for license. 1933, c. 268, § 15. 1937, c. 235, § 1. 1939, c. 107. All applicants for license shall be required to file applications in such form as the commission shall require, and every application shall disclose the complete and entire ownership in the establishment for which a license is sought. All questions required to be answered in applications for licenses shall be sworn to, and intentionally untruthful answers shall constitute the crime of perjury. All applications must be signed and sworn to by a natural person who has full knowledge of the facts involved.

Every applicant for an original license, or for a renewal of license, shall remit to the commission a filing fee of \$10.

Sec. 25. Retail license fees. 1933, c. 268, § 13. 1935, c. 79, § 3. 1937, c. 234. 1939, c. 118. The fee for licenses for each hotel and restaurant shall be \$200 per year, and the fee for licenses for clubs shall be \$100 per year. For other retailers not authorized to sell for consumption on the premises, \$100 per year for each place to which licenses apply.

See § 29, re part-time licenses; § 30, re fees for public service corporations.

Sec. 26. License fees; when due and payable; renewals. 1933, c. 268, § 14.

Licenses shall be issued for the license year and the fee prescribed therefor shall accompany the application.

Licenses may be renewed upon application therefor and the payment of the annual fee, and the commission shall make rules and regulations regarding applications for renewal of licenses and the time when such applications shall be made.

See §§ 21, 24.

**Sec. 27. Persons to whom licenses shall not be granted.** 1933, c. 268, § 15. 1937, c. 235, § 1. 1939, c. 107. No license shall be issued to any natural person unless such person is at least 21 years of age, and is a citizen of the United States, and of this state; provided, however, that a part-time or 6 months' license, as authorized by law, may be issued to any natural person who is at least 21 years of age and is a citizen of the United States. No license shall be issued to a partnership or to an association unless all persons having an interest therein are at least 21 years of age, and are citizens of the United States and of this state; provided, however, that a part-time or 6 months' license, as authorized by law, may be issued to a partnership or an association if all persons having an interest therein are at least 21 years of age and are citizens of the United States. No license shall be issued to any corporation unless it shall be incorporated under the laws of this state, or authorized to transact business in this state. No person, having had his or its license for the manufacture or sale at wholesale or retail of malt liquor revoked for cause, shall be granted a license until the expiration of 5 years from the date of such revocation. No such license shall be issued to any person who, within 5 years next prior to his application therefor, has been convicted of violating any of the laws of this state or of the United States with respect to the manufacture, transportation, possession, or sale of intoxicating liquor.

**Sec. 28. Licenses to hotels, restaurants, and clubs.** 1933, c. 268, § 10; c. 300, § 1. 1937, c. 201. 1939, c. 228. 1941, c. 220. No license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises except a bona fide hotel, restaurant, or club, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, or club is located, and if such hotel, restaurant, or club is located in an unorganized place, the application shall be approved by the county commissioners of the county within which such unorganized place is located. Any applicant aggrieved by the refusal of the municipal officers or county commissioners to approve an application as herein provided may appeal to the commission, who shall hold a public hearing thereon in the city or town for which such license is requested and if it finds the refusal to have been arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval. Except as otherwise provided by law relating to part-time licenses, no license shall be issued to a restaurant unless it has been in operation as such for a period of at least 3 months next prior to the application therefor. No licensee under the provisions of this section shall maintain a bar where malt liquor is consumed. Licensed clubs shall not sell malt liquor for consumption on the premises except to its members and their guests accompanying them. Licenses issued under the provisions of this section shall specify the premises to which the license shall apply, and no such license shall be granted to premises within 300 feet of a public or private school, school dormitory, church, chapel, or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel, or parish house by the ordinary

course of travel, or to premises adjoining any such, except such premises as are used for hotel purposes or as are holding licenses for the sale of vinous and spirituous liquors, provided, however, that the commission may grant licenses to premises which are within 300 feet of a church, chapel, or parish house measured as aforesaid and which do not adjoin any of the same, when the application therefor has the unanimous approval of the members of the commission and also the written approval of a majority of the officers or the written approval of the officer, person, or pastor in charge of such church, chapel, or parish house.

**Sec. 29. Part-time malt liquor license for hotels, clubs, and restaurants.** 1937, c. 237, § 17. 1939, c. 197. The commission may also grant to any person upon written application in such form as they may from time to time prescribe a 6 months' license which will permit the person to whom the license is granted to sell malt liquor for consumption on the licensed premises during the months of May, June, July, August, September, and October. The fee therefor shall be \$125 for each hotel and restaurant, and \$50 for each club. The person licensed shall not sell malt liquor or conduct any other business on the licensed premises during the months of November, December, January, February, March, and April.

See § 24.

**Sec. 30. Public service corporations; malt liquor.** 1937, c. 237, § 11. Licenses for the sale of malt liquor by railroad companies, pullman companies, or steamboat companies, in their cars or boats, under such regulations as the commission may prescribe, may be issued by the commission upon a written application in such form as they may prescribe, and upon payment of the fee of \$100 per year, covering all steamboats and cars supplying food operated by any one owner.

**Sec. 31. Display of licenses.** 1933, c. 268, § 12. All licensees shall publicly display their licenses on the premises to which they apply.

**Sec. 32. Advertising alcoholic strength of malt liquor, prohibited.** 1937, c. 235, § 8. No licensee shall issue, publish, post, or cause to be issued, published, or posted any advertisement of a malt liquor including a label which shall refer in any manner to the alcoholic strength of the malt liquor manufactured, sold, or distributed by such licensee or use in any advertisement or label such words as "full strength," "extra strength," "high test," "high proof," "pre-war strength," or similar words or phrases which would indicate or suggest alcoholic content, or use in any advertisement or label any numerals unless adequately explained in type of the same size, prominence, and color. It shall likewise be unlawful for any licensee to purchase, transport, sell, or distribute any malt liquor advertised or labeled contrary to the provisions of this section.

**Sec. 33. Advertising or sale of malt liquor by trade name, regulated.** 1937, c. 235, § 5. No licensee shall advertise or hold out for sale any malt liquor by trade name or other designation which would indicate the manufacturer or place of manufacture of such malt liquor unless he actually has on hand and for sale a sufficient quantity of the particular malt liquor so advertised to meet requirements to be normally expected as the result of such advertisement or announcement.

No licensee shall furnish or serve any malt liquor from any faucet, spigot, or other dispensing apparatus, unless the trade name or brand of the malt liquor served shall appear in full sight of the customer in legible lettering upon such faucet, spigot, or dispensing apparatus, and the name of such malt liquor in

letters 3 inches high shall be plainly posted upon the counter or wall in plain sight of the customer.

**Sec. 34. Unlawful to peddle; penalty.** 1937, c. 168. It shall be unlawful for any wholesale or retail licensee of malt liquor, either directly or indirectly, by any agent or employee, to go from town to town, or from place to place in the same town selling or bartering or carrying for sale or exposing for sale any malt liquor from any vehicle. All sales of such malt liquor where transportation and delivery are required shall be made only upon orders actually received at the principal place of business or warehouse or distributing center, if licensed, of the seller prior to shipment thereof. An invoice stating the names of the purchaser and the seller, and the kind and quantity of malt liquor ordered by the sale, together with the date of the sale, shall be carried by the driver or any other employee of the seller.

Whoever violates the provisions hereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

**Sec. 35. Transfer of licenses.** 1937, c. 237, § 13. 1943, c. 302, § 5. The commission, upon application in writing, may transfer the spirituous and vinous liquor license of any hotel or club, or the vinous liquor license of any restaurant, or the malt liquor license of any hotel, club, restaurant, or retail licensee from one place to another within the same municipality, as the commission may determine but only with the approval of the municipal officers thereof; but no transfer shall be made to premises for which the license could not have been originally lawfully issued.

In the case of death or bankruptcy of the holder of any license, the license may be transferred by the executor or administrator of the estate of the deceased licensee, or by the trustee in bankruptcy of the bankrupt licensee, or by the receiver of a licensee in receivership; such transfer may be made, subject to the discretion of the commission and only with the approval of the municipal officers, to a person other than the licensee, and from the licensed premises to such other premises within the same municipality as the commission may determine.

No license privilege shall be transferred or assigned, and in case of sale or transfer of the business in connection with which the licensed activities are conducted, the license holder shall immediately submit to the commission a statement, under oath, showing the name and address of the purchaser and any other person directly or indirectly interested in the enterprise.

**Sec. 36. Hours of sale of malt liquor.** 1933, c. 268, § 17. 1937, c. 237, § 18. 1943, c. 302, § 4. No malt liquors shall be sold in this state on Sundays or on the day of holding a general election or state-wide primary and no licensee by himself, clerk, servant, or agent shall between the hours of midnight and 6 A. M. sell or deliver any malt liquors, except no malt liquors shall be sold or delivered on Saturdays after 11:45 P. M. No malt liquor licensee shall permit the consumption of, on his premises, except by bona fide guests in their rooms, malt liquors on Sundays or after 15 minutes past the hours prohibited for sale thereof.

