

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding \$500 to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured. (1955, c. 98)

Effect of amendment.—The 1955 amendment substituted “\$500” for “\$250” in paragraph F of subsection III. Only the paragraph changed by the amendment is set out.

Whole Family Protection.

Sec. 202. Fraternal beneficiary societies may insure children under 18 years of age; benefits.—Any fraternal beneficiary society authorized to do business in this state and operating on the lodge plan may provide in its constitution and by-laws in addition to other benefits provided for therein, for the payment of death, endowment or annuity benefits upon the lives of children under 18 years of age. Any such society may at its option organize and operate branches for such children, and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total death benefits for each \$1,000 of insurance payable as above provided shall in no case exceed the following amounts based on age at last birthday prior to death: birth, \$100; 6 months, \$200; 1 year, \$400; 2 years, \$600; 3 years, \$800; 4 years, \$1,000; and thereafter the full amount of the policy shall be paid. Provided, however, that any such society having admitted assets as shown by its annual statement filed with the commissioner in excess of 105% of its entire liabilities, including its required reserves, provided that reserves for death benefits are at least equivalent to the amount required by the commissioner’s standard ordinary table of mortality with interest at 3½% per annum and computed according to the commissioner’s reserve valuation method, may pay the full amount of the policy at all ages without regard to the aforementioned limitations. (R. S. c. 56, § 176. 1949, c. 383. 1955, c. 253.)

Effect of amendment.—The 1955 amendment deleted the former last sentence, which authorized a double indemnity policy to be written for a child over 15 years of age, and added the present last sentence.

Chapter 61.

Laws Relating to Liquor.

Definitions.

Sec. 1. Definitions.

“Licensee” shall mean the person to whom a license of any kind is issued by the commission.

(1955, c. 355, § 1.)

“Malt liquors” shall mean all kinds and types of liquors as herein defined produced by the fermentation of malt wholly or partially or from any substitute therefor.

(1955, c. 355, § 2.)

“Tavern” shall mean a reputable place for men only operated by responsible persons where no food is sold other than prepared packaged bar snacks and no business is carried on except the sale of cigarettes and tobacco products and except the sale of malt liquor at a bar. There shall be no tables, chairs or other seating accommodations and all persons served shall remain standing at the bar.

(1955, c. 217.)

Effect of amendments.—The first 1955 amendment inserted after the word “sold” in line two of the paragraph defining “tavern” the words “other than prepared pack-

aged bar snacks." The second 1955 amendment rewrote the definition of "licensee" and inserted the definition of "malt liq-

uors" in its proper place in alphabetical order in this section. Only the paragraphs changed by the amendments are set out.

Local Option.

Sec. 2. Local option.—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 for the sale herein of wine and spirits to be consumed on the premises?

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

IV. 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 of taverns?

V. 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 in accordance with the petition any or all of the following additional questions:

VI. Shall licenses be granted in this city or town for sale herein of wines and spirits to be consumed on the premises of part-time hotels and clubs?

VII. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises of a club only?

VIII. 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 of a club only?

IX. Shall licenses be granted in this city or town for the sale herein of malt liquor to be consumed on the premises of part-time hotels only?

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 result shall be determined as provided in section 52 of chapter 5.

If a majority of the votes cast in any city or town in answer to any local option question is in the affirmative, the commission may issue licenses of the type authorized by such affirmative vote in such city or town for the 2 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in any city or town in answer to any local option question is in the negative, no licenses for sale of the type denied by such negative vote shall be issued in such city or town 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. (R. S. c. 57, § 2. 1947, c. 273, § 1; c. 322, §§ 1-A, 1-B, 1-C. 1949, c. 349, § 97. 1951, c. 356, §§ 16, 17. 1955, c. 355, § 3; c. 427.)

Effect of amendment.—The first 1955 amendment substituted the present fifth and sixth paragraphs for sixteen paragraphs relating to the results of the election. The second 1955 amendment added the question numbered IX at the end of the second paragraph.

Cited in State v. Ouellette, 150 Me. 44, 103 A. (2d) 785.

Commission; Powers and Duties.

