

MAINE STATE LEGISLATURE

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ELECTIONS - 1982
(Nov.)

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Initiated Bills
and
Proposed Constitutional
Amendments

In Accordance with Initiated Bills,
and Resolutions Passed by the 110th Legislature
in Second Regular Session

Initiated Bills

1. INCOME TAX QUESTION
2. MILK PRICE CONTROL QUESTION
3. NUCLEAR POWER QUESTION

Constitutional Amendments

1. Limit Life of Bonds Authorized but not Issued
2. Authorize Credit of State to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education

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



1982

To be Voted Upon at the General Election,
Tuesday, November 2, 1982

RODNEY S. QUINN
Secretary of State

Appropriation 1060.1

SEP 27 1982

STATE OF MAINE

To the 110th Legislature of the State of Maine:

In accordance with Section 18 of Article IV, Part Third of the Constitution of the State of Maine, the undersigned electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified, hereby respectfully propose to the Legislature for its consideration the following entitled bill: **An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes.** The full text of said Act is printed on pages one and two of this Petition.

The undersigned electors further request 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, to be held not less than four months nor more than six months after such proclamation or, in the event that the Constitution of Maine is amended as proposed in Chapter 3 of the Constitutional Resolutions of the 109th Maine Legislature (H.P. 1638 - L.D. 1747), at an election to be held in November of the year in which this Petition is filed.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND EIGHTY-ONE

AN ACT to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes.

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

Sec. 1. 36 MRSA §5111, as last amended by PL 1977, c. 686, §7, is further amended by adding at the end a new paragraph to read:

The nominal dollar amounts of this section are subject to annual adjustment under section 5403.

Sec. 2. 36 MRSA §5124-A, as enacted by PL 1977, c. 477, §17, is amended by adding at the end a new paragraph to read:

The nominal dollar amounts of this section are subject to annual adjustment under section 5403.

Sec. 3. 36 MRSA §5126, as last amended by PL 1979, c. 615, §4, is further amended by adding at the end a new paragraph to read:

The nominal dollar amounts of this section are subject to annual adjustment under section 5403.

Sec. 4. 36 MRSA c. 841 is enacted to read:

CHAPTER 841

INFLATION ADJUSTMENTS

§5401. Findings and purpose

Inflation erodes the value of personal exemptions and deductions in the Maine individual income tax structure and distorts fiscal equity among taxpayers. Inflation-induced increases in individual income tax revenues result in annual collections that exceed the amounts anticipated by legislative actions establishing rates, exemptions, deductions and other features of the Maine individual income tax. Furthermore, the income tax laws of this State, in combination with economic inflation, have caused inequitable treatment of the taxpayers because the application of inflexible, statutorily prescribed rates of tax,

standard deduction and personal exemption to increasing personal incomes has resulted in increasing the taxpayer's tax liability while the taxpayers purchasing power has remained the same or, in some instances, has decreased. It is the purpose of this Act to correct this situation by requiring that certain components of the individual income tax structure be adjusted in order to compensate for the impact of inflation.

§5402. Definitions

As used in this chapter, unless the context indicates otherwise the following terms have the following meanings.

1. Consumer Price Index. "Consumer Price Index" means the average over a 12-month period of the National Consumer Price Index, not seasonally adjusted, published monthly by the Bureau of Labor Statistics, United States Department of Labor designated as the "National Consumer Price Index for All Urban Consumers - United States City Average."

2. Percentage adjustment factor. "Percentage adjustment factor" means one-half of the percentage increase in the Consumer Price Index for the 12-month period ending June 30th of the current taxable year over the Consumer Price Index for the 12-month period ending June 30th of the immediately preceding taxable year, expressed as a decimal rounded to the nearest one-thousandth.

3. Inflation factor. "Inflation factor" means the percentage adjustment factor plus 1. The inflation factor for any taxable year shall not exceed 1.070.

