MAINE CITIZEN'S GUIDE TO THE REFERENDUM ELECTION

Tuesday, November 5, 1996

**In Accordance with
the April 16, 1996
Proclamation of the Governor
and with the Acts and Resolutions Passed by
the 117th Legislature at the
Second Regular Session
and the Second Special Session**

Bill Diamond
Secretary of State

Appropriation 010-29A-3213-012

State of Maine
Office of the Secretary of State
Augusta, Maine 04333

Dear Fellow Citizen,

All eligible Maine residents may vote in the referendum election on November 5, 1996. The information in this booklet is intended to help you learn about the issues so that you can make your own, well-informed decisions about how to vote.

Referendum elections are an important part of the heritage of public participation in Maine, so I hope you will help keep our democracy strong by voting. As President Franklin D. Roosevelt said:

> "Let us never forget that government is *ourselves* and not an alien power over us. The ultimate rulers of our democracy are not a President and Senators and Congressmen and government officials, but the voters of this country."

For information about how or where you vote, you may contact your local municipal clerk or call Maine's Division of Elections at 287-4186.

Now, enclosed in this booklet you will find:

- Each of the eight referendum questions.
- The legislation each question represents.
- A summary of the intent and content of the legislation.
- An explanation of the significance of a "yes" or "no" vote.
- An analysis of the debt service on each bond issue.

The Department of the Secretary of State, the State Treasurer and the Attorney General have worked together to prepare this booklet for you. We hope you find it helpful and that you will vote in the November 5, 1996 referendum election.

Sincerely,

Bill Diamond

Bill Diamond
Secretary of State

STATE OF MAINE
Referendum Election, November 5, 1996
LISTING OF REFERENDUM QUESTIONS

Question 1: Citizen Initiative

Do you want Maine to require candidates and elected officials to show support for Congressional term limits or have their refusal printed on the ballot?

Question 2A: Citizen Initiative

Do you want Maine to ban clearcutting and set other new logging standards?

Question 2B: Competing Measure

Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?

Question 2C: Against A and B

Against both the Citizen Initiative and the Competing Measure.

Question 3: Citizen Initiative

Do you want Maine to adopt new campaign finance laws and give public funding to candidates for state office who agree to spending limits?

Question 4: Bond Issue

Do you favor a $3,000,000 bond issue to make capital improvements at state parks and historic sites?

Total Estimated Debt Service of $3,427,500, of which Principal is $3,000,000, Estimated Interest at 4.75% over 5 years is $427,500.

Question 5: Bond Issue

Do you favor a $16,500,000 bond issue for the following purposes: (1) $2,500,000 to investigate, abate and clean up threats to the public health and the environment from hazardous substance discharges; (2) $5,000,000 to protect the public health, safety and the environment by providing funds for the cleanup of tire stockpiles; and (3) $9,000,000 to protect the State's drinking water resources by granting funds to cities and towns for the closure and cleanup of their solid waste landfills?

Total Estimated Debt Service of $21,355,125, of which Principal is $16,500,000, Estimated Interest at 5.35% over 10 years is $4,855,125.

Question 6: Bond Issue

Do you favor a $11,000,000 bond issue to encourage job growth and economic vitality by providing access to capital for agricultural enterprises and small businesses with a significant potential for growth and job creation?

Total Estimated Debt Service of $14,236,750, of which Principal is $11,000,000, Estimated Interest at 5.35% over 10 years is $3,236,750.

Question 7: Bond Issue

Do you favor a $10,000,000 bond issue for the following purposes: (1) $8,000,000 to construct water pollution control facilities, providing the state match for $10,000,000 in federal funds; and (2) $2,000,000 to address environmental health deficiencies in drinking water supplies?

Total Estimated Debt Service of $12,942,500, of which Principal is $10,000,000, Estimated Interest at 5.35% over 10 years is $2,942,500.

Question 8: Constitutional Amendment

Do you favor amending the Constitution of Maine to require that a direct initiative petition be submitted to local officials earlier than is presently required in order to allow 5 working days rather than 2 working days for local officials to certify the petition?

Treasurer's Statement

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, 1996.

Bonds Outstanding and Unpaid to Mature Through 2008		
	Highway fund	$144,440,000
	General fund	$371,250,000
	Total	$515,690,000
Interest to be Repaid on Bonds Issued	Highway fund	$ 36,025,634
	General fund	$ 83,251,188
	Total	$119,276,822
Total to be Repaid on Bonds Issued		$634,966,822
Additional Bonds Authorized But Not Yet Issued		$ 50,750,000
Limit of Contingent Bonds Liability Authorized by Constitution and Laws But Unissued		$ 99,000,000
Total Bonds Authorized But Unissued		$149,750,000
Total Additional Bonds to be Authorized if Ratified by Voters		$ 40,500,000
Potential New Estimate of Interest		$ 11,461,875

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 $11,461,875 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 $51,961,875. The amount that must be paid in the present fiscal year (July 1, 1996 to June 30, 1997) for debt already outstanding is $88,180,000 in principal and $27,618,607 in interest, a total of $115,798,607.

Samuel D. Shapiro

Samuel D. Shapiro
Treasurer of State

Question 1: Citizen Initiative

Do you want Maine to require candidates and elected officials to show support for Congressional term limits or have their refusal printed on the ballot?

STATE OF MAINE

"An Act to Seek Congressional Term Limits"

Preamble. The People of the State of Maine want to amend the United States Constitution to establish Term Limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment to two terms in office. Governors in forty (40) states are limited to two terms or less. Voters have established Term Limits for over 2,000 state legislators as well as over 17,000 local officials across the country.

Nevertheless, Congress has ignored our desire for Term Limits not only by proposing excessively long terms for its own members but also by utterly refusing to pass an amendment for genuine congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the United States House of Representatives during the 104th Congress voted against a constitutional amendment containing the Term Limits passed by a wide margin of Maine voters.

The people, not Congress, should set Term Limits. We hereby establish as the official position of the Citizens and State of Maine that our elected officials should enact by Constitutional Amendment congressional term limits no longer than three (3) terms in the United States House of Representatives, nor longer than two (2) terms in the United States Senate.

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the Founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for Term Limits; they have voted to dramatically raise their own pay; they have provided lavish million dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly $5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government Congress has grown increasingly distant from the People of the States. The People have the sovereign right and a compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

The foresight of our Founders provided the People with a path around congressional self-interest under Article 5 of the Constitution. Pursuant to Article 5, the People may seek a convention to propose amendments to the Constitution when two-thirds of the States (34) apply for such a convention. Amendments proposed by a convention would become part of the Constitution upon the ratification of three-fourths of the states (38).

Therefore, the state of Maine, hereby amends its Compiled Laws pursuant to our power under the state constitution.

We hereby state our intention that this law lead to the adoption of the following Constitutional Amendment:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Therefore, We, the People of the State of Maine, have chosen to amend the Compiled State Laws to create legislation that will inform voters regarding incumbent and non-incumbent federal candidates' support for the above proposed CONGRESSIONAL TERM LIMITS AMENDMENT and incumbent and non-incumbent state legislators' support for the following proposed application to Congress:

We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention.

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

Sec. 1. 21-A MRSA c. 9, sub-c. I-A is enacted to read:

SUBCHAPTER I-A

CONGRESSIONAL TERM LIMITS ACT OF 1996

§641. Short Title

This subchapter may be known and cited as the "Congressional Term Limits Act of 1996."

§642. Definitions

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

1. Application. "Application" means an application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution to limit to 3 terms the service of members of the United States House of Representatives and to 2 terms the service of members of the United States Senate.

2. Proposed amendment. "Proposed amendment" means the following proposed amendment to the United States Constitution set forth in The Congressional Term Limit Act of 1996:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

§643. Ballot for incumbent Legislator

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any Legislator who during the current term of office failed to:

A. Vote in favor of the application when brought to a vote in any setting in which the Legislator served, including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council;

B. Second the application if it lacked for a second in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

C. Vote in favor of all votes bringing the application before any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

D. Propose, sponsor or otherwise bring to a vote of the full legislative body the application if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the application;

E. Vote against any attempt to delay, table, rerefer to committee or otherwise prevent a vote by the full legislative body of the application;

F. Vote in favor of any requests for the yeas and nays on all votes on the application;

G. Request the yeas and nays on all votes on the application if it otherwise lacked a Legislator who so requested;

H. Vote against any change, addition, amendment or modification to the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

I. Either be present and voting during any consideration of the application in any setting in which the Legislator served including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council, or, if absent during any consideration of the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council, be recorded in favor of the application via pairing or other absentee provision;

J. Vote against any proposed repeal of or amendment to this Act;

K. Vote against any legislation that would supplement or alter this Act;

L. Vote in favor of the proposed amendment when it is sent to the states for ratification, in any setting in which the Legislator served, including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council; or

M. Vote against any amendment to the United States Constitution with longer limits than those specified in the proposed amendment if any such amendment is sent to the states for ratification.

2. Exceptions. The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of a Legislator if:

A. Notwithstanding subsection 1, paragraphs A to K, the State has made application for the purpose of proposing the proposed amendment and that application has not been withdrawn or the proposed amendment has been submitted to the States for ratification;

B. Notwithstanding subsection 1, paragraphs L and M, the State has ratified the proposed amendment; or

C. Notwithstanding subsection 1, the proposed amendment has become part of the Constitution of the United States.

3. Determination. The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of a Legislator in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§644. Ballot for incumbent Governor

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any Governor who during the current term of office failed to:

A. Veto any attempt to amend or repeal this Act; or

B. Veto any legislation that would supplement, alter or effect this Act in any way.

2. **Exception.** The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of a Governor as required by subsection 1, if the proposed amendment has been submitted to the states for ratification and ratified by this State or the proposed amendment has become part of the United States Constitution.

3. **Determination.** The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of a Governor in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. **Challenge of determination.** The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under section 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§645. Ballot for incumbent members of Congress

1. **Notation of violation of voter instruction.** Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative who during the current term of office:

A. Failed to vote in favor of the proposed amendment when brought to a vote in any setting in which the congressional member served including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

B. Failed to second the proposed amendment if it lacked for a second before any proceeding of the legislative body including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

C. Failed to propose, sponsor or otherwise bring to a vote of the full legislative body the proposed amendment if it otherwise lacked a congressional member who so proposed;

D. Failed to vote in favor of all votes bringing the proposed amendment before any committee, subcommittee or in any other setting of the respective house upon which the congressional member served including, but not limited to either legislative body, a committee, a subcommittee or a legislative council;

E. In any other settings of the respective house in which the congressional member served, including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council, failed to reject any attempt to delay, table, rerefer to committee or otherwise postpone or prevent a vote by the full legislative body on the proposed amendment;

F. Failed to vote against any proposed constitutional amendment that would

increase term limits beyond those in the proposed amendment regardless of any other actions in support of the proposed amendment;

G. Sponsored or cosponsored any proposed constitutional amendment or law that would increase term limits beyond those in the proposed amendment;

H. Failed to vote in favor of any requests for the yeas and nays on all votes on the proposed amendment;

I. Failed to sign any discharge petition that would cause the proposed amendment to be considered by the full legislative body;

J. Failed to either be present and voting during any consideration of the proposed amendment in any setting in which the congressional member served including, but not limited to, either legislative body, a committee or subcommittee or, if absent during any consideration of the proposed amendment in any setting in which the congressional member served, including, but not limited to, either legislative body, a committee or subcommittee, be recorded in favor of the proposed amendment by means of pairing, proxy voting or other absentee provision.