Sec. 4. Eligibility of members and employees.—No person shall be eligible for appointment as a member of the commission or as an employee of the commission in any capacity including the business administrator, 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. (R. S. c. 57, § 4. 1953, c. 396, § 1. 1955, c. 294, § 1.)

Effect of amendment.—The 1955 amendment deleted the words “and the director of licensing and enforcement” after the word “administrator” in line three.

Sec. 7. Repealed by Public Laws 1955, c. 294, § 2.

Sec. 8. Powers and duties.

XIII. Repealed by Public Laws 1955, c. 294, § 3.

XIV. To act as a review board on the decisions of the administrator and on all appeals from the decisions of municipal officers, and except as provided by section 57 the decisions of the commission shall be final. All decisions of the commission acting as a review board must be approved by at least 2 members. (1953, c. 396, § 4. 1955, c. 294, § 4)

XIX. Any member of the commission and the administrator 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. Whoever, having been summoned as a witness by any member of the commission or the administrator to appear before the commission or the administrator, without reasonable cause fails to appear at the time and place designated in the subpoena or summons shall be punished, on complaint or indictment, by a fine of not more than \$100 or by imprisonment for less than 1 year. (1945, c. 61. 1953, c. 396, § 5. 1955, c. 294, § 5)

XXI. The expenses for the administration of the state liquor commission in carrying out the duties as set forth in this chapter shall be paid from such amounts as the legislature may allocate from the revenues derived from the operations of the commission. Such amounts shall become available in accordance with the provisions of chapter 16. [1955, c. 401, § 1] (R. S. c. 57, § 6. 1945, c. 61. 1947, c. 88. 1949, cc. 246, 313. 1951, c. 355. 1953, c. 253; c. 255, §§ 1, 2; c. 286; c. 396, §§ 3, 4, 5. 1955, c. 294, §§ 3-5; c. 401, § 1.)

Effect of amendments.—The first 1955 amendment repealing subsection XIII, relating to assignment of powers and duties to the director of licensing and enforcement.

ment, and deleted references to the director of licensing and enforcement in subsections XIV and XIX.

The second 1955 amendment, which became effective July 1, 1955, added subsection XXI. Section 2 of the second 1955 amendatory act allocated specified amounts for the operation of the liquor commission for the years 1955-56 and 1956-57 and section 3 provided: "It is the intent of the legislature that the allocation of funds by the legislature, as provided by this act, shall apply to the administrative

expenses only of the liquor commission and that such allocations shall be allotted and approved under provisions of Chapter 16 of the revised statutes of 1954. It is not intended to affect the use of the working capital, provided for by section 13 of chapter 61 of the revised statutes of 1954, or other activities required of the state liquor commission by chapter 61 of the revised statutes of 1954."

Only the subsections added or changed by the amendments are set out.

State Liquor Tax.

Sec. 14. Consumers' tax on spirituous and vinous liquor.—All spirits and wines shall 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, and in addition thereto there shall be levied and imposed an excise tax of 24¢ per gallon on wines containing 10% to 14% alcohol by volume, 75¢ per gallon on wines containing 15% to 21% alcohol by volume and \$5 per gallon on sparkling wines; except that spirits and wines sold at wholesale under the provisions of section. 43, and may be sold at wholesale prices established pursuant to the provisions thereof and provided further, that prices for sale of spirits and wines bought by the commission from Maine licensees to manufacture liquor under the provisions of section 15 shall be based on minimum truck load delivery prices f. o. b. warehouse as the same are filed with the public utilities commission, and provided further, that special orders by the commission for unstocked merchandise shall be priced at not less than 61% over actual cost delivered f. o. b. warehouse. In all cases the commission is authorized to round off costs to the next highest 5 cents. Any increased federal taxes levied on or after November 1, 1941 shall be added to the established price without markup. All net revenue derived from such tax shall be deposited to the credit of the general fund of the state. (R. S. c. 57, § 12, 1953, c. 255, § 3, 1955, c. 359, § 9.)

Effect of amendment.—The 1955 amendment, which became effective July 1, 1955, inserted the provisions for additional taxes

on wines in the first sentence. It also substituted "November" for "April" in the next to the last sentence.