§5403. Annual adjustments for inflation

On or about September 15 of each taxable year, the State Tax Assessor shall multiply the inflation factor for that taxable year by the dollar amounts of both the standard deduction and the personal exemption as adjusted under this chapter in the immediately preceding taxable year. The State Tax Assessor shall also multiply the inflation factor by certain dollar bracket amounts in the tax rate schedule for each filing status, as follows:

1. Single individuals and married persons filing separate returns. The inflation factor shall be multiplied by the dollar bracket amounts, as adjusted under this chapter in the immediately preceding taxable year, on the tax rate schedule for single individuals and married persons filing separate returns, up to and including the dollar bracket amount for taxable income not over \$15,000, as adjusted. In addition, the inflation factor shall be multiplied by the dollar bracket amount for taxable income of \$15,000, as adjusted.

2. Heads of household. The inflation factor shall be multiplied by the dollar bracket amounts, as adjusted under this chapter in the immediately preceding taxable year, on the tax rate schedule for unmarried or legally separated taxpayers who qualify as heads of household, up to and including the dollar bracket amount for taxable income not over \$22,500, as adjusted. In addition, the inflation factor shall be multiplied by the dollar bracket amount for taxable income of \$22,500, as adjusted.

3. Married taxpayers and others filing joint returns. The inflation factor shall be multiplied by the dollar bracket amounts, as adjusted under this chapter in the immediately preceding taxable year, on the tax rate schedule for married taxpayers and widows and widowers filing joint federal

returns, up to and including the dollar bracket amount for taxable income over \$30,000, as adjusted. In addition, the inflation factor shall be multiplied by the dollar bracket amount for taxable income of \$30,000, as adjusted.

The dollar amounts of the standard deduction, the personal exemption and the dollar bracket amounts listed above, adjusted by application of the inflation factor and rounded to the nearest \$100, shall be effective for the then current taxable year and shall be incorporated into the income tax forms and instructions of the State Tax Assessor for that taxable year.

If the inflation factor for any taxable year is 1.000 or less, no adjustment shall be made for that taxable year and the dollar amounts of the standard deduction, personal exemption and the dollar bracket amounts of the tax rate schedules listed above shall remain at the prior taxable year's level.

Sec. 5. Effective date. This chapter shall take effect for tax years beginning on or after January 1, 1981.

STATEMENT OF FACT

This bill provides for the annual indexation of the individual income tax system. Adjustments to the tax structure will be computed upon an inflation factor based upon the National Consumer Price Index as determined by the United States Department of Labor.

State of Maine **Proclamation**

WHEREAS, written petitions bearing the signatures of 39,214 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 twenty-five days after the convening of the One Hundred and Tenth Legislature in Second Regular Session, requesting that the Legislature consider a bill entitled: "AN ACT to Adjust Annually Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes;" and

WHEREAS, the initiated bill, "AN ACT to Adjust Annually Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes" failed enactment when the Senate accepted the Majority "Ought Not to Pass" report of the Joint Standing Committee on Taxation on March 30, 1982 and the House of Representatives adhered to the Minority "Ought to Pass" report of the same committee on March 31, 1982 and the bill died between branches; and

WHEREAS, under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, such election must be held in November of the year in which the petition is filed by 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 an election shall be called for the Tuesday following the first Monday in November, being the second day of the month, in the year of Our Lord, One Thousand Nine Hundred and Eighty-two.

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



JOSEPH E. BRENNAN
Governor

RODNEY S. QUINN
Secretary of State

INCOME TAX QUESTION

Shall "AN ACT to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes," become law?

INTENT AND CONTENT

This initiated bill would adjust the individual income tax for inflation, so taxpayers are not put into higher tax brackets as a sole result of the effects of national inflation.

Under the bill, the dollar amounts of the personal exemption and the standard deduction, as well as the dollar bracket amounts in the tax rate schedules, will be multiplied annually by the "inflation factor," a formula which measures inflation, and is based on the federal Consumer Price Index. In this manner, the personal exemption, the standard deduction and the dollar bracket amounts in the tax rate schedules would be increased in times of inflation. If approved, this bill would be retroactive to the tax year beginning January 1, 1981.

