

MAINE STATE LEGISLATURE

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STATE LAW LIBRARY
AUGUSTA, MAINE

ELECTIONS
-1979.
(Nov.)

Initiated Bill
Referendum Questions
and
Proposed Constitutional
Amendment

In Accordance with an Initiated Bill, Acts and a
Constitutional Resolution Passed by the
109th Legislature at the First
Regular Session

Initiated Bill

AN ACT to Repeal the Forced Deposit Law. (Bottle Bill)

Bond Issues

1. \$16,500,000 for Highway and Bridge Improvements.
2. \$11,810,000 for Public Fish Piers, Airports and other Transportation Improvements.
3. \$2,500,000 for Energy Conservation Improvements for Local Government Buildings.

Constitutional Amendment

Remove the Literacy Requirements
for Eligibility to Vote.

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



1979

To be Voted Upon at the Special Election,
Tuesday, November 6, 1979

RODNEY S. QUINN
SECRETARY OF STATE

Appropriation 1060.1

The issuing of bonds by the State of Maine is the way in which the State borrows money for purposes designated in the legislation authorizing the issue. The following is a summary of the bonded indebtedness of the State of Maine as of June 30, 1979:

Total Bonds Outstanding and Unpaid:	\$262,050,000
Year in Which Existing Bonds Will be Paid in Full:	2006
Total Interest to be Paid on Existing Bonds:	\$80,309,325.30
Bonds Authorized by Voters but Unissued:	\$88,206,000
Limit of Contingent Bond Liability Authorized by Constitution and Laws But Unissued:	\$64,282,355
Total Bonds Authorized But Unissued:	\$152,488,355
Total Additional Bonds Contemplated To be Issued if Issues Submitted to Voters Be Ratified:	\$ 30,810,000

When money is borrowed by issuing bonds, the State must repay not only the principal amount of the bonds but interest on that amount as well. The amount of interest to be paid will vary depending upon the rate of interest to be applied at the time of issuance; an estimate of the total interest that may reasonably be expected to be paid on the issues submitted herewith for ratification is \$17,675,790. The total principal and interest to be repaid over the life of the bonds on the issues submitted herewith if ratified is thus estimated to be \$48,485,790.

Jerrold B. Speers
State Treasurer

INITIATED BILL

AN ACT to Repeal the Forced Deposit Law

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

32 MRSA, c. 28 is repealed

STATEMENT OF FACT

This bill would repeal the present "bottle law" and allow the Legislature to consider alternative methods of litter control which would reduce litter without imposing the present hardships on the consumers of this State.

State of Maine

Proclamation

WHEREAS, written petitions bearing the signatures of 38,034 electors of this State, which number is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18

of the Constitution of Maine, were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State within fifty days after the convening of the One Hundred and Ninth Legislature in regular session, requesting that the Legislature consider a bill entitled: "AN ACT to Repeal the Forced Deposit Law" coded as 32 M.R.S.A. Chapter 28; and

WHEREAS, the petitioning electors further required that should the Legislature not enact said measure without change, that said measure be referred to the people at a Special Election ordered by Proclamation of the Governor; and

WHEREAS, the initiated bill, "AN ACT to Repeal the Forced Deposit Law" failed enactment when the House of Representatives, on May 18, 1979, and the Senate, on May 21, 1979, accepted the unanimous "Ought Not to Pass" report of the Joint Standing Committee on Business Legislation; and

WHEREAS, under the provisions of Article IV, Part Third, Section 18 of the Maine Constitution, such election may be held not less than four nor more than six months from the date of this Proclamation;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine, acting under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, do hereby proclaim that a special election shall be called for the Tuesday following the first Monday in November, being the sixth day of the month, in the Year of Our Lord, One Thousand Nine Hundred and Seventy-nine.



IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-first day of June in the Year of Our Lord One Thousand Nine Hundred and Seventy-nine.

BY THE GOVERNOR: JOSEPH E. BRENNAN

RODNEY S. QUINN
SECRETARY OF STATE

RETURNABLE CONTAINER QUESTION

Do You Wish to Repeal the "Returnable Container Law" (Bottle Bill)?

Intent and Content

This initiated bill would repeal the returnable container law or "bottle bill", which presently requires every beverage container sold in Maine to have a refund value of at least five cents. The use of nonreturnable or throw-away containers would be allowed if this bill is passed.

A "YES" VOTE favors the repeal of the returnable container law.

A "NO" VOTE opposes the repeal of the returnable container law.

