

MAINE STATE LEGISLATURE

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ELECTIONS - 1976 (NOV.)
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**REFERENDUM QUESTION
and
PROPOSED CONSTITUTIONAL AMENDMENTS**

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

Referendum Question

To Require a Minimum 5¢ Deposit on all Returnable Beverage Containers.

Constitutional Amendments

1. To Allow the Governor Ten Days to Act on Legislation.
2. To Allow Judges to Continue to Hold Office for up to Six Months Until Their Successors are Appointed.
3. To Increase the Bonding Limit on Maine Veterans' Mortgage Loans and to Decrease the Bonding Limit of the Maine School Building Authority.
4. To Prohibit State Bonding of Current Expenditures and Assure Revenue for Bond Service.

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



1976

**To be Voted Upon at the General Election on Tuesday,
November 2, 1976**

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**MARKHAM L. GARTLEY
Secretary of State**

NOV 1976

STATE OF MAINE

Referendum Question and Proposed Constitutional Amendments to be Voted Upon

November 2, 1976

A person who destroys or defaces a specimen ballot before the election to which it pertains is over, shall have committed a Class E crime.

MARKHAM L. GARTLEY, Secretary of State

SPECIMEN BALLOT

Those in favor of any, or all, of the following referendum question and proposed constitutional amendments will place a cross (X) or a check mark (✓) in each, or any, of the squares marked "YES" at the left of 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."

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|--|---|--|
| <p>YES</p> <input type="checkbox"/> | <p>NO</p> <input type="checkbox"/> | <p style="text-align: center;">REFERENDUM QUESTION</p> <p>"Shall section 16 of 'AN ACT to Improve Solid Waste Management,' which section requires a minimum 5¢ deposit on all returnable beverage containers, as passed by the First Special Session of the 107th Legislature, become law?"</p> |
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| | | |
|--|---|---|
| <p>YES</p> <input type="checkbox"/> | <p>NO</p> <input type="checkbox"/> | <p style="text-align: center;">PROPOSED CONSTITUTIONAL AMENDMENT NO. 1</p> <p>"Shall the Constitution be amended as proposed by a resolution of the Legislature to allow the Governor ten days to act on legislation?"</p> |
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| <p>YES</p> <input type="checkbox"/> | <p>NO</p> <input type="checkbox"/> | <p style="text-align: center;">PROPOSED CONSTITUTIONAL AMENDMENT NO. 2</p> <p>"Shall the Constitution be amended as proposed by a resolution of the Legislature to allow judges whose terms of office expire or who reach mandatory retirement age to continue to hold office for up to 6 months until their successors are appointed?"</p> |
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| <p>YES</p> <input type="checkbox"/> | <p>NO</p> <input type="checkbox"/> | <p style="text-align: center;">PROPOSED CONSTITUTIONAL AMENDMENT NO. 3</p> <p>"Shall the Constitution be amended as proposed by a resolution of the Legislature to increase the bonding limit on Maine veterans' mortgage loans from \$2,000,000 to \$4,000,000 and to decrease the bonding limit of the Maine School Building Authority from \$25,000,000 to \$10,000,000?"</p> |
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| <p>YES</p> <input type="checkbox"/> | <p>NO</p> <input type="checkbox"/> | <p style="text-align: center;">PROPOSED CONSTITUTIONAL AMENDMENT NO. 4</p> <p>"Shall the Constitution be amended as proposed by a resolution of the Legislature to prohibit State bonding of current expenditures and assure revenues for bond service?"</p> |
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REFERENDUM QUESTION

"Shall section 16 of 'AN ACT to Improve Solid Waste Management,' which section requires a minimum 5¢ deposit on all returnable beverage containers, as passed by the First Special Session of the 107th Legislature, become law?"

INTENT AND CONTENT

The purpose of this Act is to encourage recycling of beverage containers used for beer and carbonated soft drinks which are offered for sale in Maine.

