

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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**SELECTED
PROCLAMATIONS**

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

AN ACT to Authorize a Bond Issue in the Amount of \$7,000,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine.

WHEREAS, the One Hundred and Ninth Legislature of Maine in Second Regular Session, by an act entitled,

“AN ACT to Authorize a Bond Issue in the Amount of \$7,000,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine,”

passed by a concurrent vote of both branches and approved April 4, 1980, which said act is known and identified as Chapter 108 of the Private and Special Laws of 1979, enacted said measure expressly conditioned upon the people’s ratification by a referendum vote at the General Election to be held on the Tuesday following the first Monday of November, 1980; and

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said act, on the fourth day of November, 1980, and reviewed by the Governor on November 21, 1980, that a majority of said votes were in favor of this act becoming law; namely,

317,033 for, and
160,067 opposed;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine, in pursuance of the provisions of the Constitution of said State in such case provided, declare said measure adopted, to take effect and become a law thirty days after the date of this proclamation.

Given at the office of the Governor at Augusta
and sealed with the Great Seal of the State of
Maine this twenty-fifth day of November, in
the year of our Lord, One Thousand Nine
Hundred and Eighty.

JOSEPH E. BRENNAN
Governor

By the Governor:

RODNEY S. QUINN
Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

AN ACT to Authorize Bond Issue in the Amount of \$8,000,000 for Improvements to Vocational-Technical Institutes and the Maine Maritime Academy.

WHEREAS, the One Hundred and Ninth Legislature of the State of Maine in Second Regular Session, by an act entitled,

“AN ACT to Authorize Bond Issue in the Amount of \$8,000,000 for Improvements to Vocational-Technical Institutes and the Maine Maritime Academy,”

passed by a concurrent vote of both branches and approved April 3, 1980, which said act is known and identified as Chapter 106 of the Private and Special Laws of 1979, enacted said measure expressly conditioned upon the people's ratification by a referendum vote at the Special Election to be held on the second Tuesday in June, 1980; and

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said act, on the tenth day of June, 1980, and reviewed by the Governor on June 30, 1980, that a majority of said votes were in favor of this act becoming law; namely,

67,011 for, and
44,345 opposed;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine, in pursuance of the provisions of the Constitution of said State, in such case provided, declare said measure adopted to take effect and become a law thirty days after the date of this proclamation.

Given at the office of the Governor at Augusta
and sealed with the Great Seal of the State of
Maine this thirtieth day of June, in the year of
our Lord, one Thousand Nine Hundred and
Eighty.

JOSEPH E. BRENNAN
Governor

By the Governor:

RODNEY S. QUINN
Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions.

WHEREAS, the One Hundred and Ninth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches March 19, 1980, proposed to the electors of said State the following amendment to the Constitution, to wit;

Article IV, Part Third, Section 17, is amended to read:

‘Section 17. Proceedings for people’s veto.

1. Petition procedure. Upon written petition of electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the Governor and filed in the office of the Secretary of State by the hour of five o’clock, p.m., on or before the ninetieth day after the recess of the Legislature, or if such ninetieth day is a Saturday, a Sunday, or a legal holiday, by the hour of five o’clock, p.m., on the preceding day which is not a Saturday, a Sunday, or a legal holiday, requesting that one or more Acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the Governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a statewide election.

2. Effect of referendum. The effect of any Act, bill, resolve or resolution or part or parts thereof as are specified in such petition shall be suspended upon the filing of such petition. If it is later finally determined, in accordance with any procedure enacted by the Legislature pursuant to the Constitution, that such petition was invalid, such Act, bill, resolve or resolution or part or parts thereof shall then take effect upon the day following such final determination.

3. Referral to electors. As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next statewide election not less than sixty days after such proclamation, or in case of no statewide election within six months thereafter the Governor may order such measure submitted to the people at a special election not less than sixty days nor more than six months after his proclamation thereof. If the Governor fails to order such measure to be sub-

mitted to the people at the next statewide election, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at such an election and such order shall be sufficient to enable the people to vote.'