**Sec. 37. Prohibiting music, dancing, or entertainment in licensed premises; exception.** 1937, c. 235, § 3. No licensee shall permit on the licensed premises, or premises contiguous or adjacent thereto, under his control, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the commission a special amuse-



ment permit for which he shall pay to the commission a filing fee of \$10. Such permit shall be valid only for the license year of the existing license for the sale of malt liquor. The commission shall not issue such a permit unless the applicant shall have first obtained the approval of the municipal officers of the municipality in which the licensed premises are situated.

#### Licenses for Sale of Liquor to be Consumed on the Premises

**Sec. 38. Licenses for sale of liquor to be consumed on the premises, authorized.** 1933, c. 301, § 1. The commission may from time to time in cities and towns where state stores are in operation or where such stores have been authorized, either under the terms of the act creating the commission or at any biennial state election, grant licenses for the sale of liquor to be consumed on the premises where sold, in accordance with the provisions of this chapter.

**Sec. 39. Regulatory powers.** 1933, c. 301, § 2. The commission shall have all the regulatory powers in connection with licenses for the sale of liquor that they possess in connection with the sale of malt liquor.

**Sec. 40. Licenses for consumption sale.** 1933, c. 301, § 3. 1939, c. 119. 1943, c. 302, § 6. Licenses for the sale of liquor to be consumed on the premises where sold may be issued in the discretion of the commission to clubs and to bona fide hotels, restaurants, steamboats, and railroad dining cars on payment of the fees herein provided; subject, however, to the condition that the application therefor be approved by the municipal officers of the town in which such intended licensee, if operating a club, restaurant, or hotel, is operating the same, and subject to the further condition that licenses issued to restaurants shall be limited to malt liquor and wine. Subject to the provisions of law and the rules and regulations of the commission, hotel licensees may sell liquor in the original packages to registered room guests.

Any applicant aggrieved by the refusal to approve an application as hereinbefore provided may appeal to the commission, who shall hold a public hearing thereon in the town for which such license is requested and if it finds the refusal arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.

See § 22, re public hearings by municipal officers or county commissioners; § 46, re bond; § 54, re records of licenses; § 55, re credit sales; § 56, re indebtedness of licenses, credit, etc.; § 57, re inducement sales.

**Sec. 41. Liquor to be bought from commission.** 1933, c. 301, § 5. 1935, c. 179, § 4. 1941, c. 257. All persons licensed under the provisions of the preceding section shall purchase all liquor sold within the state under license from the commission at wholesale prices to be established by the commission so as to make reasonable allowance for the difference in expense to the state between selling at wholesale and selling in the state stores at retail, but in no event shall the cost of liquor to such purchaser at wholesale be less than 90% of the cost of liquor in state stores to purchasers at retail. The word "cost" as used in this section includes all taxes contained in or added to prices. The provisions of this section shall not apply to liquor sold in railroad dining cars moving in interstate commerce.

See § 12.

**Sec. 42. Application for hotel or club spirituous and vinous liquor licenses.** 1937, c. 237, § 1. Every applicant for a hotel or club spirituous and vinous liquor license shall file a written application with the commission, in such form

as it shall, from time to time, prescribe, which shall be accompanied by the bond hereinafter specified. Every such application shall contain a description of that part of the hotel or club premises for which the applicant desires a license, and shall set forth such other material information, description, or plan of that part of the hotel or club premises where it is proposed to keep and sell liquor, as may be required by the rules and regulations of the commission. The application shall be signed by the owner, if a natural person, who shall be at least 21 years of age, or in the case of a partnership by the partners thereof, or in the case of a corporation, by an executive officer thereof or any person thereto specifically authorized by the corporation. The application shall be accompanied, if the applicant is not the owner, by an attested copy of the lease, if a tenant for years.

**Sec. 43. Hotel, club, and other special license fees.** 1933, c. 301, § 4. 1935, c. 79, § 2; c. 179, § 6. The fee for a hotel license shall be \$600 per year, in cities and towns having a population of 10,000 or more, and \$300 per year in cities and towns having less than 10,000. The fee for each club or restaurant shall be \$200 per year. The fee for a steamboat or railroad or pullman corporation shall be \$200 per year, covering all boats and cars supplying food and 1 license shall be sufficient to cover all steamboats and cars operated by any 1 owner; provided, however, that such licenses may be issued for the duration of a period of 6 months during the summer season and beginning not earlier than May 1st of any year, by the commission, to summer hotels and clubs at  $\frac{1}{2}$  the above fee.

**Sec. 44. Certain clubs ineligible.** 1937, c. 237, § 6. Clubs operated unlawfully or for another's profit shall not be licensed. A club spirituous and vinous liquor license shall not be granted to any group of persons, incorporated, which is organized or operated for the following objects and purposes:

I. For gambling or other illegitimate purposes.

II. For the sale of spirituous and vinous liquors, the profits from which accrue to an individual or corporation other than the applicant.

**Sec. 45. Application for restaurant to sell vinous liquor.** 1937, c. 237, § 2. Every applicant for a restaurant vinous liquor license shall file a written application with the commission in such form as it shall, from time to time, prescribe. Such application shall contain a description of the premises the applicant desires to license and shall set forth such other material information and description of the premises as may be required by the rules and regulations of the commission. The application shall be signed by the owner, if a natural person, who shall be at least 21 years of age, or in the case of a partnership by the partners thereof, or in the case of a corporation by an executive officer thereof or any person thereto specifically authorized by the corporation. The application shall be accompanied, if the applicant is not the owner, by an attested copy of the lease, if a tenant for years.

**Sec. 46. Bond for hotels, clubs, and restaurants.** 1937, c. 237, § 4. No license shall be granted to a hotel, club, or restaurant until the applicant therefor has filed with the commission a bond to the state of Maine in the penal sum of \$1,000 as liquidated damages in case of default as hereinafter mentioned. Such bond shall have as surety a duly authorized surety company or 2 individuals to be approved by the commission. All such bonds shall be conditioned for the faithful observance of all the laws relating to spirituous and vinous liquor. Such bonds shall be filed with and retained by the commission. Upon the revocation of the license of any licensee in this section mentioned, the attorney-

general shall bring an action of debt in any county in the state, upon the bond given by such licensee, to recover the penal sum thereof as liquidated damages.

**Sec. 47. Application for spirituous and vinous liquor license by public service corporations.** 1937, c. 237, § 3. Every applicant for a public service spirituous and vinous liquor license, to wit, railroad dining-cars or steamboats, shall file a written application with the commission in such form as it shall, from time to time, prescribe, which shall be accompanied by the bond hereinafter specified. The application shall be executed by an executive officer of the corporation or any person thereto specifically authorized by the corporation.

**Sec. 48. Bond of public service corporation licensees.** 1937, c. 237, § 5. A public service spirituous and vinous liquor license shall not be issued to any railroad or steamship company until the applicant therefor has filed with the commission a surety bond similar in form and amount to that required to be filed by a hotel or club licensee, except that in the case of a railroad company or steamship company, a bond shall cover every dining-car or steamboat of such company.

**Sec. 49. Licenses for railroad and steamboat corporations; restrictions.** 1937, c. 237, § 10. A public service spirituous and vinous liquor license granted to any railroad corporation operating dining-cars within the state shall authorize the holder thereof to sell spirituous and vinous liquors in such cars only after leaving and before reaching the terminal stops, to be consumed in such cars. Such licenses shall be good throughout the state.

Such license granted to any steamboat corporation operating boats within the state shall authorize the holder thereof to sell spirituous and vinous liquors in such boats on which food is served only after leaving and before reaching ports within the state.

**Sec. 50. Club fees.** 1937, c. 237, § 7. Any club maintaining a public dining-room and catering either privately or for functions to a group not members of the club, also any club with dining-rooms letting rooms to non-members, must pay the same fee as required by a hotel located in the same municipality.

**Sec. 51. Club registers.** 1937, c. 237, § 8. Every club shall keep and maintain a register which shall disclose the name, identity, and address of each member of the club and shall be open for inspection at all reasonable times to any inspector or other authorized agent of the commission.

**Sec. 52. Containers.** 1937, c. 237, § 9. No club shall be permitted to sell spirituous or vinous liquors in the original container.

**Sec. 53. Sale on certain days and hours prohibited.** 1937, c. 237, § 14. 1943, c. 302, § 3. No spirituous or vinous liquor shall be sold in this state on Sundays or on the day of holding a general election or state-wide primary and no licensee by himself, clerk, servant, or agent shall between the hours of midnight and 6 A. M. sell or deliver any spirituous or vinous liquors, except no spirituous or vinous liquors shall be sold or delivered on Saturdays after 11:45 P. M. No spirituous or vinous liquor licensee shall permit the consumption of, on his premises, except by bona fide guests in their rooms, spirituous or vinous liquors on Sundays or after 15 minutes past the hours prohibited for sale thereof.

See c. 12, § 45, re national guard on duty.

**Sec. 54. Licensee to keep record.** 1937, c. 235, § 6. Every licensee shall keep for a period of at least 2 years complete records separate and apart from

records relating to any other transactions engaged in by the licensee showing all transactions of the licensee in liquor and particularly showing the date of all purchases, the actual prices paid therefor, and the fact that the licensee received cash for all liquor sold by him at the time of or prior to delivery of such liquor, also the name and address of every person from whom such liquor was purchased, and in the case of wholesalers, the name and address of every purchaser of malt liquor. All such records shall be open to the commission or its representatives at any time and the commission or its representatives shall have the right to make copies thereof.

