

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 481

S. P. 218

In Senate, February 1, 1967

Referred to Committee on Liquor Control. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

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 R. S., T. 28, § 101, repealed and replaced. Section 101 of Title 28 of the Revised Statutes, as amended by section 2 of chapter 243 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 101. Form of question and ballot

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 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:

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)
3. 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?
4. 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)
5. 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)

6. 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 of electors resident in that municipality 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 municipality, which petition shall be filed with the Secretary of State on or before the first day of September preceding the day of the biennial election, the ballots for that municipality shall carry in accordance with the petition any or all of the following additional questions:

7. 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?

8. 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?

9. 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?

10. 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?

Where a city or town has voted in favor of accepting or not accepting questions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, said vote shall be effective until repealed in the manner hereinafter provided.

A new vote may be held in a municipality upon one or more of questions 1 through 10, upon receipt of a petition of electors resident in that municipality, 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 municipality, which petition shall be filed with the Secretary of State on or before the first day of July preceding the day of the biennial election. The ballots for that municipality shall carry questions in accordance with the petition.

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 municipality 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 questions contained in the ballots prepared for that municipality by the Secretary of State. 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 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 canvass 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, repealed and replaced. Section 102 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 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 Liquor Commission may issue licenses of the type authorized by such affirmative vote in such municipality.

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.

In case of a tie vote on any of the preceding questions, the law shall remain as it was before the voting.

Where a city or town has voted in favor of accepting or not accepting any of the questions on the local option ballot, said vote shall be effective until repealed by a new petition and vote as required by section 101.

Sec. 3. Effective date. This Act shall become effective on January 1, 1969.