

MAINE STATE LEGISLATURE

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ELECTIONS -
1988
(NOV.)

Bond Issues and Proposed Constitutional Amendment

In accordance with Acts and a
Resolution Passed by the 113th Legislature at
Second Regular Session

Bond Issues

1. "Shall a bond issue be authorized in the amount of \$3,200,000 for establishment of a statewide E-9-1-1 system?"
2. "Do you favor a \$3,000,000 bond issue to build, repair or renovate public safety facilities?"
3. "Do you favor a \$13,000,000 bond issue for the investigation, abatement, clean up and mitigation of uncontrolled hazardous substance sites, for cleaning up and closing solid waste landfills, and for the removal of underground oil storage tanks, all of which pose a hazard to public health, the environment and ground water quality?"
4. "Do you favor a \$12,000,000 bond issue for sewerage facilities construction?"
5. "Do you favor a \$5,000,000 bond issue for the establishment of an Adaptive Equipment Loan Program which would enable persons with disabilities to purchase adaptive equipment necessary to their independence?"
6. "Do you favor a \$36,800,000 bond issue for the construction and upgrading of libraries, classrooms, laboratories and other educational facilities at all branches of the University of Maine System?"

Constitutional Amendment

7. "Shall the Constitution of Maine be amended to remove gender-biased language in order to clarify that the Constitution applies to all individuals?"



To be Voted Upon at the General Election, Tuesday,
November 8, 1988

RODNEY S. QUINN
Secretary of State

Appropriation 1060.1

STATE OF MAINE

CHAPTER 840

PUBLIC LAWS OF 1987

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, 1988.

Bonds Outstanding and Unpaid to Mature Through 2008	\$308,275,000
Interest to be Repaid on Bonds Issued	111,300,976
Total to be Repaid on Bonds Issued	<u>\$419,575,976</u>
Additional Bonds Authorized But Not Yet Issued	\$134,000,000
Limit of Contingent Bonds Liability Authorized by Constitution and Laws But Unissued	95,452,396
Total Bonds Authorized But Unissued	<u>\$229,452,396</u>
Total Additional Bonds to be Authorized if Ratified by Voters	\$ 73,000,000
Potential New Estimate of Interest	\$ 31,096,000

When money is borrowed by issuing bonds, the State must repay not only the principal amount of the bonds but interest on the amount as well. The amount of interest to be paid will vary depending upon the rate of interest and the years of maturity 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 \$31,096,000 if the bonds are issued for the full statutory debt retirement period. 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 \$104,096,000. The amount that must be paid in the present fiscal year (July 1, 1988 to June 30, 1989) for debt already outstanding is \$41,955,000 in principal and \$20,348,367 in interest, a total of \$62,303,367.

Samuel Shapiro
Treasurer of State

AN ACT to Establish an Enhanced 9-1-1 System.

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 to provide funds for the establishment of an enhanced 9-1-1 system.

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

Sec. 1. 3 MRSA §507, sub-§2, ¶A, as repealed and replaced by PL 1979, c. 338, §2, is amended to read:

A. Unless continued or modified by law, the following Group A-1 independent agencies, shall terminate, not including the grace period, no later than June 30, 1980:

- (1) Maine Blueberry Commission;
- (2) Blueberry Industry Advisory Board;
- (3) Seed Potato Board;
- (4) Maine Milk Commission;
- (5) State Harness Racing Commission;
- (6) Maine Agricultural Bargaining Board;
- (7) Board of Veterinary Medicine;
- (8) Maine Milk Tax Committee;
- (9) Maine Dairy and Nutrition Council Committee;
- (10) Board of Pesticide Pesticides Control;
- (11) State Planning Office; and
- (12) State Lottery Commission; ; and
- (13) E-9-1-1 Advisory Committee.

Sec. 2. 5 MRSA §12004, sub-§10, ¶A, sub-¶(73-A) is enacted to read:

(73-A) Public Safety E-9-1-1 Expenses 25 MRSA §2925
Advisory Committee
Only

Sec. 3. 25 MRSA c. 352 is enacted to read:

§2921. Definitions

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

1. Automatic location identification. "Automatic location identification" means an enhanced 9-1-1 service capability that enables the automatic display of information defining the geographical location of the telephone used to place a 9-1-1 call.

2. Automatic number identification. "Automatic number identification" means an enhanced 9-1-1 service capability that enables the automatic display of the 7-digit number used to place a 9-1-1 call.

3. Commissioners. "Commissioner" means the Commissioner of Public Safety.

4. Department. "Department" means the Department of Public Safety.

5. Emergency services. "Emergency services" includes fire, police, ambulance, rescue services and other services of an emergency nature identified by the commissioner.

6. Enhanced 9-1-1 services. "Enhanced 9-1-1 services" or "E-9-1-1" means a system consisting of selective routing with the capability of automatic number and location identification and public safety answering points, which enables users of the public telecommunications' system to request emergency services by dialing the digits 9-1-1.

7. Public safety answering point. "Public safety answering point" means a facility with enhanced 9-1-1 capability, operated on a 24-hour basis, assigned the responsibility of receiving 9-1-1 calls and, as appropriate, directly dispatching emergency services or transferring or relaying emergency 9-1-1 calls to other public safety agencies.

8. Selective routing. "Selective routing" means the method employed to direct 9-1-1 calls to the appropriate public safety answering point based on the geographical location from which the call originated.