No licensee shall refuse the commission or its representatives the right at any time completely to inspect the entire licensed premises or to audit the books and records of the licensee.

**Sec. 55. Credit sales prohibited, exception; sales to certain persons prohibited.** 1937, c. 235, § 4. 1941, c. 250. 1943, c. 314, § 1. No licensee by himself, clerk, servant, or agent shall sell or offer to sell any liquor except for cash, excepting credits extended by a hotel or club to bona fide registered guests or members. No right of action shall exist to collect claims for credits extended contrary to the provisions of this section. Nothing herein contained shall prohibit a licensee from giving credit to a purchaser for the actual price charged for packages or original containers to be returned by the original purchaser as a credit on any sale, or from refunding to a purchaser the amount actually paid by such purchaser for packages or original containers.

No licensee by himself, clerk, servant, or agent shall sell, offer to sell, or furnish any liquor to any person on a pass book or store order, or receive from any person any goods, wares, merchandise, or other articles in exchange for liquor, except only such packages or original containers as were originally purchased from such licensee by the person returning the same. No licensee, by himself, clerk, servant, or agent entitled to sell malt liquor not to be consumed on the premises shall sell, furnish, give, or deliver such malt liquor to any person visibly intoxicated, to any insane person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits, or to any minor under the age of 18 years. No licensee by himself, clerk, servant, or agent shall sell, furnish, give, serve, or permit to be served any liquor to be consumed on the premises to any person visibly intoxicated, to any insane person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits, or to any minor under the age of 21 years.

**Sec. 56. Licensee not to be indebted, obligated, or involved.** 1937, c. 235, § 8. No person shall be issued a license or a renewal of a license if he shall be indebted in any manner directly or indirectly to any other person for liquor. It shall be unlawful for any licensee or any applicant for license directly or indirectly to receive any money, credit, thing of value, indorsement of commercial paper, guarantee of credit, or financial assistance of any sort from any person, association, or corporation within or without the state if such person, association, or corporation shall be engaged directly or indirectly in the manufacture, distribution, sale, storage, or transportation of liquor; or if such person, association, or corporation shall be engaged in the manufacture, distribution, sale, or transportation of any commodity, equipment, material, or advertisement used in connection with the manufacture, distribution, sale, storage, or transportation of liquor. No license shall be issued for any premises in which any interest whatsoever is owned or controlled, directly or indirectly, by any person, association, or corporation within or without the state engaged or interested directly or in-

directly in the manufacture, distribution, sale, or transportation of liquor. This section shall not prohibit a wholesaler from receiving normal credits for the purchase of malt liquor from the manufacturer thereof within or without the state.

**Sec. 57. Premiums and rebates prohibited.** 1937, c. 235, § 5. No licensee shall directly or indirectly offer or give any liquor, or any price premium, gift, or inducement of any sort to other trade or consumer buyers, except such advertising novelties of nominal value as the commission may approve.

No licensee shall offer to pay, make, or allow, and no licensee shall solicit or receive any allowance, rebate, refund, or concession, whether in the form of money or otherwise, in connection with the purchase of liquor dealt in by such licensee.

**Sec. 58. Advertising signs prohibited; exception.** 1939, c. 269. No person, except a wholesaler or manufacturer, shall advertise or permit to be advertised on the outside of any licensed premises, or on any building, ground, or premises, under his control, contiguous or adjacent to the licensed premises, by more than 1 outside sign, the fact that the licensee has for sale any liquor, or any brand of such liquor, or the price at which liquor is sold by the licensee, or display on the outside of any licensed premises any other advertisement which would indicate any reference whatsoever to liquor.

No licensee shall display from the inside of any licensed premises where it may be seen from the outside any electrically lighted sign advertising the fact that the licensee has for sale any liquor unless the total area of such sign does not exceed 750 square inches and no licensee shall display more than 1 such sign from within any 1 window.

**Sec. 59. Advertising of liquor regulated.** 1937, c. 237, § 21. No advertising of liquor within the state shall be permitted except in such form as may be specifically authorized by the commission, provided that radio, billboards, signs, newspapers, magazines, and periodicals may carry advertising subject to the regulations of the commission.

See c. 120, § 29, re fraudulent advertising.

### Revocation of Licenses

**Sec. 60. Revocation of licenses.** 1937, c. 237, § 15. 1941, c. 216. 1943, c. 302, § 7. The commission may revoke or suspend for a definite period licenses in accordance with the following provisions after notice and hearing as herein provided:

I. Notice of hearings to be held by the commission shall be served on the licensee and shall state the place, day, and hour thereof, and warn the licensee that he may then and there appear in person or by counsel at a hearing on the revocation of his license for the cause or causes in the notice alleged; service of such notice shall be sufficient, if sent by registered mail to the address given by the licensee at the time of his application for a license, 5 days at least before the day set for the hearing.

II. Licenses may be revoked or suspended at the discretion of the commission for the following causes:

- A. Violation of any law relating to alcoholic beverages or substantial infraction of any rule or regulation issued by the commission;
- B. Knowingly making a false material statement of fact in the application for the license;

C. Knowingly making inaccurate and misleading statements as to brands or labels; giving of rebates to a customer for the purpose of influencing a sale;

D. (1943, c. 302, § 7) Making sales to persons under age as prohibited by law.

III. It shall be the duty of the commission to revoke licenses for the following causes:

A. Conviction of violation of any law of this state or of the United States relating to the manufacture, possession, transportation, or sale of intoxicating liquor;

B. Conviction of violation of any law of the United States relating to carrying on the business of a wholesale or retail dealer without a federal tax stamp;

C. Conviction of the violation of the provisions of section 32 of the United States liquor taxing act of 1934 relating to having in possession distilled spirits in unstamped containers;

D. Transferring, assigning, or hypothecating a license;

E. Making sales after the permitted hours of sale;

F. Making sales on Sunday;

G. The making of sales by hotels, clubs, and restaurants for off the premises consumption;

H. Making sales of spirituous or vinous liquor on the day of the holding of a general election or state-wide primary.

#### Sale of Malt and Malt Syrup

Sec. 61. Sale of malt and malt syrup regulated; penalty. 1939, c. 230. Malt or malt syrup shall not be sold except for bakery or industrial purposes by any person.

Any person selling malt or malt syrup except for bakery or industrial purposes shall be punished by a fine of not more than \$500 or by imprisonment for less than 1 year.

#### Illegal Possession

Sec. 62. Deposit, possession, etc., with intent of sale; penalty. R. S. c. 137, § 16. 1933, c. 296, § 9. No person shall deposit or have in his possession any liquor 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 any of the provisions of 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 fine and costs, by imprisonment for 6 months additional.

117 Me. 235, \*335; 118 Me. 202, 314; 121 Me. 362, 519, 522; \*122 Me. 44; 125 Me. 301; 126 Me. 330, 363; 130 Me. 163.

#### Illegal Importation, Transportation, and Delivery

Sec. 63. Importation of liquors, regulated; penalty. 1937, c. 223, § 1. 1943, c. 302, § 10. No person, other than the state liquor commission, shall import spirituous or vinous liquor into this state. Any person importing, or causing to

be shipped into the state, or transporting spirituous or vinous liquor into the state, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment; provided, however, it shall be lawful for an individual to transport into this state and to transport from place to place within the state such spirituous or vinous liquor for his personal use in a quantity not to exceed 3 quarts; provided further, that the commission, in its discretion and by its written authorization, may permit and authorize the importation of spirituous or vinous liquors into this state and the transportation of the same from place to place within this state to the following:

I. (1943, c. 302, § 10) To industrial establishments for use as an ingredient in the manufacture of food products, or for use as an ingredient in the manufacture of commodities which by reason of their nature cannot be used for beverage purposes, or for use in the manufacture of commodities unfit for beverage purposes;

II. (1943, c. 302, § 10) To duly licensed distillers and manufacturers of spirituous or vinous liquors in this state for use as an ingredient in distilling or manufacturing spirituous or vinous liquors;

III. (1943, c. 302, § 10) Said commission, in its discretion and by its written authorization, may permit and authorize the importation of wine into this state and the transportation of the same from place to place within this state to churches or to the respective pastor of any church for sacramental purposes or like religious rites.

The commission shall have the right and power to prescribe such conditions as it deems necessary or advisable as conditions precedent to granting permission and authority to import spirituous and vinous liquors into this state and to transport the same within this state under the provisions of subsections I, II, and III, and to make rules and regulations for clarifying and carrying out said provisions and preventing violations of the laws relating to liquor.

**Sec. 64. Transportation of intoxicating liquor and malt liquor, regulated; prima facie evidence of; penalty.** R. S. c. 137, § 3. 1933, c. 226, § 1; c. 296, § 2. 1937, c. 224; c. 236, § 2.

