

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 1010**

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S. P. 511

In Senate, February 24, 1949

Referred to the Committee on Temperance, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Barnes of Aroostook.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Relating to Liquor Licenses in Unincorporated Places.**

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

**Sec. 1. R. S., c. 57, § 21-A, amended.** Section 21-A of chapter 57 of the revised statutes, as enacted by section 1 of chapter 372 of the public laws of 1947, is hereby amended to read as follows:

**‘Sec. 21-A. Liquor licenses in unincorporated places.** Upon petition addressed to the liquor commission signed by 20% or more of the 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~~ **appoint a time and place a date**, give public notice in the same manner as provided for notice in section 22, and cause a vote **on such questions** to be taken in such unincorporated place under its supervision.

For ~~the such~~ purposes of ~~this election~~, the commission shall prepare ballots and submit ~~the same such~~ questions to ~~the such~~ qualified voters of such unincorporated place, ~~as are provided for the local option vote in section 2 of this chapter under and are authorized and empowered to~~

~~make necessary~~ such rules and regulations for preparing, carrying out and determining the result of such vote, ~~as said commission shall promulgate.~~

If a majority of the votes cast by ~~such voters qualified to vote under the provisions of section 64 of chapter 5 in any such unincorporated place, on any of the local option~~ such 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 such votes cast by voters qualified to vote under the provisions of section 64 of chapter 5 in any such unincorporated place~~ on any such 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.~~

The affirmative or negative vote, as hereinabove cast, on each such local option question, shall prevail, in such unincorporated place, unless and until changed by another such local option vote, subsequently held, on petition to said commission as hereinabove provided. No such local option vote shall be taken more often than once in any 2-year period.

Whenever such local option vote in such unincorporated place has been cast in the affirmative on any local option question, application for license shall be made directly to the liquor commission and the approval of the county commissioners of the county in which such unincorporated place is located shall not be required as a condition precedent thereto.

~~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 25 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~~ In no event shall the liquor commission issue a license to any person ~~that when it appears to it them that he such person or his family or some any other person whom in fact he represents for his benefit,~~ 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 such business there or established a new store in such town for the same purpose.~~

**Sec. 2. R. S., c. 57, § 23, amended.** The 3rd paragraph of section 23 of chapter 57 of the revised statutes, as enacted by chapter 164 of the public laws of 1947 and amended by section 2 of chapter 372 of the public laws of 1947, is hereby further amended to read as follows:

~~Except as provided by section 21-A, and~~ Any applicant, aggrieved by the refusal of the county commissioners to approve an application as hereinbefore 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 and by section 3 of chapter 372 of the public laws of 1947, is hereby further amended to read as follows:

~~Except as provided by section 21-A, any~~ 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 and by section 4 of chapter 372 of the public laws of 1947, is hereby further amended to read as follows:

~~Except as provided by section 21-A, any~~ 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.'