§2922. E-9-1-1 capability

Each telephone utility, as defined in Title 35-A, section 102, which furnishes local exchange services within the State, shall provide, by July 1, 1993, selective routing, automatic number identification and automatic location identification features necessary to implement enhanced 9-1-1 services in this State.

§2923. Requirements of municipalities

1. Public safety answering point. By July 1, 1991, each municipality shall designate one public safety answering point to serve as the receiving point for all requests for emergency services within that municipality. The Department of Public Safety communication centers shall serve as public safety answering points for the unorganized territory. If a municipality fails to designate a public safety answering point by July 1, 1991, the department shall designate one for the municipality.

2. Customer information. Each municipality shall cooperate with the department and the appropriate telephone utilities to establish a customer data base containing information to identify the location of each telephone number within the municipality. Customer information provided under this chapter may be used only for the purposes of responding to emergency calls or for the investigation of false or intentionally misleading reports of incidents requiring emergency services.

§2924. Establishment of E-9-1-1 system

The department shall provide for the establishment of a statewide E-9-1-1 system. In meeting this requirement, the department shall take the following actions.

1. Public safety answering points. The department shall establish a public safety answering point in each department communications center.

2. Rules. The department may adopt rules necessary to implement this chapter. The department shall by rule, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, adopt standards for the establishment of county and local public safety answering points.

3. Equipment. The department shall provide the equipment necessary for each public safety answering point.

4. Contract. The department shall contract for the establishment, installation and maintenance of a statewide E-9-1-1 system and the necessary customer data base for identification purposes.

5. Coordination. The department shall provide information and assistance to counties and municipalities and facilitate the coordination of activities between state and local governments, telephone utilities, providers of emergency services and other entities involved in the E-9-1-1 system.

6. Report. The department shall report to the Legislature by January 15th annually on the progress of implementation of the E-9-1-1 system. The report shall describe any difficulties encountered in implementing the system and may include legislation necessary to accomplish the intent of this chapter.

§2925. E-9-1-1 Advisory Committee

Beginning January 1, 1989, the E-9-1-1 Advisory Committee, established in Title 5, section 12004, shall advise and assist the department in the implementation of the E-9-1-1 system.

1. Membership. The E-9-1-1 Advisory Committee shall be composed of 11 members; one appointed by the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and 9 appointed by the Governor, including one who is a municipal official, one who is a chief of a municipal police department, one who is the chief of a municipal fire department, one who is a county sheriff, one who represents small telephone companies, one who represents the largest provider of local exchange telephone services and 3 to represent the public-at-large.

2. Terms of office. The members appointed by the Public Utilities Commission and the department shall serve at the pleasure of the appointing authority. The remaining members shall serve terms of 3 years, except that, of the initial 9 members appointed by the Governor, 3 shall be appointed for terms of

3 years, 3 for terms of 2 years and 3 for terms of one year. A vacancy shall be filled by the appointing authority to complete the term of the appointee who vacated the office.

3. Quorum. A majority of the members of the committee shall constitute a quorum.

4. Compensation. Members of the board shall be compensated for expenses only according to Title 5, chapter 379.

5. Chairman. The committee shall choose a chairman from among its members.

6. Duties. The committee has the following duties.

A. The committee shall advise the department on activities relating to the establishment of an E-9-1-1 system.

B. The committee shall review and comment on rules proposed by the department under this chapter.

C. The committee shall assist the department in providing public information about the implementation and operation of the E-9-1-1 system.

Sec. 4. 30 MRSA §1123-A is enacted to read:

§1123-A. Public safety answering point

Each county, in cooperation with the Department of Public Safety, shall establish an E-9-1-1 public safety answering point in each county which may be located in a county communications center or the county sheriff's communications facility. The department shall pay for the necessary E-9-1-1 equipment and for its installation and maintenance.

Sec. 5. Authorization of bonds to establish an E-9-1-1 system. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$3,200,000 for the purpose of raising funds to provide for the establishment of an E-9-1-1 system. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 5 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 6. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, 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. 7. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of the 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 purposes set forth in this Act. Any unencumbered balances remaining at the completion

of the project in section 10 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 8. 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. 9. Disbursement of bond proceeds. The proceeds of the bonds set out in section 10 shall be expended under the direction and supervision of the Commissioner of Public Safety.

Sec. 10. Allocations from General Fund bond issue; E-9-1-1 system. The proceeds of the sale of bonds shall be expended as designated in the following schedule:

E-9-1-1 system	\$3,200,000
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Sec. 11. Contingent upon ratification of bond issue. Sections 5 to 10 and section 15 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 12. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 13. Bonds authorized but not issued. Any bonds authorized, but not issued, or for which bond anticipation notes have not issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 14. 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 authorized in the amount of \$3,200,000 for establishment of a statewide E-9-1-1 system?”

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 voters 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.

Sec. 15. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

PUBLIC SAFETY,
DEPARTMENT OF

E-9-1-1

All Other

1988-89

\$5,000

Provides funds to the Department of Public Safety to cover the expenses of the E-9-1-1 Advisory Committee.

Approved May 2, 1988

INTENT AND CONTENT

This Act would authorize the State to issue registered bonds in an amount not to exceed \$3,200,000 to raise funds to buy equipment for an enhanced 9-1-1 emergency call system. The bonds would run for a period of not longer than 5 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds from the sale of the bonds would be used to purchase, install, and maintain a statewide 9-1-1 emergency call tracing system in every county and municipality in the state. The proceeds would be expended under the direction of the State Commissioner of Public Safety.