I. (1933, c. 226, § 1; c. 296, § 2) (1937, c. 224) No person shall knowingly transport from place to place in this state any intoxicating liquor 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, and no person shall transport any spirituous or vinous liquor in this state in a greater quantity than 3 quarts, unless such liquor was purchased from a state store or the state liquor commission. Provided, however, that the commission in its discretion may grant to an individual, upon his application, a permit to transport liquor purchased for his own personal use. It shall be lawful for common carriers and contract carriers duly authorized as such by the public utilities commission to transport liquor to state stores, to state warehouses, to licensees of the state liquor commission, to purchasers of liquor at state stores, and from manufacturers to state warehouses, state stores, and to the state line for transportation outside the state; for licensees of the commission to transport liquor from state stores to their places of business; and for manufacturers to transport within the state to state warehouses and state stores and to the state line for transportation outside the state. Whoever knowingly violates any of the provisions of this subsection shall be punished by a fine of not less than \$100, nor more than \$1,000, and costs, and by imprisonment for not less than 2 months, nor more than 6 months, and in

default of payment of fine and costs, by imprisonment for not less than 2 months, nor more than 6 months, additional.

**II. (1937, c. 236, § 2)** It shall be prima facie evidence of illegal transportation of malt liquor into this state if any shipment be not accompanied by an invoice with the wholesale licensee's name and purchase order number thereon. Whoever is convicted of illegal transportation of malt liquors into this state shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

122 Me. 287; 124 Me. 226; 125 Me. 319, 432; 128 Me. 441; 129 Me. 364; 131 Me. 31; 132 Me. 512.

**Sec. 65. Delivery of liquor regulated; penalty.** 1937, c. 223, § 3. No person shall knowingly transport to, or cause to be delivered to any person, other than the state liquor commission, unless upon written permission of the commission, any spirituous or vinous liquor, except liquors purchased from a state store or the state liquor commission. Any officer of any transportation company, express company, carrier for hire, or other person who knowingly transports or delivers liquor contrary to the provisions hereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

### Illegal Sales

**Sec. 66. Penalty for illegal sale of liquor.** R. S. c. 137, §§ 6, 7. 1933, c. 226, § 2; c. 296, §§ 4, 5; c. 301. No person shall at any time in violation of any provision of this chapter by himself, his clerk, servant, or agent, either directly or indirectly, sell any liquor of whatever origin.

Whoever by himself, his clerk, servant, or agent sells any liquor 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 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 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.

See c. 124, § 2, re sale of unwholesome drinks; 118 Me. 198; 121 Me. 83, 137, \*339, \*438, \*522; \*122 Me. 162; 126 Me. 153, 351; 128 Me. 293; 130 Me. 371; 132 Me. 8, 512.

**Sec. 67. Employment or permitting assistance of children in illegal keeping or sale of liquors forbidden; penalty.** R. S. c. 129, § 35. Whoever by himself, his clerk, servant, or agent, directly or indirectly, employs or permits any child under the age of 16 years to aid or assist him in the illegal keeping or the illegal sale of liquors, shall be punished, in addition to the penalties otherwise provided against the illegal keeping for sale or illegal sale of intoxicating liquors, by a fine of not less than \$100, or by imprisonment for not less than 60 days.

See § 62.

**Sec. 68. Common sellers; penalty.** R. S. c. 137, § 12. No person shall be a common seller of liquor. Whoever violates the provisions of 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 fine and costs, by imprisonment for 6 months additional.

See § 85; 121 Me. 137; 124 Me. 267, 333.

**Sec. 69. Furnishing liquor to persons in confinement; penalty.** R. S. c. 137, § 15. Whoever gives or delivers any liquor to a person confined in any jail, house of correction, or other place of confinement, or to a person in custody of any officer qualified to serve criminal process, or has in his possession, within the precincts of any jail, house of correction, or other place of confinement, any such liquor, with intent to convey or deliver the same to any person confined therein, unless under the direction of the physician appointed to attend such prisoner, or of the officer in charge of such place of confinement, shall be punished by a fine of not more than \$20, or by imprisonment for not more than 30 days.

See c. 136, § 1, re sentences.

**Sec. 70. Sale of liquor within 2 miles of national home; penalty.** 1937, c. 199. Whoever sells or gives away any liquor at any place within 2 miles outside of the boundary line of the lands occupied by any home, retreat, or asylum for disabled volunteer soldiers, or soldiers and sailors, which has been or may hereafter be established by the government of the United States, upon conviction shall pay a fine of not less than \$25, nor more than \$100, and in addition thereto shall be imprisoned for a term of 30 days; and on conviction of the owner or keeper thereof the place wherein such intoxicating liquor shall have been sold or given away shall be, by order of the court wherein such conviction is made, within 10 days thereafter, closed and abated as a nuisance. It is made the duty of the prosecuting attorney of the county in which any such institution is or may be located to prosecute all offenders against the provisions of this section.

See c. 12, § 79, re sale of liquor within military camp limits.

### Enforcement

**Sec. 71. Judges of municipal courts and trial justices to have original and concurrent jurisdiction with superior court except when otherwise provided.** R. S. c. 137, § 20. 1931, c. 39. 1933, c. 118, § 1. In prosecutions under the provisions of this chapter, except when otherwise expressly provided, trial justices within their county shall have by complaint, jurisdiction, concurrent with municipal courts and the superior court. In appeals from any judgment or sentence before such court or magistrate, the penal sum in every recognizance shall be not less than \$500. No recognizance, before such court or magistrate, shall be in a sum less than \$500. In no case shall the penal sum of the recognizance be reduced after being fixed by the court.

\*122 Me. 44; \*128 Me. 293; 129 Me. 28.

**Sec. 72. Previous convictions to be alleged; indictments not to be dismissed, but by order of court; penalty for failure to prosecute.** R. S. c. 137, § 21. 1933, c. 118, § 1. Every judge, recorder, and clerk of a municipal court and every trial justice and county attorney, having knowledge of a previous conviction of any person accused of violating any of the provisions of this chapter, in preparing complaints, warrants, or indictments, shall allege such previous conviction therein; and after such indictment is entered in court, no county attorney shall dismiss or fail to prosecute it except by special order of court. If any judge, recorder, or clerk of a municipal court, or any trial justice or county attorney

neglects or refuses to allege such previous conviction, or if any county attorney fails so to prosecute, he forfeits \$100 in each case, to be recovered in an action of debt, to be brought by the attorney-general in behalf of the state.

131 Me. 31.

**Sec. 73. Continuance for sentence regulated.** 1933, c. 296, § 10. 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 move for sentence at the same term, unless for reasons satisfactory to the court the case is continued for sentence for 1 term, but no longer.

**Sec. 74. Appeal; affirmation of judgment; penalty not remitted nor surety discharged by surrender of principal after default, unless sentenced.** R. S. c. 137, § 22. In appeals, the proceedings shall be the same in the appellate court as they would be in the court below, and shall be conducted therein by the attorney for the state. The jury shall find specially under the direction of the court on all facts necessary to determine the adjudication thereof; and if a claimant or other respondent fails to appear for trial in the appellate court, the judgment of the court below, if against him, shall be affirmed. No portion of the penalty of any recognizance taken under the provisions of this chapter shall be remitted by any court in any suit thereon, nor shall a surety in any such recognizance be discharged from his liability therein by a surrender of his principal in court after he has been defaulted upon his recognizance unless the principal has been actually sentenced upon the indictment or complaint on which the recognizance was taken. The appeals of claimants provided for in section 87 shall be entered as all other appeals in criminal cases, and be subject to the requirements of law appertaining to them.

See c. 134, § 24, re remitting penalty of recognizance does not apply to provisions of this chapter; c. 134, § 26, re suit on recognizance may be dismissed; 33 Me. 573; 37 Me. 161; 48 Me. 581; 49 Me. 286; \*60 Me. 105; 61 Me. 117; 93 Me. 43; 115 Me. 513; 124 Me. 58; 128 Me. 441.

**Sec. 75. Bail after commitment for illegal manufacture or sale.** R. S. c. 145, § 18. In any prosecution for violation of the statutes relating to manufacture or sale of intoxicating liquor a respondent therein who has failed to comply with the term of any recognizance entered into by him in such case shall not again be admitted to bail in such case or upon arrest on any capias issued therein, except by a justice of the court in which such prosecution is pending.

85 Me. 544; \*95 Me. 453.

**Sec. 76. Action not maintainable upon promise to pay for liquor.** R. S. c. 137, § 23. No action shall be maintained upon any claim or demand, promissory note, or other security contracted or given for liquor sold in violation of any of the provisions of this chapter, or for any such liquor purchased out of the state with intent to sell the same or any part thereof in violation thereof; but this section shall not extend to negotiable paper in the hands of a holder for a valuable consideration and without notice of the illegality of the contract.

44 Me. 54; 46 Me. 527; 47 Me. 60, 126, 473; 48 Me. 188, 552; 50 Me. 79; 51 Me. 255; 55 Me. 356; \*431, 541; 57 Me. 180, 359; 59 Me. 443; 63 Me. 31; 66 Me. 141; \*70 Me. 257; 72 Me. 270; \*87 Me. 518; \*89 Me. 140; 92 Me. 388, 421; 93 Me. 299; 94 Me. 444; 95 Me. 536; 96 Me. 457; 100 Me. \*246, 544; 102 Me. 219; 108 Me. 340; 110 Me. 182.

