

# MAINE STATE LEGISLATURE

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NEW DRAFT of S. P. 380—L. D. 906

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Legislative Document

No. 1249

S. P. 523

In Senate, March 29, 1951

Reported by Senator Dennett of York from the Committee on Liquor Control and ordered printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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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 R. S., c. 57, § 21-A, repealed and replaced. 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of chapter 57 of the revised statutes, as enacted by section 1 of chapter 372 of the public laws of 1947, is hereby repealed and the following enacted in place thereof :

‘Sec. 21-A. Liquor licenses in unincorporated places. Upon petition signed by 20% or more of the persons resident in an unincorporated place as shown by returns to the state tax assessor provided for by section 101-A of chapter 14, as amended, requesting a vote on local option questions, the secretary of state shall forthwith appoint a time and place, 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 his supervision and subject to such rules and regulations as he shall promulgate.

If a majority of the voters cast on any such question 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 on any such question is in the negative, no

new or renewal license shall be issued in such incorporated place of the type disapproved by such negative vote.

The affirmative or negative vote, as hereinbefore 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 secretary of state as hereinbefore provided. No such local option vote shall be taken more often than once in any 2-year period.

Provided, however, that if the total number of persons shown by returns of the state tax assessor in such unincorporated place is less than 20 or the number signing any petition for local option vote is less than 20, the secretary of state shall not hold any election in such unincorporated place and in event no such vote is taken, the county commissioners, if their approval of application is required, or the liquor commission may refuse approval of such application on the basis that such license is not warranted for any substantial public convenience, necessity or demand.

In no event shall the commission issue a license to any person when it appears to it that such person or any other person for his benefit has moved a store or restaurant into an unincorporated place from an organized or unincorporated place where a local option vote has resulted in his being unable to procure a liquor license.'

**Sec. 2. R. S., c. 57, § 28, amended.** The 2nd sentence of section 28 of chapter 57 of the revised statutes, as amended, 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. 3. R. S., c. 57, § 40, amended.** The last paragraph of section 40 of chapter 57 of the revised statutes, as amended, 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.'