The Act accomplishes this goal by requiring:

(1) all bottlers or canners (manufacturers) of such beverages to assign a refund value of not less than five cents to each container and clearly indicate the refund value on the container; and

(2) all persons selling such beverages (dealers), including vending machine operators, to pay the refund value to any person returning any empty, unbroken and reasonably clean container of a kind, size and brand sold by the dealer; and

(3) the distributors (including manufacturers) of such beverages to pay the refund value plus at least one cent for each container returned by a dealer.

The Act further provides for the establishment, with the approval of the Commissioner of the Department of Agriculture, of privately operated local redemption centers. If such a center is approved as convenient to a particular community, all dealers in the area which it serves may then refuse to accept containers, requiring persons returning containers to take them to the center, which will then pass them on to the distributors.

The Act also prohibits the sale of flip top cans and the use of plastic connectors to hold cans together.

Manufacturers, dealers and distributors who violate this Act are made liable to a civil penalty of not more than \$100 for each violation. Littering of any kind by consumers is already similarly punishable.

PROPOSED CONSTITUTIONAL AMENDMENT NO. 1

"Shall the Constitution be amended as proposed by a resolution of the Legislature to allow the Governor ten days to act on legislation?"

INTENT AND CONTENT

This amendment to the Constitution extends the time in which the Governor may veto legislation submitted to him by the Legislature from five to ten days. Under present constitutional provision, legislation not acted upon by the Governor within five days of submission

automatically becomes law, unless the Legislative session is ended within that period, in which case it does not become law unless signed. The amendment is intended to provide the Governor with more time to consider legislation, which is being passed in increasing amounts of volume and complexity.

A **"YES" VOTE** favors extending the time from five to ten days in which the Governor may veto legislation.

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 allow judges whose terms of office expire or who reach mandatory retirement age to continue to hold office for up to 6 months until their successors are appointed?"

INTENT AND CONTENT

This amendment to the Constitution permits a judicial officer of the State whose seven year term has expired or who has reached the mandatory retirement age (presently fixed by statute at 71) to continue to hold office for up to six months until his successor is appointed. The purpose of the amendment is to permit the continued discharge of judicial responsibility during the pendency of confirmation proceedings to fill vacancies, which are required by recent constitutional amendment to be conducted by the Legislature rather than by the abolished Executive Council.

A **"YES" VOTE** favors extending up to six months the term of judicial officers who have reached mandatory retirement age or whose terms have expired.

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 increase the bonding limit on Maine veterans' mortgage loans from \$2,000,000 to \$4,000,000 and to decrease the bonding limit of the Maine School Building Authority from \$25,000,000 to \$10,000,000?"

INTENT AND CONTENT

This amendment to the Constitution reduces the total amount of revenue bonds of the Maine School Building Authority for the construction of public school buildings on which the Legislature may insure payment at any one time from \$25,000,000 to \$10,000,000, and raises the total amount of small business mortgage loans to Maine veterans on which the Legislature may insure payment at any one time from \$2,000,000 to \$4,000,000.

A **"YES" VOTE** favors the reduction of the total amount of revenue bonds for the Maine School Building Authority from \$25,000,000 to \$10,000,000 and the increase of small business mortgage loans to Maine veterans from \$2,000,000 to \$4,000,000.

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 prohibit State bonding of current expenditures and assure revenues for bond service?"

INTENT AND CONTENT

This amendment to the Constitution has two purposes. It is intended:

(1) to prevent the use of proceeds of the sale of bonds authorized by the Legislature on or after July 1, 1977, to pay current expenditures, which goal it accomplishes by requiring the Legislature to pass legislation to that effect; and

(2) to establish the payment of interest and principal on all bonded debt of the State as the first priority for the General Fund, which goal it accomplishes by requiring the Legislature to provide for such payments by appropriations, or if it fails to do so, by requiring the State Treasurer to make such payments when due as soon as the Fund is in receipt of sufficient amounts of money. In furtherance of this latter goal, bondholders are given the right to sue the State Treasurer to set aside the necessary funds and make the required payments.