**Sec. 77. Evidence of sale; duty of officials to prosecute; previous convictions alleged; amendment of process.** R. S. c. 137, § 24. Whenever an unlawful sale is 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 by his copartner, done in the copartnership busi-

ness, 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 municipal officers of cities, or selectmen of towns, or assessors of plantations may cause a suit to be commenced on any bond or recognizance given under the provisions of this chapter in which the 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 shall promptly enforce the provisions of this chapter; and the wilful or corrupt neglect or refusal of any of such officials to enforce the said provisions shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months. If a municipal officer, after being furnished with a written notice of a violation of the provisions of this chapter, signed by 2 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 punished by a fine of not less than \$20, nor more than \$50, 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 2 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 action instituted under the provisions of this chapter, is placed in the hands of any proper officer to be by him executed and he unreasonably neglects or refuses to do so, 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 \$50, nor more than \$500. In suits, complaints, indictments, or other proceedings for a violation of any provision of this chapter, other than for a 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 a 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.

**Sec. 78. Persons engaged in liquor traffic not to sit on jury.** R. S. c. 137, § 25. No person engaged in the unlawful traffic in liquor is competent to sit as a juror in any case arising under the provisions of this chapter; and when information is communicated to the court that a member of any panel is engaged in such traffic, or that he is believed to be so engaged, the court shall inquire of the jurymen of whom such belief is entertained; and no answer which he makes shall be used against him in any case arising under the provisions of this chapter; but if he answers falsely, he shall be incapable of serving on any jury; but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a jurymen.

See c. 103, § 5, re others exempted from serving as jurors.

**Sec. 79. Special duty of sheriffs, deputies, and county attorneys; penalty for refusal or neglect.** R. S. c. 137, § 28. Sheriffs and their deputies and county

attorneys shall diligently and faithfully inquire into all violations of law within their respective counties and institute proceedings in case of violations or supposed violations of law, and particularly the law against the illegal sale of liquor, gambling houses or places, and houses of ill fame; sheriffs and their deputies shall promptly enter complaints before a magistrate and execute the warrants issued thereon, or shall furnish the county attorney promptly and without delay with the names of alleged offenders and of the witnesses. Any sheriff, deputy sheriff, or county attorney, who shall wilfully or corruptly refuse or neglect to perform any of the duties required by this section, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months.

See § 6, re powers of inspectors of commission; c. 121, §§ 12-14, re houses of ill fame and prostitution; 67 Me. 375; 101 Me. 353; 111 Me. 34, \*429; 122 Me. 297; 137 Me. 233.

**Sec. 80. Attorney-general to take charge of investigations before grand jury under certain conditions.** R. S. c. 137, § 29. The attorney-general shall take charge of all investigations before the grand jury in case of refusal or neglect of any sheriff, deputy sheriff, or county attorney to perform any of the duties required by the preceding section, and, in case of the finding of an indictment, shall conduct all subsequent proceedings in court in behalf of the state as prosecuting attorney. In all such prosecutions the attorney-general shall act in place of the county attorney, and he is invested with all the rights, powers, and privileges of the county attorney for that purpose, the powers of the county attorney with respect to prosecutions under the provisions of this section being suspended.

**Sec. 81. Compensation of deputy sheriff.** R. S. c. 137, § 30. For services under the 2 preceding sections, a deputy sheriff acting under the direction of the sheriff shall receive the same per diem compensation as is now allowed for attendance on the superior court and the same fees for travel as for the service of warrants in criminal cases, together with such necessary incidental expenses as are just and proper; bills for which shall be audited by the county commissioners, and paid from the county treasury; but they shall not allow any per diem compensation to deputies for any day for which they are entitled to fees or compensation for attendance at or service in any court. The provisions of this section as to compensation of deputy sheriffs and the provisions of section 166, of chapter 79, shall not apply to the deputies of the sheriff of Cumberland county, acting under the provisions of this section.

See c. 79, § 189, re special deputies in Cumberland county; c. 79, § 165, re salaries of sheriffs; c. 79, § 166, re fees of sheriffs and their deputies; 91 Me. 16; 111 Me. 33.

**Sec. 82. Duty of county attorneys.** R. S. c. 137, § 31. County attorneys shall cause promptly to be summoned before the grand jury all witnesses whose names have been furnished them by any sheriff or his deputies, as provided in section 79, and shall faithfully direct inquiries before that body into violations of law, prosecute persons indicted, and insist upon the prompt sentence of convicts.

137 Me. 233.

### Search and Seizure

**Sec. 83. Seizure and forfeiture of vehicles containing liquor.** R. S. c. 137, § 42. 1933, c. 300, § 15. All automobiles, trucks, wagons, boats, or vessels, and vehicles of every kind, not common carriers, containing liquors intended for illegal sale shall be seized by any officers seizing the liquors transported there-

in, and shall be libeled as is provided for the libeling of liquors and the vessels in which they are contained, and shall be declared forfeited by the court and sold in the same manner as is provided for the sale of vessels containing liquors.

See §§ 86, 87, 89; 117 Me. 232; \*120 Me. 496; 122 Me. 280, 287; 123 Me. 176; \*125 Me. 319.

**Sec. 84. Claim of title of person other than person in possession of vehicle or boat to be substantiated by proof that use was without his knowledge or consent.** R. S. c. 137, § 43. Any right, title, or interest of any person other than the person or persons in possession or control of any such automobile, truck, wagon, boat, vessel, or vehicle shall also be forfeited unless its use for the transportation of liquors as aforesaid was without his knowledge or consent. Any claimant of any right, title, or interest in such automobile, truck, wagon, boat, vessel, or vehicle must allege and prove that its use for the transportation of liquors was without his knowledge or consent; and the court or magistrate may determine in the proceeding on such claim the right, title, or interest, if any, of such claimant.

**Sec. 85. Warrants for search and seizure; fluids poured out to prevent seizure may be held to have been intended for unlawful sale; notice of liquors for sale, prima facie evidence of common sellers.** R. S. c. 137, §§ 32, 33. 1933, c. 118, § 1; c. 296, § 11. If any person competent to be a witness in civil suits makes sworn complaint before any judge of a municipal court or trial justice that he believes that liquors are unlawfully kept or deposited in any place in the state by any person, and that the same are intended for sale 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 such liquors are there found, to seize them, with the vessels in which they are contained, and safely keep the same until final action thereon, and to make immediate return of the warrant. The name of the person so keeping such liquors, if known to the complainant, shall be stated in the complaint, and the officer shall be commanded by the warrant if he finds such liquors to arrest the person so named and hold him to answer as keeping such liquors intended for unlawful sale. In all cases where an officer may seize liquors or the vessels containing them, upon a warrant, he may seize them without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant. Any person who may be suspected of selling from, or keeping for illegal sale in his pockets, 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, he may be held to answer as though they 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 intended for unlawful sale, and the penalties shall be the same as if they 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 opinion that the liquors were so kept and intended for unlawful sale by the person named in the complaint or by any other person with his knowledge or consent, he shall be found guilty thereof and 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 6 months additional. Notice of any kind in any place or resort, indicating that liquors are there unlawfully kept, sold, or given away shall be held to be prima facie evidence that the person or persons displaying such notice are common sellers of liquors, and that the premises so kept by them are common nuisances.

See § 92; c. 136, § 1, re split sentences; 33 Me. 530, 561, 569; 38 Me. 288; 42 Me. 305; 46 Me. 526; 47 Me. 360, 392, 429; 48 Me. 581; 49 Me. 286; 53 Me. 173; 54 Me. 36; 56 Me. 92; 59 Me. 384; 62 Me. 262, 422; 63 Me. 217; 64 Me. 431, 537; 66 Me. 130; 67 Me. 250, 425; 68 Me. 410, 411, 421; 70 Me. 201; 71 Me. 454; 78 Me. 38, 403; 79 Me. 54, 99, 104; 80 Me. 57, 93; 85 Me. 307, 463; 86 Me. 427, 529; 90 Me. 451; 95 Me. 198; 96 Me. 172; 97 Me. 275; 98 Me. 460; 99 Me. 251; 101 Me. 164; 102 Me. 291; 103 Me. 65, 390, 469; 104 Me. 392; 105 Me. 162; 107 Me. 94; 109 Me. 253; 110 Me. 262; 111 Me. 17, 503; \*115 Me. 513; 118 Me. 202; 122 Me. 44, 285; 123 Me. 176, 220; 124 Me. 35.

**Sec. 86. Duty of officer on seizure; proceedings.** R. S. c. 137, § 34. When liquors and vessels are seized as provided in the preceding section, the officer who made such seizure shall immediately file with the court or magistrate before whom the warrant is returnable, a libel against such liquors and vessels, setting forth their seizure by him, describing the liquors and their place of seizure, and that they were deposited, kept, and intended for sale in violation of law, and shall pray for a decree of forfeiture thereof, and such court or magistrate shall thereupon fix a time for the hearing on such libel, and shall issue his monition and notice thereof to all persons interested, citing them to appear at the time and place appointed and show cause why such liquors and the vessels in which they are contained should not be declared forfeited, by causing a true and attested copy of the libel and monition to be posted in 2 public and conspicuous places in the town or place where such liquors were seized 10 days at least before the day to which the libel is returnable.

