

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)

ELECTIONS - BEFORE
1940

VF
c.1

Referendum Questions Submitted To Vote Of The People

By

AN ACT OF THE 87TH LEGISLATURE

A PUBLIC ACT SUSPENDED BY
REFERENDUM PETITIONS

A DIRECT INITIATIVE BILL

IB 1 LD 217



1936

To Be Voted upon at the State Election
Monday, September 14, 1936

**PUBLIC LAWS
of the
STATE OF MAINE**

**As Passed by the Eighty-seventh Legislature
1935**

CHAPTER 157

AN ACT Relating to Local Option Provisions.

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

P. L., 1933, c. 300, § 17, amended. Section 17 of chapter 300 of the public laws of 1933 is hereby repealed and the following enacted in place thereof:

'Sec. 17. Local option. The sale of liquor as permitted by law shall be lawful until January 1, 1937, in any city or town in the state which at the biennial election in September, 1934, voted in favor of the repeal of the 26th amendment to the constitution.

The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby 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 aforesaid biennial meetings, to give in their votes upon the 3 following questions:

(1) Shall state stores for the sale of liquor be operated by permission of the state liquor commission in this city or town?

(2) Shall licenses be granted in this city or town under regulation of the state liquor commission for the sale therein of wine and spirits to be consumed on the premises?

(3) Shall licenses be granted in this city or town for the sale therein of malt liquor?

The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots in manner and form as prescribed in section 2 of chapter 8 of the revised statutes for constitutional amendment or other questions; together with all other forms including those for instructions and returns as may be prescribed in said chapter 8 of the revised statutes.

And the inhabitants of said 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 count the same and the results may be determined as provided in section 56 of chapter 8 of the revised statutes.

If a majority of the votes cast in a city or town in answer to question (1) are 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 the votes cast in a city or town in answer to question (2) are 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 the votes cast in a city or town in answer to question (3) are in the affirmative, the commission may issue licenses for the sale of malt liquor therein subject to all provisions of law.

If a majority of the votes cast on question (1) are 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 the votes cast on question (2) are in the negative, licenses shall not be issued

for the sale of wines and spirits for consumption on the premises in that city or town, for the 2 calendar years next following.

If a majority of the votes cast on question (3) are in the negative, licenses for the sale of malt liquor in that city or town shall not be issued, for the 2 calendar years next following.'

Approved April 6, 1935.

CHAPTER 185.

AN ACT Relative to Resident Fishing and Hunting Licenses.

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

Sec. 1. R. S., c. 38, § 19, amended. Section 19 of chapter 38 of the revised statutes is hereby amended so that the 1st paragraph thereof shall read as follows:

'No resident of the state over 18 years of age and no non-resident over the age of 10 years shall fish in any inland waters of the state except in accordance with the following provisions:'

Sec. 2. R. S., c. 38, § 19, ¶ 2, amended. Sub-paragraph 2 of section 19 of chapter 38 of the revised statutes is hereby amended, to read as follows:

'(2) Each resident of the state and each non-resident shall purchase from the commissioner or his authorized agent the written license of the commissioner which shall be kept upon the person while fishing or transporting fish, and shall be exhibited to any warden, employee of this department, or guide upon request. All employees and soldiers regularly employed at the National Soldiers' Home shall be and hereby are, classified as residents of this state for the purpose of obtaining fishing licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this state.

The clerks of all towns are such authorized agents and for the issuance of non-resident licenses the commissioner may, subject to recall at his pleasure, designate additional agents. A license shall be issued to a resident by the clerk of the town in which he resides, or if he is domiciled in an unorganized place, then by the clerk of the nearest town, upon payment of a fee of \$1.15, of which 15 cents shall be retained by the town clerk. No town or city clerk or other person, shall wilfully issue resident fishing licenses to any person other than a bona fide resident of the town or city in which said license is issued, under penalty of \$10 for each license so issued.'

Sec. 3. R. S., c. 38, § 41, ¶ 2, amended. Paragraph 2 of section 41 of chapter 38 of the revised statutes is hereby amended to read as follows:

'No resident shall hunt or have in his possession any wild bird or wild animal without first having procured from the commissioner or his authorized agent a written license which shall be kept upon the person while hunting or transporting such birds and animals and exhibited to any warden, employee of this department, or guide, upon request. All employees and soldiers regularly employed at the National Soldiers' Home shall be and hereby are, classified as residents of this state for the purpose of obtaining hunting licenses, and shall pay the same fees and be held to the same laws, rules and regulations as residents of this state. The clerks of all towns are such authorized agents, and the commissioner may appoint additional agents. The license shall be issued to a resident by the clerk of the town in which the applicant resides, or if domiciled in an unorganized place, then by the clerk of the nearest town, upon payment of a fee of \$1.15, of which 15 cents shall be retained by the town clerk. A combination hunting and fishing license may be issued on pay-

ment of \$2.15, 15 cents to be retained by the town clerk. No town or city clerk or other person, shall issue resident hunting licenses to any person other than a bona fide resident of the town or city in which said license is issued, under penalty of \$10 for each license so issued.'

Sec. 4. R. S., c. 38, § 41, ¶ 6, amended. The last sentence of paragraph 6 of section 41 of chapter 38 of the revised statutes is hereby amended to read as follows:

'**Any resident under the age of 18 years may hunt without a license except that** any resident under the age of 16 years **must be** accompanied by a parent or guardian at all times while in the fields or forests or on the waters or ice of the state with firearms in his possession.'

Approved April 6, 1935.

DIRECT INITIATIVE BILL.

AN ACT Relating to the Use of the General Highway Fund, and to Prevent Diversion Thereof.

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

Sec. 1. All revenue received by the State from the registration of motor vehicles, and the licensing of operators thereof, from the tax imposed on internal combustion engine fuel, from fines, forfeitures and costs accruing to the State under section 118 of chapter 29 of the revised statutes, as amended, and from permits granted by the State Highway Commission to open highways, shall be segregated, allocated to and become a part of the general highway fund created and existing by chapter 251 of the public laws of 1931 and chapter 175 of the public laws of 1933; and after payment and deduction from

such fund of such sums as are necessary to meet all provisions of bond issues for State highway and bridge construction, the remainder of such fund shall be apportioned and expended solely for the cost of registering motor vehicles and licensing the operators thereof, for maintenance of the State highway police, for administration of the office and duties of the State Highway Commission, for administration of the tax on internal combustion engine fuel and payment of rebates on said tax, and for the improvement, construction and maintenance of highways and bridges, and for snow guards or removal as provided by statute. Neither the general highway fund, nor any fund derived from direct taxation imposed for highway construction, bridge construction, or the improvement and maintenance thereof, shall be diverted or expended, either temporarily or permanently, for any other purpose than set forth in this act, except for the establishment of an aeronautical fund as provided by section 89A of chapter 12 of the revised statutes.

Sec. 2. All acts and parts of acts, inconsistent with this act, are hereby repealed.

The foregoing act was proposed to the Eighty-seventh legislature by initiative petitions, signed in the aggregate by not less than twelve thousand electors and filed in the office of the Secretary of State at least thirty days before the close of the regular session.

This proposed act, not having been enacted by the legislature, is, by virtue of Section Eighteen of Article Thirty-one of the Constitution referred to the people for acceptance or rejection at the State Election to be held September 14, 1936.

LEWIS O. BARROWS
Secretary of State