

MAINE STATE LEGISLATURE

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ELECTIONS - 1975

(NOV.)

'75



Special Election

Tuesday, Nov. 4th

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Referendum Questions and Constitutional Amendments

Markham L. Gartley

Secretary of State

STATE OF MAINE

Referendum Questions and Proposed Constitutional Amendments to be Voted Upon

November 4, 1975

A person who destroys or defaces a specimen ballot before the election to which it pertains is over, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

MARKHAM L. GARTLEY, Secretary of State

SPECIMEN BALLOT

STATE OF MAINE
SUMMARY OF BONDED INDEBTEDNESS
JUNE 30, 1975

Table with 2 columns: Description and Amount. Rows include Total Bonds Outstanding (\$277,570,000.00), Total Interest to Maturity (114,639,321.65), Authorized but unissued - Current Programs (\$81,818,000.00), Limit of Potential Contingent Bond Liability (119,248,500.00), Total Authorized but unissued bonds (201,066,500.00), and Total Amount of bonds contemplated to be issued if the issues submitted to voters be ratified (14,500,000.00).

Those in favor of any, or all, of the following referendum questions and proposed constitutional amendments will place a cross (X) or a check mark (✓) in each, or any, of the squares marked "YES" opposite the question, or questions, for which they desire to vote; those opposed will place a cross (X) or a check mark (✓) in the opposite square or squares marked "NO."

REFERENDUM QUESTION NO. 1

"Shall an Act, as passed by the 107th Legislature, authorizing the renovation of housing for the University of Maine and the issuing of bonds in the amount of \$900,000, to be repaid by student housing fees, be accepted?"

YES NO
[] []

REFERENDUM QUESTION NO. 2

"Shall a bond issue be ratified for the purpose set forth in 'AN ACT to Authorize Bond Issue in the Amount of \$13,600,000 to Finance the Highway and Bridge Improvement Program,' passed by the 107th Legislature?"

YES NO
[] []

PROPOSED CONSTITUTIONAL AMENDMENT NO. 1

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for single member districts for the House of Representatives, to provide for apportionment of the House and Senate and to establish an apportionment commission to plan for all apportionments of the House and Senate?"

YES NO
[] []

PROPOSED CONSTITUTIONAL AMENDMENT NO. 2

"Shall the Constitution be amended as proposed by a resolution of the Legislature to establish filing dates for initiative and referendum petitions; clarify when the effective date of a bill is suspended by the filing of a referendum petition; clarify the process of calling a special election for an initiative or referendum vote; limit legislative amendment and repeal of laws initiated or approved by the people; clarify the petition process; and provide for review of the validity of petitions?"

YES NO
[] []

PROPOSED CONSTITUTIONAL AMENDMENT NO. 3

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for determination of the inability of the Governor to discharge the powers and duties of his office?"

YES NO
[] []

PROPOSED CONSTITUTIONAL AMENDMENT NO. 4

"Shall the Constitution be amended as proposed by a Resolution of the Legislature to abolish the Executive Council and to Reassign its Constitutional Powers to the Governor and the Legislature, to Eliminate the Office of Notary Public as a Constitutional Office and to Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment?"

YES NO
[] []

PROPOSED CONSTITUTIONAL AMENDMENT NO. 5

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for annual sessions of the Legislature with limits on the matters which may be considered in the second regular session of each biennium and to change the date of the convening of the Legislature?"

YES NO
[] []

REFERENDUM QUESTIONS
and
PROPOSED CONSTITUTIONAL AMENDMENTS

**In Accordance with Acts and Resolutions
Passed by the 107th Legislature in
Regular Session**

Bond Issues

1. \$900,000 for Renovation of Housing for University of Maine.
2. \$13,600,000 to Finance Highway and Bridge Improvement Program.

Constitutional Amendments

1. Provide for Single Member Districts for House of Representatives, Provide for Apportionment of House and Senate and Establish an Apportionment Commission.
2. Clarify Initiative and Referendum Petition Procedures.
3. Provide for Determination of Inability of Governor to Discharge the Powers and Duties of His Office.
4. Abolish Executive Council, Eliminate Office of Notary Public as a Constitutional Office and Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment.
5. Provide for Annual Sessions of the Legislature and Change Date of Convening of the Legislature.

(Including Brief Explanatory Statements by the
Attorney General as to Intent and Content.)



1975

**To be voted upon at the Special Election, Tuesday,
November 4, 1975**

STATE OF MAINE
SUMMARY OF BONDED INDEBTEDNESS
JUNE 30, 1975

Total Bonds Outstanding		\$277,570,000.00
Total Interest to Maturity		114,639,321.65
Authorized but unissued - Current Programs	\$81,818,000.00	
Limit of Potential Contingent Bond Liability	<u>119,248,500.00</u>	
Total Authorized but unissued bonds		<u>201,066,500.00</u>
Total Amount of bonds contemplated to be issued if the issues submitted to voters be ratified		14,500,000.00

REFERENDUM QUESTION NO. 1

"Shall an Act, as passed by the 107th Legislature, authorizing the renovation of housing for the University of Maine and the issuing of bonds in the amount of \$900,000, to be repaid by student housing fees, be accepted?"

(\$900,000 for Renovation of Housing for University of Maine.)

INTENT AND CONTENT

This Private and Special Law authorizes the Treasurer of State, under the direction of the Governor and Council, to issue from time to time serial coupon bonds not exceeding \$900,000 to fund renovation of housing facilities of the University of Maine located at Portland/Gorham, specifically Alterations to Robie-Andrews Dorm. The University shall operate such housing as a self-liquidating project until all the bonds issued shall be retired and all the expenses incurred hereunder shall be paid. The University shall charge and collect such board and room fees or rentals for the use of said housing as may be determined by the Board of Trustees.

Said bonds shall be deemed a pledge of faith and credit of the State, and shall not run for a longer period than 20 years from the date of the original issue thereof.

A "YES" VOTE favors the authorization of the self-liquidating bond issue in the amount of \$900,000 for Renovations of Housing Facilities at the University of Maine.

A "NO" VOTE opposes the action.

REFERENDUM QUESTION NO. 2

"Shall a bond issue be ratified for the purpose set forth in 'AN ACT to Authorize Bond Issue in the Amount of \$13,600,000 to Finance the Highway and Bridge Improvement Program,' passed by the 107th Legislature?"

(\$13,600,000 to Finance Highway and Bridge Improvement Program.)

INTENT AND CONTENT

This Private and Special Law, in addition to state highway and bridge bonds heretofore authorized, authorizes the Treasurer of State, under the direction of the Governor and Council, to issue from time to time, serial coupon bonds not exceeding \$13,600,000 payable serially at the State Treasury within 20 years from date of issue, of such denominations and form and upon such terms and conditions, not inconsistent herewith, as the Governor and Council shall direct.