2. Exception. The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of any member of Congress as required by subsection 1 if the proposed amendment has been submitted to the states for ratification or has become part of the United States Constitution.

3. Determination. The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any member of Congress in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§646. Pledge to support term limits.

1. Pledge requirement. Until the proposed amendment becomes part of the United States Constitution, the Secretary of State shall offer to candidates for the Congress of the United States, Governor, the Maine Senate and the Maine House of Representatives the term limits pledge set forth in subsection 3. The Secretary of State shall provide pledge forms to the candidates. The candidates must sign and file with the Secretary of State the pledge forms before the commencement of petitioning for ballot access. Except as provided in subsection 2, for a candidate who refuses to take the term limits pledge, the Secretary of State shall print "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to the candidate's name on every primary, general and special election ballot.

2. Exception. The language "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" may not be printed adjacent to the candidate's name on every primary, general and special election ballot when, pursuant to section 643, 644 or 645, the notation

"VIOLATED VOTER INSTRUCTION ON TERM LIMITS" shall appear adjacent to the candidate's name.

3. Term limits pledge. The Secretary of State shall offer the following term limits pledge:

A. For all candidates for the United States Senate and the United States House of Representatives:

"I support term limits and pledge to use all my legislative powers to enact the proposed amendment to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

.....
Signature for Candidate"

B. For all candidates for Governor:

"I support Term Limits and pledge, if elected, to use all my delegated powers to enact the proposed Constitutional Amendment set forth in the Congressional Term Limits Act of 1996. I pledge to use all my delegated powers to cause the Legislature to make application under the United States Constitution, Article V, to the Congress of the United States as set forth in the Congressional Term Limits Act of 1996. I pledge to veto any attempt to amend or repeal the Congressional Term Limits Act of 1996. I pledge to veto any legislation that would supplement, alter or effect the Congressional Term Limits Act of 1996 in any way.

.....
Signature of Candidate"

C. For all candidates for the Maine Senate, the Maine House of Representatives:

"I support term limits and pledge to use all my legislative powers to cause the Legislature of the State of Maine to make application to the Congress of the United States for a constitutional convention under Article V of the United States Constitution, and to enact the proposed amendment to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

.....
Signature of Candidate"

4. Determination. The Secretary of State shall determine whether to print "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" adjacent to the name of a candidate in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

5. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that currently exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the

Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

Sec. 2. Legislators directed to make application to Congress. Each member of the Maine Senate and the Maine House of Representatives shall use all of that Legislator's delegated powers to make the following application under the United States Constitution, Article V, to the Congress of the United States:

> We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention.

Sec. 3. Governor directed to aid in application and ratification. The Governor shall use all of the Governor's delegated powers to aid the Legislature in making the application specified in Sec. 2 to the Congress of the United States under Article V of the United States Constitution.

Sec. 4. Congressional delegation directed to propose congressional term limits amendment. Each member of the state's congressional delegation shall use all of that member's delegated powers to propose and vote for the following amendment to the United States Constitution:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Sec. 5. Jurisdiction. Any legal challenge to this Act shall be filed as an original action before the Supreme Court of this state.

Sec. 6. Severability. If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases may not be affected, but shall remain in full force and effect.

STATEMENT OF FACT

This bill accomplishes the following:

1. It requires the Secretary of State to offer to all candidates for the Legislature, Governor and Congress a pledge to support congressional term limits and requires that, if a candidate refuses to sign the pledge, the Secretary of State print adjacent to that candidate's name on the ballot the words "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS."

2. It requires that the Secretary of State print adjacent to the candidate's name on the ballot the words "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" if an incumbent candidate for Governor, Congress or Legislature fails to vote in the manner specified in the bill.

3. It directs the Legislature to make application to Congress calling for a constitutional convention to propose an amendment to the federal constitution to require congressional term limits and directs the Governor to aid in such application. It also directs the State's congressional delegation to work to propose such an amendment to the federal constitution.

Proclamation

WHEREAS, *written petitions bearing the signatures of 54,889 electors of this State, which number is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18, of the Constitution of Maine, were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State within twenty-five days after the convening of the One Hundred and Seventeenth Legislature in the Second Regular Session, requesting that the Legislature consider an act entitled "An Act to Seek Congressional Term Limits"; and*

WHEREAS, *on March 22, 1996, the Maine House of Representatives accepted the Unanimous Ought Not to Pass Report of the Joint Standing Committee on Legal and Veterans Affairs on the initiated act, known as Legislative Document 1827; and*

WHEREAS, *on March 22, 1996, the Maine Senate accepted the Unanimous Ought Not to Pass Report of the Joint Standing Committee on Legal and Veterans Affairs on the initiated act, known as Legislative Document 1827; and*

WHEREAS, *Article IV, Part Third, Section 18, of the Maine Constitution provides that the Governor shall, by proclamation, order an initiated bill proposed to, but not enacted by, the Legislature without change to the people for referendum in November within 10 days following the recess of the Legislature to which the measure was proposed and, in the event that the Governor fails to order the bill to referendum, requires the Secretary of State to do so by proclamation; and*

WHEREAS, *Governor King is not physically present in the State of Maine to sign the proclamation on April 16, 1996, due to a death in his family, the Governor has requested the Secretary of State to undertake the necessary proclamation within the 10 day period contemplated by the Constitution on behalf of the Governor and in full compliance with the constitutional mandate;*

NOW THEREFORE, *I, BILL DIAMOND, Secretary of State of the State of Maine, at the request of the Governor and in pursuance of the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, do hereby proclaim that an election shall be called for Tuesday, November 5, 1996, so that "An Act to Seek Congressional Term Limits" may be submitted to the people of this State for a referendum vote.*

IN TESTIMONY WHEREOF, *I have caused the Great Seal of the State to be hereunto affixed. Given under my hand at Augusta this Sixteenth day of April in the year One Thousand Nine Hundred and Ninety-Six.*

BILL DIAMOND
Secretary of State

Intent and Content

This initiated legislation seeks to impose term limits of 3 terms (6 years) for the United States House of Representatives and 2 terms (12 years) for the United States Senate in five ways:

1. It would direct the Maine Legislature to apply to the United States Congress to call a constitutional convention, pursuant to Article V of the United States Constitution, for the purpose of enacting an amendment to the United States Constitution imposing Congressional term limits.

2. It would direct each member of Maine's Congressional delegation to vote for a constitutional amendment establishing Congressional term limits.

3. It would require the Secretary of State to print on any election ballot the phrase "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" next to the name of any member of the Maine Legislature or any Governor who fails to use all of his or her powers to secure passage of an application to the United States Congress for a constitutional convention to establish Congressional term limits.

4. It would require the Secretary of State to print on any election ballot the phrase "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" next to the name of any member of the Maine Congressional delegation who fails to use all of his or her legislative powers to cause the United States Congress to pass an amendment to the United States Constitution imposing Congressional term limits.

5. It would require the Secretary of State to print on any election ballot the phrase "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" next to the name of any candidate for Governor, the Maine Legislature or the United States Congress who fails to sign a form pledging to use all of his or her powers to secure passage of an amendment to the United States Constitution imposing Congressional term limits.

A "YES" vote approves the initiative.

A "NO" vote disapproves the initiative.

Question 2A: Citizen Initiative

Do you want Maine to ban clearcutting and set other new logging standards?

STATE OF MAINE

"An Act to Promote Forest Rehabilitation and Eliminate Clearcutting"

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

Sec. 1. 12 MRSA §682, sub-§§5-A, 5-B and 5-C are enacted to read:

5-A. Basal Area. "Basal area" means the cross-sectional area of the stem of a tree measured at 4.5 feet above the ground outside the bark.

5-B. Clearcutting. "Clearcutting" means any timber harvesting on a forested site which results in an average residual basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above the ground totaling less than 30 square feet per acre, except when the conditions of section 685-A, subsection 12, paragraph C are met.

5-C. Commercial Species. "Commercial species" means commercial hardwood species or commercial softwood species native to the state of Maine and which now, or prospectively as they grow, will contain at least one 12-foot or two noncontiguous 8-foot or longer sawlogs.

Sec. 2. 12 MRSA §682, sub-§7-A is enacted to read:

7-A. Hardwood stand. "Hardwood stand" means a forest stand in which the basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above ground before harvest is composed of 75% or more of commercial hardwood species, singly or in combination.

Sec. 3. 12 MRSA §682, sub-§8-B is enacted to read:

8-B. Mixed wood stand. "Mixed wood stand" means a forest stand in which the basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above the ground before harvest is composed of between 25% and 75% of commercial hardwood species, singly or in combination.

Sec. 4. 12 MRSA §682, sub-§§12-A and 12-B are enacted to read:

12-A. Softwood stand. "Softwood stand" means a forest stand in which the basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above the ground before harvest is composed of 75% or more of commercial softwood species, singly or in combination.

12-B. Slash. "Slash" means bark, branches, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees and shrubs left on the ground as a result of a timber harvesting operation.

Sec. 5. 12 MRSA §682, sub-§13-A is enacted to read:

13-A. Stand. "Stand" means a forest land area forming a silvicultural or management entity containing trees that are sufficiently uniform in species composition, structure, size or age class, spatial arrangement or condition to be distinguishable from an adjacent land area of different character, with inclusions of minor areas with different characteristics that are less than 5 acres in size.

Sec. 6. **12 MRSA §685-A, sub-§12** is enacted to read:

12. Forest management standards. Notwithstanding subsection 5 or any other provision of state law to the contrary, all timber harvesting activities within the commission's jurisdiction must comply with the following minimum standards.

A. Clearcutting is prohibited.

B. In a 15-year period, timber harvesting operations may not result in the removal of more than 1/3 of the volume on any acre, on a basal area basis, of trees of commercial species greater than 4.5 inches in diameter at 4.5 feet above the ground.

C. Following a timber harvesting operation, the postharvest stand of trees of commercial species must meet residual basal area requirements using one of the following alternative methods.

(1) Considering trees greater than 4.5 inches in diameter at 4.5 feet above the ground, the residual basal area of the postharvest stand must meet the following minimum requirements.