A "YES" vote approves the annual adjustment of the State income tax for inflation.

A "NO" vote disapproves this adjustment.

AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels.

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

Sec. 1. 7 MRSA c. 603, as amended, is repealed.

Sec. 2. 7 MRSA c. 604 is enacted to read:

CHAPTER 604 MILK COMMISSION

§2961. Definitions

As used in this chapter, unless the context otherwise indicates the following terms have the following meanings.

1. Books and records. "Books and records" means books, records, accounts, memoranda or other data pertaining to the purchase and distribution of milk.

2. Commission. "Commission" means the Maine Milk Commission.

3. Consumer. "Consumer" means any person other than a milk dealer who purchases milk for fluid consumption.

4. Dealer. "Dealer" means any person who purchases or receives milk for sale as the consignee or agent of a producer, or handles for sale, shipment, storage or processing within the State and includes a producer-dealer and a subdealer, but does not include a store.

5. Market. "Market" means any city, town or parts thereof of the State, or 2 or more of the same or parts thereof designated by the commission as a natural marketing area.

6. Milk. "Milk" means whole milk and cream, fresh, sour or storage; skimmed milk and buttermilk; irrespective of whether or not any such milk is flavored.

7. Person. "Person" means any individual, partnership, firm, corporation, association or other unit, and the State and all political subdivisions or agencies thereof, except state-owned and operated institutions.

8. Producer. "Producer" means any person who produces

milk and sells his milk only to dealers.

9. Producer-dealer. "Producer-dealer" means a dealer who produces a part or all of his milk himself or a person who produces milk and sells to a grocery store, dairy products store or similar commercial establishment.

10. Producer prices. "Producer prices" means the prices paid to Maine producers for milk.

11. Retail store. "Retail store" means a grocery store, dairy product store or any similar commercial establishment where milk is sold to consumers for consumption off the premises.

12. Store. "Store" means a grocery store, dairy product store, canteen, milk vending machine operator, milk dispensing operator or any similar commercial establishment or outlet or any other sale where milk is sold to consumers for consumption off the premises where sold.

13. Subdealer. "Subdealer" means any person who does not process milk and who purchases milk from a dealer and sells that milk in the same containers in which he purchased it, but does not include a store.

§2962. Organization

The Maine Milk Commission, as heretofore established, shall consist of 5 members and at all times shall include within its membership the Commissioner of Agriculture, Food and Rural Resources, ex officio. In addition to the limitations of Title 5, section 18, none of the remaining 4 members of the commission may at the time of appointment or while serving as a member of the commission, and no employee of the commission may have any official business, other than retail purchases of milk, or professional connection or relation with, or hold any interest or stock or securities in, any producer, dealer, store or other person whose activities are subject to the jurisdiction of the commission; nor shall any member or employee of the commission render any professional or other service against any such producer or other person whose activities are subject to the jurisdiction of the commission or be a member of a firm which shall render any such service.

All members of the commission shall be residents of the State. The 4 members, other than the Commissioner of Agriculture, Food and Rural Resources, shall be appointed by the Governor and shall serve for a term of 4 years and until their successors have been duly appointed and qualified, except that in the first instance, the initial terms shall be for one, 2, 3 and 4 years so that the terms of the members of the commission shall be staggered.

The members of the commission shall elect a chairman. With the approval of the commission, the Commissioner of Agriculture, Food and Rural Resources may employ, subject to the Personnel Law, a secretary and such officers, clerks, assistants and other employees as shall be deemed necessary. The commission may employ such expert, professional or other assistance as the commission deems necessary. Legal services and the services of experts in other lines shall be performed as far as possible by the existing state departments, including the Department of Agriculture, Food and Rural Resources, the Department of Human Services and the Department of the Attorney General.

