

MAINE STATE LEGISLATURE

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✓ Liquor! Local option petitions
28 MRSAP 101

STATE OF MAINE

Inter-Departmental Memorandum Date December 29, 1976

to Markham L. Gartley, Sec. of State Dept. State
from Donald G. Alexander, Deputy Dept. Attorney General
subject _____

This responds to your memorandum dated August 2, 1976, to this office. In that memorandum you pose the question: "does the word voters in Section 101 refer to those who cast ballots in the last gubernatorial election or does it refer to the number of persons registered to vote in the last gubernatorial election?"

The answer is that the terminology relating to local option petitions as most recently adopted by P.L. 1975, c. 741, § 5, effective July 29, 1976, requires a petition of 15% of the number of voters registered in the last gubernatorial election.

The statute in question reads as follows:

"The municipal officers of cities and towns and the assessors of plantations, upon receipt of a petition signed by 15 % of the voters in that municipality in the last gubernatorial election. . . . "

That this meaning of the statute was intended was made clear by examination of the previous statute. The provisions of 28 M.R.S.A. § 101 most recently in effect prior to July 29, 1976, provided that petitions be "signed by at least 15% of the number of voters voting for the gubernatorial candidates in the last state-wide election in that municipality. . . . " (emphasis added) Clearly, by dropping the word "voting," the Legislature intended that the term "voters" refer not to the number of persons casting ballots, but rather, the number of voters registered, which would be the only way to construe the word "voters" under the old statute.

DGA/ec

DONALD G. ALEXANDER
Deputy Attorney General