The proceeds of such bonds shall be used for highway and bridge improvements in accordance with allocations made by the Legislature. The bonds shall be deemed a pledge of the faith and credit of the State.

Receipt to the Highway Fund for the fiscal years - from July 1, 1975 to June 30, 1976, and from July 1, 1976 to June 30, 1977 - from the proceeds of the sale of bonds shall be segregated, apportioned and expended as follows:

	<u>Page #</u>	<u>1975-76</u>	<u>1976-77</u>
13 TRANSPORTATION			
17000 Department of Transportation			
1 Current Services			
0406 HIGHWAY-HIGHWAY AND BRIDGE			
IMPROVEMENTS	3-578	\$5,450,000	\$8,150,000

Sections 1 and 2 of this Act, relating to issuance of the bonds and expenditures of funds, shall not become effective unless the people of the state have ratified the issuance of bonds as set forth in this Act.

A "YES" VOTE favors the authorization of bond issue in the amount of \$13,600,000 for the Highway and Bridge Improvement Program.

A "NO" VOTE opposes the action.

PROPOSED CONSTITUTIONAL AMENDMENT NO. 1

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for single member districts for the House of Representatives, to provide for apportionment of the House and Senate and to establish an apportionment commission to plan for all apportionments of the House and Senate?"

(Provide for Single Member Districts for House of Representatives, Provide for Apportionment of House and Senate and Establish an Apportionment Commission.)

INTENT AND CONTENT

These amendments to the Constitution provide that:

(1) the next Legislature divide the present multi-member districts of the House of Representatives into districts for the choice of one Representative for each district, and that the State again be divided into single-member districts by the Legislature which convenes in 1983 and every tenth year thereafter;

(2) each Legislature which convenes in 1983 and every tenth year thereafter divide the State into single-member senatorial districts; and

(3) a Legislature which is required to apportion the districts of the House or the Senate, or both, establish, an apportionment commission which is required to develop a plan for apportioning the House, the Senate, or both, within 90 days after the convening of the Legislature in which apportionment is required which shall be composed of six members of the House, four members of the Senate, and three members from the public.

A "YES" VOTE favors amending the Maine Constitution to provide single member districts for the House of Representatives, to provide for apportionment of the House and Senate and to establish an apportionment commission to plan for all apportionments of the House and Senate.

A "NO" VOTE opposes the action.

PROPOSED CONSTITUTIONAL AMENDMENT NO. 2

“Shall the Constitution be amended as proposed by a resolution of the Legislature to establish filing dates for initiative and referendum petitions; clarify when the effective date of a bill is suspended by the filing of a referendum petition; clarify the process of calling a special election for an initiative or referendum vote; limit legislative amendment and repeal of laws initiated or approved by the people; clarify the petition process; and provide for review of the validity of petitions?”

(Clarify Initiative and Referendum Petition Procedures.)

INTENT AND CONTENT

This amendment to the Constitution provides that a petition for referendum regarding newly enacted legislation be filed in the office of the Secretary of State by 5 o'clock P.M. on the 90th day after the recess of the Legislature, or if that day is a Saturday, Sunday or legal holiday, by 5 P.M. on the preceding day which is not a Saturday, Sunday or legal holiday. A petition initiating legislation must be filed in the office of Secretary of State by 5 P.M. on the 50th day after the convening of the Legislature in regular session. If the 50th day is a legal holiday, the period runs until 5 P.M. of the next day.

The effective date of any Act, bill, resolve or resolution or part or parts thereof contained in a referendum petition are suspended when the petition is filed. If the petition is invalid, the Act, bill, resolve or resolution or part or parts take effect the day following such determination.

With respect to petitions to recall or to initiate legislation, with regard to both kinds of petition, if the Governor is requested in the petition to order the legislation to be submitted to the people at a special election, and he fails to do so, the Secretary of State shall order such measure to be submitted to the people.

Written petitions must be verified under oath. Petitions to recall newly enacted legislation must be submitted to municipal officials, to determine whether the signers of the petition are qualified voters, by 5 P.M. on the 5th day before the petition must be filed in the office of the Secretary of State, and petitions to initiate legislation must be filed by 5 P.M. on the 3rd day prior to that day. Petitions must be returned within 2 days after such submission.

This amendment also provides that the Legislature may enact laws to establish procedures for determining the validity of written petitions, including provisions for judicial review.

A “YES” VOTE favors amending the Maine Constitution to establish filing dates for initiative and referendum petitions; clarify when the effective date of a bill is suspended by the filing of a referendum petition; clarify the process of calling a special election for an initiative or referendum vote; limit legislative amendment and repeal of laws initiated or approved by the people; clarify the petition process and provide for review of the validity of petitions.

A “NO” VOTE opposes the action.

PROPOSED CONSTITUTIONAL AMENDMENT NO. 3

“Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for determination of the inability of the Governor to discharge the powers and duties of his office?”

(Provide for Determination of Inability of Governor to Discharge the Powers and Duties of His Office.)

INTENT AND CONTENT

This amendment to the Constitution provides that whenever for six months a Governor in office shall have been continuously unable to discharge the powers and duties of his office because of mental or physical disability such office shall be deemed vacant. Upon notice and hearing, the Supreme Judicial Court, upon presentment to it of a joint resolution adopted by a two-thirds vote of the Senators and Representatives, shall declare by majority vote that a vacancy exists. The President of the Senate, or if that office is vacant, the Speaker of the House, shall exercise the powers and duties of the office until the Governor is able to discharge them, or the office is declared vacant or another Governor shall be duly qualified.

Whenever the Governor is unable to discharge his duties, he may so certify to the Chief Justice, in which case and upon notice the President of the Senate, or Speaker of the House, shall exercise such powers and duties until such time as the Governor shall certify to the Chief Justice that he is able to discharge such powers and duties and the Chief Justice shall notify the officer who is exercising such powers and duties.

When the Secretary of State has reason to believe that the Governor is unable to discharge his duties, he may so certify to the Supreme Judicial Court, declaring his reasons for such belief. After notice to the Governor, a hearing before the Court and a majority decision that the Governor is unable to discharge the duties of his office, the court shall notify the President of the Senate, or if that office is vacant the Speaker of the House, of such inability, and he shall exercise the functions, powers and duties of the office until after hearing the court decides that the Governor is able to discharge his duties and so notifies the officer exercising such powers and duties.

A “YES” VOTE favors amending the Maine Constitution to provide for the determination of inability of the Governor to discharge the powers and duties of his office.