If approved, the bond authorization would take effect 30 days after the Governor's proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A "YES" vote approves authorization of a \$3,200,000 bond issue for an enhanced statewide 9-1-1 emergency call system.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of \$3,766,400 of which Principal is \$3,200,000, Estimated Interest at 5.9% over 5 years is \$566,400.

STATE OF MAINE

CHAPTER 120

PRIVATE AND SPECIAL LAWS OF 1987

AN ACT to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Construction and Renovation of Public Safety Facilities.

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 construction and renovation of public safety.

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

Sec. 1. Authorization of bonds to provide for construction and renovation of public safety facilities. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$3,000,000 for the purpose of raising funds to provide for construction and renovation of public safety facilities as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The 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. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bonds, 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. 3. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of the 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 purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. 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. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Commissioner of Administration after consultation with the Commissioner of Public Safety.

Sec. 6. Allocations from General Fund bond issue; public safety facilities. The proceeds of the sale of bonds shall be

expended for building, including, where necessary, land acquisition, repair or renovation of the following: public safety facilities in an amount not to exceed \$3,000,000. No money may be expended until the proceeds of the sale of bonds are allocated by the Legislature.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Statutory referendum procedure; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State 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:

"Do you favor a \$3,000,000 bond issue to build, repair or renovate public safety facilities?"

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 voters 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.

Approved April 27, 1988

INTENT AND CONTENT

This Act would authorize the State to issue registered bonds in an amount not to exceed \$3,000,000 to raise funds for public safety facilities. The bonds would run for a period of not longer than 5 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds from the sale of the bonds would be used to build and renovate public safety facilities. The proceeds would be expended under the direction of the State Commissioner of Administration after consultation with the Commissioner of Public Safety.

If approved, the bond authorization would take effect 30 days after the Governor's proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A "YES" vote approves authorization of a \$3,000,000 bond issue for public safety facilities.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of \$3,531,000 of which Principal is \$3,000,000, Estimated Interest at 5.9% over 5 years is \$531,000.

STATE OF MAINE

CHAPTER 126

PRIVATE AND SPECIAL LAWS OF 1987

AN ACT to Authorize A General Fund Bond Issue in the Amount of \$13,000,000 to Investigate, Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites, Solid Waste Landfills and Underground Oil Storage Tanks.

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 to investigate, abate, clean up and mitigate threats to public health and the environment from uncontrolled hazardous substance sites or other hazardous waste discharges.

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

Sec. 1. Issue of bonds to investigate, abate, clean up and mitigate threats to public health and the environment from uncontrolled hazardous substance sites, solid waste landfills and residential and commercial underground oil storage tanks. The Treasurer of State may, under the direction of the Governor, issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$13,000,000 for the purpose of raising funds to provide for the following: \$5,000,000 for the investigation, abatement, clean up and mitigation of threats to public health and the environment from uncontrolled hazardous substance sites or other hazardous waste discharges; \$5,000,000 for the remediation and closure of solid waste landfills, including municipal and abandoned landfills; \$2,000,000 for the removal of residential underground oil storage tanks which have been identified by the Department of Environmental Protection as leaking or posing an environmental threat, limited to the removal of tanks owned by low-income households or those which have been abandoned; and \$1,000,000 for the removal of commercial underground storage tanks which have been identified by the depart-

ment as leaking or posing an environmental threat, limited to the removal of tanks owned by businesses that consume the contents of the tanks on the premises, schools, churches and other non-profit organizations, as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 10 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, 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. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and 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 in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. 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. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Commissioner of Environmental Protection, the Maine State Housing Authority and the Finance Authority of Maine.

Sec. 6. Allocations from General Fund bond issue; disbursement of hazardous waste bond proceeds; remediation and closure of solid waste landfills; disbursement of residential and commercial underground oil storage tank bond proceeds. The proceeds of the bonds identified in section 1 shall be expended as designated in the following schedule.

1988-89

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

Investigation, abatement, clean up and mitigation of threats to public health and the environment from uncontrolled hazardous substance sites or other hazardous waste discharges.	\$5,000,000
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Remediation and closure of solid waste landfills, including municipal and abandoned landfills, \$1,000,000 to the Site Evaluation and Planning Program and \$4,000,000 to municipal implementation grants.	\$ 5,000,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL	\$10,000,000
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MAINE STATE HOUSING AUTHORITY

Removal of residential underground oil storage tanks which have been identified by the Department of Environmental Protection as leaking or posing an environmental threat, limited to the removal of tanks owned by low-income households or those which have been abandoned.	\$ 2,000,000
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FINANCE AUTHORITY OF MAINE

Provides funds for a revolving fund for low interest rate loans for removal of commercial and municipal underground oil storage tanks which have been identified by the Department of Environmental protection as leaking or posing an environmental threat. Tanks must be used for oil consumed by the owner of the tank on the premises. Eligible borrowers are limited to businesses and nonprofit organizations which demonstrate financial need for reduced rate loans to remove their underground oil storage tanks, as determined by the Finance Authority of Maine, and units of local government, including schools. Loans may be made only to borrowers who demonstrate a reasonable likelihood of being able to repay the loan on terms established by the Finance Authority of Maine, and shall be used only for costs incurred in the excavation, removal and disposal of the underground tanks.	\$ 1,000,000
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Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after

the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 9. Bond authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of the 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. 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:

“Do you favor a \$13,000,000 bond issue for the investigation, abatement, clean up and mitigation of uncontrolled hazardous substance sites, for cleaning up and closing solid waste landfills, and for the removal of underground oil storage tanks, all of which pose a hazard to public health, the environment and ground water quality?”