(a) Sixty-five or more square feet residual basal area per acre where the preharvest stand was a hardwood stand;

(b) Seventy-five or more square feet residual basal area per acre where the preharvest stand was a mixed wood stand; or

(c) Ninety or more square feet residual basal area per acre where the preharvest stand was a softwood stand.

(2) Considering trees greater than 1 inch in diameter at 4.5 feet above the ground, the residual basal area of the postharvest stand must be calculated using the following formula. $S+T=R$

In this formula, S is the average number of trees of commercial species per acre in the postharvest stand 1 inch to 4.5 inches in diameter at 4.5 feet above the ground as a percentage of 1000 trees per acre; T is the average residual basal area for trees of commercial species greater than 4.5 inches in diameter at 4.5 feet above the ground as a percentage of the minimum residual basal area requirements for the postharvest stand listed in subparagraph (1) for hardwood, mixed wood, or softwood stands; and R must equal 100% or more.

D. After a timber harvesting operation is completed, a healthy, well-distributed stand of trees must remain, with minimal damage to individual trees. The diversity of tree species, tree sizes, and tree age classes of the standing trees in the remaining stand must be maintained to the maximum extent possible.

E. Timber harvesting operations may not create single openings in the forest canopy greater than ½ acre in size, except for land management roads and other roads.

F. All trees harvested must be delimbed at or near the cutting site. Slash must be left in the woods. Slash that is larger than 3 inches in diameter must be disposed of so that no part of the slash extends more than 4 feet above the ground.

The commission may impose, by rule or by permit condition, more stringent requirements for timber harvesting in protection and development districts. The minimum requirements set forth in this subsection may be exceeded upon issuance of a variance by the commission upon a showing of undue hardship and otherwise pursuant to criteria set forth in subsection 10.

Sec. 7. Effective Date. This act takes effect on April 1, in the year following passage.

STATEMENT OF FACT

This initiated bill sets standards for timber harvesting activities within the jurisdiction of the Maine Land Use Regulation Commission. These standards include the elimination of clearcutting, limits on the amount of timber that may be harvested in a specified period of time, and minimum tree stand volume following harvesting operations.

Proclamation

WHEREAS, *written petitions bearing the signatures of 54,968 electors of this State, which number is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18, of the Constitution of Maine, were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State within twenty-five days after the convening of the One Hundred and Seventeenth Legislature in the Second Regular Session, requesting that the Legislature consider an act entitled "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting"; and*

WHEREAS, *on March 26, 1996, the Maine House of Representatives accepted the Unanimous Ought Not to Pass Report of the Joint Standing Committee on Agriculture, Conservation and Forestry on the initiated act, known as Legislative Document 1819; and*

WHEREAS, *on March 25, 1996, the Maine Senate accepted the Unanimous Ought Not to Pass Report of the Joint Standing Committee on Agriculture, Conservation and Forestry on the initiated act, known as Legislative Document 1819; and*

WHEREAS, *Article IV, Part Third, Section 18, of the Maine Constitution provides that the Governor shall, by proclamation, order an initiated bill proposed to, but not enacted by, the Legislature without change to the people for referendum in November within 10 days following the recess of the Legislature to which the measure was proposed and, in the event that the Governor fails to order the bill to referendum, requires the Secretary of State to do so by proclamation; and*

WHEREAS, *Governor King is not physically present in the State of Maine to sign the proclamation on April 16, 1996, due to a death in his family, the Governor has requested the Secretary of State to undertake the necessary proclamation within the 10 day period contemplated by the Constitution on behalf of the Governor and in full compliance with the constitutional mandate;*

NOW THEREFORE, I, BILL DIAMOND, *Secretary of State of the State of Maine, at the request of the Governor and in pursuance of the provisions of Article IV, Part Third, Section 18, of the Constitution on Maine, do hereby proclaim that an election shall be called for Tuesday, November 5, 1996, so that "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting" may be submitted to the people of this State for a referendum vote.*

IN TESTIMONY WHEREOF, *I have caused the Great Seal of the State to be hereunto affixed. Given under my hand at Augusta this Sixteenth day of April in the year One Thousand Nine Hundred and Ninety-Six.*

BILL DIAMOND
Secretary of State

Question 2B: Competing Measure

Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?

STATE OF MAINE

Chapter 1

Competing Measure Resolutions of 1996

"RESOLUTION, Proposing a Competing Measure under the Constitution of Maine to Implement the Compact for Maine's Forests"

RESOLVED: That, pursuant to the Constitution of Maine, Article IV, Part Third, Section 18, subsection 2, the Legislature intends that the following be submitted to the electors of the State as a competing measure to Initiated Bill 4, Legislative Document 1819 of the 117th Legislature, "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting."

Sec. 1. 5 MRSA §12004-G, sub-§12-A is enacted to read:

12-A. Environment/ Natural Resources	Sustainable Forest Management Audit Board	Not Authorized	12 MRSA §8870-C

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 120th Legislature.

Sec. 2. 12 MRSA §8611, sub-§2, as amended by PL 1989, c. 700, Pt. A, §40, is further amended to read:

2. Natural resource educator. The director shall employ a natural resource educator to develop and coordinate natural resource education, workshops and training opportunities for the general public, school-age children, forest landowners, forest products harvesters and forest managers. By February 15, 1997, the director shall convene a natural resource education advisory committee to include, but not be limited to, members that represent forest landowners, forest products harvesters, forest managers and environmental education organizations. The committee shall serve in an advisory capacity to the natural resource educator. Specifically, this person shall:

A. Work with the Department of Education and organizations to integrate forestry and forest science programs into the science curricula in public and private schools; ~~and~~

B. Establish a program for continuing education courses in timber harvesting equipment operation, safety and basic forest management skills~~.~~ ; and

C. Work in partnership with the private sector and nongovernmental organizations, including, but not limited to, associations whose members own small woodlands in the State, to develop new natural resource education initiatives for the

general public. By September 1, 1997, the natural resource educator shall submit to the director and to the natural resource education advisory committee a plan including a description of those initiatives and any possible financial resources that have been identified or pledged.

Sec. 3. 12 MRSA §8866 is enacted to read:

§8866. Purpose

The Legislature finds that forest management, when practiced in accordance with environmentally sound silvicultural principles, constitutes a beneficial and desirable use of the State's forest resource and makes vital contributions to the economy, environment and aesthetic features of the State. The tradition of using the forest resource for the production of forest products and related commercial activities, for recreation and for sustenance of the State's fisheries and wildlife is essential to the favorable quality of life in the State.

The Legislature finds that timber harvesting is a traditional and legitimate use of the State's lands. The Legislature finds further that it is vital to the welfare of the State that any law, rule or ordinance enacted to regulate this activity seek a lawful balance between the constitutional rights of all private property owners affected by the regulation or activity and the interests of the citizens of the State to protect public health, safety and welfare.

Sec. 4. 12 MRSA §8867, as amended by PL 1991, c. 722, §4, is repealed.

Sec. 5. 12 MRSA §8867-A is enacted to read:

§8867-A. Rulemaking

No later than May 1, 1997, the Commissioner of Conservation shall provisionally adopt rules in accordance with Title 5, chapter 375 to implement this subchapter. Rules adopted pursuant to this subchapter are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

The Commissioner of Conservation shall consult with the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to ensure that bureau rules are consistent with wildlife habitat and environmental protection.

Sec. 6. 12 MRSA §8868, as enacted by PL 1989, c. 555, §10, is repealed.

Sec. 7. 12 MRSA §8868-A is enacted to read:

§8868-A. Definitions

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

1. Acceptable growing stock. "Acceptable growing stock" means live trees of commercially valuable species classified as sawtimber or pole-timber, that are not culls, or saplings or seedlings capable of developing into trees suitable for producing merchantable products.

2. Affiliated interest. "Affiliated interest" means:

A. Any corporate or other legal entity in which a landowner possesses a controlling ownership interest; or

B. Any corporate or other legal entity that possesses a controlling ownership interest in a landowner.

The commissioner by rule shall define what constitutes a controlling ownership interest. Rules adopted by the commissioner pursuant to this subsection are major substantive rules.

3. Certified wildlife professional. "Certified wildlife professional" means a person who meets the education and experience requirements of a certified wildlife biologist as defined by a professional organization that certifies wildlife professionals.

4. Clear-cut. "Clear-cut" means any timber harvesting on a forested site greater than 5 acres in size that results in a residual stand that does not meet either of the following conditions:

A. The average residual basal area of acceptable growing stock trees 4.5 inches and over in diameter measured at 4½ feet above the ground is 45 square feet per acre or more; or

B. The site has a well-distributed stand of acceptable growing stock trees of at least 5 feet in height that meets the regeneration standards defined under section 8869-A, subsection 7.

5. Forest lands owned by a landowner. "Forest lands owned by a landowner" means any forest land in which a landowner or any affiliated interest possesses a dominant ownership interest with respect to timber harvesting. The commissioner by rule shall define what indicia of ownership constitutes a dominant ownership interest. Rules adopted by the commissioner pursuant to this subsection are major substantive rules.

6. Forest management plan. "Forest management plan" means a site-specific document signed by a licensed professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to this subchapter.

7. Landowner. "Landowner" means a person, firm, association, organization, partnership, cotenant, joint tenant, trust, company, corporation, state agency or other legal entity or entities that possess a dominant ownership interest in land with respect to timber harvesting. The commissioner by rule shall define what indicia of ownership constitutes a dominant ownership interest. Rules adopted by the commissioner pursuant to this subsection are major substantive rules.

8. Licensed professional forester. "Licensed professional forester" means a person licensed pursuant to Title 32, chapter 75.

9. Parcel. "Parcel" means a contiguous tract or plot of forest land owned by a landowner. Multiple contiguous tracts, plots or parcels of forest land owned by the same landowner are considered a single parcel for the purposes of this subchapter.

10. Timber harvesting. "Timber harvesting" means the cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products.

Sec. 8. 12 MRSA §8869, as amended by PL 1995, c. 122, §1 and affected by §2, is repealed.

Sec. 9. **12 MRSA §§8869-A and 8870** are enacted to read:

§8869-A. Timber harvesting rules

Timber harvesting is regulated in this subchapter as follows.

1. Rule-making authority. The Commissioner of Conservation shall adopt rules to regulate timber harvesting pursuant to this subchapter in order to promote a healthy and sustainable forest that contains a balance of age classes necessary for a sustainable timber supply and spatial and compositional diversity, to protect water quality, to minimize soil erosion and to address unreasonable adverse impacts on fisheries and wildlife habitat. Such rules must describe with specificity the class of activities covered by the rules and may establish standards of performance, design, regeneration or use as appropriate to balance the need to avoid unreasonable environmental impacts with the considerations of the practicality and costs of implementation and enforcement. Such rules must to the extent possible be developed in consideration of their practicality and costs of implementation and enforcement. Any such rules must require notification to the Commissioner of Conservation prior to the undertaking of the regulated activity. Rules must also include a streamlined notification process to the Commissioner of Conservation prior to the undertaking of any activity requiring certification. The Commissioner of Conservation may incorporate regional variations in developing performance standards that consider growing conditions, tree species and site quality. The Commissioner of Conservation may draw reasonable distinctions based upon total forest holdings as well as the size of parcels to be harvested in order to take into account the diminishing scale of impacts and the logistics of harvesting smaller parcels.