Any vacancy in the membership of the commission shall be filled by appointment by the Governor. Members of the commission shall be allowed actual traveling and other necessary expenses incurred in the performance of their duties and each member shall receive a per diem compensation for the time actually spent in the performance of his duties, that compensation to be determined by the Governor. The cost of administration of the commission, including expenses and compensation of members, shall not exceed the amount of fees collected under this chapter. The commission shall be furnished a suitable office in the State Capitol, together with all necessary equipment and supplies therefor.

The commission shall hold regular meetings on the 3rd Thursday of each calendar month. The chairman shall call special meetings of the commission whenever requested in writing by 2 or more members of the commission.

§2963. Powers and duties

The commission shall have power to establish and change the minimum producer prices for the sale of milk within the State, in such a manner as to supplement such supervision and regulations as are now imposed by existing statutes or by lawful ordinances or rules and regulations of the several cities and towns of the State regarding those prices. The commission shall have no power to modify, add to or annul any sanitary regulations imposed by any state or municipal authority or to compel pasteurization in any market area.

In administering this chapter, the commission shall have the power to conduct hearings, subpoena and examine under oath, producers, dealers or other persons whose activities are subject to the jurisdiction of the commission and their officers, agents and representatives, together with their records, books and accounts, and any other person from whom the commission requires information in order to carry out the purposes and intent of this chapter. Any member of the commission, and any employee designated by the commission, may sign subpoenas and administer oaths to witnesses.

The commission may adopt, promulgate and enforce all rules, regulations and orders necessary to carry out this chapter.

To enable the commission to perform its duties, the commission shall have the power to inquire into the management of the businesses of the producers to obtain from them all necessary information. Every producer shall keep and render to the commission, at such times and in such manner and form as shall be prescribed by the rules and regulations of the commission, accounts of all business transacted which is related to the production and sale of milk. These accounts shall reasonably reflect, in such detail as the commission deems appropriate, income, expense, assets, liabilities and such other accounting entries as the commission deems necessary, to assist the commission in making its determinations as to minimum producer prices generally and as to all other matters pertinent to the proper performance of its duties. The rules and regulations of the commission shall also establish procedures to enable the commission to inspect the records, books and accounts of dealers and producers at their various offices and places of business at reasonable times.

§2964. Interstate conferences and compacts

The commission shall have power to enter into compacts, subject to congressional approval, with legally constituted milk commissions or similar authorities of other states or of the United States to effect a uniformity in regulating and insuring an adequate supply of pure and wholesome milk to the inhabitants of this State, to provide uniform control of milk produced in this State and handled in interstate commerce and to exercise all the powers under this section for that purpose as well as the following powers:

1. Hearings. To conduct joint investigations and hearings and to issue joint or concurrent orders;

2. Enforcement. To employ or designate a joint agent or agencies to enforce orders or compacts;

3. Classification. To provide for classifications of milk in accordance with the form in which it is used or moved with uniform minimum prices or methods of fixing those prices for each class;

4. Payments. To provide for payment to all producers and associations of producers delivering milk to dealers of uniform prices, subject to adjustments with the joint agent for location and butterfat content; and

5. Regulations. To make such joint regulations as may be incidental to the foregoing and not inconsistent thereto and as may be necessary to effectuate the powers set out in this section.

§2965. Establishment of minimum producer prices

1. Commission powers; hearings. The commission is vested with the power to establish and change, after investigation and public hearing, the minimum prices to be paid to producers for milk produced within the State. The commission shall hold a public hearing prior to the establishing or changing of the minimum prices. The commission may waive the requirement of a public hearing when the only changes to be made in the minimum prices are to conform with the orders of any federal or other agency duly authorized by law to establish or negotiate producer prices. Due notice of the public hearing shall be given by publishing a notice as provided in the Maine Administrative Procedure Act, Title 5, chapter 375. The commission shall hold such a public hearing not less frequently than once every 12 months to determine whether the minimum producer prices then established should be changed. In addition to the data received through the implementation of the information gathering procedures of its rules and regulations as a basis for its determinations, the commission shall solicit and seek to receive oral and written testimony at the hearings to determine whether the minimum producer prices then established should be changed and whether the proposed minimum prices are just and reasonable.