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 voters 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.

Approved April 28, 1988

INTENT AND CONTENT

This Act would authorize the State to issue registered bonds in an amount not to exceed \$13,000,000 to raise funds for protection of public health and the environment. The bonds would run for a period of not longer than 10 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds from the sale of the bonds would be used, in up to the following amounts, for the following purposes: to investigate and abate health or environmental threats from uncontrolled hazardous substance sites or other hazardous discharges (\$5,000,000); to abate such threats from solid waste landfills (\$5,000,000); to remove leaking underground tanks from low-income or abandoned households (\$2,000,000); to loan funds to needy businesses, non-profit organizations or government units to remove leaking underground tanks (\$1,000,000 revolving fund). The proceeds would be expended under the direction of the State Commissioner of Environmental Protection, the Maine State Housing Authority and the Finance Authority of Maine.

If approved, the bond authorization would take effect 30 days after the Governor's proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A “YES” vote approves authorization of a \$13,000,000 bond issue for protection of public health and the natural environment.

A “NO” vote disapproves the bond issue.

Total Estimated Debt Service of \$17,576,000 of which Principal is \$13,000,000, Estimated Interest at 6.4% over 10 years is \$4,576,000.

STATE OF MAINE

CHAPTER 125

PRIVATE AND SPECIAL LAWS OF 1987

AN ACT to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewerage Facilities Construction.

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 sewerage facilities construction.

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

Sec. 1. Authorization of bonds to provide for sewerage facilities construction. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$12,000,000 for the purpose of raising funds to provide for sewerage construction as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 10 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, 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. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of the 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 purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. 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. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Commissioner of Environmental Protection.

Sec. 6. Allocations from General Fund bond issue; sewerage facilities construction. The proceeds of the sale of bonds shall be expended as designated in the following schedule.

Sewerage facilities construction	\$12,000,000.
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Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Statutory referendum procedure; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State 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:

“Do you favor a \$12,000,000 bond issue for sewerage facilities construction?”

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 voters 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.

Approved April 28, 1988

INTENT AND CONTENT

This Act would authorize the State to issue registered bonds in an amount not to exceed \$12,000,000 to raise funds for sewerage facilities. The bonds would run for a period of not longer than 10 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds from the sale of the bonds would be used to construct sewage treatment facilities. The proceeds would be expended under the direction of the State Commissioner of Environmental Protection.

If approved, the bond authorization would take effect 30 days after the Governor’s proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A “YES” vote approves authorization of a \$12,000,000 bond issue for sewage treatment facilities.

A “NO” vote disapproves the bond issue.

Total Estimated Debt Service of \$16,224,000 of which Principal is \$12,000,000, Estimated Interest at 6.4% over 10 years is \$4,224,000.

STATE OF MAINE

CHAPTER 817

PUBLIC LAWS OF 1987

AN ACT to Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program for Disabled Maine Citizens.

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 loans which would allow disabled persons to purchase adaptive equipment.

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

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(14-B) is enacted to read:

(14-B)	<u>Human Services</u>	<u>Adaptive Equipment Loan Program Fund Board</u>	<u>Expenses Only</u>	<u>10 MRSA §373</u>
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Sec. 2. 10 MRSA c. 11 is enacted to read:

CHAPTER 11

ADAPTIVE EQUIPMENT LOAN PROGRAM

§371. Definitions

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

1. **Board.** “Board” means the Adaptive Equipment Loan Program Fund Board.

2. **Fund.** “Fund” means the Adaptive Equipment Loan Program Fund.

3. Qualifying borrower. "Qualifying borrower" means any individual, nonprofit corporation or partnership which demonstrates that the loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community. The individual corporation or partnership must demonstrate credit worthiness and repayment abilities to the satisfaction of the board.

§372. Fund established

1. Creation of fund. There is established an Adaptive Equipment Loan Program Fund which shall be used to provide funding for adaptive equipment loans to qualified borrowers within the State in order to acquire equipment designed to assist the borrower in becoming independent. The fund shall be deposited with, maintained and administered by the Finance Authority of Maine and shall contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by the board to be applied to the fund and funds received in repayment of loans. This fund shall be a nonlapsing revolving fund. All money in the fund shall be continuously applied to carry out the purposes of this chapter.

2. Administrative expenses. Costs and expenses of maintaining, servicing and administering the Adaptive Equipment Loan Program Fund established by this chapter may be paid out of amounts in the fund.

§373. Board

1. Establishment; membership. There is established the Adaptive Equipment Loan Program Fund Board which shall consist of 9 members as follows: The Commissioner of Human Services or the commissioner's designee; the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all to be appointed by the Governor and confirmed by the Legislature. The board shall annually elect a chairman from among its members.

2. Terms. The members appointed by the Governor shall be appointed for terms of 4 years. All other members shall serve during their tenure in the position which they represent on the board. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term of that position.

3. Compensation. Members shall be compensated according to Title 5, chapter 379.

§374. Duties of board

The board shall have the following powers and duties.