2. Silvicultural standards; permit by rule. Except as provided under subsections 15 to 18 and notwithstanding the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapters IV and V, a landowner shall obtain a permit by rule from the Commissioner of Conservation prior to conducting a clear-cut. The Commissioner of Conservation shall adopt rules to implement a permit-by-rule process based upon streamlined notification and applicant certification of compliance with the standards of this section.

A. The Commissioner of Conservation shall grant a permit by rule to allow the use of clear-cuts in timber harvesting operations upon proper application and with any conditions necessary to fulfill the purposes of this subchapter when the Commissioner of Conservation finds that the applicant has demonstrated that the clear-cutting is conducted for one or more of the following purposes:

(1) Removal of poor-quality, intolerant, understocked, short-lived or mature overstories where the retention of the residual overstory trees is not justified for further increase in value, as a source of seed or for protection of the new stand;

(2) Ecologically appropriate improvement or creation of wildlife habitat, with accompanying prescription and justification from a certified wildlife professional;

(3) Removal of timber stands that, if partially harvested according to accepted silvicultural practice, are at high risk for windthrow due to factors such as soils, rooting depth, crown ratio or stem quality; or

(4) Harvesting of an existing plantation.

B. The Commissioner of Conservation shall process all permits under this subchapter under a permit-by-rule process. A permit-by-rule application must be processed as follows:

(1) The applicant shall notify the Bureau of Forestry at least 14 days prior to initiating a clear-cut;

(2) The applicant shall complete a form provided by the Bureau of Forestry requiring the following information:

(a) The size and number of the proposed clear-cuts and other harvest notification information required under section 8883, subsection 1;

(b) Which silvicultural purpose under paragraph A the proposed clear-cut fulfills;

(c) A certification signed by a licensed professional forester or, if required under this subsection, by a certified wildlife professional, attesting that the proposed clear-cuts meet one or more purposes under paragraph A;

(d) A certification by the applicant that the applicant will comply with the subchapter and all implementing rules as conditions of the permit; and

(e) Other information determined by rule to be necessary.

(3) The permit by rule takes effect 14 days after the Bureau of Forestry receives the notification form, unless the Commissioner of Conservation approves or denies the permit by rule prior to that date. The Commissioner of Conservation shall approve or deny the application after review of any reliable information on file with the application pertaining to the applicant's compliance with standards for issuance of the permit provided for in paragraph A, subparagraphs (1) to (4). During the 14-day period, the Commissioner of Conservation or the Commissioner of Conservation's designee may contact the applicant verbally to notify the applicant of the need to submit additional information in order to complete the application, and the applicant and Commissioner of Conservation may mutually agree to extend the 14-day period in order to accommodate completion of the application. The permit by rule is effective for 2 years from the effective date of approval;

(4) If the Commissioner of Conservation denies the permit by rule, the Commissioner of Conservation shall state the reasons in writing and describe under what conditions a permit could be approved. The Commissioner of Conservation may provide verbal notice of a denial within the 14-day period as long as the Commissioner of Conservation immediately issues a written denial. The applicant may elect to accept a permit by rule with the proposed conditions or, alternatively, seek a variance under subsection 18; and

(5) An approval or denial of a permit by rule is considered final agency action for purposes of judicial appeal under Title 5, chapter 375, subchapter VII.

3. Maximum area clear-cut limit; forest land ownership's equal to or greater than 100,000 acres. When forest lands owned by a landowner total 100,000 acres or more statewide, the maximum of that land area to be clear-cut in any year is limited to:

A. Not more than 0.25% of the landowner's total statewide land area ownership, plus any unused qualifying acres that may by carried over for up to 3 years; and

B. Not more than an additional 0.75% of the ownership's total statewide land area, as long as every acre clear-cut in excess of the 0.25% limit referenced in paragraph A is matched with an acre of land that was planted or precommercially thinned, mechanically or with nonchemical manual methods, in the previous year. During the period from January 1, 1997 to December 31, 1997, landowners may only exercise this option using the greatest number of acres that were planted or precommercially thinned, mechanically or with nonchemical manual methods, during any one of the calendar years 1994, 1995 or 1996, as reported to the Maine Forest Service under the reporting requirements of section 8885, subsection 2. Beginning January 1, 1998, unused qualifying acres may be carried over for up to 3 years.

4. Maximum area clear-cut limit; forest land ownerships less than 100,000 acres. When forest lands owned by a landowner total less than 100,000 acres statewide, the maximum of that land area to be clear-cut on a parcel in any year is limited to the greater of either 100 acres or 10% of the land area of any parcel. The total land area meeting the definition of a clear-cut under section 8868-A, subsection 4 must be calculated each year to ensure that clear-cuts do not occupy at any point in time more than 100 acres or 10% of the parcel, whichever is greater.

5. Maximum individual clear-cut size. An individual clear-cut may not exceed 75 acres in total area.

6. Clear-cut separation zones. For parcels of land over 100 acres, clear-cut harvest areas must be separated by a defined area equal to the area contained within the perimeter of the clear-cut. Each defined area must be identified with a specific clear-cut area. For parcels of land 100 acres or less, a clear-cut must be separated from any other clear-cut by at least 250 feet.

7. Standards for regeneration after harvests. The Commissioner of Conservation shall adopt rules to ensure adequate regeneration of commercially valuable tree species on a site within 5 years of completion of any timber harvest. Rules to implement this requirement must include identification of commercial tree species, minimum stocking standards and methods to mitigate inadequate regeneration. In developing regeneration standards, the Commissioner of Conservation shall take into consideration regional differences in forest types, tree species and physiographic conditions. If the regeneration on a harvested site or a portion of a harvest site is destroyed by fire, disease, insect infestation or other natural disaster, the regeneration requirement does not apply. Vegetative cover sufficient to prevent accelerated erosion must be established on the site.

8. Transfer or sale of property. Upon sale or other transfer of ownership of land that has been harvested, the transferee becomes responsible for the regeneration requirements on the site. The transferor shall disclose in writing to the transferee the regeneration requirements of this section at, or prior to, the time of sale or transfer. Failure of the transferor to comply with the disclosure requirement results in the transferor being responsible for the cost of compliance with the regeneration requirements of subsection 7.

9. Application. This section applies to all forest lands in the State, including land in municipal and state ownership. Only state-owned or state-operated research forests or industrially owned research forests certified by the Commissioner of Conservation are exempt from these requirements.

10. Relationship to municipal ordinances. Except as provided in this subsection, this subchapter may not be construed to preempt or otherwise limit the existing authority of municipalities to regulate timber harvesting. Municipalities regulating timber harvesting shall adopt definitions for forestry terms used in their ordinances that are consistent with definitions in section 8868-A and with forestry terms adopted by the Commissioner of Conservation pursuant to this subchapter. Municipal timber harvesting ordinances adopted before September 1, 1990 and not amended subsequently must meet this standard of definitional compliance no later than January 1, 1999.

A municipality may not adopt an ordinance that is less stringent than the minimum standards established in this section and in the rules adopted to implement this section. A municipality may not adopt or amend an ordinance that regulates timber harvesting unless the process set out in this subsection is followed in the development and review of the ordinance.

A. A licensed professional forester must participate in the development or amendment of the ordinance.

B. A face-to-face meeting must take place in the municipality during the development or amendment of the ordinance between representatives of the Department of Conservation and the municipal officers and other municipal officials involved in developing the ordinance. Discussion at the meeting must include, but is not limited to, the forest practices goals of the municipality. At this meeting and subsequently, the department must provide guidance to the municipality on how the municipality may use sound forestry practices to achieve the municipality's forest practices goals.

C. The municipality shall hold a public hearing to review a proposed ordinance or ordinance amendment at least 45 days before a vote is held on the ordinance. The municipality shall post and publish notice of this public hearing according to the same general requirements of posted and published notice for zoning ordinance public hearings as provided by Title 30-A, section 4352, subsection 9.

In addition, when a municipality proposes to adopt or amend a timber harvesting ordinance pursuant to its home rule authority as provided by Title 30-A, section 3001, the municipality shall mail notice of the hearing by first-class mail at least 14 days before the hearing to all landowners in the municipality at the last known address of the person on whom a property tax on each parcel is assessed. In the case of a timber harvesting ordinance or amendment that applies only to certain zones or land use districts in the municipality, the municipality may meet the requirements of this subsection by mailing notice only to those landowners whose land is in a zone or land use district or immediately abutting the affected zone or land use district.

Mailed notice to individual landowners is not required under this subsection for any type of amendment to an existing local land use ordinance merely to conform that ordinance to the minimum timber harvesting guidelines required by Title 38, section 439-A, as those guidelines may be subsequently amended, or to conform any timber harvesting ordinance to the definitional compliance required by this section when the amendments proposed to accomplish definitional compliance do not substantially change any previously established timber harvesting standards adopted pursuant to home rule authority.

The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those landowners to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it

was mailed. The certificate constitutes prima facie evidence that notice was sent to those landowners named in the certificate.

Any action challenging the validity of the adoption or amendment of a municipal timber harvesting ordinance based on the municipality's alleged failure to comply with the landowner notice requirement must be brought in Superior Court within 30 days after the adoption of the ordinance or amendment. The Superior Court may invalidate an ordinance or amendment only if the landowner demonstrates that the landowner was entitled to receive a notice under this section, that the municipality failed to send the notice as required, that the landowner had no knowledge of the proposed ordinance or amendment and that the landowner was materially harmed by that lack of knowledge.

D. The municipal clerk shall notify the department of the time, place and date of the public hearing and provide the department with a copy of the proposed ordinance that will be reviewed at the hearing at least 30 days before the date of the hearing.

E. At the public hearing, representatives of the Department of Conservation must be provided an opportunity to present and discuss for the municipality's information any reports, articles, treatises or similar materials published by acknowledged experts in the field of sound forestry or silvicultural management to the extent such information might apply to the proposed ordinance or ordinance amendment.

The proposed ordinance or ordinance amendment may be revised after the public hearing. The ordinance or amendment must be submitted to the legislative body of the municipality in accordance with the procedures the municipality uses for adopting ordinances.

F. Municipal timber harvesting ordinances may not be unreasonable, arbitrary or capricious and must employ means appropriate to the protection of public health, safety and welfare.