2. Considerations in establishing prices. In establishing and changing minimum producer prices, the prices so established shall be just and reasonable taking into due consideration the public health and welfare and the insuring of an adequate supply of pure and wholesome milk to the inhabitants of this State under the varying conditions in various marketing areas; prevailing prices in neighboring states; seasonal production and other conditions affecting producer costs in the milk in-

dustry, including a reasonable return to producers; taking into consideration the public need for the establishment of milk prices at the lowest practicable levels. The minimum producer prices shall be based on the prevailing Class I and Class II prices in southern New England and, after investigation by the Maine Milk Commission, shall reflect as accurately as possible the increased costs of production.

3. On-premises sale exemption. The minimum price provisions of this chapter do not apply to sales by producers of raw milk produced and sold to consumers on the premises of the producers.

4. Milk classifications. The commission is vested with power to establish and change, after investigation and public hearing, classifications of milk according to its various usages and shall specify to what classification the prices established under this chapter apply.

5. Schedule of prices. Upon establishing minimum producer prices in any market which apply to the various classifications of milk and which may vary in the several market areas of the State, the commission shall furnish all dealers registered in the market with a schedule of the prices and shall publish a schedule thereof in appropriate newspapers in the market. This order shall become effective in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and thereafter no dealer handling milk in that market may buy or offer to buy milk for prices less than the scheduled minimum producer prices established for that market.

6. Transportation charge schedule. Any dealer may deduct an allowance for transportation from the producer's farm to the dealer's dairy plant pursuant to a reasonable schedule of charges filed with the commission, with a copy to each affected producer, at least 30 days prior to the proposed effective date. Any interested producer or any organization representing producers may petition the commission at any time to review the reasonableness of any such schedule of transportation charges, and the commission is empowered to suspend proposed schedules pending hearing and, after hearing, to disapprove and reject any schedules then pending or theretofore in effect, found to be unreasonable or, after hearing, to approve any such schedule found to be reasonable or to establish any new schedules deemed to be reasonable. It shall be incumbent upon the dealer to substantiate the reasonableness of the schedule of the transportation charges filed; and in the absence of that evidence, the schedule of charges filed shall be deemed unreasonable.

7. Unlawful practices. It is unlawful for any person to engage in any practice destructive of the scheduled minimum producer prices for milk established under this chapter for any market, including but not limited to any discount, rebate, gratuity, advertising allowance or combination price for milk with any other commodity. In addition to any penalty otherwise provided by law, the commission, after notice and hearing, may prohibit any such practice, and any person feeling himself aggrieved by any order of the commission issued under this chapter may appeal to the Superior Court.

8. Milk produced outside the State. Whenever milk produced outside the State becomes a subject of regulation by the State in the exercise of its police powers, this chapter shall apply and

the powers of the commission shall attach. After any such milk so produced shall come within the jurisdiction of this State, any purchase by dealers of that milk within this State at a price less than the scheduled minimum producer price established according to usage in any given market is unlawful.

§2966. Payment by dealers to producers

Each dealer shall make payment to his producers of all sums due for products purchased or received no later than 30 days from the end of the calendar month in which delivery was made.

The license of any dealer who violates this section may be suspended or revoked in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

§2967. Licenses

No dealer may buy milk from producers or others for sale or may process, distribute, sell or offer to sell milk in any market in the State designated by the commission, unless duly licensed by the commission. No license is required of any person who produces or sells milk for consumption only on the premises of the producer or seller. Each person, before engaging in the business of a dealer in any market designated by the commission, shall make application to the commission for a license, which the commission is authorized to grant. No retailer may sell or offer to sell milk in any market in the State which he has purchased in Maine from an unlicensed dealer.

The license year shall commence on January 1st and end December 31st following. Application for a license shall be made on a form prescribed by the commission.

Licenses required by this chapter shall be in addition to any other license required by law.