A “NO” VOTE opposes the action.

PROPOSED CONSTITUTIONAL AMENDMENT NO. 4

“Shall the Constitution be amended as proposed by a Resolution of the Legislature to abolish the Executive Council and to Reassign its Constitutional Powers to the Governor and the Legislature, to Eliminate the Office of Notary Public as a Constitutional Office and to Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment?”

(Abolish the Executive Council, Eliminate Office of Notary Public as a Constitutional Office and Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment.)

INTENT AND CONTENT

This amendment of the Constitution abolishes the Executive Council and reassigns its Constitutional Powers to the Governor and the Legislature. The office of notary public will no longer be considered a constitutional office. The amendment also provides for the appointment of all judicial officers except judges of probate and justices of the peace by the Governor, subject to confirmation of a legislative committee subject to review by the Senate.

This amendment prohibits the appointment of Legislators to any civil office of profit under this State which requires the approval of the Legislature for appointment. It grants to the Governor the power to pardon, the power to remove civil officers by impeachment or address, the power to remove a sheriff who is not performing his duties and appoint another in his place, and to fill a vacancy in the office of Attorney General subject to confirmation as required for Justices of the Supreme Judicial Court.

A "YES" VOTE favors amending the Maine Constitution to abolish the Executive Council and to reassign its Constitutional powers to the Governor and the Legislature, to eliminate the office of Notary Public as a Constitutional Office and to prohibit appointment of Legislators to offices requiring approval of the Legislature for appointment.

A "NO" VOTE opposes the action.

PROPOSED CONSTITUTIONAL AMENDMENT NO. 5

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for annual sessions of the Legislature with limits on the matters which may be considered in the second regular session of each biennium and to change the date of the convening of the Legislature?"

(Provide for Annual Sessions of the Legislature and Change Date of Convening of the Legislature.)

INTENT AND CONTENT

This amendment provides that the Legislature shall meet annually in regular session on the first Wednesday after the first Tuesday of January, provided, however, that the business of the second regular session shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and the legislation presented to the Legislature by direct initiative petition of the electors. The Legislature is directed to enact appropriate statutory limits on the length of the first regular session and of the second regular session.

A "YES" VOTE favors amending the Maine Constitution to provide for annual sessions of the Legislature with limits on matters which may be considered in the second regular session of each biennium and to change the date of convening of the Legislature.

A "NO" VOTE opposes the action.

CHAPTER 64

PRIVATE AND SPECIAL LAWS OF 1975

(As Amended by Sections 77 and 78 of Chapter 623 of the Public Laws of 1975)

AN ACT to Authorize the Self-liquidating Bond Issue in the Amount of \$900,000 for Renovations of Housing Facilities at the University of Maine.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution to authorize the issuance of self-liquidating bonds on behalf of the State of Maine to provide for renovations for the University of Maine.

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

Sec. 1. Issue of self-liquidating bonds to provide for renovations for the University of Maine. The Treasurer of State is authorized, under the direction of the Governor and Council, to issue from time to time serial coupon bonds in the name and behalf of the State to an amount not exceeding \$900,000 for the purpose of raising funds to provide for such renovations as authorized by section 9. Said bonds shall be deemed a pledge of the faith and credit of the State. Said bonds shall not run for a longer period than 20 years from the date of the original issue thereof. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor and Council.

Sec. 2. University housing. The university shall operate this housing as a unit of the same auxiliary enterprise as other housing on the campus until all the bonds issued as provided in this Act shall be retired and all expenses incurred hereunder shall be paid. The rates for room charged and collected for the amortization of the principal of and the interest on the bonds issued under this Act shall be the same as all other dormitories that are part of the same auxiliary enterprise and the rates so charged and collected shall be pledged to the amortization of principal and interest on all bonds issued under this Act.

Sec. 3. Records of bonds issued to be kept by State Auditor and Treasurer. The State Auditor shall keep an account of such bonds, showing the number and amount of each, the date when payable and the date of delivery thereof to the Treasurer of State, who shall keep an account of each bond, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 4. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of such bonds by direction of the Governor and Council; but no such bond shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sales of such bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the Governor and Council, are appropriated to be used solely for the purpose set forth in this Act. Any unencumbered balances remaining at the completion of the projects listed in section 9 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 5. Interest and debt retirement. Interest due or accruing upon any bonds issued under the provisions of this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

Sec. 6. Disbursement of bond proceeds. The proceeds of such bonds shall be expended under the direction and supervision of the Board of Trustees of the University with the approval of the Bureau of Public Improvements.

Sec. 7. Other sources of funds. This Act shall not in any manner preclude the University or the Treasurer of State from accepting from any authorized agency of the Federal Government or other nonstate sources construction aid fund grants, debt service grant funds or other grants for the planning, construction, equipping or property acquisition for any of the projects provided for in this Act, or from entering into agreements with such agency or agencies respecting any such grants.

Sec. 8. Proceeds of bonds not available for other purposes; must be kept separate from other funds. The proceeds of all bonds issued under the authority of this Act and the funds made available for interest and debt retirement thereunder shall at all times be kept distinct from all other moneys of the State and shall not be drawn upon or be available for any other purpose.

Sec. 9. Allocations from self-liquidating bond issue.

Project No.	Campus Location	Description	Project Cost
I	Portland/ Gorham	Alterations to Robie-Andrews Dorm	\$900,000

Sec. 10. Contingent upon ratification of bond issue. Sections 1 to 9 of this Act shall not become effective unless and until the people of the State of Maine shall have ratified the issuance of bonds as set forth in this Act.

Sec. 11. Referendum for ratification. 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 calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general or special state-wide election to give in their votes upon the acceptance or rejection of the foregoing Act, and the question shall be:

“Shall an Act, as passed by the 107th Legislature, authorizing the renovation of housing for the University of Maine and the issuing of bonds in the amount of \$900,000, to be repaid by student housing fees, be accepted?”

The inhabitants of said cities, towns, and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of ratification voting “Yes” and those opposed to ratification voting “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 if it shall appear that a majority of the inhabitants voting on the question are in favor of the Act, the Governor shall forthwith make known the fact by his proclamation, and the Act shall thereupon become effective in 30 days after the date of said proclamation.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing Act, accompanied by a copy thereof.

This Act was presented to the Governor by the Senate on May 22, 1975 and has become law without his signature. (Constitution, Article IV, Part Third)

Received in the office of the Secretary of State May 29, 1975.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. §353, with reference to the Intent and Content of Bond Issue, Private and Special Laws of 1975, Chapter 64, as amended by

Public Laws of 1975, Chapter 623, Sections 77 and 78, entitled "AN ACT to Authorize the Self-liquidating Bond Issue in the Amount of \$900,000 for Renovations of Housing Facilities at the University of Maine."

