

MAINE STATE LEGISLATURE

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ELECTIONS-1978
(NOV.)

Referendum Question
and
*Proposed Constitutional
Amendments*

In Accordance with an Act and Resolutions
Passed by the 108th Legislature at the
First and Second Regular Sessions

Bond Issue

\$2,100,000 to Establish a Dormitory at Northern
Maine Vocational-Technical Institute.

Constitutional Amendments

1. Eliminate the Office of Justice of the Peace as a Constitutional Office.
2. Repeal Provisions Relating to the Poll Tax and to Payment in Lieu of Military Duty.
3. Reduce and Combine the Guarantee Limits for the Insurance of Enterprises.
4. Require the Legislature to Convene in December after the General Election.
5. Reimburse Municipalities for Losses Caused by Property Tax Exemptions and Credits.
6. Provide that Taxes May be Assessed in Cost-sharing Formula Agreeable to Communities Involved.

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



1978

To be Voted Upon at the General Election,
Tuesday, November 7, 1978

MARKHAM L. GARTLEY
Secretary of State

Appropriation 1060.1

SECRETARY OF STATE
AUGUSTA, MAINE

STATE OF MAINE

CHAPTER 106

PRIVATE AND SPECIAL LAWS OF 1977

AN ACT to Authorize a Self-liquidating Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Maine Constitution, Article IX, Section 14, authorize the issuance of self-liquidating bonds on behalf of the State of Maine to establish a dormitory at Northern Maine Vocational-Technical Institute at Presque Isle.

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

Sec. 1. Authorization of bond issued for construction of student housing. The cost of constructing the dormitory at Northern Maine Vocational-Technical Institute, including any expenses incurred in financing thereof, shall be taken and appropriated from the proceeds of bonds issued under the authority of this Act.

Sec. 2. Issue of self-liquidating bonds to provide for construction. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time serial coupon bonds in the name and behalf of the State to an amount not exceeding \$2,100,000 for the purpose of raising funds to provide for construction pursuant to this Act. These bonds shall be general obligations of the State of Maine and the full faith and credit of the State shall be pledged to the payment of interest and redemption of the bonds. These bonds shall not run for a longer period than 25 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.

Sec. 3. Operation of dormitory. The Department of Educational and Cultural Services shall operate the dormitory when completed as a self-liquidating project until all the bonds issued as provided by this Act shall be retired and all the expenses incurred hereunder shall be paid. The department shall charge and collect such maintenance fees for the use of the dormitory as may be determined from time to time as necessary for the amortization of the principal of and the interest of the bonds issued and shall deposit to the credit of the Treasurer of State, in a separate account to be established by the State Controller, on the books of the State, all fees so charged and collected as assessed by the department.

Sec. 4. Records of bonds issued to be kept by State Auditor and Treasurer of State. The State Auditor shall

keep an account of these 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 successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 5. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of these bonds by direction of the Governor, but no such bond shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sales of these bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the State Controller, are appropriated to be used solely for the purpose set forth in this Act. Any unencumbered balances remaining at the completion of the construction pursuant to this Act shall lapse to the debt service account established for the retirement of these bonds.

Sec. 6. 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. 7. Disbursement of bond proceeds. The proceeds of these bonds shall be expended under the direction and supervision of the Department of Educational and Cultural Services with the approval of the Bureau of Public Improvements.

Sec. 8. Other sources of funds. This Act shall not in any manner preclude the department 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. 9. Proceeds of bonds not available for other purposes; shall 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. 10. Allocations from self-liquidating bond issue.

Description	Project Cost
Construction of dormitory at Northern Maine Vocational-Technical Institute	\$2,100,000

Sec. 11. Contingent upon ratification of bond issue. Subsections one through 10 of this Act shall not become

effective unless and until the people of the State of Maine shall have ratified the issuance of bonds set forth in this Act.

Sec. 12. Statutory referendum procedure; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Shall a bond issue be ratified for the purpose set forth in ‘AN ACT to Authorize a Self-liquidating Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational - Technical Institute, passed by the Second Regular Session of the 108th Legislature?’”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the words “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

This Act was presented to the Governor by the Senate on March 21, 1978 and has become law without his signature. (Constitution, Article IV, Part Third)

Received in the office of the Secretary of State April 3, 1978.

This Act authorizes the Treasurer to issue bonds not exceeding \$2,100,000 for the purpose of raising funds to construct a dormitory at Northern Maine Vocational-Technical Institute at Presque Isle. These bonds would be general obligations of the State of Maine, and the full faith and credit of the State would be pledged to the payment of interest and redemption of the bonds. The bonds would run for a period not longer than 25 years.

The Department of Educational and Cultural Services would operate the dormitory when completed as a self-liquidating project; that is, the department would charge and collect such maintenance fees for the use of the dormitory as may be determined necessary for the amortization of the principal and interest of the bonds issued. These fees would then be deposited to the credit of the State Treasurer in a separate account to be established by the State Controller.

