

MAINE STATE LEGISLATURE

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

Legislative Document

No. 132

S. P. 146

In Senate, January 26, 1939.

Referred to Committee on Temperance and sent down for concurrence.
500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Osgood of Oxford.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Local Option Provisions.

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

P. L., 1935, c. 157, amended. Chapter 157 of the public laws of 1935 is hereby amended to read as follows:

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 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 liquor², **to be consumed on the premises?**

(4) **Shall licenses be granted in this city or town for the sale therein of malt liquor not to be consumed on the premises?**

The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots in manner and form as prescribed in section 20 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 **to be consumed on the premises** therein subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question (4) are in the affirmative, the commission may issue licenses for the sale of malt liquor not to be consumed on the premises 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 to be consumed on the premises in that city or town shall not be issued, for the 2 calendar years next following.

If a majority of the votes cast on question (4) are in the negative, licenses for the sale of malt liquor not to be consumed on the premises in that city or town shall not be issued for the 2 calendar years next following.

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