1. Receipt of money and property. The board may accept and receive gifts, grants, bequests or devises from any source, including funds from the Federal Government or any of its political subdivisions.

2. Contracts. The board may, with the approval of the Governor, enter into any necessary contracts and agreements with appropriate state or community-based groups dealing with disabled persons.

3. Administer loan program. The board shall administer the Adaptive Equipment Loan Program Fund established by this

chapter and may contract with the Finance Authority of Maine and state or community-based groups dealing with disabled persons for such assistance in administering the program as the board may require.

4. Rules. The board may promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to carry out the purposes of this chapter, which will ensure that individuals, profit and nonprofit corporations and partnerships will be eligible for loans.

§375. Loans

1. Demonstration of purpose of loan. The board may enter into loan agreements with any qualifying borrower, who must demonstrate that:

A. The loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community; and

B. The applicant has the ability to repay the loan.

2. Loan limit. Any necessary loan limitation shall be determined by the board.

3. Terms. All loans must be repaid within such terms and at such interest rates as the board may determine to be appropriate in accordance with guidelines established by rulemaking pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

§376. Purposes for which loans may be awarded

The board may award loans to qualifying borrowers for purposes, including, but not limited to, the following:

1. Individual independence. To assist one or more persons with disabilities to improve their independence through the purchase of adaptive equipment; and

2. Productive members of community. To assist one or more persons with disabilities to become more independent members of the community and improve quality of life within the community through the purchase of adaptive equipment.

Sec. 3. Authorization of bonds to provide for loans for adaptive equipment. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State in an amount not exceeding \$5,000,000 for the purpose of raising funds to create loans which would allow disabled persons to purchase adaptive equipment as authorized by section 9. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a period longer than 5 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 4. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, 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 the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by the treasurer upon warrants drawn by the State Controller, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 9 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 6. Taxable bond option. The Treasurer of State, at the direction of the Governor, shall covenant and consent that the interest on the bonds shall be includable, under the United States Internal Revenue Code, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. The powers conferred by this section shall not be subject to any limitations or restrictions of any law which may limit the power to so covenant and consent.

Sec. 7. 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. 8. Disbursement of bond proceeds. The proceeds of the bonds set out in section 9 shall be expended under the direction and supervision of the Adaptive Equipment Loan Program Fund Board.

Sec. 9. Allocations from General Fund bond issue. The proceeds of the sale of bonds shall be expended as follows.

1988-89

FINANCE AUTHORITY OF MAINE

Adaptive Equipment Loan Program Fund Board

All Other \$5,000,000

These funds will be used to create a revolving loan fund which will provide loans for persons with disabilities in order to enable these people to purchase adaptive equipment necessary for independent living.

Sec. 10. Contingent upon ratification of bond issue. Sections 1 to 9 and section 14, shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 11. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 12. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 13. 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:

“Do you favor a \$5,000,000 bond issue for the establishment of an Adaptive Equipment Loan Program which would enable persons with disabilities to purchase adaptive equipment necessary to their independence?”

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 voters 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.

Sec. 14. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Adaptive Equipment Loan Program Fund Board

All Other \$5,000

Provides funds for anticipated expenses of the board.

Approved April 28, 1988

INTENT AND CONTENT

This Act would authorize the State to issue registered bonds in the amount not to exceed \$5,000,000 to raise funds for adaptive equipment for disabled Maine citizens. The bonds would run for a period of not longer than 5 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds from the sale of the bonds would be used for loans to buy equipment to help disabled Maine citizens become more productive and independent. The proceeds would be expended under the direction of the Adaptive Equipment Loan Program Fund Board.

If approved, the bond authorization would take effect 30 days after the Governor's proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A "YES" vote approves authorization of a \$5,000,000 bond issue for equipment to help disabled Maine citizens.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of \$5,885,000 of which Principal is \$5,000,000, Estimated interest at 5.9% over 5 years is \$885,000.

STATE OF MAINE

CHAPTER 140

PRIVATE AND SPECIAL LAWS OF 1987

AN ACT to Authorize a General Fund Bond Issue in the Amount of \$36,800,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System.

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 to support a construction and capital improvements program at the University of Maine System.

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

Sec. 1. Authorization of bonds to provide for a capital improvements and construction program. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$36,800,000 for the purpose of raising funds to finance a multi-year program of construction and capital improvements at the campuses of the University of Maine System as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 15 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, 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. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of the 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 purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. 4. 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. 5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Trustees of the University of Maine System.

Sec. 6. Allocations from General Fund bond issue; projects at the University of Maine System. The proceeds of the sale of bonds shall be expended as follows.

University of Maine System	\$36,800,000
Construction and capital improvement projects	

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. 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:

"Do you favor a \$36,800,000 bond issue for the construction and upgrading of libraries, classrooms, laboratories and other educational facilities at all branches of the University of Maine System?"

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 voters 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.

Approved May 2, 1988

INTENT AND CONTENT

This Act would authorize the State to issue registered bonds in an amount not to exceed \$36,800,000 to raise funds for the University of Maine. The bonds would run for a period of not longer than 15 years from the date of issue and would be backed by the full faith and credit of the State.

The proceeds from the sale of the bonds would be used for a multi-year program of construction and capital improvements at the University of Maine campuses. The proceeds would be expended under the direction of the Trustees of the University of Maine.

If approved, the bond authorization would take effect 30 days after the Governor's proclamation of the vote.