33 Me. 561, 573; 47 Me. 400; 48 Me. 188, 581; 53 Me. 172; 54 Me. 37; 61 Me. 523; 62 Me. 265; 80 Me. \*93, 207; 122 Me. 285; 123 Me. 176.

**Sec. 87. Forfeiture in case no claimant appears; proceedings when claimant appears.** R. S. c. 137, § 35. If no claimant appears, such court or magistrate shall, on proof of notice as aforesaid, declare the same forfeited to the county in which they were seized. If any person appears and claims such liquors or any part thereof, as having a right to the possession thereof at the time when they were seized, he shall file with the court or magistrate his claim in writing, stating specifically the right so claimed and the foundation thereof, the items claimed, the time and place of the seizure, and the name of the officer by whom they were seized, and in it he shall declare that they were not kept or deposited for unlawful sale as alleged in the libel and monition, and shall also state his business and place of residence, and shall sign and make oath thereto before such court or magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the court or magistrate shall proceed to determine the truth of the allegations in the libel and claim, and may hear any pertinent evidence offered by the libellant or claimant. If the court or magistrate is, upon the hearing, satisfied that such liquors were not kept or deposited for unlawful sale, and that the claimant is entitled to the custody of the whole or any part thereof, he shall give him an order in writing, directed to the officer having them in custody, commanding him to deliver to the claimant the liquors to which he is so found to be entitled within 48 hours after demand. If the court or magistrate finds the claimant entitled to no part of such liquors, he shall render judgment against him for the libellant for costs, to be taxed as in civil cases before such court or magistrate, shall issue execution thereon, and shall declare such

liquors forfeited to the county where seized. The claimant may appeal and shall recognize with sureties as on appeals in civil cases.

See § 89; 48 Me. 583; 61 Me. 523; 62 Me. 422; 69 Me. 525; 73 Me. 279; 83 Me. 161; \*101 Me. 164; \*110 Me. 181; 112 Me. 141; 113 Me. 494; \*119 Me. 13; 123 Me. 176.

**Sec. 88. Warrant to search dwelling-house, when to be issued.** R. S. c. 137, § 36. No warrant shall be issued to search a dwelling-house occupied as such, unless it or some part of it is used as an inn or shop or for purposes of traffic, or unless the magistrate before whom the complaint is made is satisfied by evidence presented to him, and so alleges in the warrant, that liquors are kept in such house or its appurtenances intended for sale in violation of law.

62 Me. 422; 79 Me. 82; \*85 Me. 471; \*86 Me. 529; 101 Me. 49; 106 Me. 399; 109 Me. 253; 113 Me. 13, \*31.

**Sec. 89. Disposal of forfeited liquors.** R. S. c. 137, § 37. 1933, c. 296, § 12. All liquors, declared forfeited by any court or magistrate under the provisions of this chapter, which shall have been found to contain more than 20% of alcohol shall, by order of the court or magistrate rendering final judgment thereon, be turned over to the sheriff of the county where the seizure was made by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to such court or magistrate; and the sheriff shall receipt to the officer therefor; the sheriff shall mingle such liquors together and as soon as he has accumulated a quantity equal to 5 barrels, he shall ship it to some responsible rectifying distiller, outside the state, and have the alcohol redistilled therefrom, as hereinafter provided. Sheriffs shall annually contract with some responsible rectifying distiller, outside the state, to take such liquors and distill the alcohol therefrom, and to account for and pay over to the treasurer of the county from which such liquors are received, in cash, at an agreed price for each gallon of 100 degrees strength, determined by the United States internal revenue inspector at the place of rectification. Before delivering any liquors under such contract, the sheriff shall take a bond, with sureties residing in this state, and to be approved by the treasurer of the county, from the contracting distiller to the treasurer of the county, in the penal sum of \$1,000, conditioned that all such liquors received under such contract shall be rectified and the alcohol distilled therefrom, and that the contractor will account for and pay over to the treasurer of the county from which such liquors are received, in cash, the amount due under his contract. In all suits upon bonds given under the provisions of this section the damages shall be the full penal sum of the bond. All other liquors, and whenever by reason of the operation of any federal law or regulation it is impractical otherwise to comply with the provisions of this section, all liquors, except cider, declared forfeited by any court or magistrate under the provisions of this chapter shall, by order of the court or magistrate rendering final judgment thereon, be destroyed by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to such court or magistrate. Such liquors shall be destroyed by pouring them upon the ground or into some public sewer. A record of vessels forfeited shall be kept by each officer and returned to the county commissioners once in each 3 months, and once in 6 months, or oftener, if they deem it advisable the commissioners shall order such officers to sell the vessels at public or private sale, and pay the proceeds thereof into the county treasury.

122 Me. 282.

**Sec. 90. Warrant, when to issue against claimant.** R. S. c. 137, § 38. If complaint is made upon oath to any court or magistrate against any claimant

under the provisions of this chapter, alleging that the liquors claimed by him were, prior to and at the time when they were seized, kept, or deposited by him or by some person by his authority, and were intended for unlawful sale in this state either by him or by such person, the court or magistrate shall issue his warrant against such claimant so charged, who shall be arrested thereon and be brought before the court or magistrate, and if convicted, he shall be punished as is provided in section 85.

See c. 136, § 1, as to split sentences; c. 133, § 1 et seq., re uniform criminal jurisdiction of municipal courts.

**Sec. 91. Destruction of liquors to prevent seizure; proceedings; arrest of owner; appliances and evidences to be seized.** R. S. c. 137, § 39. If an officer, having a warrant issued under the provisions of this chapter directing him to seize any liquors and to arrest the owner or keeper thereof, is prevented from seizing the liquors by their being poured out or otherwise destroyed, he shall arrest the alleged owner or keeper named in the warrant and bring him before the court or magistrate, and make return upon the warrant that he was prevented from seizing such liquors by their being poured out or otherwise destroyed, as the case may be, and in his return he shall state the quantity so poured out or destroyed, as nearly as may be, and the court or magistrate shall put the owner or keeper so arrested upon trial; and if it is proved that such liquors as were described in the warrant were so poured out or destroyed, and that they were so kept or deposited and intended for unlawful sale, and that the person so arrested was owner or keeper thereof, he shall be punished in the same manner as if the liquors described in the warrant and in the return had been seized on the warrant and brought before the court or magistrate by the officer. All dumps or appliances for concealing, disguising, or destroying liquors so that the same cannot be seized or identified, found in the possession or under the control of any person or persons, shall be taken by the officer making the search or seizure, so far as may be practicable, together with all bottles and drinking-glasses or vessels found in the possession or under the control of any such person or persons, and they, together with all evidences of such dumps or appliances for concealing, disguising, or destroying liquors shall be presented to the next grand jury sitting in the county where the search and seizure is made for their consideration, and they shall thereafter be subject to the order of the court or magistrate issuing the warrant for such search and seizure.

47 Me. 360; 65 Me. 102; \*103 Me. 391.

**Sec. 92. Death of officer making seizure.** R. S. c. 137, § 40. If any deputy sheriff, after having executed a warrant by a seizure, dies or goes out of office before final execution in the proceedings is done, the liquors shall be held in the custody of the sheriff or of another deputy. If any other officer dies or goes out of office under like circumstances, the court or magistrate before whom the proceedings were commenced shall designate in writing some officer lawfully authorized to execute such a warrant, who shall hold such liquors in his custody until final judgment and order of the court thereon.

**Sec. 93. Liquors and vessels seized not repleviable pending proceedings.** R. S. c. 137, § 41. Liquors seized, as hereinbefore provided, and the vessels containing them shall not be taken from the custody of the officer by a writ of replevin or other process while the proceedings hereinbefore provided are pending; and final judgment in such proceedings shall be in all cases a bar to any suit for the recovery of any liquors seized or of their value, or for damages alleged to have been sustained by reason of the seizure and detention thereof.

62 Me. 535; 91 Me. 479.



Sec. 94. Limitation of power of certain police officers in stopping motor vehicles. 1935, c. 133. No sheriff, deputy sheriff, constable, municipal or state police officer shall between 1 hour after sunset and the following sunrise, for the purpose of enforcing the laws against the illegal sale, transportation, or possession of intoxicating liquor, stop any motor vehicle lawfully using any of the highways in the state, unless said officer be in uniform or unless said officer has reasonable grounds to believe and does believe that said motor vehicle is being operated or occupied by a person violating some provision of said law or unless said officer be acting under a warrant in his hands for service.

### Intoxication

Sec. 95. Intoxication and disturbance; penalty. R. S. c. 137, § 18. Whoever is found intoxicated in any street, highway, or other public place shall be punished for the first offense by a fine of not more than \$10, or by imprisonment for not more than 30 days, and upon any subsequent conviction, by imprisonment for not more than 90 days, except that in any county where a county farm for the reformation of inebriates has been established, any male person who has been previously convicted of intoxication may be sentenced to such farm for a period of not less than 90 days, nor more than 11 months. Whoever is found intoxicated in his own house or in any other building or place, disturbing the peace of his own or any other family or the public peace, shall be punished for the first and any subsequent conviction as provided in the preceding clause of this section. Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, constable, marshal, police officer, or watchman and committed to the watch-house or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried.