The Administrative Court as designated in the Maine Administrative Procedure Act, Title 5, chapter 375 may, upon proper evidence, decline to grant a license or may suspend or revoke a license already granted upon due notice and after hearing. Violation of this chapter or of any order, rule or regulation made, or conviction of violating any other law or regulation of the State relating to the production, distribution and sale of milk, shall be sufficient cause to suspend, revoke or withhold the license.

Upon revocation or suspension of a license, it shall not be reissued until the commission shall determine upon application and hearing that the cause for the revocation or suspension no longer exists, and that the applicant is otherwise qualified.

§2968. Records and fees

1. Records. All dealers in any market designated by the commission shall keep the following records:

A. A record of the quantity of all milk received or produced, detailed as to location and as to names and addresses of producers or milk dealers from whom received, or of the importer of that milk into the State;

B. A record of the quantity of all milk sold, detailed as to use, location and marketing outlet; and

C. Such other records and information in such form and at such times as the commission may deem necessary for the proper enforcement of this chapter.

2. Statement to producers. Each dealer shall furnish his pro-

ducers a statement of the amount of milk purchased, the price per hundredweight or quart, the total amount paid for each pay period, the itemized deductions for transportation and other services, the percentages of milk in each classification and the butterfat test when weight and test method of payment is used and shall pay his Maine producers the established minimum price for the classification of the milk according to its usage.

3. Fee. Each licensed dealer shall pay to the commission an annual license fee of \$1 and the sum of 3¢ per hundredweight as monthly payments, based on quantity of milk purchased or produced in any market area, or purchased or produced in an uncontrolled area and sold in any market area. Dealers may deduct 1½¢ per hundredweight from amounts paid by them to producers of such milk, except that the milk farm-processed into cream for the manufacturer of butter is subject to the sum of 3¢ per hundredweight.

4. Reports. Dealers shall file reports together with the prescribed hundredweight fees with the commission at its office in Augusta not later than the 20th day of the following month, on forms provided for this purpose, of all matters on account of which a record is required to be kept and such other information or facts as may be pertinent and material within the scope of this chapter; except that dealers who sell less than 100 quarts of milk per day may file reports and pay the prescribed hundredweight fees every 3 months.

5. Handling by first dealer. In case the same milk is handled by more than one dealer, the first dealer within the State dealing in or handling the milk shall be deemed to be the milk dealer within the meaning of this section. For the purpose of computing fees as provided, ½ pint of cream shall be considered the equivalent of one quart of milk.

§2969. Expenditure of funds

1. Purposes. Moneys received through this chapter shall be paid forthwith to the Treasurer of State and shall be appropriated and used for the following purposes:

A. For the collection of all fees and assessments provided for by this chapter; and

B. For the cost of administering this chapter.

2. Money not to lapse. Moneys received through this chapter shall remain a continuing carrying account and shall not lapse.

§2970. Injunctions

In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, regulation, order or decision of the commission, the Superior Court shall have jurisdiction upon complaint filed by the commission, or any person duly authorized to act for the commission, including but not limited to its executive secretary, to restrain or enjoin any person from committing any act prohibited by this chapter or prohibited by any rule, regulation, order or decision of the commission. If it is established upon hearing that the person charged has been or is committing any act declared to be unlawful by this chapter or is in violation of any rule, regulation, order or decision of the commission, the court shall enter a decree perpetually enjoining the person from further commission of that act or actions. In case of violation of any injunction issued under this section, the court shall summarily try and

punish the person for contempt of court. The existence of other civil or criminal remedies shall be no defense to this proceeding. The commission or its authorized agent shall not be required to give or post a bond when making an application for an injunction under this section.

§2971. Penalties

Whoever violates any of the provisions of this chapter or of any rule or order of the commission is guilty of a Class E crime.

Statement of Fact

The purpose of this bill is to eliminate the power of the Maine Milk Commission to set minimum wholesale and retail milk prices. It would permit wholesalers and retailers to sell milk at prices lower than the minimums now set by the Maine Milk Commission. The bill permits the commission to continue to regulate producer prices, that is, prices paid to Maine farmers for milk.