A statement of the Treasurer describing the financial considerations of this bond issue is published together with this statement.

A "YES" vote approves authorization of a \$36,800,000 bond issue for the University of Maine.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of \$57,113,600 of which Principal is \$36,800,000, Estimated interest at 6.9% over 15 years is \$20,313,600.

CHAPTER 4

CONSTITUTIONAL RESOLUTION OF 1987

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Original Constitutional Resolution Making the Language of the Constitution Gender-Neutral.

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

CR 1987, c. 3 is repealed.

Constitution, Preamble is amended to read:

We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imporing His God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

Constitution, Art. I, §§1, 3, 4, 6, 6-A, 19 and 20 are amended to read:

Section 1. Natural rights. All men people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Section 3. Religious freedom; sects equal; religious tests prohibited; religious teachers. All men individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one person shall be hurt, molested or restrained in his-person; that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his that person's own conscience, nor for his that person's religious professions or sentiments, provided he that that person does not disturb the public peace, nor obstruct others in their religious worship; -- and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

Section 4. Freedom of speech and publication; libel; truth given in evidence; jury determines law and fact. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men people in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the jury,

after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

Section 6. Rights of persons accused. In all criminal prosecutions, the accused shall have a right to be heard by himself the accused and his counsel to the accused, or either, at his the election of the accused;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against him the accused;

To have compulsory process for obtaining witnesses in his favor of the accused;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of his life, liberty, property or privileges, but by judgment of his that person's peers or the law of the land.

Section 6-A. Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his that person's civil rights or be discriminated against in the exercise thereof.

Section 19. Right of redress for injuries. Every person, for an injury done him in his inflicted on the person, or the person's reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Section 20. Trial by jury. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself and his or herself and with counsel, or either, at his the election of the party.

Constitution, Art. II, §1 is amended to read:

Section 1. Qualifications of electors; written ballot; military serviemem; students; Indians. Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State, unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle him the student to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost his residence by reason of his the person's absence from the State in the military service of the United States, or of this State.

Every Indian, residing on tribal reservations and otherwise qualified, shall be an elector in all county, state and national elections.

Constitution, Art. IV, Part First, §4, as amended by CR 1987, c. 1, is further amended to read:

Section 4. Residency requirement. No person shall be a member of the House of Representatives, unless he the person shall, at the commencement of the period for which he the person is elected, have been 5 years a citizen of the United States, have arrived at the age of 21 years, have been a resident in this State one year; and for the 3 months next preceding the time of his this person's election shall have been, and, during the period for which he is elected, shall continue to be a resident in the district which he that person represents.

No person may be a candidate for election as a member of the House of Representatives unless, at the time of the nomination for placement on a primary, general or special election ballot, that person is a resident in the district which he the candidate seeks to represent.

Constitution, Art. IV, Part First, §5 is amended to read:

Section 5. Election of representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against his that person's name. Cities and towns belonging to any representative district shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State forthwith. The Governor shall examine the returned copies of such lists and 7 days before the first Wednesday of December beinnially, 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 of December biennially, and they shall finally determine who are elected.

Constitution, Art. IV, Part Third, §1-A, as amended by CR 1985, c. 3, is further amended to read:

Section 1-A. Legislature to Establish Apportionment Commission; number of quorum; compensation of commission members; commission's budget; division among political parties. A Legislature which is required to apportion the districts of the House of Representatives or the Senate, or both, under Article IV, Part First, Section 2, or Article IV, Part Second, Section 2, shall establish, within the first 3 calendar days after the convening of that Legislature, a commission to develop in accord-

ance with the requirements of this Constitution, a plan for apportioning the House of Representatives, the Senate, or both.

The commission shall be composed of 3 members from the political party holding the largest number of seats in the House of Representatives, who shall be appointed by the Speaker; 3 members from the political party holding the majority of the remainder of the seats in the House of Representatives, who shall be appointed by the floor leader of that party in the House; 2 members of the party holding the largest number of seats in the Senate, who shall be appointed by the President of the Senate; 2 members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate; the chairperson of each of the 2 major political parties in the State or their designated representatives; and 3 members from the public generally, one to be selected by each group of members of the commission representing the same political party, and the third to be selected by the other 2 public members. The Speaker of the House shall be responsible for organizing the commission and shall be ~~chairman~~ chairperson ~~pro tempore thereof until a permanent chairman~~ chairperson is selected by the commission members from among their own number. No action may be taken without a quorum of 8 being present. The commission shall hold public hearings on any plan for apportionment prior to submitting such plan to the Legislature.

Public members of the commission shall receive the same rate of per diem that is paid to Legislators for every day's attendance at special sessions of the Legislature as defined by law. All members of the commission shall be reimbursed for actual travel expenses incurred in carrying out the business of the commission. The Legislature which is required to apportion shall establish a budget for the apportioning commission within the state budget document in the fiscal year previous to the fiscal year during which the apportioning commission is required to convene and shall appropriate sufficient funds for the commission to satisfactorily perform its duties and responsibilities. The budget shall include sufficient funds to compensate the ~~chairman~~ chairperson of the commission and ~~his~~ the chairperson's staff. The remainder of the appropriation shall be made available equally among the political parties represented on the commission to provide travel expenses, incidental expenses and compensation for commission members and for partisan staff and operations.