Malt Liquor. Wholesalers. Excise Tax.

Sec. 21. Interstate purchase or transportation of malt liquor by wholesalers.

All purchase order forms are to be furnished by the commission and all orders are to be executed in quintuplet. First, the wholesaler ordering malt liquor shall mail 3 copies to the commission with a check for the amount of excise taxes required to cover the amount of the order. Thereafter, the wholesaler may mail the original copy of the order to the qualified brewery or wholesaler with whom he wishes to place his order. On receipt of the 3 copies and check for excise taxes, the commission shall promptly receipt 2 copies and return one copy to the wholesaler and send one to the brewery or foreign wholesaler designated to receive the order and no brewery or foreign wholesaler shall ship or release malt liquor for delivery in Maine until notified by the commission that the excise tax has been paid thereon in accordance with the provisions of this section and shall ship only to a licensed Maine wholesaler.

(1955, c. 188: c. 355, § 4)

Effect of amendments.—The first 1955 amendment added the words "and shall

ship only to a licensed Maine wholesaler" at the end of the second paragraph. The

second 1955 amendment rewrote the second paragraph. The second amendment did not mention the first, and did not include the words added by it. However, both amendments have been given effect

in the second paragraph as set out above. As the first, third and fourth paragraphs of the section were not changed by the amendments, they are not set out.

Sec. 22. Excise taxes; deficiency account; credits.—There shall be levied and imposed an excise tax on all malt liquor manufactured in this state of 5 $\frac{1}{3}$ ¢ 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 of 16¢ per gallon and at a like rate for any multiple or fraction thereof. All money received by the commission under the provisions of this section shall be forthwith turned over to the treasurer of state and shall be credited to the general fund of the state.

(1955, c. 443.)

Effect of amendment.—The 1955 amendment rewrote the second sentence of the first paragraph. As the rest of the section

was not changed by the amendment, only the first paragraph is set out.

Provisions for All Licensees.

Sec. 25. Repealed by Public Laws 1955, c. 355, § 14.

Sec. 27. Sale on certain days and hours.—No 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 liquors, except no liquors shall be sold or delivered on Saturdays after 11:45 P. M.; provided, however, that liquor may be sold on January 1st of any year from midnight to 2 A. M. unless January 1st falls on Sunday. No licensee shall permit the consumption of liquors on his premises on Sundays or after 15 minutes past the hours prohibited for sale thereof, except by bona fide guests in their rooms. No liquor shall be sold in this state on May 30 prior to 12 noon. The hours of selling or delivering above referred to shall be United States Eastern Standard Time. Any person, except an officer in performance of his duties, who purchases liquor on Sunday, in any retail store, shall be guilty of a misdemeanor and shall be subject to the same penalty provided in this section for Sunday sale of liquor.

Any licensee by himself, clerk, servant or agent who sells liquor on Sunday shall be punished by a fine of not less than \$100 nor more than \$500, and costs, and a penalty of not less than 2 months nor more than 6 months, in jail, at the discretion of the court; and in default of fine and costs an additional penalty by imprisonment for 6 months. Any clerk, servant, agent or other person in the employment of a licensee, who violates or in any manner aids or assists in violating the law relating to Sunday sale of liquor, shall suffer like penalties.

If any person convicted of any violation of the provisions of this section shall appeal from the judgment and sentence of the trial court, his license to sell liquor shall be suspended during the time his appeal is pending in the appellate court unless the trial court shall otherwise order and no new or renewal license to sell liquor shall be granted him during the time of such appeal. (1949, c. 349, § 102. 1951, c. 252. 1953, c. 261; c. 392, § 1. 1955, c. 71, § 1; c. 355, § 4-A; c. 403, § 2.)

Effect of amendments.—The first 1955 amendment added the last paragraph. The second 1955 amendment added the last sentence of the first paragraph. The third 1955 amendment, which became effective on its approval, May 20, 1955, deleted a former proviso relating to daylight saving time at the end of the first sentence, deleted the words "Eastern standard time"

at the end of the third sentence, and added the fourth sentence of the first paragraph. The third amendment set out the first paragraph without referring to or giving effect to the second amendment. All of the amendments have been given effect in the section as set out above.