INTENT AND CONTENT

This Private and Special Law authorizes the Treasurer of State, under the direction of the Governor and Council, to issue from time to time serial coupon bonds not exceeding \$900,000 to fund renovation of housing facilities of the University of Maine located at Portland/Gorham, specifically Alterations to Robie-Andrews Dorm. The University shall operate such housing as a self-liquidating project until all the bonds issued shall be retired and all the expenses incurred hereunder shall be paid. The University shall charge and collect such board and room fees or rentals for the use of said housing as may be determined by the Board of Trustees.

Said bonds shall be deemed a pledge of the faith and credit of the State, and shall not run for a longer period than 20 years from the date of the original issue thereof.

CHAPTER 88

PRIVATE AND SPECIAL LAWS OF 1975

AN ACT to Authorize Bond Issue in the Amount of \$13,600,000 for the Highway and Bridge Improvement Program.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State for the purpose of improving State highways and bridges.

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

Sec. 1. Bond issue of \$13,600,000 authorized. In addition to state highway and bridge bonds heretofore authorized, the Treasurer of State is authorized, under the direction of the Governor and Council, to issue from time to time, serial coupon bonds in the name and behalf of the State to an amount not exceeding \$13,600,000 payable serially at the State Treasury within 20 years from date of issue. Such bonds and coupons shall be of such denominations and form and upon such terms and conditions, not inconsistent herewith, as the Governor and Council shall direct. The proceeds from the sale of said bonds shall be used for highway and bridge improvements in accordance with allocations made by the Legislature. The said bonds shall be deemed a pledge of the faith and credit of the State. The said bonds shall be issued from time to time so as to meet the needs of the highway and bridge improvement program. Said bonds when paid at maturity or otherwise retired shall not be reissued, but may be refunded on terms more favorable to the State than those in the original issue.

Sec. 2. Allocation of Highway Fund Bond Issue. Receipt to the Highway Fund for the fiscal years—from July 1, 1975 to June 30, 1976, and from July 1, 1976 to June 30, 1977—from the proceeds of the sale of bonds shall be segregated, apportioned and expended as designated in the following schedule:

	Page #	1975-76	1976-77
13 TRANSPORTATION			
17000 DEPARTMENT OF TRANSPORTATION			
1 Current Services			
0406 Highway—highway and bridge improvements	3-578	\$5,450,000	\$8,150,000

Sec. 3. Contingent upon ratification of bond issue. Sections 1 and 2 of this Act shall not become effective unless the people of the State of Maine shall have ratified the issuance of bonds as set forth in this Act.

Sec. 4. Referendum for ratification. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives, at a special state-wide election to be held in November, 1975 to give in their votes upon the acceptance or rejection of the foregoing Act, and the question shall be:

"Shall a bond issue be ratified for the purpose set forth in 'AN ACT to Authorize Bond Issue in the Amount of \$13,600,000 to Finance the Highway and Bridge Improvement Program,' passed by the 107th Legislature?"

The inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of ratification voting "Yes" and those opposed to ratification voting "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 if it shall appear that a majority of the inhabitants voting on the question are in favor of said Act, the Governor shall forthwith make known the fact by his proclamation and the Act shall thereupon become effective in 30 days after the date of said proclamation.

The Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the provisions of the foregoing Act, accompanied by a copy thereof.

Approved June 20, 1975

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. §353, with reference to the Intent and Content of Bond Issues, Private and Special Laws of 1975, Chapter 88, entitled, "AN ACT to Authorize Bond Issue in the Amount of \$13,600,000 for the Highway and Bridge Improvement Program."

INTENT AND CONTENT

This Private and Special Law, in addition to state highway and bridge bonds heretofore authorized, authorizes the Treasurer of State, under the direction of the Governor and Council, to issue from time to time, serial coupon bonds not exceeding \$13,600,000 payable serially at the State Treasury within 20 years from date of issue, of such denominations and form and upon such terms and conditions, not inconsistent herewith, as the Governor and Council shall direct.

The proceeds of such bonds shall be used for highway and bridge improvements in accordance with allocations made by the Legislature. The bonds shall be deemed a pledge of the faith and credit of the State.

Receipt to the Highway Fund for the fiscal years - from July 1, 1975 to June 30, 1976, and from July 1, 1976 to June 30, 1977 - from the proceeds of the sale of bonds shall be segregated, apportioned and expended as follows:

	<u>Page #</u>	<u>1975-76</u>	<u>1976-77</u>
13 TRANSPORTATION			
17000 DEPARTMENT OF TRANSPORTATION			
1 Current Services			
0406 Highway - Highway and Bridge			
Improvements	3-578	\$5,450,000	\$8,150,000

Sections 1 and 2 of this Act, relating to issuance of the bonds and expenditure of funds, shall not become effective unless the people of the state have ratified the issuance of bonds as set forth in this Act.

CHAPTER 1

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing Amendments to the Constitution to Provide Single Member Districts for the House of Representatives, to Provide for Apportionment of the House and Senate and to Establish an Apportionment Commission to Plan for all apportionments of the House and Senate.

Constitutional amendment. RESOLVED: Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Art. IV, Pt. 1, § 2, 2nd, 3rd and 4th sentences are repealed and the following enacted in place thereof:

The Legislature which shall convene after the adoption of this amendment shall cause the multi-member districts of the House of Representatives to be divided into districts for the choice of one Representative for each district, dividing contiguous districts the least number of times necessary to establish as nearly as practicable equally populated districts. The Legislature which convenes in 1983 and every tenth year thereafter shall cause the State to be divided into districts for the choice of one Representative for each district. The number of Representatives shall be divided into the number of inhabitants of the State exclusive of foreigners not naturalized according to the latest Federal Decennial Census or a State Census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a median population figure for each Representative District. Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts shall be drawn within municipal boundaries. Any population remainder within the municipality shall be included in a district drawn to cross the municipal boundary, provided that such population remainder of the municipality must be contiguous to another municipality or municipalities included in the district.

Constitution, Art. IV, Pt. 1, §3 is repealed and the following enacted in place thereof:

Section 3. Apportionment plan of commission; by Supreme Judicial Court on failure to apportion. The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Clerk of the House no later than ninety calendar days after the convening of the Legislature in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of two-thirds of the Members of each House within thirty calendar days after the plan of the commission is submitted. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment within one hundred and thirty calendar days after convening, the Supreme Judicial Court shall, within sixty days following the period in which the Legislature is required to act, but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first thirty days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge

to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Constitution, Art. IV, Pt. 2, § 2, is repealed and the following enacted in place thereof:

Section 2. Division of the State into Senatorial Districts; division by Supreme Judicial Court, when. 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.