G. All direct costs incurred by a municipality associated with landowner notification requirements and other required public notice must be paid to the municipality in accordance with a distribution schedule established under Title 30-A, section 5685, subsection 5. All direct costs incurred by a municipality associated with the amendment of ordinances adopted before September 1, 1990, and not subsequently amended, in order to comply with this section must be paid to the municipality in accordance with a distribution schedule established under Title 30-A, section 5685, subsection 5.

11. Centralized listing of municipal ordinances. The Bureau of Forestry shall maintain for informational purposes a statewide centralized listing of municipal ordinances that specifically apply to forest practices.

A. Within 30 days after the legislative body of the municipality votes on a timber harvesting ordinance developed according to the procedures of subsection 10, the clerk shall notify the Bureau of Forestry of the outcome and shall file a copy of the ordinance with the Bureau of Forestry.

12. Right of enforcement. Department of Conservation employees designated by the commissioner and any state, county or municipal law enforcement officer, including, but not limited to, Bureau of Forestry forest rangers and field foresters and Inland Fisheries and Wildlife wardens, are authorized to enforce this subchapter and implementing rules. The Director of the Bureau of Forestry is authorized to issue a stop-work order for up to 5 working days to a landowner, contractor or any other person

conducting timber harvesting when there is probable cause to believe that a violation of this subchapter or implementing rules has occurred. Department employees designated by the commissioner are authorized to conduct inspections and to enforce this subchapter and implementing rules under the Maine Rules of Civil Procedure, Rules 80E and 80H.

13. Right of entry. Agents of the Bureau of Forestry have rights of access to all lands in the State to carry out their duties authorized by law. Entry into private property under this subsection is not a trespass. This subsection does not authorize entry into any building or structure.

14. Right of action. A landowner found in violation of this section and penalized under section 9701 as a result of actions of a harvester has a right of action to recover the penalty against the harvester who undertook the harvest operation found in violation. In addition to all other defenses permitted by law, it is a defense that the harvester operated under the landowner's instructions. For the purposes of this subsection, the terms "harvester" and "harvest operation" have the same meanings as in section 8881.

15. Exemption for compliance with the Sustainable Forest Management Audit Program. After receipt of any recommendations to exempt landowners who have demonstrated compliance with the audit criteria of section 8870-D from subsection 2, paragraph B, or subsection 3, 4, 5 or 6, the Commissioner of Conservation may adopt rules to exempt such qualifying landowners, in whole or part, from these provisions, but only if the Commissioner of Conservation determines that the purposes of section 8866 and this section will be fulfilled by the audit criteria approved by the Sustainable Forest Management Audit Board.

16. Exemption from permit-by-rule standards for clear-cut due to natural disturbance. Timber harvesting activities are exempt from the restrictions on clear-cut size, separation zones and maximum extent of clear-cutting and other requirements under subsection 2, 3, 4, 5 or 6 upon issuance of a natural disturbance exemption by the Commissioner of Conservation, as necessary to allow the salvage or presalvage of timber for which there is a high probability of substantial loss or damage from severe natural disturbances, which include, but are not limited to, fire, insect infestation, disease, ice and wind. A landowner may apply for, or the Commissioner of Conservation may declare in the absence of a landowner application, a natural disturbance exemption. If the Commissioner of Conservation declares a natural disturbance exemption, the Commissioner of conservation shall identify the geographic areas to which the exemption applies. Both declarations and applications for exemptions must include a description of the natural disturbance, the areas affected, the duration of the exemption and the specific activities regulated under this section to which the exemption will apply. This application is automatically granted if not denied within 45 days of the department's receipt of the application by certified mail, return receipt requested. The Commissioner of Conservation shall grant an application if, based on the best available scientific information, the Commissioner of Conservation finds that there is a high probability of substantial loss or damage from severe natural disturbance and that the propose harvesting can not be reasonably undertaken under the conditions specified in subsection 2, 3, 4, 5 or 6. If the Commissioner of Conservation denies the exemption, the Commissioner of Conservation shall state the reasons in writing and describe what conditions would allow an exemption to be granted. The landowner may elect to accept a conditional approval or, alternatively, seek a variance under subsection 18.

17. Exemption from permit standards for clear-cuts less than 50 acres in total area. When forest lands owned by a landowner total less than 100,000 acres statewide, clear-cuts in those lands totaling less than 50 acres per year per parcel are exempt from the permit requirements of subsection 2, but must be conducted in accordance with all other applicable standards.

18. Variance. The Commissioner of Conservation may grant a variance from the standards in subsection 2, 3, 4, 5 or 6 when the Commissioner of Conservation finds that strict compliance with this section and implementing rules would cause unusual hardship or extraordinary difficulties because of topography, access, location, shape, size or other physical features of a site, that the proposed clear-cutting is in keeping with the general spirit and intent of this subchapter and that the public interest is otherwise protected. An applicant for a variance shall submit an application on a form provided by the Bureau of Forestry at least 60 days prior to the proposed clear-cut activity. The variance must be processed as provided under subsection 2, paragraph B, except that the Commissioner of Conservation shall issue a written decision granting the variance with any necessary conditions in order for the variance to become effective. The Commissioner of Conservation shall adopt rules and standards for clear-cut variances.

19. Penalty. A person who violates any requirement of this section, the condition or terms of any permit issued by the Commissioner of Conservation under this section or a provision of any rule or regulation adopted under this section commits a civil violation for which a forfeiture not to exceed $1,000 may be adjudged. Each day of a violation is considered a separate offense.

§8870. Evaluation and assessment

By January 1, 2000 and every 5 years thereafter, the Commissioner of Conservation shall report to the Legislature on the results of an evaluation and assessment of the impacts of this subchapter and the forest harvest rules adopted pursuant to it. At a minimum, the evaluation and assessment must include research necessary to obtain:

1. Acreage harvest. The total acreage, the average acreage, the range of acreage and the geographic distribution of clear-cuts and other regeneration and nonregeneration harvests in the State;

2. Harvesting by landowners. The extent to which forest landowners are harvesting to the minimum standards adopted in the forest practices rules; and

3. Effect of timber harvesting. An understanding of how this subchapter and the forest harvest rules adopted pursuant to it have affected the sustainability of timber harvesting in the State.

Sec. 10. 12 MRSA c. 805, sub-c. III-B is enacted to read:

SUBCHAPTER III-B

VOLUNTARY SUSTAINABLE FOREST MANAGEMENT AUDITS

§8870-A. Sustainable Forest Management Audit Program

1. Findings. The Legislature finds that:

A. The forests of this State are critical for the economic and ecological health and quality of life in this State;

B. The forests of this State should be managed in a manner that ensures their sustainable ecological and economic health;

C. Landowners must be encouraged to manage their forests in a sustainable manner to meet the needs of current and future generations; and

D. Regulatory systems alone are insufficient to ensure sustainable forest management. Voluntary efforts by owners of forest lands that foster individual creativity and flexibility in meeting sustainability goals are encouraged.

2. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Benchmark" means a measurable forest management goal or guideline, but is not a regulatory standard.

B. "Bureau" means the Bureau of Forestry.

C. "Commissioner" means the Commissioner of Conservation.

D. "Director" means the Director of the Bureau of Forestry.

E. "Landowner" means an owner of forest lands or an authorized representative or agent of an owner of forest lands.

3. Program established; objectives. The Sustainable Forest Management Audit Program, referred to in this subchapter as the "program," is established within the Department of Conservation to encourage continuous improvement in forest management and to optimize both the long-term ecological and economic health of forests in this State. Two objectives guide the program:

A. The maintenance and enhancement of timber sustainability and economic viability of forest management; and

B. The maintenance and enhancement of the biodiversity of forests in this State, including viable populations of existing native species and viable representatives of existing native forest communities, well distributed across their native ranges.

§8870-B. Eligibility

Prior to January 1, 2002, any landowner who owns 100,000 or more acres of forest lands in the State is eligible to participate in the program. A landowner who owns less than 100,000 acres of forest lands in the State is eligible to participate in the program by mutual agreement of the director and the landowner. After January 1, 2002, any landowner is eligible to participate. Participation by a landowner in the program is voluntary.

§8870-C. Audit program administration

1. Board established; membership; termination. The Sustainable Forest Management Audit Board, referred to in this subchapter as the "board," is established within the Department of Conservation to develop the program and oversee its implementation by the bureau. The bureau shall provide staff assistance to the board within existing budgeted resources. The board has no regulatory authority. Meetings of the board are public meetings.

The board consists of 7 members who must be appointed no later than January 1, 1997 and shall serve until termination of the board in 2002. The Governor shall appoint each member, subject to review by the joint standing committee of the Legislature having jurisdiction over forestry matters and to confirmation by the Senate. The board shall select a chair from its membership.

The board must be composed of a balance of members who have expertise in forest management, timber harvesting, wildlife, and conservation and ecological principles, including landowners who are eligible to participate in the program and members of the general public.

A vacancy on the board must be filled as provided for initial appointees in this subsection. Board members are not entitled to compensation or reimbursement of expenses.

This subsection is repealed 90 days after adjournment of the Second Regular Session of the 120th Legislature.

2. Decision-making process. The board shall reach its decisions by the unanimous approval of its members. The board may convene working groups to assist it in areas requiring particular expertise or perspectives. The board shall provide ample opportunities for public input and discussion. The board shall convene a working group on cold water fisheries habitat issues. The cold water fisheries habitat working group must include, but is not limited to, a representative of the Department of Inland Fisheries and Wildlife having expertise in cold water fisheries management, a representative of a statewide association of sportsmen, a representative of any Maine organization engaged in the stocking, restoration or protection of cold water fisheries, a representative of the University of Maine System having expertise in aquatic ecology and a representative of the Maine Forest Products Council. The working group shall develop and recommend to the board voluntary best management practices that enhance existing protection for cold water fisheries habitat and can be integrated into audit programs certified under this subchapter.

This subsection is repealed 90 days after adjournment of the Second Regular Session of the 120th Legislature.

3. Duties of the board. The board shall:

A. By January 1, 1999, through a public process and using the best scientific information and expertise available to it:

(1) Establish specific, credible and practical benchmarks to achieve the objectives set forth in section 8870-A. The benchmarks must be developed in the categories set forth in section 8870-D. In establishing the benchmarks, the board must consider and incorporate, as appropriate, the work of past collaborative forest policy efforts, including the findings and recommendations set forth in the final report of the Maine Council on Sustainable Forest Management. In addition, the benchmarks established must be practical yet sufficiently flexible to encourage participation in the program by landowners representing a range of ownership sizes and must ensure continuous improvement of the audit process;

(2) Establish the methodology by which the forest management programs of landowners participating in the program will be audited;

(3) Establish a process for certifying independent 3rd parties to perform program audits. Once established, the certification process must be administered by the bureau;

(4) Recommend to the commissioner incentives to encourage participation in the program by landowners. The incentives may include, but are not limited to, marketing opportunities, tax treatment and regulatory flexibility; and

(5) Recommend to the commissioner disincentives for failure to meet program benchmarks; and

B. By January 1, 2000, through a public process, review and recommend to the commissioner measures for providing regulatory flexibility and exemptions, in whole or in part, for participants in the program. The board may consider exemptions from provisions, including, but not limited to, the following:

(1) Section 8869-A, subsection 2, paragraph B relating to permit-by-rule requirements;

(2) Section 8869-A, subsections 3 and 4 relating to the clear-cut area limit;

(3) Section 8869-A, subsection 5 relating to clear-cut size limits; and

(4) Section 8869-A, subsection 6 relating to clear-cut separation zones.