CHAPTER 36

PRIVATE AND SPECIAL LAWS OF 1979

AN ACT to Authorize Bond Issue in the Amount of \$16,500,000 for Highway and Bridge Improvements.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, 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 \$16,500,000 authorized. In addition to state highway and bridge bonds heretofore authorized, the Treasurer of the 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 \$16,500,000 payable serially at the State Treasury within 20 years from date of issue. The bonds and coupons shall be of such denominations and form and upon such terms and conditions, not inconsistent herewith; as the Governor shall direct. The proceeds from the sale of the 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. The bonds shall be issued from time to time so as to meet the needs of highway and bridge improvements. The 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, 1979 to June 30, 1980, and from July 1, 1980 to June 30, 1981, from the proceeds of the sale of bonds shall be segregated, apportioned and expended as designated in the following schedule:

CODE # POLICY AREA

UMBRELLA IDENTITY

PROGRAM	1979-80	1980-81
07 TRANSPORTATION		
17 DEPARTMENT OF TRANSPORTATION		
0356 Highway —		
Bridge Construction	\$2,600,000	\$2,900,000
0406 Highway — Highway and		
Bridge Improvements	6,100,000	3,700,000
Highway — Town Way		
Bridge Improvements	500,000	700,000
	<u>\$9,200,000</u>	<u>\$7,300,000</u>

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. Statutory referendum procedure; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at a special statewide election to be held on the Tuesday following the first Monday 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 in the amount of \$16,500,000 for bridge and highway improvements?"

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 purposes of this referendum.

Approved June 14, 1979

Intent and Content

This Act authorizes the Treasurer under the direction of the Governor to issue bonds from time to time not exceeding \$16,500,000 to meet the needs of the State for highway and bridge improvements. These bonds would be general obligations of the State, 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 20 years.

The proceeds from the bonds shall be used to meet the needs of highway and bridge improvements in accordance with allocations made by the Legislature.

A "YES" VOTE favors authorization of a bond issue in the amount of \$16,500,000 to make highway and bridge improvements.

A "NO" VOTE opposes the action.

CHAPTER 53

PRIVATE AND SPECIAL LAWS OF 1979

AN ACT to Appropriate Money for Public Fish Piers, Airports and other Transportation Improvements and to Authorize General Fund Bond Issue in the Amount of \$11,810,000.

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 of Maine for the purpose of transportation improvements.

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

Sec. 1. Bond Issue of \$11,810,000 authorized. The Treasurer of the 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 \$11,810,000 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 shall direct. The proceeds from the sale of the bonds shall be used for transportation improvements as authorized by section 4. The bonds shall be deemed a pledge of the faith and credit of the State. The bonds shall be issued from time to time so as to meet the needs of the transportation improvement program. The 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. Interest and debt retirement. Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment on bonds at maturity shall be paid by the Treasurer of State from any money in the treasury not otherwise appropriated.

Sec. 3. Disbursement of bond proceeds. The proceeds of such bonds shall be expended under the direction and supervision of the Department of Transportation.

Sec. 4. Appropriations from General Fund bond issue. The funds appropriated by this section shall be expended for the following transportation improvements.

Public Fish Piers —	\$9,000,000
Kennebunkport, Portland, Boothbay Harbor, Vinalhaven, Rockland, Stonington and such other locations as may be possible.	
Maine State Pier — Portland —	950,000
Maine State Ferry Service Improvements —	445,000
Rockland, North Haven, Vinalhaven, Islesboro, Lincolnville, Swans Island and Bass Harbor.	
Airport Improvements —	1,300,000
Auburn-Lewiston, Augusta, Bangor,	

Bar Harbor, Belfast, Bethel, Biddeford, Caribou, Deblois, Dexter, Dover-Foxcroft, Fort Kent, Fryeburg, Greenville, Houlton, Islesboro, Jackman, Knox County, Lincoln, Lubec, Machias, Millinocket, Old Town, Pittsfield, Portland, Presque Isle, Princeton, Rangeley, Sanford, Stonington, Waterville, Winterport, Wiscasset and such other airports as may be possible.

Railroad Right-of-Way Acquisition —	115,000
Eastport and Bingham Branches	
Total Appropriations	\$11,810,000

It is the intent of the Legislature that any of the improvements in section 4 of this Act for which matching funds are required as indicated in federal or state laws or department programs shall have such matching funds available before state money is expended on the improvement.

Sec. 5. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state moneys shall carry forward from year to year.

Sec. 6. Acquisition of land. Land required for improvements undertaken directly by the Department of Transportation may be acquired for the purpose of making necessary improvements in the same manner as provided in the Revised Statutes, Title 23, section 154.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 4 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. 8. Statutory referendum procedure; submission at special statewide election; effective date. This Act shall be submitted to the legal voters of the State of Maine at a special statewide election to be held on the Tuesday following the first Monday 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 in the amount of \$11,810,000 for public fish piers, airports and other transportation improvements?”

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 word “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 purposes of this referendum.

Approved June 25, 1979

Intent and Content

This Act authorizes the Treasurer under the direction of the Governor to issue from time to time bonds not exceeding \$11,810,000 for the purpose of transportation improvements. 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 20 years.

The proceeds will be used under the direction and supervision of the Department of Transportation in accordance with allocations made by the Legislature for improving public fish piers, the Maine State Pier, the Maine State Ferry Service, airports and railroads.

A "YES" VOTE favors authorization of a bond issue in the amount of \$11,810,000 to make transportation improvements.