The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Secretary of the Senate no later than ninety calendar days after the convening of the Legislature in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of two-thirds of the Members of each House, within thirty calendar days after the plan of the commission is submitted. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment within one hundred and thirty days after convening, the Supreme Judicial Court shall, within sixty days following the period in which the Legislature is required to act but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first thirty days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Constitution, Art. IV, Pt. 3, §1-A is enacted to read:

Section 1-A. Legislature which is required to apportion to establish commission. A Legislature which is required to apportion the districts of the House of Representatives or the Senate, or both, under Article IV, Part First, Section 2, or Article IV, Part Second, Section 2, shall establish, within the first three calendar days after the convening of that Legislature, a commission to develop in accordance with the requirements of this Constitution, a plan for apportioning the House of Representatives, the Senate, or both.

The commission shall be composed of three members from the political party holding the largest number of seats in the House of Representatives, who shall be appointed by the Speaker; three members from the political party holding the majority of the remainder of the seats in the House of Representatives, who shall be appointed by the floor leader of that party in the House; two members of the party holding the largest number of seats in the Senate, who shall be appointed by the President of the Senate; two members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate; the chairperson of each of the two major political parties in the State or their designated representatives; and three members from the public generally, one to be selected by each group of members of the commission representing the same political party, and the third to be selected by the other two public members. The Speaker of the House shall be responsible for organizing the commission and shall be chairman pro tempore thereof until a permanent chairman is selected by the commission members from among their own number. No action shall be taken without a quorum of seven being present. The commission shall hold

public hearings on any plan for apportionment prior to submitting such plan to the Legislature.

Public members of the commission shall receive compensation, as provided by law. All members of the commission shall be reimbursed for actual travel expenses incurred in carrying out the business of the commission. The Legislature which is required to apportion shall appropriate sufficient funds to compensate public members, to provide staff assistance to the commission, to provide travel expenses for all members and to provide for incidental expenses of the commission as needed to carry out its duties under this Constitution.

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for single member districts for the House of Representatives, to provide for apportionment of the House and Senate and to establish an apportionment commission to plan for all apportionments of the House and Senate?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns 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 if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine.

Received in the office of the Secretary of State March 21, 1975.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolution, Chapter 1, 1975, entitled “RESOLUTION, Proposing Amendments to the Constitution to Provide Single Member Districts for the House of Representatives, to Provide for Apportionment of the House and Senate and to Establish an Apportionment Commission to Plan for all Apportionments of the House and Senate.

INTENT AND CONTENT

These amendments to the Constitution provide that:

- (1) the next Legislature divide the present multi-member districts of the House

of Representatives into districts for the choice of one Representative for each district, and that the State again be divided into single-member districts by the Legislature which convenes in 1983 and every tenth year thereafter;

(2) each Legislature which convenes in 1983 and every tenth year thereafter divide the State into single-member senatorial districts; and

(3) a Legislature which is required to apportion the districts of the House or the Senate, or both, establish, an apportionment commission which is required to develop a plan for apportioning the House, the Senate, or both, within 90 days after the convening of the Legislature in which apportionment is required which shall be composed of six members of the House, four members of the Senate, and three members from the public.

CHAPTER 2

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions.

Constitutional amendments. **RESOLVED:** Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Art. IV, Pt. 3, § 17, is amended to read:

Section 17. Proceedings for referendum; proclamation by Governor. 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 ~~within ninety days~~ by the hour of five o'clock, p.m., on 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 general or special election. 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. 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 general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the Governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof. If the Governor is requested in the written petition to order such measure to be submitted to the people at a special election and if he fails to do so in the public proclamation giving notice that the effect of an Act, bill, resolve or resolution or part or parts thereof has been suspended by petition, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at a special election as requested, and such order shall be sufficient to enable the people to vote.

Constitution, Art. IV, Pt. 3, § 18, is amended to read:

Section 18. Direct initiative of legislation; number signatures necessary on direct initiative petitions. 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 or presented to either branch of the Legislature within forty five days by the hour of five o'clock, p.m., on the fiftieth day after the date of convening of the Legislature in regular session. If the fiftieth day is a legal holiday, the period runs until the hour of five o'clock, p.m., of the next day. 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 or against both, the one receiving the most votes shall at the next general 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 and 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. The Governor may, and if so requested in the written petitions addressed to the Legislature, 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 a special election to be held not less than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the Legislature, to which such measure was proposed. If the Governor is requested in the written petition to order a measure proposed to the Legislature and not enacted without change to be submitted to the people at such a special election and if he fails to do so 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 a special election as requested, and such order shall be sufficient to enable the people to vote.

Constitution, Art IV, Pt. 3, § 20, is amended to read:

Section 20. Meaning of words "electors", "people", "recess of Legislature", "general election", "measure", and "written petition". As used in either 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; "general election" means the November election for choice of presidential electors, Governor and other state and county officers; "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 one of the petitioners certified thereon 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 clerk 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. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a referendum 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. Written Petitions for an initiative 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 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. Such officials must complete the certification of such petitions and must return them to the circulators or their agents within two days, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed in the office of the Secretary of State by a resident of this State whose name must appear on the voting list of his city, town or plantation as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

Constitution, Art. IV, Pt. 3, § 22, is amended to read:

Section 22. Election officers and officials, how governed. Until the Legislature shall enact further ~~regulations~~ laws not inconsistent with the Constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self executing. The Legislature may enact laws not inconsistent with the Constitution to establish procedures for determination of the validity of written petitions. Such laws shall include provision for judicial review of any determination, to be completed within one hundred days from the date of filing of a written petition in the office of the Secretary of State.

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

"Shall the Constitution be amended as proposed by a resolution of the Legislature to establish filing dates for initiative and referendum petitions; clarify when the effective date of a bill is suspended by the filing of a referendum petition; clarify the process of calling a special election for an initiative or referendum vote; limit legislative amendment and repeal of laws initiated or approved by the people; clarify the petition process; and provide for review of the validity of petitions?"

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns 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 if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine.

Received in the office of the Secretary of State June 2, 1975.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolution, Chapter 2, 1975, entitled, "RESOLUTION, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify when the Effective Date of a Bill is suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions."

INTENT AND CONTENT

This amendment to the Constitution provides that a petition for referendum regarding newly enacted legislation be filed in the office of the Secretary of State by 5 o'clock P.M. on the 90th day after the recess of the Legislature, or if that day is a Saturday, Sunday or legal holiday, by 5 P.M. on the preceding day which is not a Saturday, Sunday or legal holiday. A petition initiating legislation must be filed in the office of Secretary of State by 5 P.M. on the 50th day after the convening of the Legislature in regular session. If the 50th day is a legal holiday, the period runs until 5 P.M. of the next day.