4. Duties of the commissioner. The commissioner shall:

A. No later than January 1, 1999, after consultation with the board, develop and maintain a register of alternative accredited 3rd-party audit or certification programs that, in the commissioner's judgment, employ benchmarks and criteria that are substantially equivalent to those employed under this section and shall develop a process to add new alternative accredited 3rd-party audit or certification programs after consultation with the board. In developing the register, the commissioner's criteria for registering programs must be sufficiently flexible to allow registration of existing accredited 3rd-party audit or certification programs that certify for sustainable forest practices, ecological health, socio-economic health and marketing of forest products in order to ensure continuity for landowners using such programs and minimize duplication of effort.

Notwithstanding any other provisions of this paragraph, a landowner is considered to be in compliance with the provisions of the program if the landowner submits to the commissioner documentation, as the commissioner may require, within 6 months of the effective date of this section, of the successful completion of an audit conducted prior to January 1, 1996 by an organization competent to conduct sustainable forestry audits that consider, at a minimum, sustainable forest practices, ecological health, socio-economic health and marketing of forest products. Landowners who have submitted documentation of such certification must continue to be considered in compliance with the alternative audit program so long as the documented certification is maintained and so long as the organization's certification program remains substantially unchanged;

B. Adopt rules establishing a procedure for a landowner to demonstrate compliance with the provisions of the program through submission of audit certification by an organization on the register. At the time of the adoption of rules, the commissioner shall review any organization deemed to be in compliance with the alternative audit program and shall authorize the continuation of this recognized status when the commissioner determines that the organization's audit program continues to employ benchmarks and criteria that are substantially equivalent to those employed under this section. In addition, the commissioner may adopt rules to certify independent 3rd-party auditors to carry out forest management audits conducted pursuant to this subchapter, following establishment of benchmarks and audit methods by the board. Pursuant to Title 5, chapter 375, subchapter II-A, the rules are major substantive rules; and

C. Assume any remaining duties of the board upon the board's termination in 2002.

5. Responsibility for program administration. The bureau shall administer the program, including benchmarks, methodologies and processes developed by the board.

6. Auditing program. The following govern the auditing program.

A. A landowner who participates in the program must first register with the director and then may select an auditor certified by the bureau who does not have a direct and substantial financial or other relationship with that landowner that may preclude the auditor's ability to conduct an independent, objective audit.

B. Upon selection of an auditor, a participating landowner shall submit to the bureau a timetable for conducting an audit of the management of the landowner's forest lands in the State and identification of the auditor selected. The auditor and participating landowner shall use their best efforts to ensure that the audit is conducted within 18 months after submission of the timetable or after establishment of benchmarks and audit methodology by the board, whichever is later. For timetables submitted by July 1, 1999, every effort must be made to complete the initial audits by December 31, 2000. The audit must be conducted in accordance with the benchmarks and criteria established by the board.

C. Upon completion of an audit, the auditor shall submit a report to the bureau and the board that indicates whether the landowner passed or failed the audit, along with a brief statement describing the basis for that determination.

D. An audit of the management of forest lands of a participating landowner must be conducted at least every 5 years in order for the landowner to continue to participate in the program.

7. Auditor's report; confidentiality. The report of the auditor that indicates whether a landowner passed or failed the audit and the statement describing the basis for that determination are public records. For purposes of Title 1, section 402, an auditor certified by the bureau is not an agency or public official of the State and materials held by the auditor in the course of an audit are not public records by virtue of being in the possession or custody of the auditor.

§8870-D. Audit program benchmarks

The board shall develop specific, credible and practical benchmarks in the following areas.

1. Sustained yield. Benchmarks must include measures to ensure sustained yield. These measures may include growth, harvest levels, rotation length, inventory levels, mix of species and landowners' forest management objectives, if these objectives are compatible with the objectives of the program. The benchmarks must include appropriate flexibility for year-to-year variation.

2. Management according to silvicultural guidelines. The benchmarks must include appropriate use of established silvicultural guidelines, including standards to achieve improvement of the overall quality of the timber resource as a foundation for more value-added opportunities.

3. Landscape goals. In the area of landscape goals, the benchmarks must include a requirement to gather and analyze data and to develop and implement a plan for

distribution of age classes, species, habitats and structures to include mature and 2 or more layered stands, over a landowner's total statewide land area ownership. The benchmarks must include a definition of and benchmarks for "naturalistic forest management" to be applied on landscapes of high ecological, recreational or scenic value. Benchmarks must reflect the limitations and opportunities inherent in existing forest conditions and may need to achieve a desired result over a period of time.

4. Plantations. The benchmarks must include measures to ensure the appropriate establishment and distribution of plantations.

5. Visual impacts. In the area of visual impacts, the benchmarks must include actions at both the landing and landscape levels to minimize the potential adverse impacts of forest management within a landowner's total statewide land area ownership, including impacts on viewsheds with significant public use.

6. Wildlife and fisheries habitat. The benchmarks must include forest management that promotes wildlife and fisheries habitat diversity and conserves viable plant and animal populations.

7. Fragile or rare ecological sites. The benchmarks must include screening for and protection of fragile or rare ecological sites.

8. Insecticides and herbicides. The benchmarks must assure the prudent use of forest insecticides and herbicides and use integrated pest management techniques to minimize the need for insecticide and herbicide use.

9. Soil productivity and water quality. The benchmarks must include the protection of soil productivity and water quality.

The board may develop other benchmarks that it identifies as necessary to achieve the purposes of this subchapter.

§8870-E. Annual report

The director, after consultation with the board, shall publish a report annually on the condition of the forests of the State and on landowner performance within the program no later than December 31st of each year. The bureau shall analyze available United States Forestry Service inventory data to establish a baseline and trends in the sustainability and s' ucture of the forest. A copy of the report must be submitted to the joint standing committee of the Legislature having jurisdiction over forestry matters.

Sec. 11. 14 MRSA §7552, sub-§3, ¶B, as enacted by PL 1995, c. 450, §2, is amended to read:

B. For lost trees, the owner may claim in lieu of market value the forfeiture amounts in Title 17, section 2510, subsection 2. In addition, the owner's damages may include the costs for regeneration of the stand in accordance with Title 12, section ~~8869~~ 8869-A.

Sec. 12. 38 MRSA §439-A, sub-§5, ¶C, as repealed and replaced by PL 1991, c. 66, Pt. A, §10, is amended to read:

C. Any site within a shoreland area zoned for resource protection abutting a great pond, beyond the 75-foot strip restricted in paragraph B, where timber is harvested must be reforested within 2 growing seasons after the completion of the harvest, according to guidelines adopted by the board. The board shall adopt guidelines

consistent with minimum stocking standards established under Title 12, section ~~8869~~ 8869-A.

Sec. 13. 38 MRSA §480-Q, sub-§7-A, ¶A, as enacted by PL 1989, c. 838, §6, is amended to read:

A. The activity results in a forest stand that meets the minimum stocking requirements in rules adopted pursuant to Title 12, section ~~8869~~ 8869-A. This requirement takes effect when those rules are adopted;

Sec. 14. Ecological forest reserves. The Legislature endorses the Bureau of Parks and Lands' designation of ecological forest reserves on state-owned land to protect viable representatives of the State's natural community types and to provide a credible reference point for the scientific evaluation of potential ecological issues on commercially managed forest lands.

1. The Legislature endorses the Bureau of Parks and Lands' integrated resource management policies for such reserves, including to:

A. Serve as reference points in studying the impact of forest management on the forest environment;

B. Provide for a wide range of forest conditions;

C. Preserve natural areas;

D. Preserve old growth;

E. Establish and maintain biological diversity;

F. Sustain the health and vitality of the natural environment for the State's many species of wildlife; and

G. Establish and maintain a broad array of habitat conditions for all indigenous species of wildlife, existing forest types and other plant associations.

2. The Legislature therefore directs that:

A. The Land and Water Resources Council, with support from the Department of Conservation and the Department of Inland Fisheries and Wildlife, shall determine which public and private nonprofit conservation lands have potential to meet the objectives of ecological forest reserves as described in subsection 1. The council shall also determine which of these lands are managed consistent with those objectives of ecological forest reserves and provide this information to the Department of Conservation by May 1, 1997. Using this information, the Department of Conservation shall provide an interim report to the committee of jurisdiction by June 1, 1997. In this report, the department shall identify ecological forest community types that exist on public lands managed by the Bureau of Parks and Lands that are not adequately represented by land managed on the effective date of this Resolution by public and private nonprofit conservation entities;

B. After soliciting public comment through public meetings, the Bureau of Parks and Lands may establish ecological forest reserves totaling between 8,000 and 10,000 acres on public lands that are primarily available for timber harvesting. These reserves must complement those lands already identified as being managed consistent with the objectives for ecological forest reserves. Timber harvesting is

prohibited on the ecological forest reserves. Notwithstanding any other provision of this section, traditional recreation activities, including, but not limited to, hunting, trapping and fishing, must be allowed on ecological forest reserves created pursuant to this section to the same extent that such uses would be allowed on those lands had they not been designated as ecological forest reserves. It is the intent of the Legislature that reserves established in accordance with this paragraph be established by October 1997; and

C. The Land and Water Resources Council, with support from the Department of Conservation and the Department of Inland Fisheries and Wildlife, shall assess the need for additional ecological forest reserves, if any, and the extent to which these can be accommodated on existing public lands. The council shall develop scientifically justified criteria for the identification and ranking of any ecological types that may merit inclusion in a reserve. The council shall also consider the fiscal impact of any additional reserves on the operations of the landowning public agencies. By January 1, 1998, the council shall submit its findings to the Governor and the Legislature. No additional public lands may be designated by the Bureau of Parks and Lands as ecological forest reserves prior to January 1, 1998.

Sec. 15. Timber liquidation. The Legislature finds that certain forest lands in the State have been subjected to the practice of timber liquidation harvesting.

The act of timber liquidation harvesting, defined as excessive timber harvesting on lands held for less than 10 years, is inconsistent with accepted silvicultural and forest stewardship principles shared by the State and its private forest landowners. Ensuring a sustainable forest resource for the State requires the objective of severely restricting timber liquidation activities in the State. While the regulatory changes introduced by this Resolution will impact and reduce timber liquidation in the State, additional policies will be required to achieve the objective of severely restricting this activity.