State of Maine
Proclamation

WHEREAS, written petitions bearing the signatures of 43,761 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 twenty-five days after the convening of the One Hundred and Tenth Legislature in Second Regular Session, requesting that the Legislature consider a bill entitled: "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels;" and

WHEREAS, the initiated bill, "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" failed enactment when the House of Representatives and the Senate on March 23, 1982 accept the unanimous "Ought Not to Pass" report of the Joint Standing Committee on Agriculture; and

WHEREAS, under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, such election must be held in November of the year in which the petition is filed by 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 an election shall be called for the Tuesday following the first Monday in November, being the second day of the month, in the year of Our Lord, One Thousand Nine Hundred and Eighty-Two.

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



JOSEPH E. BRENNAN
Governor

RODNEY S. QUINN
Secretary of State

MILK PRICE CONTROL QUESTION

Shall "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels," become law?

INTENT AND CONTENT

The initiated bill would abolish the Maine Milk Commission's power to set dealer and retail prices of milk. It would not affect the Commission's authority to set the minimum prices paid to farmers producing milk. Under the bill, neither the price paid by consumers to retailers nor the price paid by retailers to dealers would be controlled by the Commission.

The bill would also narrow the Commission's power to gather information. Consistent with the elimination of minimum milk pricing at the dealer and retail levels, the bill would focus the Commission's information-gathering powers more specifically on producers. Finally, the bill would reduce the rate of the tax, paid by producers and dealers, which funds the Commission.

A "YES" vote approves the abolition of the Maine Milk Commission's power to establish minimum dealer and retail milk prices, the narrowing of its information-gathering powers, and the reduction of the tax supporting the Commission.

A "NO" vote disapproves these changes.

STATE OF MAINE

To the 110th Legislature of the State of Maine:

In accordance with Section 18 of Article IV, Part Third of the Constitution of the State of Maine, the undersigned electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified, hereby respectfully propose to the Legislature for its consideration the following entitled bill: **AN ACT to End the Use of Nuclear Power for Producing Electricity In Five Years.** The full text of said Act is printed on page one of this petition.

The undersigned electors further request that should the Legislature not enact said measure without change, that said measure be referred to the People, ordered by proclamation of the Governor, at an election to be held in November of the year in which the petition is filed.

"AN ACT to End the Use of Nuclear Power for Producing Electricity in Five Years."

10 MRSA c. 4-A is enacted to read:

CHAPTER 4-A

NUCLEAR FISSION CONTROL ACT

§261. Title

This chapter shall be known and may be cited as the "Nuclear Fission Control Act."

§262. Prohibition

The operation of nuclear fission thermal power plants in the State is prohibited after November 2, 1987.

§263. Penalty and enforcement

The intentional violation of this chapter shall be punished by a fine of not more than \$10,000; and each day of operation, or portion thereof, shall be a separate offense.

The Attorney General shall, and any county or municipal government may, enforce the provisions of this chapter by application to the Superior Court for injunctive relief.

STATEMENT OF FACT

The people of the State of Maine make the following findings of fact.

1. The operation of nuclear fission thermal power plants presents unreasonable economic costs, including hidden and deferred costs, compared with available alternatives.

2. The operation of nuclear fission thermal power plants creates an unreasonable risk of unreliability in the provision of energy services, compared with available alternatives.

3. This Act constitutes an exercise of state authority to regulate the generation, sale and transmission of electric power for purposes other than protection against radiation hazards.

4. The prohibition is delayed for five years in order to provide a reasonable time for a smooth transition from reliance on nuclear power to other methods of electrical generation and more efficient use of energy, and for possible court challenges to the implementation of this Act.

