

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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CHAPTER 5
LOCAL OPTION

Sec.

- 101. Form of question and ballot.
- 102. Results of vote.
- 103. Unincorporated places.

§ 101. Form of question and ballot

The aldermen of cities, the selectmen of towns and the assessors of plantations are empowered and directed to notify the inhabitants of their respective municipalities 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 biennial meeting 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? (State Liquor Store)

1957, c. 58.

2. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises? (Hotel and Club)

1957, c. 58.

3. Shall licenses be granted in this city or town for sale herein of wine and spirits to be consumed on the premises of class A restaurants?

1959, c. 340, § 2.

4. Shall licenses be granted in this city or town for sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises? (Beer and Ale in Restaurants, Hotels and Clubs)

1957, c. 58; 1959, c. 274, § 1.

5. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of taverns? (Beer and Ale for Men Only)

1957, c. 58.

6. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) not to be consumed on the premises? (Beer and Ale to Take Out)

1957, c. 58.

Upon receipt of a petition of electors resident in that municipality in writing addressed to the Secretary of State and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that municipality, which petition shall be filed with the Secretary of State on or before the first day of July preceding the day of the biennial election, the ballots for that municipality shall carry in accordance with the petition any or all of the following additional questions:

7. Shall licenses be granted in this city or town for sale herein of wine and spirits to be consumed on the premises of part-time hotels and clubs?

1957, c. 218, § 1.

8. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises of a club only?

9. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of a club only?

10. Shall licenses be granted in this city or town for the sale herein of malt liquor to be consumed on the premises of part-time hotels only?

1955, c. 427; 1957, c. 397, § 39.

The Secretary of State shall prepare and furnish to the several municipalities ballots in manner and form as prescribed in Title 21, section 702, for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in said Title 21.

The inhabitants of the several municipalities 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 review the same and the result shall be determined as provided in Title 21.

Upon this ballot no other referendum question shall be printed.

R.S.1954, c. 61, § 2; 1955, c. 355, § 3; c. 427; 1957, c. 58; c. 218, § 1; c. 397, § 39; 1959, c. 274, § 1; c. 340, § 2; c. 378, § 52; 1961, c. 360, § 4.

§ 102. Results of vote

If a majority of the votes cast in any municipality in answer to any local option question is in the affirmative, the commission may issue licenses of the type authorized by such affirmative vote in such municipality for the 2 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in any municipality in answer to questions 7, 8, 9 or 10 is in the affirmative, the ballots for that municipality at the next biennial general election shall carry such question or questions without petition.

If a majority of the votes cast in any municipality in answer to questions 7, 8, 9 or 10 is in the negative, the ballots for that municipality at the next biennial general election shall carry such question or questions only after the petition required by this section.

If a majority of the votes cast in any municipality in answer to any local option question is in the negative, no licenses for sale of the type denied by such negative vote shall be issued in such municipality for the 2 calendar years next following.

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

R.S.1954, c. 61, § 2; 1955, c. 355, § 3; 1959, c. 139, §§ 1, 2; c. 140, §§ 1, 2; c. 141; c. 327, §§ 1, 2; c. 378, § 52.

§ 103. 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 Title 36, section 1421, 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 252 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 votes 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, sub-

ject 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 unincorporated place of the type disapproved by such negative vote.

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

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 or the 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.

R.S.1954, c. 61, § 23; 1957, c. 218, § 6.