The provision "that liquor may be sold on January 1st of any year from midnight

to 2 A. M." controls the hours of sale by a 1953 upon a 1952 license. State v. Ouellette, 150 Me. 44, 103 A. (2d) 785.

Sec. 28. Applications for license.—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 and if applicant is a purchaser by contract, in addition, the terms of the contract. 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 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, except a bona fide prospective purchaser may apply. No applicant whose application is denied by the commission shall be eligible to apply for a liquor license of the same type again for a period of 6 months from the date of such denial unless the commission denial is overruled by the court under appeal provided by section 57.

Every applicant for a license for sale of liquor to be consumed on the premises where sold shall include in his application a description of the premises for which he desires license and shall further set forth such other material information, description or plan of that part of the premises where it is proposed to keep or sell liquor as the commission may require. (1949, c. 264, § 1. 1951, c. 356, § 4. 1953, c. 366. 1955, c. 355, § 5.)

Effect of amendment.—The 1955 amendment repealed the former second paragraph, relating to the contents of hotel or club applications, and the former third paragraph, which required retail store li-

censes to maintain an adequate stock of merchandise compatible with a stock of liquor, and enacted in lieu thereof the present second paragraph.

Sec. 29. Persons to whom licenses not granted.—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 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 license shall be issued to a corporation any of the principal officers of which would not by reason of conviction of violation of any liquor laws or because of having had his license for sale of liquor revoked personally be eligible for a liquor license. No person, who is not at the time of the offense the holder of a liquor license, convicted of violating any of the laws of this state or the United States with respect to manufacture, transportation, importation, possession or sale of intoxicating liquor shall be granted a license for sale of liquor for a period of 5 years from the date of such conviction, and no person who sells liquor of a greater alcoholic content than authorized by his license shall be considered the holder of a license for the purpose of this sentence. No license shall be issued in which any law enforcement official benefits financially either directly or indirectly. (1949 c. 259, § 1. 1951, c. 87; c. 356, § 5. 1953, c. 64, § 1; c. 255, § 4. 1955, c. 71, § 2.)

Effect of amendment.—The 1955 amendment rewrote the next to the last sentence.

Retail Sale of Liquor; Fees.

Sec. 31. Fees for retail licenses, renewals, filing fee.—

Hotel—Spirituous and vinous, in cities or towns having population of 10,000 or more	\$600.00
Hotel—Spirituous and vinous, in cities or towns having population of less than 10,000	300.00
Population shall be determined according to each federal decennial census as shown by any official report authorized by the federal census act and shall apply to the licensing period next following such official report.	
Hotel—Malt liquor	\$200.00
Club—Spirituous and vinous	200.00
Club—Malt liquor	100.00
Public service—Spirituous and vinous	200.00
Public service—Malt liquor	100.00
Restaurant—Malt liquor only	200.00
Restaurant—Vinous liquor only	200.00
Tavern—Malt liquor only	300.00
Retail store—Malt liquor only	100.00

Any club maintaining a dining room and catering either privately or for functions to a group of nonmembers of the club, also any club with dining rooms letting rooms to nonmembers, must pay the same fee as required by a hotel located in the same municipality.

The commission may grant part-time licenses for a period not in excess of 6 months from May 1st to October 31st. The person so licensed shall not conduct any business on the licensed premises during the months from November to April, both inclusive.

Fees for part-time licenses shall be:

Part-time—Hotels and clubs—Spirituous and vinous— $\frac{1}{2}$ full-time fee at their location.	
Part-time—Hotel or restaurant—Malt liquor only	\$125.00
Part-time—Club—Malt liquor only	50.00
Part-time—Tavern—Malt liquor only	150.00

One public service license shall be sufficient to cover all steamboats and cars operated by any one owner.

All full-year licenses shall be issued for the license year and on a calendar year basis and the prescribed fee shall accompany the application for license.

Licenses may be renewed upon application therefor and payment of the annual fee, subject to commission rules and regulations.