The effective date of any Act, bill, resolve or resolution or part or parts thereof contained in a referendum petition are suspended when the petition is filed. If the petition is invalid, the Act, bill, resolve or resolution or part or parts take effect the day following such determination.

With respect to petitions to recall or to initiate legislation, with regard to both kinds of petition, if the Governor is requested in the petition to order the legislation to be submitted to the people at a special election, and he fails to do so, the Secretary of State shall order such measure to be submitted to the people.

Written petitions must be verified under oath. Petitions to recall newly enacted legislation must be submitted to municipal officials, to determine whether the signers of the petition are qualified voters, by 5 P.M. on the 5th day before the petition must be filed in the office of the Secretary of State, and petitions to initiate legislation must be filed by 5 P.M. on the 3rd day prior to that day. Petitions must be returned within 2 days after such submission.

This amendment also provides that the Legislature may enact laws to establish procedures for determining the validity of written petitions, including provisions for judicial review.

CHAPTER 3

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office.

Constitutional amendment. RESOLVED: Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

Constitution, Art. V, Pt. 1, § 5, is amended to read:

Section 5. Disqualifications. No person holding any office or place under the United States, this State, or any other power, shall ~~exercise~~ assume the office of Governor, nor shall any such person exercise the office of Governor except as provided by this Constitution.

Constitution, Art. V, Pt. 1, § 14, first sentence, is amended to read:

Whenever the office of Governor shall become vacant because of the death, resignation or removal of a Governor in office, or any other cause, the President of the Senate shall assume the office of Governor until another Governor shall be duly qualified.

Constitution, Art. V, Pt.1, § 14, last sentence, is repealed.

Constitution, Art. V, Pt. 1, § 14, is amended by adding at the end a new paragraph to read:

Whenever for six months a Governor in office shall have been continuously unable to discharge the powers and duties of his office because of mental or physical disability such office shall be deemed vacant. Such vacancy shall be declared by the Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that ground exists for declaring the office to be vacant.

Constitution, Art. V, Pt. 1, § 15, is enacted to read:

Section 15. Inability of the Governor to discharge the powers and duties of his office. Whenever the Governor is unable to discharge the powers and duties of his office because of mental or physical disability, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until the Governor is again able to discharge the powers and duties of his office, or until the office of Governor is declared to be vacant or until another Governor shall be duly qualified.

Whenever the Governor is unable to discharge the powers and duties of his office, he may so certify to the Chief Justice of the Supreme Judicial Court, in which case and upon notice from the Chief Justice, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until such time as the Governor shall certify to the Chief Justice that he is able to discharge such powers and duties and the Chief Justice shall so notify the officer who is exercising the powers and duties of the office of Governor.

When the Secretary of State shall have reason to believe that the Governor is unable to discharge the duties of his office, he may so certify to the Supreme Judicial Court, declaring his reasons for such belief. After notice to the Governor, a hearing before the Court and a decision by a majority of the court that the Governor is unable to discharge the duties of his office, the court shall notify the President of the Senate, or if that office is vacant the Speaker of the House of Representatives, of such inability and he shall exercise the functions, powers and duties of the office of Governor until such time as the Secretary of State or the Governor shall certify to the court that the Governor is able to discharge the duties of his office and the court, after notice to the Governor and a hearing before the court, decides that the Governor is able to discharge the duties of his office and so notifies the officer who is exercising the powers and duties of the office of Governor.

Whenever either the President of the Senate or Speaker of the House of Representatives shall exercise the office of Governor, he shall receive only the compensation of Governor, but his duties as President or Speaker shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until he shall cease to exercise the office of Governor.

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at a special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for determination of the inability of the Governor to discharge the powers and duties of his office?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns 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 if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine.

Received in the office of the Secretary of State June 10, 1975.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolution, Chapter 3, 1975, entitled, “RESOLUTION, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office.”

INTENT AND CONTENT

This amendment to the Constitution provides that whenever for six months a Governor in office shall have been continuously unable to discharge the powers and duties of his office because of mental or physical disability such office shall be deemed vacant. Upon notice and hearing, the Supreme Judicial Court, upon presentment to it of a joint resolution adopted by a two-thirds vote of the Senators and Representatives, shall declare by majority vote that a vacancy exists. The President of the Senate, or if that office is vacant, the Speaker of the House, shall exercise the powers and duties of the office until the Governor is able to discharge them, or the office is declared vacant or another Governor shall be duly qualified.

Whenever the Governor is unable to discharge his duties, he may so certify to the Chief Justice, in which case and upon notice the President of the Senate, or Speaker of the House, shall exercise such powers and duties until such time as the Governor shall certify to the Chief Justice that he is able to discharge such powers and duties and the Chief Justice shall notify the officer who is exercising such powers and duties.

When the Secretary of State has reason to believe that the Governor is unable to discharge his duties, he may so certify to the Supreme Judicial Court, declaring his reasons for such belief. After notice to the Governor, a hearing before the Court and a majority decision that the Governor is unable to discharge the duties of his office, the court shall notify the President of the Senate, or if that office is vacant the Speaker of the House, of such inability, and he shall exercise the functions, powers and duties of the office until after hearing the court decides that the Governor is able to discharge his duties and so notifies the officer exercising such powers and duties.

CHAPTER 4

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution to Abolish the Executive Council and to Reassign its Constitutional Powers to the Governor and the Legislature, to Eliminate the Office of Notary Public as a Constitutional Office and to Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment.

Constitution, Art. IV, Pt. 1 § 5, 4th sentence, is amended to read:

The Governor ~~and Council~~ shall examine the returned copies of such lists and twenty days before the first Wednesday of January biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats.

Constitution, Art. IV, Pt. 2, § 4, is amended to read:

Section 4. Examination of lists; summons to persons who appear to be elected. The Governor ~~and Council~~ shall, as soon as may be, examine the copies of such lists, and at least twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district to attend that day and take their seats.

Constitution, Art. IV, Pt. 3, § 10, is amended to read:

Section 10. Members not to be appointed to certain offices.

No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, **which requires the approval of the Legislature for appointment** or which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people.

Constitution, Art. V, Pt. 1, § 8, is repealed and the following enacted in place thereof:

Section 8. To appoint officers. He shall nominate, and, subject to confirmation as provided herein, appoint all judicial officers except judges of probate and justices of the peace, and all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for.

