

# MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

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E I G H T Y - S I X T H    L E G I S L A T U R E

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**Legislative Document**

**No. 105**

S. P. 37

In Senate, Dec. 7, 1933.

Referred to Committee on Temperance and 1,500 copies ordered printed.  
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Murchie of Washington.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND  
THIRTY-THREE

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**AN ACT Regulating the Sale of Alcoholic Beverages.**

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

**Sec. 1.** For the purposes of this act the words "alcoholic beverages" shall be interpreted to mean such beverages as contain more than four per cent of alcohol by volume and less than thirteen and one-half per cent of alcohol by volume, and this act shall not be construed to authorize the sale of any beverage containing more than thirteen and one-half per cent of alcohol by volume.

**Sec. 2.** Licenses for the sale of malt beverages as defined in chapter two hundred sixty-eight of the public laws of 1933 shall after the effective date of this act permit the retail sale as retail sale is defined in section nine of said chapter two hundred sixty-eight and for no other purposes be construed to authorize the holders of such retail licenses for the sale of malt beverages to sell malt beverages of higher alcoholic content than provided under the terms of said chapter two hundred sixty-eight, and in addition thereto ciders and wines produced by natural fermentation; provided, however, that no such malt beverage, cider or wine shall be sold if it contains more than thirteen and one-half per cent of alcohol by volume.

**Sec. 3.** The beverages legalized for sale within the state under the

terms of this act shall be subject to such conditions, regulations and restrictions as may from time to time be in force and effect for the sale of said malt beverages under the provisions of said chapter two hundred sixty-eight, and the state licensing board as therein created and established is hereby given the same full power to grant and rescind licenses and to adopt rules and regulations for the supervision and regulation of such sale as is therein granted in connection with the sale of malt beverages.

**Sec. 4.** This act shall be submitted for approval or rejection to the duly qualified voters of the state of Maine and an election to be held on the second Monday in September, 1934. 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 calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the second Monday in September to give in their votes upon this act and the question shall be:

‘Shall an act regulating the sale of alcoholic beverages be accepted?’ And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the question voting “Yes” upon their ballots and those opposed to the question voting “No” upon their ballots, and the ballots shall be received, counted and declared in open ward, town or plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and the governor and council shall count the same and if it shall appear that a majority of the inhabitants voting upon the question are in favor of the act the governor shall make known the fact by his proclamation and thereupon this act shall become law. The secretary shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing accompanied by a copy thereof.

**Sec. 5.** This act shall be null and void notwithstanding the affirmative vote of the people at the election provided in section 4 unless on that same date the people shall repeal the present article 26 of the amendment to the constitution or modify it to permit the sale of such alcoholic beverages as is herein authorized.