Every applicant for an original or renewal malt liquor license shall remit with his application a filing fee of \$10, except in unorganized places the filing fee of \$10 shall be paid to the county treasurer of the county in which the unincorporated place is located, and all such applications for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer.

Any licensee applying for license to operate more than one premises shall pay the fee prescribed for the type of license to be exercised at each such premises. (1949, c. 85, § 1. 1951, c. 356, § 6. 1953, c. 373. 1955, c. 355, §§ 6, 7, 8.)

Effect of amendment.—The 1955 amendment deleted the word "public" before the words "dining room" near the beginning of the third paragraph, added at the end of the next to the last paragraph the requirement that applications for licenses in unincorporated places be accompanied by evidence of payment of filing fee, and

added the last paragraph.

Section has no bearing on period covered by license.—The "hours of sale" statute, this section, controls the hours of sale by a licensee. It has no bearing upon the period covered by the license to sell. State v. Ouellette, 150 Me. 44, 103 A. (2d) 785.

Sec. 31-A. Payments to the commission by check.—The commission may accept personal checks of licensees and persons applying for license for fees,

excise taxes and permits authorized to be collected by them under the provisions of this chapter and for liquor sold to licensees through its wholesale store. If any such checks are not honored on presentation by the state, the commission shall withhold licenses not issued and immediately take back licenses already issued voiding them until such check, together with all costs of check failure, have been paid by the person paying by such personal check. The commission may further order that all payments made to it by such person for a period not to exceed 1 year shall be only by cash, certified check or money order. (1955, c. 355, § 9.)

Retail Sale of Malt Liquor; Licenses.

Sec. 32. Retail licenses.

All retail store licensees must have and maintain an adequate stock of merchandise reasonably compatible with a stock of liquor in no case less than \$1,000 wholesale value. No merchandise shall be considered to be reasonably compatible with a stock of malt liquor, for the purposes of licensing a retail store, which consists of gasoline and oil; used or new cars, parts or accessories; clothing; hardware; paints or building materials; electric appliances or equipment; or household furniture or furnishings or such other items of stock as may be equally incompatible in nature. (R. S. c. 57, § 23. 1945, c. 345. 1947, c. 164; c. 372, § 2. 1949, c. 216. 1951, c. 13, § 2; c. 356, § 18. 1953, c. 255, § 5. 1955, c. 355, § 10.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed, it is not set out.

Sec. 40. Music, dancing or entertainment on licensed premises.—No licensee for sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, 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 amusement permit for which he shall pay to the commission a fee of \$10. The commission is authorized to make whatever rules and regulations governing such dancing and entertainment as it deems necessary. Such permit shall be valid only for the license year of the existing license. 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. (R. S. c. 57, § 37. 1945, c. 184. 1951, c. 356, § 8. 1955, c. 355, § 11.)

Effect of amendment.—The 1955 amendment inserted the words "for sale of liquor to be consumed on his licensed premises" and substituted the words "his licensed premises" for the words "the licensed premises or premises contiguous or adja-

cent thereto, under his control" near the beginning of the first sentence. The amendment also deleted the words "for the sale of malt liquor" at the end of the second sentence.

Sale of Liquor to Be Consumed on the Premises; Licenses.

Sec. 43. Liquor bought from commission; commission may sell to approved government instrumentalities.—All persons, except public service corporations operating interstate, licensed to sell spirituous or vinous liquor shall purchase all such liquor from the commission. The commission shall sell to such licensees spirituous and vinous liquor for a price of 10% less than the retail price in state retail stores provided that such discount shall not apply to federal taxes levied on and after November 1, 1941. The commission may sell spirituous and vinous liquor to approved government instrumentalities within the state at a price which shall reflect only cost of purchase, handling and a reasonable charge for enforcement and control. (R. S. c. 57, § 41. 1949, c. 200. 1955, c. 72; c. 359, § 10.)

Effect of amendments.—The first 1955 amendment added the last sentence. The second 1955 amendment, which became effective July 1, 1955, substituted "Novem-

ber" for "April" near the end of the second sentence. The second amendment did not refer to or give effect to the first; how-

ever, both amendments have been given effect in the section as set out above.