Article IV, Part Third, Section 18, is amended to read:

'Section 18. Direct initiative of legislation.

1. Petition procedure. The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature or to either branch thereof and filed in the office of the Secretary of State by the hour of five o'clock, p.m., on or before the fiftieth day after the date of convening of the Legislature in first regular session or on or before the twenty-fifth day after the date of convening of the Legislature in second regular session. If the fiftieth or twenty-fifth day, whichever applies, is a Saturday, Sunday, or legal holiday, the period runs until the hour of five o'clock, p.m., of the next day which is not a Saturday, Sunday, or legal holiday.

2. Referral to electors unless enacted by the Legislature without change. Any measure thus proposed by electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for and against both, the one receiving the most votes shall at the next statewide election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for or against both. If the measure initiated is enacted by the Legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The Legislature may order a special election on any measure that is subject to a vote of the people.

3. Timing of elections. The Governor shall, by proclamation, order any measure proposed to the Legislature as herein provided, and not enacted by the Legislature without change, referred to the people at an election to be held in November of the year in which the petition is filed. If the Governor fails to order a measure proposed to the Legislature and not enacted without change to be submitted to the people at such an election by proclamation within ten days after the recess of the Legislature to which the measure was proposed, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at an election as requested, and such order shall be sufficient to enable the people to vote.'

Article IV, Part Third, Section 20, first sentence, is amended to read:

'As used in any of the three preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "statewide election" means any election held throughout the State on a particular day; "measure" means an Act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of his city, town or plantation as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in his presence and that to the best of his knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for Governor.'

Article IV, Part Third, Section 20, third sentence, is amended to read:

'Written petitions for a people's veto pursuant to Article IV, Part 3, Section 17 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of five o'clock, p.m., on the fifth day before the petition must be filed in the office of the Secretary of State, or, if such fifth day is a Saturday, a Sunday or a legal holiday, by five o'clock, p.m., on the next day which is not a Saturday, a Sunday or a legal holiday.'

Article IV, Part Third, Section 20, fourth sentence, is amended to read:

'Written petitions for a direct initiative pursuant to Article IV, Part 3, Section 18 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of five o'clock, p.m., on the third day before the petition must be filed in the office of the Secretary of State, or, if such third day is a legal holiday, by five o'clock, p.m., on the next day which is not a legal holiday.'

Article IV, Part Third, Section 21, first sentence, is amended to read:

'The city council of any city may establish the direct initiative and people's veto for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such direct initiative and people's veto shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election.'

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed

in the aforementioned Constitutional Resolution at the General Election on November 4, 1980, and reviewed by the Governor on November 21, 1980, that a majority of said votes were in favor of this amendment; namely,

364,629 for, and
96,099 opposed;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon as of the date of this proclamation become a part of the Constitution.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this twenty-fifth day of November, in the year of our Lord, One Thousand Nine Hundred and Eighty.

JOSEPH E. BRENNAN
Governor

By the Governor:

RODNEY S. QUINN
Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Proposing an Amendment to the Constitution Allowing Either the Constitution or Statutes to Determine the Manner of Selection of Judges of Probate and Justices of the Peace.

WHEREAS, the One Hundred and Ninth Legislature of the State of Maine by Constitutional Resolution passed by a concurrent vote of both branches March 21, 1980, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article V, Part First, Section 8, first sentence, is amended to read:

‘He shall nominate, and, subject to confirmation as provided herein, appoint all judicial officers, except judges of probate and justices of the peace if their manner of selection is otherwise provided for by this Constitution or by law, and all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for.’

Article V, Part First, Section 8, third paragraph, is amended to read:

‘All statutes enacted to carry out the purposes of the second paragraph of this section shall require the affirmative vote of two-thirds of the members of each House present and voting.’

Article VI, Section 4, is amended to read:

‘Section 4. Tenure of judicial officers. All judicial officers appointed by the Governor shall hold their offices for the term of seven years from the time of their respective appointments (unless sooner removed by impeachment or by address of both branches of the Legislature to the executive, provided further that justices of the peace may be removed from office in such manner as the Legislature may provide); provided, however, that a judicial officer whose term of office has expired or who has reached mandatory retirement age, as provided by statute, may continue to hold office until the expiration of an additional period not to exceed six months or until his successor is appointed, whichever occurs first in time.’