Constitution, Art. IV, Part Third, §2 is amended to read:

Section 2. Bills to be signed by the Governor; proceedings, in case the Governor disapproves; allowing the Governor 10 days to act on legislation. Every bill or resolution, having the force of law, to which the concurrence of both Houses may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor, and if ~~he~~ the Governor approves, ~~he~~ the Governor shall sign it; if not, ~~he~~ the Governor shall return it with his objections to the House, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, $\frac{2}{3}$ of that House shall agree to pass it, it shall be sent together with the objections, to the other House, by which it shall be reconsidered, and, if approved by $\frac{2}{3}$ of that House, it shall have the same effect, as if it had been signed by the Governor; but in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons, voting for and against

the bill or resolution, shall be entered on the journals of both Houses respectively. If the bill or resolution shall not be returned by the Governor within 10 days (Sundays excepted) after it shall have been presented to ~~him~~ the Governor, it shall have the same force and effect as if ~~he~~ the Governor had signed it unless the Legislature by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within 3 days after the next meeting of the same Legislature which enacted the bill or resolution; if there is no such next meeting of the Legislature which enacted the bill or resolution, the bill or resolution shall not be a law.

Constitution, Art. IV, Part Third, §§10 and 11 are amended to read:

Section 10. Members not to be appointed to certain offices. No Senator or Representative shall, during the term for which ~~he~~ the Senator or Representative shall have been elected, be appointed to any civil office of profit under this State, which requires the approval of the Legislature for appointment or which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people.

Section 11. Persons disqualified to be members. No member of Congress, nor person holding any office under the United States (post officers excepted) nor office of profit under this State, justices of the peace, notaries public, coroners and officers of the militia excepted, shall have a seat in either House ~~during his being such~~ while a member of Congress, or his continuing in such office.

Constitution, Art. IV, Part Third, §17, sub-§3 is amended to read:

3. Referral to electors; proclamation by Governor. As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next statewide election not less than 60 days after such proclamation, or in case of no statewide election within 6 months thereafter the Governor may order such measure submitted to the people at a special election not less than 60 days nor more than 6 months after his proclamation thereof. If the Governor fails to order such measure to be submitted to the people at the next statewide election, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at an election and such order shall be sufficient to enable the people to vote.

Constitution, Art. IV, Part Third, §§19 and 20 are amended to read:

Section 19. Effective date of measures approved by people; veto power limited. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in 30 days after the Governor has made public proclamation of the result of the vote on said measure, which ~~he~~ the Governor shall do within 10 days after the vote thereon has been canvassed and determined; provided, however, that any such measure which entails expenditure in an amount in excess of available and unappropriated state funds shall remain inoperative until 45 days after

the next convening of the Legislature in regular session, unless the measure provides for raising new revenues adequate for its operation. The veto power of the Governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed by the Legislature without change, if vetoed by the Governor and if his veto is sustained by the Legislature shall be referred to the people to be voted on at the next general election. The Legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote.

Section 20. Meaning of words "electors," "people," "recess of Legislature," "statewide election," "measure," "circulator," and "written petition;" written petitions for people's veto; written petitions for direct initiative. As used in any of the 3 preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "statewide election" means any election held throughout the State on a particular day; "measure" means an Act, bill, resolve or resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of his the city, town or plantation of the circulator's residence as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in his the presence of the circulator and that to the best of his the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his the city, town or plantation of the official as qualified to vote for Governor. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 3rd day before the petition must be filed in the office of the Secretary of State, or, if such 3rd day is a legal holiday, by 5:00 p.m., on the next day which is not a legal holiday. Such officials must complete the certification of such petitions and must return them to the circulators or their agents within 2 days, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed in the office of the Secretary of State by a resident

of this State whose name must appear on the voting list of his the city, town or plantation of that resident as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

Constitution, Art. V, Part First, §§2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are amended to read:

Section 2. Term of office; reelection eligibility. The Governor shall be elected by the qualified electors, and shall hold his the office for 4 years from the first Wednesday after the first Tuesday of January next following the election and until his the successor to the Governor has been duly elected and qualified. The person who has served 2 consecutive popular elective 4-year terms of office as Governor shall be ineligible to succeed himself himself or herself.

Section 4. Qualifications. The Governor shall, at the commencement of his the Governor's term, be not less than 30 years of age; a citizen of the United States for at least 15 years, have been 5 years a resident of the State; and at the time of his election and during the term for which he is elected, be a resident of said State.

Section 6. Compensation. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his the Governor's continuance in office.

Section 7. Commander in chief. He The Governor shall be commander in chief of the army and navy of the State, and of the militia, except when the same are called into the actual service of the United States.

Section 8. To appoint officers; procedure for confirmation; affirmative votes of 2/3 of members required; Governor or President of Senate may call Senate into session; nomination by Governor made 7 days prior to appointment of nominee. He The Governor shall nominate, and, subject to confirmation as provided herein, appoint all judicial officers, except judges of probate and justices of the peace if their manner of selection is otherwise provided for by this Constitution or by law, and all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for.

The procedure for confirmation shall be as follows: an appropriate legislative committee comprised of members of both houses in reasonable proportion to their membership as provided by law shall recommend confirmation or denial by majority vote of committee members present and voting. The committee recommendation shall be reviewed by the Senate and upon review shall become final action of confirmation or denial unless the Senate by vote of 2/3 of those members present and voting overrides the committee recommendation. The Senate vote shall be by the yeas and nays.