A **"YES" VOTE** favors the prohibition of State bonding of current expenditures and assure revenues for bond service.

A **"NO" VOTE** opposes the action.

CHAPTER 739

PUBLIC LAWS OF 1975

(As Amended by Sections 229 and 230 of Chapter 770
of the Public Laws of 1975)

AN ACT to Improve Solid Waste Management.

Sec. 16. 32 MRSA c. 28 is enacted to read:

CHAPTER 28

MANUFACTURERS, DISTRIBUTORS AND DEALERS OF BEVERAGE CONTAINERS

§ 1861. Purpose

1. Legislative findings. The Legislature finds that beverage containers are a major source of nondegradable litter and solid waste in this State and that the collection and disposal of this litter and solid waste constitutes a great financial burden for the citizens of this State.

2. Intent. It is the intent of the Legislature to create incentives for the manufacturers, distributors, dealers and consumers of beverage containers to reuse or recycle beverage containers thereby removing the blight on the landscape caused by the disposal of these containers on the highways and lands of the State and reducing the increasing costs of litter collection and municipal solid waste disposal.

§ 1862. Definitions

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Beverage. "Beverage" means beer, ale or other drink produced by fermenting malt, soda water or other nonalcoholic carbonated drink in liquid form and intended for human consumption.

2. Beverage container. "Beverage container" means a glass, metal or plastic bottle, can, jar or other container which has been sealed by a manufacturer and which, at the time of sale, contains one gallon or less of a beverage.

3. Commissioner. "Commissioner" means the Commissioner of Agriculture.

4. Consumer. "Consumer" means an individual who purchases a beverage in a beverage container for use or consumption.

5. Dealer. "Dealer" means a person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, including, but not limited to, an operator of a vending machine containing beverages in beverage containers.

6. Department. "Department" means the Department of Agriculture.

7. Distributor. "Distributor" means a person who engages in

the sale of beverages in beverage containers to a dealer in this State and includes a manufacturer who engages in such sales.

8. In this State. "In this State" means within the exterior limits of the State of Maine and includes all territory within these limits owned by or ceded to the United States of America.

9. Manufacturer. "Manufacturer" means a person who bottles, cans or otherwise places beverages in beverage containers for sale to distributors or dealers.

10. Operator of a vending machine. "Operator of a vending machine" means an owner of a vending machine, the person who refills it, or the owner or lessee of the property upon which it is located.

11. Person. "Person" means an individual, partnership, corporation or other legal entity.

12. Premises. "Premises" means the property of the dealer or his lessor on which the sale is made.

13. Use or consumption. "Use or consumption" means the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale, storage or retention for the purpose of sale of a beverage.

§ 1863. Refund value

Every beverage container sold or offered for sale to a consumer in this State shall have a refund value. The refund value shall be determined by the manufacturer according to the type, kind and size of the beverage container, but shall not be less than 5¢.

§ 1864. Dealer as distributor

Whenever a dealer or group of dealers receives a shipment or consignment of, or in any other manner acquires, beverage containers outside the State for sale to consumers in the State, such dealer or dealers shall comply with this chapter as if they were distributors, as well as dealers.

§ 1865. Labels; stamps; brand names

1. Labels. Except as provided under subsection 2, the refund value shall be clearly indicated on every beverage container sold or offered for sale by a dealer in this State, by embossing, stamping, labeling or other method of secure attachment to the beverage container. The refund value shall not be indicated on the bottom of the container. Metal beverage containers shall be embossed or stamped on the top of the container.

2. **Brand name.** Glass beverage containers having a refund value of not less than 5¢ prior to the effective date of this chapter and having a brand name permanently marked thereon, shall not be required to indicate the refund value under subsection 1.

