

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

December 7, 1944

To Paul R. MacDonald, Deputy Secretary of State  
From Abraham Breitbard, Deputy Attorney General

I acknowledge receipt of your letter of November 17, 1944, which is as follows:

"At the 1942 State election the Plantation of Pleasant Ridge voted 'yes' on the 4th local option question, thereby legalizing the sale of malt beverages to be consumed off the premises.

"At the 1944 State election there were no votes cast on any of the local option questions. This was attested by the Clerk and Assessors of Pleasant Ridge by their returns made to the Secretary of State in proper form.

"Sec. 17 of Chapter 157 of the Public Laws of 1935 provides that in case of a tie vote the law shall remain as it was before the voting.

"The question which now presents itself is: Will the sale of malt beverages to be consumed off the premises be legal in the Plantation of Pleasant Ridge for the calendar years 1945 and 1946?"

In providing for local option, I think it was the intent of the legislature that a choice was to be made by vote for or against the optional questions submitted. The amendment in 1939 (Chapter 177) which provided that "In case of tie vote on any of the preceding questions, the law shall remain as it was before the voting," I believe was to take care of a situation where votes were actually cast and there was no majority for or against the question. Here there were no votes cast at all on any of the questions submitted. This cannot be said to be a "tie vote" on any of the questions. Actually, there was no vote.

By Chapter 230, Laws of 1943 (the latest amendment) the Liquor Commission would be authorized to issue licenses only in case ". . . a majority of the votes cast. . . in answer to question (4)" were "in the affirmative."

We have here no affirmative vote or a tie vote. I think the Commission therefore would not be authorized to issue licenses in this plantation for the next two calendar years and until at a biennial election its voters take affirmative action in accordance with the statute.

Abraham Breitbard  
Deputy Attorney General

AB:c