All statutes enacted to carry out the purposes of the second paragraph of this section shall require the affirmative vote of 2/3 of the members of each House present and voting.

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

Every nomination by the Governor shall be made 7 days at least prior to appointment of the nominee.

Section 9. To give information and recommend measures. He The Governor shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he the Governor may judge expedient.

Section 10. May require information of any officer. He The Governor may require information from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

Section 11. Power to pardon and remit penalties, etc.; conditions. He The Governor shall have power to remit after conviction all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Such power to grant reprieves, commutations and pardons shall include offenses of juvenile delinquency.

Section 12. Shall enforce the laws. He The Governor shall take care that the laws be faithfully executed.

Section 13. Convene the Legislature on extraordinary occasions, and adjourn it in case of disagreement; may change the place of meeting. He The Governor may, on extraordinary occasions, convene the Legislature; and in case of disagreement between the 2 Houses with respect to the time of adjournment, adjourn them to such time, as he the Governor shall think proper, not beyond the day of the next regular session; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

Section 14. Vacancy, how supplied, mental or physical disability of the Governor continuously for more than 6 months. Whenever the office of Governor shall become vacant because of the death, resignation or removal of a Governor in office, or any other cause, the President of the Senate shall assume the office of Governor until another Governor shall be duly qualified. When the vacancy occurs more than 90 days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday after the first Tuesday of January following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than 90 days preceding the date of a primary election the President of the Senate shall fill the unexpired term.

Whenever the offices of Governor and President of the Senate are vacant at the same time, the Speaker of the House of Representatives shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Whenever the offices of Governor, President of the Senate and Speaker of the House of Representatives are vacant at the same time, the person acting as Secretary of State for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the office of the President of the Senate and the Speaker of the House, and by joint ballot of the Senators and Representatives in convention choose a person who shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Whenever for 6 months a Governor in office shall have been continuously unable to discharge the powers and duties of his that office because of mental or physical disability such office shall be deemed vacant. Such vacancy shall be declared by the Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground of the vacancy, adopted by a vote of $\frac{2}{3}$ of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that ground exists for declaring the office to be vacant.

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

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

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

Whenever either the President of the Senate or Speaker of the House of Representatives shall exercise the office of Governor, he the officer shall receive only the compensation of Governor,

but his the officer's duties as President or Speaker shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until he the officer shall cease to exercise the office of Governor.

Constitution, Art. V, Part Second, §§2, 3 and 4 are amended to read:

Section 2. Records of State; deputies. The records of the State shall be kept in the office of the secretary, who may appoint his deputies to that office, for whose conduct he the secretary shall be accountable.

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

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

Constitution, Art. V, Part Third, §§2 and 3 are amended to read:

Section 2. Bond. The Treasurer shall, before entering on the duties of his that office, give bond to the State with sureties, to the satisfaction of the Legislature, for the faithful discharge of his that trust.

Section 3. Not to engage in trade. The Treasurer shall not, during his the treasurer's continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

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

Section 4. Tenure of judicial officers; 6-month holdover period. All judicial officers appointed by the Governor shall hold their offices for the term of 7 years from the time of their respective appointments (unless sooner removed by impeachment or by address of both branches of the Legislature to the executive, provided further that justices of the peace may be removed from office in such manner as the Legislature may provide); provided, however, that a judicial officer whose term of office has expired or who has reached mandatory retirement age, as provided by statute, may continue to hold office until the expiration of an additional period not to exceed 6 months or until his the successor to the judicial officer is appointed, whichever occurs first in time.

Constitution, Art. IX, §§1, 3 and 5 are amended to read:

Section 1. Oaths and subscriptions; alternative affirmation; oaths of Governor; oaths of Senators and Representatives; oaths of other officers; before whom taken. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any judicial, executive, military or other office under this State, shall, before he enter entering on the discharge of the duties of his that place or office, take and subscribe the following oath or affirmation: "I, _____ do swear, that I will support

the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God."

"I _____ do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as _____ according to the Constitution and laws of the State. So help me God." Provided, that an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

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

Section 3. Commissions. All commissions shall be in the name of the State, signed by the Governor, attested by the Secretary or his a deputy of the Secretary and have the seal of the State thereto affixed.

Section 5. Removal by impeachment or address. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor on the address of both branches of the Legislature. But before such address shall pass either House, the causes of removal shall be stated and entered on the journal of the House in which it originated, and a copy thereof served on the person in office, that he the person may be admitted to a hearing in his that person's own defense.

Constitution, Art. IX, §10, as amended by CR 1985, c. 1, is further amended to read:

Section 10. Tenure of sheriffs; extend the Term of Office to 4 years; removal of sheriff from office and replacement. Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the Tuesday following the first Monday of November, and shall hold their offices for 4 years from the first day of January next after their election, unless sooner removed as hereinafter provided.

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

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 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 gender-biased language in order to clarify that the Constitution applies to all individuals?”

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 voters 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, September 19, 1988.

INTENT AND CONTENT

The proposed amendments would change the language of 40 different provisions of the Maine Constitution to make the document “gender neutral.” The proposal would achieve this end by altering each phrase now containing a male gender reference (there are no female references) to use language that is either without gender or refers to both genders. These changes affect the linguistic style of the Constitution, but they do not alter the meaning of any provision.

A “YES” vote approves amending the State Constitution as proposed.

A “NO” vote disapproves the proposed amendments.