

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)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1572

H. P. 1148

House of Representatives, May 20, 1965

Reported by Five Members of the Committee on Liquor Control. Printed under Joint Rules No. 10.

JEROME G. PLANTE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Local Option Questions on Sale of Liquor.

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

Sec. 1. R. S., T. 28, § 101, repealed and replaced. Section 101 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof :

‘§ 101. Form of question and ballot

Upon receipt of a warrant from the Secretary of State, the aldermen of cities, the selectmen of towns and the assessors of plantations are empowered and directed to notify the inhabitants of their respective municipalities to meet, in the manner prescribed by law, for the calling and holding of general elections at the time of holding the presidential election to give in their votes upon such of the following questions as appear on the warrant :

1. Shall state stores for the sale of liquor be operated by permission of the State Liquor Commission in this city or town? (State Liquor Store)

2. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises? (Hotel and Club)

2-A. Shall licenses be granted in this city or town for sale herein of wine and spirits to be consumed on the premises of class A restaurants?

3. 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? (Beer and Ale in Restaurants, Hotels and Clubs)

4. 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? (Beer and Ale for Men Only)

5. 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? (Beer and Ale to Take Out)

Upon receipt of a petition, in writing, of electors resident in that municipality, 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 general election, in which a Governor was elected, in the municipality, which petition shall be filed with the Secretary of State on or before the 15th day of August preceding the date of the presidential election, the ballots for that municipality shall carry in accordance with the petition any or all of the following questions:

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

7. 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?

8. 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?

9. 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 municipalities ballots in manner and form as prescribed in Title 21, section 702, for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in said Title 21.

The inhabitants of the several municipalities 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 review the same and the result shall be determined as provided in Title 21.

Upon this ballot no other referendum question shall be printed.'

Sec. 2. R. S., T. 28, § 102, amended. Section 102 of Title 28 of the Revised Statutes is amended to read as follows:

§ 102. Results of vote

If a majority of the votes cast in any municipality 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 municipality for the ~~2~~ 4 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in any municipality in answer to questions 7, 8, 9, ~~or~~ ~~to~~ 6, 7, 8 or 9 is in the affirmative, the ballots for that municipality at

the next ~~biennial general~~ **presidential** election shall carry such question or questions without petition.

If a majority of the votes cast in any municipality in answer to questions ~~7, 8, 9 or 10~~ **6, 7, 8 or 9** is in the negative, the ballots for that municipality at the next ~~biennial general~~ **presidential** election shall carry such question or questions only after the petition required by ~~this~~ section **101**.

If a majority of the votes cast in any municipality 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 municipality for the ~~2~~ **4** 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.'

Sec. 3. R. S., T. 28, § 103, amended. The last sentence of the 3rd paragraph of section 103 of Title 28 of the Revised Statutes is amended to read as follows:

'No such local option vote shall be taken more often than once in any ~~2-year~~ **4-year** period.'