§ 1866. Application

1. **Dealer acceptance.** Except as provided in this section, a dealer shall not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer, or refuse to pay in cash the refund value of the returned beverage container as established by section 1863. This section shall not require an operator of a vending machine to maintain a person to accept returned beverage containers on the premises where the vending machine is located.

2. **Permissive refusal by dealer.** A dealer may refuse to accept from a consumer or other person and to pay the refund value on any beverage container, if the place of business of the dealer and the kind, size and brand of beverage container are included in an order of the department approving a redemption center under section 1867.

3. **Distributor acceptance.** A distributor shall not refuse to accept from any dealer or local redemption center any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the distributor or refuse to pay to the dealer or local redemption center the refund value of a beverage container as established by section 1863.

4. **Reimbursement by distributor.** In addition to the payment of the refund value, the distributor shall reimburse the dealer or local redemption center for the cost of handling beverage containers, in an amount which equals at least 1¢ per returned container.

§ 1867. Redemption centers

1. **Establishment.** Local redemption centers may be established and operated by any person, subject to the approval of the commissioner, to serve local dealers and consumers, at which consumers may return empty beverage containers as provided under section 1866.

2. **Application for approval.** Application for approval of a local redemption center shall be filed with the department. The application shall state the name and address of the person responsible for the establishment and operation of the center, the kinds, sizes and brand names of beverage containers which will be accepted and the names and addresses of dealers to be served and their distances from the local redemption center.

3. **Approval.** The commissioner shall approve a local redemption center if he finds that the center will provide a convenient service for

the return of empty beverage containers. The order approving a local redemption center shall state the dealers to be served and the kinds, sizes and brand names of empty beverage containers which the center shall accept.

4. **Redemption center acceptance.** A local redemption center shall not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by a dealer served by the center or refuse to pay in cash the refund value of the returned beverage container as established by section 1863.

5. **Posted lists.** A list of the dealers served and the kinds, sizes and brand names of empty beverage containers accepted shall be prominently displayed at each local redemption center.

6. **Withdrawal of approval.** The commissioner may review at any time approval of a local redemption center. After written notice to the person responsible for the establishment and operation of the local redemption center and to the dealers served by the center, the commissioner may, after hearing, withdraw approval of a local redemption center if he finds there has not been compliance with the approval order or if the local redemption center no longer provides a convenient service to the public.

§ 1868. Prohibition on certain types of containers and holders

No beverage container shall be sold or offered for sale to consumers in this State:

1. **Flip tops.** In a metal container designed or constructed so that part of the container is detachable for the purpose of opening the container without the aid of a separate can opener; and

2. **Connectors.** With containers connected to each other by a separate holding device constructed of plastic rings or other device or material which cannot be broken down by bacteria into basic elements.

§ 1869. Penalties

1. **Civil violation.** A violation of this chapter by any person shall be a civil violation for which a forfeiture of not more than \$100 may be adjudged.

2. **Separate violations.** Each day that such violation continues or exists shall constitute a separate offense.

Referendum; effective date. Sections 1 to 15 of this Act shall take effect 90 days after adjournment of the Legislature. Section 16 of this Act shall take effect 90 days after the adjournment of the Legislature only for the purpose of presenting it to the legal voters of the State of

Maine at the general state-wide election to be held on the Tuesday following the first Monday of November following the passage of this Act.

The aldermen of the cities, the selectmen of the 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 general state-wide election on the Tuesday following the first Monday of November following the passage of this Act, to give in their votes upon the acceptance or rejection of section 16 of the foregoing Act, and the question shall be:

“Shall section 16 of ‘AN ACT to Improve Solid Waste Management,’ which section requires a minimum 5¢ deposit on all returnable beverage containers, as passed by the First Special Session of the 107th Legislature, become law?”

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 acceptance voting “Yes” and those opposed to acceptance 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 section 16 of said Act, the Governor shall forthwith make known the fact by his proclamation and section 16 of the Act shall become effective January 1, 1978.