Sec. 50. Licensee to keep record.—Every retail licensee shall keep for 2 years, in each premise for which he has a license, complete records separate and apart from records relating to any other transactions engaged in by the licensee showing the date of all purchases, the actual prices paid therefor and the fact that the licensee paid cash for all liquor bought by him at the time of or prior to delivery of such liquor together with the name and address of every person from whom such liquor was purchased. In the case of wholesalers records shall be kept for 2 years in the principal licensed establishment of the wholesale licensee showing that all sales and purchases are in accordance with the law relating to cash sales including detailed accounts of all its transactions with brewers, other wholesalers and retailers. All such records shall be open to the commission for its representatives at any time and the commission or its representatives shall have the right to make copies thereof which may be used as evidence of violations of this section.

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. (R. S. c. 57, § 54. 1955, c. 355, § 12.)

Effect of amendment.—The 1955 amendment rewrote the first paragraph.

Sec. 51. Credit sales; sales to certain persons.

Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, or who presents or offers to any licensee, his agent or employee, any written or oral evidence of age which is false, fraudulent or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has any alcoholic beverage in his possession except in the scope of his or her employment on any street or highway, or in any public place or in any automobile, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$50. (R. S. c. 57, § 55. 1945, c. 194. 1949, c. 88. 1951, c. 77. 1955, c. 196.)

Effect of amendment.—The 1955 amendment repealed the former last paragraph of this section and enacted the above para-

graph in place thereof. As the first two paragraphs were not changed, they are not set out.

Licenses; Revocation.

Sec. 56. Revocation of licenses.

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. Licensees ordered in for hearing as herein provided shall bring with them their licenses but the notice of hearing shall authorize the licensee to operate his licensed business the day of the said hearing, and all penalties imposed by the commission shall start the day following the hearing, except that revocations shall start at the time such revocation is imposed by the commission. (1953, c. 19; c. 255, § 9. 1955, c. 355, § 13)

Effect of amendment.—The 1955 amendment added the words "except that revocations shall start at the time such revocation is imposed by the commission" at the

end of subsection I. As the rest of the section was not changed by the amendment, only subsection I is set out.

Sec. 58. Repealed by Public Laws 1955, c. 294, § 6.

Salesmen.

Sec. 60. Salesmen.—All concerns selling liquor to the state shall furnish to the commission a list of all officers and directors, if a corporation, or a list of all partners, if a partnership, and also the name of the salesman representing the concern within the state.

Such salesman shall apply to the commission for a license disclosing the person, firm or corporation for whom he is employed. The license fee shall be \$10 and shall expire on the last day of December of the year in which it is obtained. It may be renewed annually on payment of \$10.

Licenses so issued by the commission shall be revoked for the violation of the liquor laws or any rule or regulation promulgated by the commission. (1953, c. 396, § 7. 1955, c. 294, § 7.)

Effect of amendment.—The 1955 amendment substituted “commission” for “director of licensing and enforcement” near the beginning of the second and third paragraphs.

Sec. 61. Repealed by Public Laws 1955, c. 294, § 8.

Intoxication.

Sec. 94. Intoxication and disturbance.—Whoever is found intoxicated in any street, highway or other public place, or is found intoxicated in a motor vehicle while said motor vehicle is 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, or by both such fine and imprisonment, and upon any subsequent conviction by a fine of not more than \$50 or by imprisonment for not more than 90 days, or by both such fine and imprisonment, 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, liquor inspector, constable, marshal, police officer or watchman and committed to the watchhouse 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. (R. S. c. 57, § 95. 1945, c. 11. 1947. c. 145. 1955, § 95.)

Effect of amendment.—The 1955 amendment inserted in the first sentence the words “or is found intoxicated in a motor vehicle while said motor vehicle is in any street, highway or other public place.”

Chapter 62.

Public Buildings. Building Committee of Eastern States Exposition.

Building Committee of Eastern States Exposition.

Secs. 8,9. Repealed by Public Laws 1955, c. 471, § 8.