A “YES” VOTE favors authorization of a bond issue in the amount of \$2,100,000 to establish a dormitory at Northern Maine Vocational-Technical Institute.

A “NO” VOTE opposes the action.

CHAPTER 1

CONSTITUTIONAL RESOLUTION OF 1977

RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional 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, § 8, 5th ¶, as repealed and replaced by CR 1975, c. 4, is repealed as follows:

~~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~~

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to eliminate the office of justice of the peace as a Constitutional office?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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

Received in the office of the Secretary of State April 28, 1977.

This amendment to the Constitution removes the office of Justice of the Peace from the Constitution, making Justices of the Peace, like Notaries Public, statutory offices, thus enabling the combination of the offices at a later date creating a cost-saving for the State.

A "YES" VOTE favors eliminating the office of Justice of the Peace as a Constitutional office.

A "NO" VOTE opposes the action.

CHAPTER 2

CONSTITUTIONAL RESOLUTION OF 1977

RESOLUTION, Proposing an Amendment to the Constitution to Repeal Provisions Relating to the Poll Tax and to Payment in Lieu of Military Duty.

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

Sec. 1. Constitution, Art. VII, § 5 is amended to read:

Section 5. Persons exempt from military duty. Persons of the denominations of Quakers and Shakers, Justices of the Supreme Judicial Court, Ministers of the

Gospel and persons exempted by the laws of the United States may be exempted from military duty, but no other able-bodied person of the age of eighteen and under the age of forty-five years, excepting officers of the militia who have been honorably discharged, shall be so exempted ~~unless he shall pay an equivalent to be fixed by law.~~

Sec. 2. Constitution, Art. IX, § 7 is amended to read:

Section 7. Valuation. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

"Shall the Constitution be amended as proposed by a resolution of the First Regular Session of the 108th Legislature to repeal provisions relating to the poll tax and to payment in lieu of military duty?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendments, the Governor shall proclaim that fact without delay and the amendments shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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

Received in the office of the Secretary of State May 19, 1977.

This amendment to the Constitution repeals certain provisions that are not necessary and are no longer in accord with the law of the land. One provision that this amendment repeals says that a person can be exempted from military duty if he pays a certain sum of money. The other provision this amendment repeals is the reference to the poll tax in the general valuation requirement.

A "YES" VOTE favors the repeal of these provisions relating to the poll tax and payment in lieu of military duty.

A "NO" VOTE opposes the action.

CHAPTER 3

CONSTITUTIONAL RESOLUTION OF 1977

RESOLUTION, Proposing an Amendment to the Constitution to Reduce and Combine the Guarantee Limits for the Insurance of Enterprises within the State, and to make Vessels Registered in the State Eligible for Such Insurance.

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. IX, § 14, first sentence, is amended to read:

The credit of the State shall not be directly or indirectly loaned in any case, except as provided in sections 14-A, ~~14-B~~, 14-C, 14-D and 14-E.

Constitution, Art. IX, § 14-A is repealed and the following enacted in its place:

Section 14-A. Authority to insure, appropriate moneys and issue bonds for the payment of industrial, manufacturing, fishing and agricultural mortgage loans. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial, manufacturing, fishing, agricultural and recreational enterprises within the State, the Legislature by proper enactment may insure the payment of mortgage loans on real estate and personal property within the State of such industrial, manufacturing, fishing, agricultural and recreational enterprises not exceeding in the aggregate \$90,000,000 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. For the purposes of this section, a documented fish-

ing vessel or a vessel registered under state law shall be construed as real estate.

Constitution, Art. IX, § 14-B is repealed.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

"Shall the Constitution be amended as proposed by a resolution of the First Regular Session of the 108th Legislature to reduce and combine the guarantee limits for the insurance of enterprises within the State, and to make vessels registered in the State eligible for such insurance?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendments, the Governor shall proclaim that fact without delay and the amendments shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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 16, 1977.

This amendment to the Constitution reduces and combines two separate insurance limits under which the Maine Guarantee Authority operates. It combines the \$17,000,000 limit for the insurance of recreational projects with the \$80,000,000 limit on industrial, manufacturing, fishing and agricultural enterprises, and reduces that total limit to \$90,000,000, resulting in a reduction of the credit exposure of the State by \$7,000,000. Also,

this amendment makes fishing vessels or vessels registered in this State eligible for such mortgage insurance.

A "YES" VOTE favors reducing and combining the guarantee limits for the insurance of enterprises within the State.

A "NO" VOTE opposes the action.

CHAPTER 4

CONSTITUTIONAL RESOLUTION OF 1977

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election.

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, as amended by CR 1975, c. 5, is further 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 first Wednesday ~~after the first Tuesday~~ in ~~January~~ December following the general election.

Constitution, Art. IV, Pt. 1, § 5, last 2 sentences, as amended by CR 1975, c. 5, are further amended to read:

The Governor shall examine the returned copies of such lists and ~~twenty seven~~ days before the first Wednesday ~~after the first Tuesday~~ of ~~January~~ December 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~~ December biennially, and they shall finally determined who are elected.

