

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1251

H. P. 1597

House of Representatives, March 6, 1947.

Transmitted by revisor or statutes pursuant to joint order

Referred to Committee on Temperance. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Miss Longstaff of Crystal.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Liquor Licenses in Unorganized Territory.

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

Sec. 1. R. S., c. 57, § 21-A, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto a new section to be numbered 21-A, to read as follows:

‘Sec. 21-A. Liquor licenses in unincorporated places. Upon petition signed by 25 voters qualified under the provisions of section 64 of chapter 5 as legal voters of any unincorporated place requesting a vote on local option questions, the liquor commission shall forthwith set a date, give public notice in the same manner as provided for notice in section 22, and cause a vote to be taken in such unincorporated place under its supervision. For the purposes of this election, the commission shall prepare ballots and submit the same questions to such qualified voters of such unincorporated place as are provided for the local option vote in section 2 of this chapter, and are authorized and empowered to make necessary rules and regulations for preparing, carrying out and determining the result of such vote. If a majority of the votes cast by voters qualified to vote under the provisions of section 64 of chapter 5 in any such unincorporated place on any of the

local option questions is in the affirmative, the commission may issue licenses in such unincorporated place of the type approved by such affirmative vote, subject to all the provisions of law. If a majority of the votes cast by voters qualified to vote under the provisions of section 64 of chapter 5 in any such unincorporated place on any local option question is in the negative, no new or renewal license shall be issued in such unincorporated place of the type disapproved by such negative vote. In either case, the period during which licenses may or may not issue in such unincorporated place shall be the balance of the 2-year period provided for in the state-wide local option, and no new vote shall be taken in such unincorporated place until the time of another biennial state-wide local option vote.

Provided, however, that if the total number of votes cast on any option question in any election held under the provisions of this section is less than 50 or in any unincorporated place where no vote as herein provided has been taken, the decision of the county commissioners of the county in which such unincorporated place is located as provided in section 22, shall not be subject to the appeal provided by section 23; and further provided, that in no event shall the liquor commission issue a license to any person that it appears to them that he or his family or some other person whom in fact he represents has moved a licensed store or restaurant from some organized or unincorporated place where a local option vote has resulted in his being unable to continue the business.'

Sec. 2. R. S., c. 57, § 23, amended. The last paragraph of section 23 of chapter 57 of the revised statutes, as enacted by chapter 245 of the public laws of 1945, is hereby amended to read as follows:

~~Any~~ **Except as provided by section 21-A,** any applicant, aggrieved by the refusal of the county commissioners to approve an application as herein-before provided, may appeal to the state liquor commission, who shall hold a public hearing thereon in the unincorporated place for which said license is requested and if it finds the refusal arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.'

Sec. 3. R. S., c. 57, § 28, amended. The 2nd sentence of section 28 of chapter 57 of the revised statutes, as amended by chapter 159 of the public laws of 1945, is hereby further amended to read as follows:

~~Any~~ **Except as provided by section 21-A,** any applicant aggrieved by the refusal of the municipal officers or county commissioners to approve an application as herein provided or the transfer of such license may appeal to the commission, who shall hold a public hearing thereon in the city or town

for which such license is requested and if it finds the refusal to have been arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.'

Sec. 4. R. S., c. 57, § 40, amended. The last paragraph of section 40 of chapter 57 of the revised statutes, as amended by chapter 185 of the public laws of 1945, is hereby further amended to read as follows:

~~'Any~~ **Except as provided by section 21-A, any** applicant aggrieved by the refusal to approve an application as hereinbefore provided or application for transfer of such license may appeal to the commission, who shall hold a public hearing thereon in the town or city for which such license is requested and if it finds the refusal arbitrary or without justifiable cause, it may issue such license or transfer notwithstanding the lack of such approval.'