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 April 2, 1976, and has become law without his signature. (Constitution, Article IV, Part Third)

Received in the office of the Secretary of State April 9, 1976.

INTENT AND CONTENT

The purpose of this Act is to encourage recycling of beverage containers used for beer and carbonated soft drinks which are offered for sale in Maine.

The Act accomplishes this goal by requiring:

(1) all bottlers or canners (manufacturers) of such beverages to assign a refund value of not less than five cents to each container

and clearly indicate the refund value on the container; and

(2) all persons selling such beverages (dealers), including vending machine operators, to pay the refund value to any person returning any empty, unbroken and reasonably clean container of a kind, size and brand sold by the dealer; and

(3) the distributors (including manufacturers) of such beverages to pay the refund value plus at least one cent for each container returned by a dealer.

The Act further provides for the establishment, with the approval of the Commissioner of the Department of Agriculture, of privately operated local redemption centers. If such a center is approved as convenient to a particular community, all dealers in the area which it serves may then refuse to accept containers, requiring persons returning containers to take them to the center, which will then pass them on to the distributors.

The Act also prohibits the sale of flip top cans and the use of plastic connectors to hold cans together.

Manufacturers, dealers and distributors who violate this Act are made liable to a civil penalty of not more than \$100 for each violation. Littering of any kind by consumers is already similarly punishable.

CHAPTER 6

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution Allowing the Governor Ten Days to Act on Legislation.

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. 3, § 2, last sentence, as amended by CR 1973, c. 2, is further amended to read:

If the bill or resolution shall not be returned by the Governor within ~~five ten~~ days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it unless the Legislature by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within three days after the next meeting of the same Legislature which enacted the bill or resolution; if there is no such next meeting of the Legislature which enacted the bill or resolution, the bill or resolution shall not be a law.

Form of question and date when amendment 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 amendment proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to allow the Governor ten days to act on legislation?”

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 amendment 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 February 27, 1976.

INTENT AND CONTENT

This amendment to the Constitution extends the time in which the Governor may veto legislation submitted to him by the Legislature from five to ten days. Under present constitutional provision, legislation not acted upon by the Governor within five days of submission automatically becomes law, unless the Legislative session is ended within that period, in which case it does not become law unless signed. The amendment is intended to provide the Governor with more time to consider legislation, which is being passed in increasing amounts of volume and complexity.

CHAPTER 7

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution to Allow Judges whose Terms of Office Expire or who Reach Mandatory Retirement Age to Continue to Hold Office for up to 6 Months until their Successors are Appointed.

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. VI, § 4, is amended to read:

Section 4. Tenure of judicial officers. All judicial officers shall hold their offices for the term of seven years from the time of their respective appointments (unless sooner removed by impeachment or by address of both branches of the Legislature to the executive, and provided further that justices of the peace may be removed from office in such manner as the Legislature may provide) ~~and no longer, unless reappointed thereto;~~ provided, however, that a judicial officer whose term of office has expired or who has reached mandatory retirement age, as provided by statute, may continue to hold office until the expiration of an additional period not to exceed six months or until his successor is appointed, whichever occurs first in time.

Form of question and date when amendment 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 following the passage of this resolution to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to allow judges whose terms of office expire or who reach mandatory retirement age to continue to hold office for up to 6 months until their successors are appointed?”

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 amendment 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 16, 1976.

INTENT AND CONTENT

This amendment to the Constitution permits a judicial officer of the State whose seven year term has expired or who has reached the mandatory retirement age (presently fixed by statute at 71) to continue to hold office for up to six months until his successor is appointed. The purpose of the amendment is to permit the continued discharge of judicial responsibility during the pendency of confirmation proceedings to fill vacancies, which are required by recent constitutional amendment to be conducted by the Legislature rather than by the abolished Executive Council.