Constitution, Art. IV, Pt. 2, § 2, first sentence, as repealed and replaced by CR 1975, c. 1, is amended to read:

The Legislature which shall convene in ~~1983~~ 1984 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.

Constitution, Art. IV, Pt. 2, § 3, last sentence, is amended to read:

Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the ~~Secretary of State's office within fifteen days after the date on which the election is held~~ office of the Secretary of State forthwith.

Constitution, Art. IV, Pt. 2, § 4, as last amended by CR 1975, c. 5, is further amended to read:

Sec. 4. Examination of lists; summons to persons who appear to be elected. The Governor shall, as soon as may be, examine the copies of such lists, and at least ~~twenty seven~~ days before the said first Wednesday ~~after the first Tuesday~~ of ~~January~~ December, 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, as amended by CR 1975, c. 5, is further amended to read:

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

Constitution, Art. IV, Pt. 3, § 1, first sentence, as amended by CR 1975, c. 5, is further amended to read:

The Legislature shall convene on the first Wednesday ~~after the first~~ of ~~January~~ December 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 of ~~January~~ in the subsequent ~~even-numbered~~ 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.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, 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 vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for the convening of the Legislature in December following the general election, instead of in January?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendments, the Governor shall proclaim that fact without delay and the amendments shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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 8, 1977.

This amendment to the Constitution requires the Legislature to convene in December after the general election. The Constitution presently requires that the Legislature convene on the Wednesday after the first Tuesday of January following the general election for what is designated the first regular session. Under this amendment the Legislature would meet for the first regular session on the first Wednesday in December following its election allowing earlier election of House and Senate officers and earlier appointment of committees and staff. The second regular session would still convene in January in the subsequent even-numbered year.

A "YES" VOTE favors the first regular session of the Legislature convening in December of the year in which it is elected.

A "NO" VOTE opposes the action.

CHAPTER 5

CONSTITUTIONAL RESOLUTION OF 1977

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities from State Tax Sources for 50% of Losses Caused by Property Tax Exemptions and Credits Enacted after April 1, 1978.

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, § 23 is enacted to read:

Sec. 23. Municipalities reimbursed annually. The Legislature shall annually reimburse each municipality from state tax sources for 50% of the property tax revenue loss suffered by that municipality during the previous calendar year because of statutory property tax exemptions or credits enacted after April 1, 1978. The Legislature shall enact appropriate legislation to carry out the intent of this section.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Shall the Constitution be amended as proposed by a resolution of the Legislature to require the State to reimburse municipalities from state tax sources for 50% of losses caused by property tax exemptions and credits enacted after April 1, 1978?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendment the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on January 1, 1978.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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 11, 1977.

This amendment to the Constitution requires the State to reimburse municipalities each year for one-half of the property tax losses suffered by that municipality during the previous calendar year because of statutory property tax exemptions or credits enacted after April 1, 1978. The reimbursement would be from State funds.

A "YES" VOTE favors the State reimbursing municipalities for one-half of revenue losses caused by newly enacted property tax exemptions or credits.

A "NO" VOTE opposes the action.

CHAPTER 6

CONSTITUTIONAL RESOLUTION OF 1977

RESOLUTION, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in any Cost-sharing Formula Mutually Agreeable to the Communities Involved.

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. IX, § 8, is repealed and the following enacted in its place:

Section 8. Taxation; intangible property; permits valuation of certain lands upon current use; proviso; school districts. All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof.

1. The Legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property.

2. The Legislature shall have power to provide for the assessment of the following types of real estate whenever situated in accordance with a valuation based upon the current use thereof and in accordance with such conditions as the Legislature may enact:

A. Farms and agricultural lands, timberlands and woodlands;

B. Open space lands which are used for recreation or the enjoyment of scenic natural beauty; and

C. Lands used for game management or wildlife sanctuaries.

In implementing paragraphs A, B and C, the Legislature shall provide that any change of use higher than those set forth in paragraphs A, B and C, except when the change is occasioned by a transfer resulting from the exercise or threatened exercise of the power of eminent domain, shall result in the imposition of a minimum penalty equal to the tax which would have been imposed over the 5 years preceding that change of use had that real estate been assessed at its highest and best use, less all taxes paid on that real estate over the preceding 5 years, and interest, upon such reasonable and equitable basis as the Legislature shall determine.

3. The Legislature shall have power to provide that taxes, which it may authorize a School Administrative District or a community school district to levy, may be assessed on real, personal and intangible property in accordance with any cost-sharing formula which it may authorize.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide that taxes which a school district is authorized to levy may be assessed in any cost-sharing formula mutually agreeable to the communities involved?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No." The ballot shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the

amendment shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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 22, 1978.

This amendment to the Constitution empowers the Legislature to provide that taxes which a school administrative district or a community school district is authorized to levy may be assessed according to any cost-sharing formula authorized by the Legislature.

A "YES" VOTE favors empowering the Legislature to permit school districts to authorize any mutually agreeable cost-sharing formula.

A "NO" VOTE opposes the action.
