

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 309, L.D. 408)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 946

H.P. 704 House of Representatives, March 25, 1987
Reported by Representative PRIEST from the Committee on
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original Bill sponsored by Representative VOSE of Eastport.
Cosponsored by Senator RANDALL of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

**AN ACT to Amend the Law Concerning Frequency
of Local Option Question Elections.**

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Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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Whereas, current law requires that 2 years pass
before another vote on the same local option question
may be taken; and

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Whereas, businesses which depend on their liquor
licenses to generate enough income to stay in busi-
ness must surrender their licenses if a local option
question permitting such a business is defeated, and
they must wait 2 years before being able to resume
their full operations; and

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1 Whereas, 2 years can cause severe hardship and
2 force some businesses to close; and

3 Whereas, in the judgment of the Legislature,
4 these facts create an emergency within the meaning of
5 the Constitution of Maine and require the following
6 legislation as immediately necessary for the preser-
7 vation of the public peace, health and safety; now,
8 therefore,

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

11 **Sec. 1.** 28 MRSA §101, next to the last
12 paragraph, as repealed and replaced by PL 1977, c.
13 630, §2, is amended to read:

14 Where a municipality has voted in favor of ac-
15 cepting or not accepting a ballot question, the vote
16 shall be effective until repealed according to the
17 procedure established in the next paragraph. No local
18 option vote shall be taken on the same question more
19 often than once in any ~~2-year~~ one-year period.

20 **Sec. 2.** 28 MRSA §103, 3rd ¶ is amended to read:

21 The affirmative or negative vote, as cast, on
22 each such local option question, shall prevail in
23 such unincorporated place, unless and until changed
24 by another such local option vote, subsequently held,
25 on petition to said Secretary of State as provided.
26 No such local option vote shall be taken more often
27 than once in any ~~2-year~~ one-year period.

28 **Emergency clause.** In view of the emergency cited
29 in the preamble, this Act shall take effect when ap-
30 proved.

STATEMENT OF FACT

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This new draft allows municipalities and unincorporated places to hold local option elections on the same question as often as once in a one-year period. Current law allows a vote on the same question once every 2 years.

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