CHAPTER 8

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution to Increase the Bonding Limit on Maine Veterans' Mortgage Loans from \$2,000,000 to \$4,000,000 and to Decrease the Bonding Limit of the Maine School Building Authority from \$25,000,000 to \$10,000,000.

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. IX, § 14-C is amended to read:

Section 14-C. Authority to insure, appropriate moneys and issue bonds for the payment of revenue bonds of the Maine School Building Authority. In order to encourage and assist in the provision and construction of public school buildings in the State, the Legislature by

proper enactment may insure the payment of revenue bonds of the Maine School Building Authority on school projects within the State not exceeding in the aggregate ~~twenty-five~~ ~~ten~~ million dollars in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.

Constitution, Art. IX, § 14-E is amended to read:

Section 14-E. Authority to insure Maine veterans' mortgage loans up to 80%, and to appropriate moneys and issue bonds for the payment of same. For the purposes of recognizing the services and sacrifices of Maine's men and women who have served their state and country through honorable service in the Armed Forces of the United States in time of war or national emergency; enlarging the opportunities for employment of Maine's veterans; insuring the preservation and betterment of the economy of the State of Maine; and stimulating the flow of private investment funds to Maine's veterans, the Legislature by proper enactment may insure the payment of up to eighty percent of any mortgage loan to resident Maine veterans of the Armed Forces of the United States, when such loans are made in connection with such legitimate purposes and under such terms and conditions as the Legislature may determine, not exceeding in the aggregate ~~two~~ ~~four~~ million dollars in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.

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 increase the bonding limit on Maine veterans' mortgage loans from \$2,000,000 to \$4,000,000 and to decrease the bonding limit of the Maine School Building Authority from \$25,000,000 to \$10,000,000?"

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 Maine.

Received in the office of the Secretary of State March 19, 1976.

INTENT AND CONTENT

This amendment to the Constitution reduces the total amount of revenue bonds of the Maine School Building Authority for the construction of public school buildings on which the Legislature may insure payment at any one time from \$25,000,000 to \$10,000,000, and raises the total amount of small business mortgage loans to Maine veterans on which the Legislature may insure payment at any one time from \$2,000,000 to \$4,000,000.

CHAPTER 9

CONSTITUTIONAL RESOLUTION OF 1975

RESOLUTION, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures.

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, Article V, Part Fourth, Section 5, additional. Article V of the Constitution is amended by adding a new section 5, to read as follows:

Section 5. Bonding regulations. The Legislature shall enact general law prohibiting the use of proceeds from the sale of bonds to fund current expenditures and shall provide by appropriation for the

payment of interest upon and installments of principal of all bonded debt created on behalf of the State as the same shall become due and payable. If at any time the Legislature shall fail to make any such appropriation, the Treasurer of State shall set apart from the first General Fund revenues thereafter received a sum sufficient to pay such interest or installments of principal and shall so apply the moneys thus set apart. The Treasurer of State may be required to set apart and apply such revenues at the suit of any holder of such bonds. The prohibition on use of proceeds from the sale of bonds to fund current expenditures shall only apply to those bonds authorized on or after July 1, 1977.

Form of question and date when amendment 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 amendment proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to prohibit State bonding of current expenditures and assure revenues for bond service?”

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 amendment 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.

INTENT AND CONTENT

This amendment to the Constitution has two purposes. It is intended:

- (1) to prevent the use of proceeds of the sale of bonds authorized by the Legislature on or after July 1, 1977, to pay current expenditures, which goal it accomplishes by requiring the Legislature to pass legislation to that effect; and

- (2) to establish the payment of interest and principal on all bonded debt of the State as the first priority for the General Fund, which goal it accomplishes by requiring the Legislature to provide for such payments by appropriations, or if it fails to do so, by requiring the State Treasurer to make such payments when due as soon as the Fund is in receipt of sufficient amounts of money. In furtherance of this latter goal, bondholders are given the right to sue the State Treasurer to set aside the necessary funds and make the required payments.