Therefore, the Legislature directs that:

1. Upon enactment of this Resolution, the Maine Forest Service, in consultation with faculty of the College of Forestry and Natural Resources at the University of Maine and other outside experts on timber liquidation and forest productivity, shall initiate and complete by March 1, 1997 an assessment of the expected impact of the provisions of this Resolution upon the practice of timber liquidation;

2. The Maine Forest Service, as part of the above assessment, shall estimate the amount and types of liquidation that are likely to occur in the State after implementation of this Resolution; and

3. By April 1, 1997, the Governor shall submit to the Legislature a legislative proposal designed to further restrict timber liquidation to ensure that, in combination with the provisions of this Resolution, timber liquidation harvesting is severely restricted in the State.

Sec. 16. Review of regulatory restrictions. The Sustainable Forest Management Audit Board, established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 12-A, shall review the regulatory restrictions contained in the laws regulating forest practices in Title 12, chapter 805, subchapter III-A and make a report containing recommendations to the Legislature and the Commissioner of Conservation for regulatory flexibility to apply to the participants in the Sustainable Forest Management Audit Program who have successfully passed the audit program in Title 12, chapter 805, subchapter III-B, thus demonstrating sound forest management. The review and

recommendations must include, but are not limited to, suggestions for regulatory flexibility regarding the following provisions of Title 12:

1. The provisions regarding permit by rule in section 8869-A, subsection 2, paragraph B;

2. The provisions regarding clear-cut area limits in section 8869-A, subsections 3 and 4;

3. The provisions regarding maximum clear-cut size in section 8869-A, subsection 5; and

4. The provisions regarding clear-cut separation zones in section 8869-A, subsection 6.

The report must also include recommendations for any necessary legislative changes to this Resolution and be submitted on or before January 1, 2000.

Sec. 17. Board report; termination.

1. The Sustainable Forest Management Audit Board, established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 12-A and referred to in this section as the "board," shall conclude its work by January 1, 2002. No later than this date, the board shall submit a report and any necessary implementing legislation to the Governor and the Legislature summarizing the board's work and recommending any improvements or changes to the Sustainable Forest Management Audit Program or this Resolution. The board may recommend any necessary revisions to the benchmarks to incorporate the best available scientific information. The report must include an evaluation and assessment of the program. The report must also include research necessary to determine:

A. The potential opportunities and barriers for landowners with less than 100,000 acres in total statewide land holdings to participate voluntarily in the program;

B. The number of landowners, the number of acres and the geographic distribution of lands certified as passing or failing the audit;

C. The extent to which landowners are participating in the program; and

D. The extent to which the benchmarks are being attained.

2. The board ceases to exist 90 days after the adjournment of the Second Regular Session of the 120th Legislature. The Commissioner of Conservation shall assume any remaining duties of the board.

Sec. 18. Intent of the Legislature; competing measure. It is the intent of the Legislature that this Resolution be interpreted as a competing measure within the meaning of the Constitution of Maine, Article IV, Part Third, Section 18, with Initiated Bill 4, Legislative Document 1819 of the 117th Legislature, "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting." It is the further intent of the Legislature that this measure be subject to referendum as a competing measure with that bill.

Sec. 19. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Resolution.

CONSERVATION, DEPARTMENT OF

Policy Planning and Information

All Other	$30,000

Provides funds to cover the cost of rulemaking.

Sec. 20. Statutory referendum procedure; submission at general election; form of question; effective date. This Resolution must 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 Resolution as a competing measure with Initiated Bill 4, Legislative Document 1819 of the 117th Legislature, "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting." The municipal officers 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 Resolution by voting on the following question:

"Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?"

The legal voters of each city, town and plantation shall vote by ballot on this question and the question established by the Secretary of State for Initiated Bill 4 and shall designate their choice by a cross or check mark placed in the corresponding square next to either the question relating to Initiated Bill 4, the question relating to the competing measure or an option of against both Initiated Bill 4 and the competing measure. The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Resolution, the Governor shall proclaim that fact without delay, and the Resolution takes effect January 1, 1997, except that the following sections of this Resolution take effect 90 days after adjournment of the First Regular Session of the 118th Legislature: that section that repeals the Maine Revised Statutes, Title 12, section 8868; that section that enacts Title 12, section 8868-A; that section that repeals Title 12, section 8869; that section that enacts Title 12, sections 8869-A and 8870; that section that amends Title 14, section 7552, subsection 3, paragraph B; that section that amends Title 38, section 439-A, subsection 5, paragraph C; and that section that amends Title 38, section 480-Q, subsection 7-A, paragraph A.

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

Intent and Content

CLEARCUTTING ISSUE

2A Do you want Maine to ban clearcutting and set other new logging standards?

2B Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?

2C Against both measures.

This referendum requires the voters to choose among a proposed law initiated by petition (2A), a competing measure approved by the Legislature for submittal to the voters (2B), or to reject both (2C).

2A CITIZEN INITIATIVE

AN ACT to Promote Forest Rehabilitation and Eliminate Clearcutting

This initiated legislation would prohibit the removal, in any 15-year period, of more that 1/3 of the volume of trees of 4.5 inches and greater in diameter at 4.5 feet above the ground on any acre in the jurisdiction of the Land Use Regulation Commission, primarily the unorganized territories and plantations of the State, and would impose standards for the amount, location, health and diversity of trees that must remain standing after a harvesting operation in that area. The initiative would also prohibit the clearcutting of trees in the Commission's jurisdiction resulting in a stand totaling less than 30 square feet per acre of trees 4.5 inches and greater in diameter at 4.5 feet above the ground, and would impose additional requirements regarding delimbing and slash disposal.

2B COMPETING MEASURE

RESOLUTION, Proposing a Competing Measure under the Constitution to Implement the Compact for Maine's Forests

This resolution, approved by the Legislature for submittal to the voters as a competing measure to the citizen initiative described above, would direct the Commissioner of Conservation to adopt statewide rules governing timber harvesting in Maine and would establish a voluntary audit program, whereby landowners would attempt to achieve certain benchmarks of forest sustainability and biodiversity on their lands, thereby potentially qualifying for an exemption from the Commissioner's rules. The rules would be provisionally adopted by the Commissioner by May 1, 1997 and subsequently reviewed by the Legislature.

The resolution also would require landowners to get a permit by rule from the Commissioner before doing any clearcutting. To get a permit, a landowner would have to certify that the clearcutting was justified by sound forestry management practices. There would be certain exemptions to this permit requirement. Clearcutting with a permit would be subject to certain limits on size, nearness to other clearcuts and total area for each ownership. The Commissioner would also be required to adopt rules regarding forest regeneration after a timber harvest. The resolution also would permit municipalities to adopt timber harvesting ordinances that are stricter than the State's rules. Municipalities would be subject to certain limits on their actions and would be required to notify landowners and the Commissioner before adopting ordinances stricter than the State's rules.

In addition, the resolution would provide for the establishment of an ecological forest reserve system for the protection of certain state-owned lands from timber harvesting. It would also direct the Governor, by April 1, 1997, upon receipt of a report from the Maine Forest Service, to submit to the Legislature a proposal to restrict excessive timber harvesting on lands held for less than 10 years. Finally, the resolution would direct the Maine Forest Service to provide for increased environmental education on forestry issues for the general public.

2C AGAINST BOTH THE CITIZEN INITIATIVE AND THE COMPETING MEASURE

A vote for Option 2A approves the citizen initiative.

A vote for Option 2B approves the competing measure.

A vote for Option 2C rejects both the citizen initiative and the competing measure.

Question 3: Citizen Initiative

Do you want Maine to adopt new campaign finance laws and give public funding to candidates for state office who agree to spending limits?

STATE OF MAINE

"An Act to Reform Campaign Finance"

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

Sec. 1. 1 MRSA §1002, sub-§1, as amended by PL 1991, c. 880, §1, is repealed and the following enacted in its place:

1. **Membership.** The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33 and referred to in this chapter as the "commission," consists of 5 members appointed as follows.

A. By March 31, 1997, and as needed after that date, the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House and the House Minority Leader shall jointly establish and publish a nomination period during which members of the public, groups and organizations may nominate qualified individuals to the Governor for appointment to the commission. The initial nomination period must close by May 1, 1997.

B. The Governor shall appoint the members of the commission, taking into consideration nominations made during the nomination period, subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and confirmation by the Legislature. No more than 2 commission members may be enrolled in the same political party.

C. Two initial appointees are appointed for 1-year terms, two are appointed for 2-year terms and one is appointed for a 3-year term according to a random lot drawing under the supervision of the Secretary of State. Subsequent appointees are appointed to serve 4-year terms. A person may not serve more than 2 terms.

D. The commission members shall elect one member to serve as chair for at least a 2-year term.

E. A vacancy during an unexpired term must be filled as provided in this subsection for the unexpired portion of the term only.

Sec. 2. 1 MRSA §1002, sub-§4, as amended by PL 1983, c. 812, §1, is further amended to read:

4. Legislative per diem. The members of the commission ~~shall be compensated~~ are entitled to receive legislative per diem according to Title 5, chapter 379.

Sec. 3. 1 MRSA §1008, sub-§2, as amended by PL 1993, c. 691, §1, is further amended to read:

2. **Election practices.** To administer and investigate any violations of the requirements for campaign reports and campaign financing, including the provisions of the Maine Clean Election Act and the Maine Clean Election Fund, and to investigate and make findings of fact and opinion on the final determination of the results, within the limits of the Constitution of Maine and the Constitution of the United States, of any contested ~~count~~ county, state or federal election within this State;

Sec. 4. 1 MRSA §1008, sub-§3, as amended by PL 1993, c. 691, §2, is further amended to read:

3. **Ethics seminar.** To conduct, in conjunction with the Attorney General and the Chair of the Legislative Council or their designees, an ethics seminar for Legislators after the general election and before the convening of the Legislature, in every even-numbered year. The Attorney General shall provide each Legislator with a bound compilation of the laws of this State pertaining to legislative ethics and conduct; ~~and~~

Sec. 5. 1 MRSA §1008, sub-§4, as enacted by PL 1993, c. 691, §3, is amended to read:

4. **Lobbyist activities.** To administer the lobbyist disclosure laws, Title 3, chapter 15~~.~~ ;

Sec. 6. 1 MRSA §1008, sub-§§5 and 6 are enacted to read:

5. **Maine Clean Election Act and Maine Clean Election Fund.** To administer and ensure the effective implementation of the Maine Clean Election Act and the Maine Clean Election Fund according to Title 21-A, chapter 14; and

6. **Enhanced monitoring; source of revenue.** To provide for enhanced monitoring and enforcement of election practices and to institute electronic submission of reports and computerized tracking of campaign, election and lobbying information under the commission's jurisdiction. Funds to support enhanced monitoring and computerized data collection must come from the commission's share of lobbyist registration fees, penalties and other revenues pursuant to Title 3, section 320 as well as other revenue sources.