The procedure for confirmation shall be as follows: an appropriate legislative committee comprised of members of both houses in reasonable proportion to their membership as provided by law shall recommend confirmation or denial by majority vote of committee members present and voting. The committee recommendation shall be reviewed by the Senate and upon review shall become final action of confirmation or denial unless the Senate by vote of two thirds of those members present and voting overrides the committee recommendation. The Senate vote shall be by the yeas and nays.

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

Either the Governor or the President of the Senate shall have the power to call the Senate into session for the purpose of voting upon confirmation of appointments.

He shall nominate and appoint justices of the peace for an initial term only, and additional terms of these officers shall be by renewal of commission, as provided by law.

Every nomination by the Governor shall be made seven days at least prior to appointment of the nominee.

Constitution, Art. V, Pt. 1, § 11, first sentence, is amended to read:

He shall have power, ~~with the advice and consent of the Council,~~ to remit after conviction all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons.

Constitution, Art. V, Pt. 2, §§ 1-4, are repealed.

Constitution, Art. V, Pt. 3, §3 is amended to read:

Section 3. **Attend the Governor.** He shall attend the Governor ~~and Council,~~ Senate and House of Representatives, in person or by his deputies as they shall respectively require.

Constitution, Art. V, Pt. 3, §4 is amended to read:

Section 4. **Records of executive and legislative departments.** He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor ~~and Council,~~ Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

Constitution, Art. VI, §6, last sentence of 1st paragraph is amended to read:

Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid at the November election, next after their occurrence; and in the meantime; the Governor ~~with the advice and consent of the Council,~~ may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January next after the election aforesaid.

Constitution, Art. IX, § 1, last ¶ is amended to read:

The oaths or affirmations shall be taken and subscribed by the Governor ~~and Councilors~~ before the presiding officer of the Senate, in the presence of both Houses of the Legislature, and by the Senators and Representatives before the Governor ~~and Council,~~ and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor ~~or any Councilor~~ shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the Senators and Representatives, such oaths shall be administered by the Chief Justice of the Supreme Judicial Court or in his absence, by the senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said Senators and Representatives shall have been elected.

Constitution, Art. IX, §4 is amended to read:

Section 4. **Elections on the first Wednesday of January may be adjourned from day to day.** And in case the elections, required by this Constitution on the first Wednesday of January biennially, by the two Houses of the Legislature, shall not be

completed on that day, the same may be adjourned from day to day, until completed, ~~in the following order. The vacancies in the Senate shall first be filled, the Governor shall then be elected, if there be no choice by the people, and afterwards the two Houses shall elect a Council.~~

Constitution, Art. IX, §5, 1st sentence is amended to read:

Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor ~~with the advice of the Council,~~ on the address of both branches of the Legislature.

Constitution, Art. IX, §6 is amended to read:

Section 6. Tenure of office. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor ~~and Council.~~

Constitution, Art. IX, § 10, last ¶, is amended to read:

Whenever the Governor ~~and Council~~ upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon him by law, the Governor may remove such sheriff from office and ~~with the advice and consent of the Council~~ appoint another sheriff in his place for the remainder of the term for which such removed sheriff was elected. All vacancies in the office of sheriff, other than those caused by removal in the manner aforesaid shall be filled in the same manner as is provided in the case of judges and registers of probate.

Constitution, Art. IX, § 11 is amended to read:

Section 11. Attorney General. The Attorney General shall be chosen biennially by joint ballot of the Senators and Representatives in convention. Vacancy in said office occurring when the Legislature is not in session, may be filled by appointment by the Governor, ~~with the advice and consent of the Council~~ **subject to confirmation as required by this Constitution for Justices of the Supreme Judicial Court.**

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at a special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a Resolution of the Legislature to abolish the Executive Council and to Reassign its Constitutional Powers to the Governor and the Legislature, to Eliminate the Office of Notary Public as a Constitutional Office and to Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns 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 if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall on January 4, 1977, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine.

Received in the office of the Secretary of State June 26, 1975.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolution, Chapter 4, 1975, entitled "RESOLUTION, Proposing an Amendment to the Constitution to Abolish the Executive Council and to Reassign its Constitutional Powers to the Governor and the Legislature, to Eliminate the Office of Notary Public as a Constitutional Office and to Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment."

INTENT AND CONTENT

This amendment of the Constitution abolishes the Executive Council and reassigns its Constitutional Powers to the Governor and the Legislature. The office of notary public will no longer be considered a constitutional office. The amendment also provides for the appointment of all judicial officers except judges of probate and justices of the peace by the Governor, subject to confirmation of a legislative committee subject to review by the Senate.

This amendment prohibits the appointment of Legislators to any civil office of profit under this State which requires the approval of the Legislature for appointment. It grants to the Governor the power to pardon, the power to remove civil officers by impeachment or address, the power to remove a sheriff who is not performing his duties and appoint another in his place, and to fill a vacancy in the office of Attorney General subject to confirmation as required for Justices of the Supreme Judicial Court.

CHAPTER 5

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature with Limits on the Matters which may be Considered in the Second Regular Session of Each Biennium and to Change the Date of Convening of the Legislature.

Constitutional amendment. RESOLVED: Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

Constitution, Art. IV, Pt. 1, § 2, first sentence, is amended to read:

The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the ~~biennial meeting of the Legislature~~ **first Wednesday after the first Tuesday in January following the general election.**

Constitution, Art. IV, Pt. 1, § 5, 4th and 5th sentences, are amended to read:

The Governor and Council shall examine the returned copies of such lists and twenty days before the first Wednesday ~~after the first Tuesday~~ of January biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday ~~after the first Tuesday~~ of January biennially, and they shall finally determine who are elected.

Constitution, Art. IV, Pt. 2, §4 is amended to read:

Section 4. Examination of lists; summons to persons who appear to be elected. The Governor and Council shall, as soon as may be, examine the copies of such lists, and at least twenty days before the said first Wednesday ~~after the first Tuesday~~ of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district, to attend that day and take their seats.

Constitution, Art. IV, Pt. 2, § 5, first sentence, is amended to read:

The Senate shall, on said first Wednesday ~~after the first Tuesday~~ of January, biennially determine who is elected by a plurality of votes to be Senator in each district.

Constitution, Art. IV, Pt. 3, § 1, is amended to read:

Section 1. To meet annually; power of the Legislature to convene itself at other times. The Legislature shall convene on the first Wednesday ~~after the first Tuesday~~ of January ~~biennially and following the general election in what shall be designated the first regular session of the Legislature; and shall further convene on the first Wednesday after the first Tuesday in the subsequent year in what shall be designated the second regular session of the Legislature; provided, however, that the business of the second regular session of the Legislature shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall enact appropriate statutory limits on the~~

length of the first regular session and of the second regular session. The Legislature may convene at such other times on the call of the President of the Senate and Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having been first polled. ~~and~~ The Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

Constitution, Art. IV, Pt. 3, §16, first sentence, is amended to read:

No Act or joint resolution of the Legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the session of the Legislature ~~passing it in which it was passed~~, unless in case of emergency, which with the facts constituting the emergency shall be expressed in the preamble of the Act, the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct.