A "NO" VOTE opposes the action.

CHAPTER 60

PRIVATE AND SPECIAL LAWS OF 1979

AN ACT to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for Local Government Buildings.

Preamble: Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for energy conservation improvements for local government buildings.

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

Sec. 1. Definitions. As used in this Act, unless the context indicates otherwise, the following terms shall have the following meanings.

1. Energy conservation improvements. "Energy conservation improvements" means improvements made to a building to increase energy efficiency. These improvements include, but are not limited to, installation of storm windows, insulation and updating of heating, ventilation, electrical and lighting systems.

2. Energy efficiency survey. "Energy efficiency surveys" means comprehensive studies undertaken under the

supervision of the Office of Energy Resources to determine the type of improvements that can be applied to a building in order to decrease the energy operating cost of that building. Such a survey includes a classification of no cost, low cost and major cost items and also includes a determination of the cost effectiveness of each of the recommended improvements.

3. Local government buildings. "Local government buildings" means buildings owned by a city, town, county or plantation, not including schools and hospitals which are eligible for financial assistance under the National Energy Conservation Policy Act of 1978, PL 95-619.

Sec. 2. The issue of bonds to provide funds for energy conservation improvements to local government buildings. 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 on behalf of the State to an amount not exceeding \$2,500,000 for the purpose of raising funds to provide for energy conservation improvements to local government buildings, as authorized by section 8. These bonds shall be deemed a pledge of the faith and credit of the State. These bonds shall not run for a longer period than 5 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. Records of bonds issued to be kept by State Auditor and Treasurer of State. The State Auditor shall keep an account of such bonds, showing the number and amount of each, the date of countersigning, 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, but no such bonds shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of sales of such bonds, which shall be held by the Treasurer of State, are paid by him upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects listed in section 8 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 this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

Sec. 6. Disbursements of bond proceeds. The proceeds of such bonds shall be expended under the direction and supervision of the Director of the Office of Energy

Resources. The Office of Energy Resources shall keep records of the energy savings of all projects funded under this Act. This record shall be a public record.

Sec. 7. Eligibility requirements. Funds may be used for energy conservation improvements for local government buildings, except that no funds shall be used for energy conservation improvements on buildings completed after April 20, 1977, or on schools or hospitals eligible for assistance under Title III, Part 1 of the National Energy Conservation Policy Act of 1978, PL 95-619.

Sec. 8. Allocation of funds from bond issue. Funds shall be disbursed on the basis of 50% state matching funds in accordance with the results of energy efficiency surveys and with the approval of the Director of the Office of Energy Resources. The Office of Energy Resources shall develop and, after public review, shall implement a plan for the distribution of funds available under the bond issue. The remaining 50% of the cost shall be borne by the participating local government unit and will not be eligible for state reimbursement.

Sec. 9. Retroactive reimbursement. Energy conservation improvements to local government buildings undertaken after June 1, 1977, may be considered reimbursable under the provision of this Act, as determined by the Director of the Office of Energy Resources, provided that the following criteria are met:

- A. The improvements were undertaken specifically for energy conservation; and
- B. The buildings to which the energy conservation improvements were made would be eligible for energy conservation improvements under this Act, and the improvements were high priority measures as determined by the Director of the Office of Energy Resources.

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 shall have ratified the issuance of bonds as set forth in this Act.

Sec. 11. Statutory referendum procedure; submission at special statewide election; effective date. This Act shall be submitted to the legal voters of the State of Maine at a special statewide election to be held on the Tuesday following the first Monday 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 in the Amount of \$2,500,000 for energy conservation improvements for local government buildings?"

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 word "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 this 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 purposes of this referendum.

Approved June 25, 1979

Intent and Content

This Act authorizes the Treasurer under the direction of the Governor to issue bonds from time to time not exceeding \$2,500,000 for the purpose of raising funds to provide for energy conservation improvements to local government buildings. 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 5 years.

The Office of Energy Resources will be responsible for the expenditure of the proceeds of the bonds and approval of energy conservation improvement projects for local government buildings. Funds will be distributed on the basis of 50% state matching funds, with the remaining 50% of the cost of the project being borne solely by the local government. Buildings completed after April 20, 1977 and schools or hospitals eligible for federal energy conservation assistance will not be eligible for these funds.

A "YES" VOTE favors authorization of a bond issue in the amount of \$2,500,000 to provide for energy conservation improvements to local government buildings.

A "NO" VOTE opposes the action.

CHAPTER 1

CONSTITUTIONAL RESOLUTION OF 1979

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Literacy Requirements for Eligibility to Vote.

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. II, § 1, 2nd ¶, 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 a 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 of Maine be amended to remove the literacy requirements for eligibility to vote?”

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 word “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 3, 1979.

Intent and Content

This amendment to the Constitution would repeal a provision which requires that a person be able to read the Constitution in English and write his or her name in order to vote.

A “YES” VOTE favors the repeal of this provision relating to the literacy requirements for eligibility to vote.

A “NO” VOTE opposes the action.