See c. 42, § 64, re penalty for intoxication on part of engineer, conductor, brakeman, motorman, or switchman on railroad; c. 33, § 43-A, re intoxication while hunting; 47 Me. 464; \*78 Me. 421.

Sec. 96. Responsibility for injuries by drunken persons. R. S. c. 137, § 19. 1939, c. 26. Every wife, child, parent, guardian, husband, or other person, who is injured in person, property, means of support, or otherwise by any intoxicated person or by reason of the intoxication of any person, shall have a right of action in his own name against any one who, by selling or giving any intoxicating liquors, or otherwise, in violation of law, has caused or contributed to the intoxication of such person; and in such action the plaintiff may recover both actual and exemplary damages. The owner, lessee, or person renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein contrary to law, is liable, severally or jointly, with the person selling or giving intoxicating liquors as aforesaid. In actions by a wife, husband, parent, or child, general reputation of such relationship is prima facie evidence thereof, and the amount recovered by a wife or child shall be her or his sole and separate property.

\*66 Me. 472; 67 Me. 519; \*69 Me. 81, 84; 76 Me. 213; \*95 Me. 559; 96 Me. 88; \*99 Me. 366.

### Forms

Sec. 97. Forms; costs. R. S. c. 137, § 44. 1933, c. 296, § 13. The forms herein set forth, with such changes as adapt them for use in cities, towns, and plantations, are sufficient in law for all cases arising under the foregoing provisions to which they purport to be adapted; and the costs to be taxed and allowed

for a libel shall be 50c; for entering the same, 30c; for trying the same, \$1; for a monition, 50c; for posting notices and return, \$1; for order to restore or deliver, 25c; for executing the order, 50c.

59 Me. 384; 65 Me. 247, \*273; 67 Me. 129; \*69 Me. 576; \*80 Me. 94; \*86 Me. 527; 103 Me. 470; 113 Me. 16; \*115 Me. 200; 123 Me. 222, 394; 129 Me. 28.

### Form of Complaint for Single Sale

#### STATE OF MAINE

"—, ss.—To —, esquire, a trial justice within and for the county of —.

A. B., of —, in said county, on the — day of —, in the year of our Lord one thousand nine hundred —, in behalf of said state, on oath — complains, that —, of —, in said county, on the — day of —, 19—, at said —, in said county of —, did then and there sell a quantity of intoxicating liquors, to wit: one — of intoxicating liquor to one —," (or if the individual is unknown, "to some person to said complainant unknown,") "against the peace of said state, and contrary to the form of the statute in such case made and provided.

A. B.

On the — day of —, 19—, said — makes oath, that the above complaint, by — subscribed, is true.

Before me,

— Trial Justice."

\*65 Me. 247.

### Form of Warrant Upon Complaint for Single Sale

#### STATE OF MAINE

"—, ss.—To the sheriff of our said county of —, or either of his deputies, or either of the constables of the town of —, or of either of the towns in said county.

Greeting.

[L. S.] Whereas, A. B., of —, on the — day of —, in the year of our Lord one thousand nine hundred —, in behalf of said state, on oath — complained to me, the subscriber, one of the trial justices within and for said county of —, that —, of —, in said county, on the — day of —, 19—, at said —, in said county of —, did sell a quantity of intoxicating liquors, to wit: one — of intoxicating liquor to one —, against the peace of said state and contrary to the form of the statute in such case made and provided.

Therefore, in the name of the state of Maine, you are commanded forthwith to apprehend said —, if he may be found in your precinct, and bring him before me, the subscriber, or some other trial justice within and for said county, to answer to said state upon the complaint aforesaid.

Witness, my hand and seal at — aforesaid, this — day of —, in the year of our Lord nineteen hundred —.

— Trial Justice."

### Form of Recognizance in Case of a Single Sale

"Be it remembered, that at a justice court held by me, the subscriber, one of the trial justices within and for the county of —, at my office in —, in said county, on the — day of —, in the year of our Lord one thousand nine hundred —, personally appeared —, — and —, and severally

acknowledged themselves to be indebted to the state of Maine, in the respective sums following, to wit:

The said ———, as principal, in the sum of ——— dollars, and the said ——— and ———, as sureties, in the sum of ——— dollars each, to be levied of their respective goods, chattels, lands or tenements, and in want thereof of their bodies, to the use of the state, if default is made in the condition following:

The condition of this recognizance is such, that whereas said ——— has been brought before said court, by virtue of a warrant duly issued upon the complaint on oath ——— of ———, charging him, said ———, with having sold at said ———, one ——— of intoxicating liquor to one ———, against the peace of said state, and contrary to the form of the statute in such case made and provided. And said ———, having pleaded not guilty to said complaint, but having been by said court found guilty of the same, and been sentenced to ———; and said ——— having appealed from said sentence to the superior court, next to be held at ———, within and for the said county of ———, on the ——— Tuesday of ———, in the year of our Lord nineteen hundred ———.

Now therefore, if said ——— shall appear at the court aforesaid, and prosecute his said appeal with effect, and abide the order and judgment of said court, and not depart without license, then this recognizance shall be void; otherwise shall remain in full force and virtue.

Witness,

———, Trial Justice."

#### Form of Mittimus

#### STATE OF MAINE

"County of ———, ss.—To the sheriff of the county of ———, or either of his deputies, or either of the constables of the town of ———, and to the keeper of the jail in ———, in our said county, Greeting.

[L. S.] Whereas, E. F., of ———, in our county of ———, now stands convicted before me, A. B., esquire, one of the trial justices in and for the said county of ———, on complaint of ———, who, on his oath ——— complains that" ——— (here insert the substance of the complaint) "against the peace of the state, and contrary to the form of the statute in such case made and provided, for which offense, he, the said E. F., is sentenced to pay a fine to the state, of ——— dollars, and costs of prosecution, taxed at ——— dollars and ——— cents, (and to stand committed until the sentence is performed, all which sentence said E. F., now before me, the said justice, fails and refuses to comply with and perform.)

These are therefor, in the name of the state of Maine, to command you, the said sheriff, deputies and constables and each of you, forthwith to convey said E. F. to the common jail in ———, in the county aforesaid, and to deliver him to the keeper thereof, together with this precept. And you the keeper of the said jail in ——— aforesaid, are hereby in like manner commanded, in the name of the state of Maine, to receive said E. F. into your custody, in said jail, and him there safely to keep until he shall comply with said sentence, or be otherwise discharged by due course of law.

Given under my hand and seal, this ——— day of ———, A. D. ———.

A. B., Trial Justice."

#### Form of Complaint in Case of Seizure

#### STATE OF MAINE

"———, ss.—To A. B., esquire, one of the trial justices within and for the county of ———.

A. B., of —, in said county, competent to be a witness in civil suits, on the — day of —, in the year nineteen hundred —, in behalf of said state, on oath complains, that he believes, that on the — day of —, 19—, at said —, intoxicating liquors were, and still are kept and deposited by —, of —, in said county, in —” (here describe with precision the place to be searched,) “and that said liquors then and there were, and now are intended by said — for sale in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

I therefore pray, that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said — be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

A. B.

—, ss.—On the — day of —, 19—, said A. B. made oath that the above complaint by him signed is true.

Before me,

— — Trial Justice.”

47 Me. 431; 63 Me. 214; 64 Me. 532; 95 Me. 199.

### Form of Warrant in Case of Seizure

#### STATE OF MAINE

“—, ss.—To the sheriff of our said county of —, or either of his deputies, or either of the constables of the town of —, or of either of the towns within said county.

[L. S.] Whereas A. B., of —, in said county, competent to be a witness in civil suits, on the — day of —, in the year nineteen hundred —, in behalf of said state, on oath complained to the subscriber, one of the trial justices within and for said county, that he believes, that on the — day of —, 19—, at said —, intoxicating liquors were and still are deposited and kept by —, of —, in said county, in —” (here follows a precise description of the place to be searched,) “and that said — then and there intended and now intends that the same shall be sold, in violation of law as fully appears by the complaint hereunto annexed, and prayed that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and, if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said — be apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him:—

You are therefore required in the name of the state, to enter the — before named, and therein to search for said liquors, and, if there found, to seize and safely keep the same, with the vessels in which they are contained, until final action and decision is had on the same; and to apprehend said — forthwith, if he may be found in your precinct, and bring him before me, the subscriber, or some other trial justice within and for said county, to answer to said complaint, and to do and receive such sentence as may be awarded against him.

Witness, — —, esquire, at — aforesaid, this — day of —, in the year of our Lord nineteen hundred —.

— —, Trial Justice.”