Constitution, Art. V, Pt. 1, §2, first sentence, is amended to read:

The Governor shall be elected by the qualified electors, and shall hold his office for four years from the first Wednesday ~~after the first Tuesday~~ of January next following the election and until his successor has been duly elected and qualified.

Constitution, Art. V, Pt. 1, § 3, 3rd sentence, is amended to read:

The Secretary of State for the time being shall, on the first Wednesday ~~after the first Tuesday~~ of January then next, lay the lists returned to the secretary's office before the Senate and House of Representatives to be by them examined, together with the ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same.

Constitution, Art. V, Pt. 1, § 13, is amended to read:

Section 13. Convene the Legislature on extraordinary occasions, and adjourn it in case of disagreement; may change the place of meeting. He may, on extraordinary occasions, convene the Legislature; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the day of the next ~~biennial meeting regular session~~; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

Constitution, Art. V, Pt. 1, § 14, 2nd sentence, is amended to read:

When the vacancy occurs more than ninety days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday ~~after the first Tuesday~~ of January following the biennial election.

Constitution, Art. V, Pt. 2, §2, is amended to read:

Section 2. Election; interim appointment and oath on vacancy; privilege from arrest. The Councillors shall be chosen biennially, on the first Wednesday ~~after the first Tuesday~~ of January, by joint ballot of the Senators and Representatives in convention; and vacancies, which shall afterwards happen, shall be filled in the

following manner: The Governor with the advice and consent of the Council shall appoint within thirty days from said vacancy a Councillor from the same district in which the vacancy occurred, and the oath of office shall be administered by the Governor; said Councillor shall hold office until the next convening of the Legislature Council is chosen; but not more than one Councillor shall be elected or appointed from any district prescribed for the election of Senators; they shall be privileged from arrest in the same manner as Senators and Representatives.

Constitution, Art. IX, §4, is amended to read:

Section 4. Elections on the first Wednesday after the first Tuesday of January may be adjourned from day to day. And in case the elections, required by this Constitution on the first Wednesday after the first Tuesday of January biennially, by the two Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: The vacancies in the Senate shall first be filled; the Governor shall then be elected, if there be no choice by the people; and afterwards the two Houses shall elect a Council.

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for annual sessions of the Legislature with limits on the matters which may be considered in the second regular session of each biennium and to change the date of the convening of the Legislature?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns 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 if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine.

Received in the office of the Secretary of State July 2, 1975.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolutions, Chapter 5, 1975, entitled, “RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature with Limits on Matters which may be considered in the Second Regular Session of Each Biennium and to Change the Date of Convening of the Legislature.”

INTENT AND CONTENT

This amendment provides that the Legislature shall meet annually in regular session on the first Wednesday after the first Tuesday of January, provided, however, that the business of the second regular session shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and the legislation presented to the Legislature by direct initiative petition of the electors. The Legislature is directed to enact appropriate statutory limits on the length of the first regular session and of the second regular session.

LOCAL OPTION

CHAPTER 80

PUBLIC LAW OF 1975

AN ACT to Allow Municipalities to Permit the Sale of Malt Liquor in All Restaurants, Restaurants Operating under a Part-time Malt Liquor License, Class A Taverns and Taverns on Sunday.

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

Sec. 1. 28 MRSA § 4, is amended by adding after the 4th ¶, the following new ¶ to read:

Restaurants operating under a part-time restaurant malt liquor license, as defined under section 2, shall have the right to sell liquor on Sundays between the hours of 12 noon and midnight and such sales may be made during such time by the licensee himself, a clerk, servant or agent in a municipality or unincorporated place where a majority of votes cast in the municipality or unincorporated place in a state-wide special or general election shall answer in the affirmative to the following local option question:

Shall this municipality or unincorporated place authorize the sale on Sunday of malt liquor in those restaurants operating under a part-time restaurant malt liquor license during the rest of the week?

and where there was a majority of affirmative votes cast on any local liquor option question voted upon, other than questions 1, 5 and 6, at the last election at which local liquor option questions were on the ballot in the municipality or unincorporated place.

Sec. 2. 28 MRSA § 4, as last amended by PL 1973, c. 788, § 122, is further amended by adding before the next to the last paragraph the following new paragraph:

Restaurants, class A taverns and taverns, as defined under section 2, shall be permitted to sell malt liquor on Sundays between the hours of 12 noon and midnight and such sales may be made during such time by the licensee himself, a clerk, servant or agent in a municipality or unincorporated place where a majority of votes cast in the municipality or unincorporated place in a state-wide special or general election shall answer in the affirmative to the following local option question:

Shall this municipality or unincorporated place authorize the sale on Sunday of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of those restaurants, class A taverns and taverns where malt liquor is permitted to be sold during the rest of the week or shall be so permitted by this election?

Sec. 3. 28 MRSA § 101, sub-§ 16 is enacted to read:

16. Shall this municipality or unincorporated place authorize the sale on Sunday of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of those restaurants, class A taverns and taverns where malt liquor is permitted to be sold during the rest of the week or shall be so permitted by this election?

Sec. 4. 28 MRSA § 101, sub-§ 17 is enacted to read:

17. Shall this municipality or unincorporated place authorize the sale on Sunday of malt liquor in those restaurants operating under a part-time restaurant malt liquor license during the rest of the week?

Sec. 5. 28 MRSA § 103, 4th ¶, as amended by PL 1969, c. 500, § 5-A, is further amended by inserting at the end the following:

The county commissioners or the commission shall also have the authority in such unincorporated place to authorize the sale on Sunday of malt liquor and table wine for consumption on the premises by those licensees who are permitted to make such sale during the rest of the week.

Sec. 6. **Transition.** The first election to be held under section 2 of this Act shall be held at the next state-wide special or general election following the effective date of this Act and the question specified in section 3 and section 4 of this Act shall be placed on the ballot to be voted on by the electors of each municipality or unincorporated place in this State in which malt liquor is permitted to be sold during all days of the week except Sunday or in which the question of whether to allow the sale of malt liquor in that municipality during all days of the week except Sunday in restaurants, Class A taverns or taverns is to be voted on at that election.

Approved March 20, 1975

(Published under Appropriation 1060-2050)

MARKHAM L. GARTLEY

Secretary of State