

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth  
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

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Published by the Secretary of State, in conjunction  
with the Revisor of Statutes in accordance with the  
Resolves of the Legislature approved June 28, 1820,  
March 18, 1840, March 16, 1842 and Acts approved  
August 6, 1930 and April 2, 1931.

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

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**CHAP. 177**

15, 17, and 25 there is a vacancy, or want of officers, the town may choose new officers; and they shall be sworn, if an oath is required, and have the same powers as if elected at the annual meeting. The meeting for choice of such new officers may be called by the person or persons legally elected and qualified as selectman or selectmen although less than a full board.'

Approved April 6, 1939.

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## Chapter 176

### AN ACT Permitting Teachers to be Elected under Contract.

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

R. S., c. 19, § 70, amended. Paragraph (e) of section 70 of chapter 19 of the revised statutes, as amended by chapter 9 of the public laws of 1935, is hereby further amended to read as follows:

'(e) Shall nominate teachers; election to be approved by committee; teachers may be elected under contract. He shall nominate all teachers subject to such regulations governing salaries and the qualifications of teachers as the superintending school committee shall make, and upon the approval of nominations by said committee he may employ teachers so nominated and approved for such terms, not to exceed 5 years, as he may deem proper, subject to the approval of the school committee. Provided, in case the superintendent of schools and the superintending school committee fail to legally elect a teacher, the commissioner of education shall have authority to appoint a substitute teacher who shall serve until such election is made.'

Approved April 6, 1939.

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## Chapter 177

### 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, as amended by section 4 of chapter 238 of the public laws of 1937, is hereby further 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 of 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 3 4 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 liquor<sup>2</sup> (beer, ale and other malt beverages), to be consumed on the premises?

(4) Shall licenses be granted in this city or town for the sale therein of malt liquor (beer, ale and other malt beverages) 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 2 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

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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.'

Approved April 6, 1939.

## Chapter 178

### AN ACT Providing for Licenses for Cinematograph, Moving Pictures and Operators.

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

R. S., c. 37, §§ 14, 15, 16, 17, amended. Sections 14, 15, 16, and 17, of chapter 37 of the revised statutes are hereby amended to read as follows:

'Sec. 14. Cinematograph and moving-picture machine to be licensed; apparatus to be enclosed; provisions not to apply in certain cases. No cinematograph or similar apparatus, involving the use of a combustible