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 4, 1980, and reviewed by the Governor on November 21, 1980, that a majority of said votes were in favor of this amendment; namely,

288,116 for, and
156,880 opposed;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon as of the date of this proclamation become a part of the Constitution.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this twenty-fifth day of November, in the year of our Lord, One Thousand Nine Hundred and Eighty.

JOSEPH E. BRENNAN
Governor

By the Governor:

RODNEY S. QUINN
Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Proposing an Amendment to the Constitution of Maine to Bring into Conformance the Year in which the House and Senate shall be Apportioned.

WHEREAS, the One Hundred and Ninth Legislature of the State of Maine by a Constitutional Resolution passed by a concurrent vote of both branches March 5, 1980, proposed to the electors of said State the following amendment to the Constitution, to wit:

Article IV, Part Second, Section 2, first sentence, is amended to read:

'The Legislature which shall convene in 1983 and every tenth year thereafter shall cause the State to be divided into districts for the choice of a Senator from each district, using the same method as provided in Article IV, Part First, Section 2 for apportionment of Representative Districts.'

WHEREAS, it appears by the return of votes given in by the electors of the various cities, towns and plantations voting upon said amendment as directed in the aforementioned Constitutional Resolution at the General Election on November 4, 1980, and reviewed by the Governor on November 21, 1980, that a majority of said votes were in favor of this amendment; namely,

298,112 for, and
144,976 opposed;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine do proclaim the Constitution of the State of Maine amended as proposed in accordance with the provisions of this said Constitutional Resolution, the amendment shall hereupon as of the date of this proclamation become a part of the Constitution.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this twenty-fifth day of November, in the year of our Lord, One Thousand Nine Hundred and Eighty.

JOSEPH E. BRENNAN
Governor

By the Governor:

RODNEY S. QUINN
Secretary of State

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

AN ACT to Amend the Laws Relating to Games of Chance.

WHEREAS, the One Hundred and Ninth Legislature of the State of Maine, enacted a law entitled "AN ACT to Amend the Laws Relating to Games of Chance," which was signed by the Governor on May 24, 1979, and

WHEREAS, written petitions bearing the signatures of more than 37,026 electors of this State, were addressed to the Governor and filed in the office of the Secretary of State within ninety days after the recess of said One Hundred and Ninth Legislature, requesting that said Public Act be referred to the people. On October 18, 1979, Governor Joseph E. Brennan declared that the act entitled "AN ACT to Amend the Laws Relating to Games of Chance," designated as Chapter 271 of the Public Laws of 1979, had been suspended and designated the second Tuesday in March being the eleventh day of said month in the year of our Lord one thousand nine hundred and eighty as the time on which the above-mentioned Public Act would be voted on by the people of the State, in accordance with the Constitutional provisions of Section 17 of Part Third of Article IV.

WHEREAS, on the eleventh day of March, 1980, the following question was presented to the electors of Maine.

Shall "AN ACT to Amend the Laws Relating to Games of Chance," which prohibits the licensing the games of chance conducted with gambling machines, become law?"

WHEREAS, it appears by the return of votes given by the electors of the various cities, towns and plantations voting upon the act, on the eleventh day of March, 1980, and reviewed by the Governor on March 25, 1980, that a majority of votes were in favor of Chapter 271 of the Public Acts of 1979; namely,

60,757 for, and
37,406 opposed;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine, in pursuance of the provisions of the Constitution of this State declare this measure to take effect and become a law thirty days after the date of this proclamation.

Given at the office of the Governor at Augusta,
and sealed with the Great Seal of the State of
Maine this twenty-eighth day of March in the
year of our Lord, One Thousand Nine Hundred
and Eighty.

JOSEPH E. BRENNAN
Governor

By the Governor:

RODNEY S. QUINN
Secretary of State