66 Me. 478; \*103 Me. 470; 113 Me. 16.

## Form of Recognizance in Case of Seizure

"Be it remembered, that at a justice court held by me, the subscriber, one of the trial justices within and for the county of —, at my office in said —, on the — day of —, in the year of our Lord nineteen hundred —, personally appeared A. B., C. D. and E. F. and severally acknowledged themselves to be indebted to the state of Maine, in the respective sums following, to wit:

The said —, as principal, in the sum of — dollars, and the said — and —, as sureties, in the sum of — dollars each, to be levied of their respective goods, chattels, lands or tenements, and in want thereof, of their bodies, to the use of the state, if default is made in the condition following:

The condition of this recognizance is such, that whereas said — has been brought before said court, by virtue of a warrant duly issued upon the complaint on oath, of G. H., of —, a competent witness in civil suits, charging him, said —, with having at —, in the said county of —, on the — day of —, 19—, kept and deposited certain intoxicating liquors in —" (here describe the place where the same are deposited) "with intent that the same should be sold in violation of law; and a search warrant having been issued upon said complaint, and said liquors above described, having been seized thereon, and said — arrested thereon; and said — having pleaded not guilty to said complaint, but having been by said court found guilty of the same, and been sentenced to —. And said —, having appealed from said sentence to the superior court, next to be held at —, within and for said county of —, on the — Tuesday of —, in the year of our Lord nineteen hundred —:

Now therefore, if said — shall appear at the court aforesaid, and prosecute his said appeal with effect, and abide the order and judgment of said court, and not depart without license; then this recognizance shall be void; otherwise shall remain in full force and virtue.

—, Trial Justice."

## Form of Libel

## STATE OF MAINE

"County of —, ss.—To A. B., a trial justice, in and for said county:

The libel of C. D., of —, shows that he has, by virtue of a warrant duly issued on the — day of —, A. D. 19—, by —, esquire, a trial justice in and for said county, seized certain intoxicating liquors and the vessels in which the same were contained, described as follows: —" (here follows a description of the liquors,) "because the same were kept and deposited at —" (describing the place) "in the said county of —, and were intended for sale, in violation of law. Wherefore he prays for a decree of forfeiture of said liquors and vessels, according to the provisions of law in such case made and provided.

Dated at —, in said county, this — day of —, in the year of our Lord nineteen hundred —.

(Signed.)

—."

## Form of Monition and Notice

## STATE OF MAINE

"County of —, ss.

[L. S.] To all persons interested in—" (here insert the description of the liquors, as in the libel).

"The libel of C. D., hereunto annexed, this day filed with me, A. B., esquire, a trial justice, in and for said county, shows that he has seized said liquors and vessels because" (insert as in the libel), "and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before me, the said justice, at —, in said county, on the — day of —, 19—, and then and there show cause why said liquors and the vessels in which they are contained should not be declared forfeited.

Given under my hand and seal at —, on the — day of —, in the year of our Lord nineteen hundred —.

— —, Trial Justice."

### Form of Complaint in Case of Seizure of Automobile

#### STATE OF MAINE

"—, ss.—To the Judge—Recorder—of our Municipal Court for the City of —, in the County of —:

A. B., of —, in the said county, competent to be a witness in civil suits, on the — day of —, A. D., 19—, in behalf of said state, on oath complains, that he believes that on the — day of — in said year, at said —, in said county, a certain automobile, hereinafter described, was knowingly used for the illegal transportation of intoxicating liquors and intoxicating liquors were kept and deposited by persons unknown — of — in said automobile, situated on — street, in said —, in said county, near number — on said street in said —, and occupied by said persons unknown — said persons unknown — not being then and there authorized by law to transport liquors within said state, and that the said liquors were then and there knowingly being transported within said state, in violation of law, against the peace of said state, and contrary to the form of the statute in such case made and provided; and that the said liquors were then and there intended by said persons unknown — for sale in violation of law, against the peace of said state and contrary to the form of the statute in such case made and provided.

And the said — — on oath further complains that he, the said — — at said — on the — day of —, A. D., 19—, being then and there an officer, to wit, a deputy sheriff, within and for said county, duly qualified and authorized by law to seize automobiles used for the illegal transportation of intoxicating liquors and intoxicating liquors kept and deposited for unlawful sale and the vessels containing them, by virtue of a warrant therefor issued in conformity with the provisions of the law, did find upon the above described premises, one —, bearing engine number —, and the 19— license number plates numbered —, which said automobile then and there contained —, which said automobile was not then and there a common carrier, and which said automobile was not then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said — — and which said automobile was then and there knowingly used by the said — — for the illegal transportation of intoxicating liquors from place to place in said — with intent that the said intoxicating liquors should be sold in violation of law; and which intoxicating liquors as aforesaid, and the vessels containing the same, were then and there kept, deposited and intended for unlawful sale as aforesaid, and said automobile was then and there being used for the illegal transportation of said liquors as aforesaid, within said state by the said persons unknown, and did then and there by virtue of this authority

as a deputy sheriff as aforesaid, seize the above described automobile, intoxicating liquors and the vessels containing the same, to be kept in some safe place for a reasonable time, and hath since kept and does still keep said automobile, liquors and vessels to procure a warrant to seize the same.

He therefore prays, that due process be issued to seize said automobile, liquors and vessels, and them safely keep until final action and decision be had thereon, and that said persons unknown — be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against them.

On the — day of —, the said — — makes oath that the above complaint by him signed is true.

Before me, — —, Said Judge—Recorder.”

#### Form of Warrant in Case of Seizure of Automobile

##### STATE OF MAINE

“—, ss.—To the sheriff of our county of —, or either of his deputies, or either of the constables or police officers of the City of —, or of either of the towns within said county:

[L. S.]

In the name of said state you are commanded to seize the automobile, liquors and vessels containing the same, named in the foregoing complaint of the said — and now in his custody as set forth in said complaint, which is expressly referred to as a part of this warrant, and safely keep the same, until final action and decision be had thereon, and to apprehend the said persons unknown — forthwith, if they — may be found in your precinct, and them — bring before said court, holden at the municipal court room in said —, to answer to said complaint, and to do and receive such sentence as may be awarded against them.

Witness, — —, — — esquire, our said Judge—Recorder—at —, aforesaid, this — day of —, A. D., 19—.”

#### Form of Libel for Automobile

##### STATE OF MAINE

“—, ss.—To the Judge—Recorder of our municipal court for the City of —, in the county of —:

The libel of — — shows that he has by virtue of a warrant duly issued by the Judge—Recorder—of the municipal court for the city of —, seized on the — day of —, A. D., 19—, a certain automobile, intoxicating liquors and the vessels in which the same were contained, described as follows:

One — bearing engine number — and the 19— license number plates numbered —, which said automobile then and there contained —, which said automobile was not then and there a common carrier, and which said automobile was not then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said — —, and which said automobile was then and there knowingly used by the said — — for the illegal transportation of intoxicating liquors from place to place in said —, and because the same were then and there kept, and deposited on the — day of —, A. D., 19—, on — street, in said —, in said county, near number — on said street, in said —, and because said automobile was being knowingly used for the illegal transportation of said

liquors, within the state in violation of law. Wherefore he prays for a decree of forfeiture of said automobile, liquors and vessels, according to the provisions of law in such case made and provided.

Dated at —, in said county, the — day of —, A. D., 19—.

(Signed.) — —, Deputy Sheriff."

### Form of Monition and Notice Case of Automobile

#### STATE OF MAINE

"—, ss.

[L. S.] To all persons interested in the automobile, liquors and vessels described in the foregoing libel:

The libel of — — hereunto annexed, this day filed with the Judge—Recorder—of our municipal court for the City of —, in the County of —, shows that he has seized said automobile, liquors and vessels because the same were used, kept and deposited as set forth in said libel, and said automobile was then and there knowingly used for the illegal transportation of intoxicating liquors, and prays for a decree of forfeiture of the same, according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before said court, at the municipal court room, in said —, on the — day of —, A. D., 19—, at — o'clock, A. M. and then and there show cause why said automobile, liquors and vessels in which they are contained should not be declared forfeited.

Witness, — —, — —, Esquire, our said Judge—Recorder—at — aforesaid, this — day of —, A. D., 19—."

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## CHAPTER 58.

### SUPERINTENDENT OF PUBLIC BUILDINGS.

Sec. 1. Superintendent of public buildings; appointment and compensation. 1943, c. 176, § 1. The governor, with the advice and consent of the council, shall appoint a superintendent of public buildings for a term of 3 years, or at the pleasure of the governor and council. He shall serve until a successor has been appointed and qualified. He shall be a full-time employee of the state and his compensation shall be fixed by the governor and council.

Sec. 2. Definition of general supervision. 1943, c. 176, § 2. General supervision shall mean supervision of all maintenance, repairs, and construction made on state owned or leased property as hereinafter provided.

Sec. 3. Superintendent of public buildings, qualifications required. 1943, c. 176, § 3. The qualifications for the superintendent of public buildings shall be an ability to interpret engineering plans, estimates, specifications, and reports, together with knowledge of building supplies and materials; and experience in active building construction.

Sec. 4. Duties of superintendent of public buildings. 1937, c. 221. 1943, c. 176, § 4. The superintendent of public buildings shall have general supervision of the state house and the public grounds, buildings, and property connected