**State of Maine
Proclamation**

WHEREAS, written petitions bearing the signatures of 50,387 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 twenty-five days after the convening of the One Hundred and Tenth Legislature in Second Regular Session, requesting that the Legislature consider a bill entitled: "AN ACT to End the Use of Nuclear Power for Producing Electricity in Five Years;" and

WHEREAS, the initiated bill, "AN ACT to End the Use of Nuclear Power for Producing Electricity in Five Years" failed enactment when the House of Representatives and the Senate on March 23, 1982 accepted the unanimous "Ought Not to Pass" report of the Joint Standing Committee on Public Utilities; and

WHEREAS, under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, such election must be held in November of the year in which the petition is filed by 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 an election shall be called for the Tuesday following the first Monday in November, being the second day of the month, in the year of Our Lord, One Thousand Nine Hundred and Eighty-two.

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



JOSEPH E. BRENNAN
Governor

RODNEY S. QUINN
Secretary of State

NUCLEAR POWER QUESTION

Shall "AN ACT to End the Use of Nuclear Power for Producing Electricity in Five Years," become law?

INTENT AND CONTENT

This initiated bill would prohibit the operation of nuclear fission thermal power plants in Maine after November 2, 1987.

A "YES" vote approves the prohibition against nuclear power plants.

A "NO" vote disapproves the prohibition.

CHAPTER 4

CONSTITUTIONAL RESOLUTION OF 1981

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Authorizations.

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

Constitution, Art. IX, §14, as amended by CR 1977, c. 3, is further amended by adding after the 3rd sentence 3 new sentences to read:

For any bond authorization requiring ratification of the electors pursuant to this section, if no bonds have been issued within 5 years of the date of ratification, then no bonds may be issued after that date. The Legislature may, within 2 years after the expiration of that 5-year period, extend the 5-year period for an additional 5 years or may deauthorize the bonds. If the Legislature fails to take action within those 2 years, the bond issue shall be considered to be deauthorized and no bonds may be issued.

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 following 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 limit the life of bonds authorized but not issued?"

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 purposes 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, 1982.

INTENT AND CONTENT

This proposed amendment to the Constitution would limit the period within which bonds which had been ratified by the electorate could be issued. Under it, if bonds have not been issued within five years of the date of their ratification by the voters, they may not be issued after that date. The proposed amendment also provides that the Legislature may, within two years after the expiration of the five-year period, vote to extend that period for an additional five years or may deauthorize the bonds. If the Legislature does not act within the two-year period, however, the bonds are considered deauthorized, and they may not be issued even within the two-year period. The intent of this proposed amendment is to limit the time during which a given set of bonds may be issued.

A "YES" vote approves limiting the period during which bonds may be issued.

A "NO" vote disapproves this limitation.

CHAPTER 5

CONSTITUTIONAL RESOLUTION OF 1981

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education.

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

Constitution, Art. VIII, Pt. 1, §2 is amended to read:

Section 2. Authority to pledge the credit of the State and to issue bonds for Maine students in higher education. For the purpose of assisting the youth of Maine to achieve the required levels of learning and to develop their intellectual and mental capacities, the Legislature, by proper enactment, may authorize the credit of the State to be loaned to secure funds for loans to Maine students attending institutions of higher education, wherever situated, **and to parents of these students.** Funds shall be obtained by the issuance of state bonds, when authorized by the Governor ~~and Council,~~ but the amount of bonds issued and outstanding shall not at one time exceed in

the aggregate four million dollars. Funds loaned shall be on such terms and conditions as the Legislature shall 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 following 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 authorize the credit of the State to be loaned to secure funds for loans to parents of Maine students attending institutions of higher education?”

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 of Maine 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 purposes 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, 1982.

INTENT AND CONTENT

This proposed amendment to the Constitution would permit the credit of the State to be loaned after legislative authorization to secure funds for loans to the parents of Maine students who are attending institutions of higher education. The Constitution currently provides for the loan of State credit to secure funds for loans to Maine students but not to their parents. Federal law governing student loans has recently been amended to include parents as eligible borrowers, and the intent of this amendment is to permit Maine to participate in the new federal program.

A “YES” vote approves amending the Constitution to permit the credit of the State to be loaned on behalf of the parents of Maine students.

A “NO” vote disapproves this change.