Sec. 7. 3 MRSA §313, as repealed and replaced by PL 1993, c. 691, §10, is amended to read:

§313. Registration of lobbyist and employers

Every employer of a lobbyist and every lobbyist and lobbyist associate who lobbies on behalf of that employer shall register jointly at the office of the commission no later than 15 business days after commencement of lobbying and pay a registration fee determined by the commission. The fee must be at least ~~$200~~ $400 for the registration of each lobbyist and at least ~~$100~~ $200 for the registration of each lobbyist associate.

Sec. 8. 3 MRSA §320, first ¶, as repealed and replaced by PL 1993, c. 691, §23, is amended to read:

~~All fees~~ Fees collected pursuant to this chapter must go in equal portions to the General Fund and to the commission.

Sec. 9. 5 MRSA §12004-G, sub-§33, as enacted by PL 1987, c. 786, §5, is amended to read:

33. State Government	Commission on Governmental Ethics and Election Practices	~~Expenses Only~~ Legislative Per Diem	1 MRSA §1002

Sec. 10. 21-A MRSA §23, sub-§11, as enacted by PL 1985, c. 161, §6, is amended to read:

11. Campaign reports. The Commission on Governmental Ethics and Election Practices shall keep the campaign reports or report data in its office for ~~2 years or until the expiration of the term of office to which the candidate aspired or was elected, whichever is longer~~ at least 8 years.

Sec. 11. 21-A MRSA §1015, sub-§§1 and 2, as enacted by PL 1985, c. 161, §6, are amended to read:

1. Individuals. ~~No~~ An individual may not make contributions to a candidate in support of the candidacy of one person~~,~~ aggregating more than $1,000 in any election. Beginning January 1, 1999, an individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than $500 in any election for a gubernatorial candidate or more than $250 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or ~~his~~ that candidate's spouse.

2. Committees; corporations; associations. ~~No~~ A political committee, other committee, corporation or association may not make contributions to a candidate~~,~~ in support of the candidacy of one person~~,~~ aggregating more than $5,000 in any election. Beginning January 1, 1999, a political committee, other committee, corporation or association may not make contributions to a candidate, in support of the candidacy of one person aggregating more than $500 in any election for a gubernatorial candidate or more than $250 in any election for any other candidate.

Sec. 12. 21-A MRSA §1017, sub-§3-B is enacted to read:

3-B. Accelerated reporting schedule. In addition to other reports required by law, any candidate for Governor, State Senate or State House of Representatives who is not certified as a Maine Clean Election Act candidate under chapter 14 and who receives, spends or obligates more than 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, obligations and expenditures to date. After this filing, the candidate shall comply with an expedited reporting schedule that the commission shall establish by rule. The commission shall provide forms to facilitate compliance with this subsection.

Sec. 13. 21-A MRSA §1018, sub-§2, as amended by PL 1995, c. 483, §11, is repealed.

Sec. 14. 21-A MRSA §1019, as amended by PL 1995, c. 483, §§12 and 13, is repealed and the following enacted in its place:

§1019. Reports of independent expenditures

For the purposes of this section, an independent expenditure is any contribution or expenditure by a person, party committee, political committee or political action committee aggregating in excess of $50 in an election that expressly advocates the election

or defeat of a clearly identified candidate, other than by contribution to a candidate or a candidate's authorized political committee. Any person, party committee, political committee or political action committee that makes an independent expenditure must file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the clerk in that candidate's municipality.

1. **Filing requirements.** Reports required by this section must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14.

2. **Content.** This report must contain an itemized account of each contribution or expenditure aggregating in excess of $50 in any election, the date and purpose of each and the name of each payee or creditor. Total contributions or expenditures of less than $500 in any election need not be itemized. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of a candidate. Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate must report any expenditures aggregating in excess of $50 for such a communication in any election, whether or not the communication is defined as an expenditure under section 1012, subsection 3, paragraph A.

3. **Forms.** Reports required by this section must be on forms prescribed and prepared by the commission. Persons filing these reports may use additional pages if necessary, but the pages must be the same size as the pages of the form.

Sec. 15. 21-A MRSA §1020-A, sub-§4, as enacted by PL 1995, c. 483, §15, is amended to read:

4. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%;

B. For the 2nd violation, 3%; and

C. For the 3rd and subsequent violations, 5%.

Any penalty of less than $5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

Notwithstanding any other provisions of this section, a candidate who fails to file an accelerated campaign finance report as required in section 1017, subsection 3-B must be assessed a penalty at least equivalent to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate, whichever is greater, exceed the applicable Maine Clean Election Fund disbursement amount, per day of violation. A penalty for failure to file an accelerated campaign finance report must be made payable to the Maine Clean Election Fund.

Sec. 16. 21-A MRSA §1056, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Aggregate expenditures. ~~No~~ A committee may not make expenditures in support of or opposition to the candidacy of one person or to a political committee in an aggregate amount greater than $5,000 in any election. Beginning January 1, 1999, a committee may not make contributions in support of the candidacy of one person aggregating more than $500 in any election for a gubernatorial candidate, or $250 in any election for any other candidate.

Sec. 17. 21-A MRSA c. 14 is enacted to read:

CHAPTER 14

THE MAINE CLEAN ELECTION ACT

§1121. Short title

This chapter may be known and cited as the "Maine Clean Election Act."

§1122. Definitions

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

1. Certified candidate. "Certified candidate" means a candidate running for Governor, State Senator or State Representative who chooses to participate in the Maine Clean Election Act and who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

2. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established by Title 5, section 12004-G, subsection 33.

3. Contribution. "Contribution" has the same meaning as in section 1012, subsection 2.

4. Fund. "Fund" means the Maine Clean Election Fund established in section 1124.

5. Nonparticipating candidate. "Nonparticipating candidate" means a candidate running for Governor, State Senator or State Representative who does not choose to participate in the Maine Clean Election Act and who is not seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

6. Participating candidate. "Participating candidate" means a candidate who is running for Governor, State Senator or State Representative who is seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

7. Qualifying contribution. "Qualifying contribution" means a donation:

A. Of $5 in the form of a check or a money order payable to the fund in support of a candidate;

B. Made by a registered voter within the electoral division for the office a candidate is seeking;

C. Made during the designated qualifying period and obtained with the knowledge and approval of the candidate; and

D. That is acknowledged by a written receipt that identifies the name and address of the donor on forms provided by the commission.

8. Qualifying period. "Qualifying period" means the following:

A. For a gubernatorial participating candidate, the qualifying period begins November 1st immediately preceding the election year and ends at 5:00 p.m. on March 16th of the election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on March 16th of that election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.

9. Seed money contribution. "Seed money contribution" means a contribution of no more than $100 per individual made to a candidate, including a contribution from the candidate or the candidate's family. To be eligible for certification, a candidate may collect and spend only seed money contributions subsequent to becoming a candidate as defined by section 1, subsection 5 and throughout the qualifying period. A candidate may not collect or spend seed money contributions after certification as a Maine Clean Election Act candidate. The primary purpose of a seed money contribution is to enable a participating candidate to collect qualifying contributions. A seed money contribution must be reported according to procedures developed by the commission.

§1123. Alternate campaign financing option

This chapter establishes an alternative campaign financing option available to candidates running for Governor, State Senator and State Representative. This alternative campaign financing option is available to candidates for elections to be held beginning in the year 2000. The commission shall administer this Act and the fund. Candidates participating in the Maine Clean Election Act must also comply with all other applicable election and campaign laws and regulations.

§1124. The Maine Clean Election Fund established; sources of funding

1. Established. The Maine Clean Election Fund is established to finance the election campaigns of certified Maine Clean Election Act candidates running for Governor, State Senator and State Representative and to pay administrative and enforcement costs of the commission related to this Act. The fund is a special, dedicated, nonlapsing fund and any interest generated by the fund is credited to the fund. The commission shall administer the fund.

2. Sources of funding. The following must be deposited in the fund:

A. The qualifying contributions required under section 1125 when those contributions are submitted to the commission;

B. Two million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the Treasurer of State on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction within the administrative divisions of the legislative branch and executive branch agencies. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681;

C. Revenue from a tax checkoff program allowing a resident of the State who files a tax return with the State Tax Assessor to designate that $3 be paid into the fund. If a husband and wife file a joint return, each spouse may designate that $3 be paid. The amounts designated for the fund must be appropriated from the General Fund and credited to the fund;

D. Seed money contributions remaining unspent after a candidate has been certified as a Maine Clean Election Act candidate;

E. Fund revenues that were distributed to a Maine Clean Election Act candidate and that remain unspent after the candidate has lost a primary election or after all general elections;

F. Other unspent fund revenues distributed to any Maine Clean Election Act candidate who does not remain a candidate throughout a primary or general election cycle;

G. Voluntary donations made directly to the fund; and

H. Fines collected under section 1020-A, subsection 4 and section 1127.

3. Determination of fund amount. By September 1st preceding each election year, the commission shall publish an estimate of revenue in the fund available for distribution to certified candidates during the upcoming year's elections.

§1125. Terms of participation

1. Declaration of intent. A participating candidate must file a declaration of intent to seek certification as a Maine Clean Election Act candidate and to comply with the requirements of this chapter. The declaration of intent must be filed with the commission prior to or during the qualifying period, except as provided in subsection 11, according to forms and procedures developed by the commission. A participating candidate must submit a declaration of intent prior to collecting qualifying contributions under this chapter.

2. Restrictions on contributions for participating candidates. Subsequent to becoming a candidate as defined by section 1, subsection 5 and prior to certification, a participating candidate may not accept contributions, except for seed money contributions. A participating candidate must limit the candidate's seed money contributions to the following amounts:

A. Fifty thousand dollars for a gubernatorial candidate;

B. One thousand five hundred dollars for a candidate for the State Senate; or

C. Five hundred dollars for a candidate for the State House of Representatives.

The commission may, by rule, revise these amounts to ensure the effective implementation of this chapter.

3. Qualifying contributions. Participating candidates must obtain qualifying contributions during the qualifying period as follows:

A. For a gubernatorial candidate, at least 2,500 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

B. For a candidate for the State Senate, at least 150 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

C. For a candidate for the State House of Representatives, at least 50 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

A payment, gift or anything of value may not be given in exchange for a qualifying contribution.

4. Filing with commission. A participating candidate must submit qualifying contributions to the commission during the qualifying period according to procedures developed by the commission, except as provided under subsection 11.

5. Certification of Maine Clean Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the commission shall determine whether or not the candidate has:

A. Signed and filed a declaration of intent to participate in this Act;

B. Submitted the appropriate number of valid qualifying contributions;

C. Qualified as a candidate by petition or other means;

D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions; and

E. Otherwise met the requirements for participation in this Act.

The commission shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible and no later than 3 days after final submittal of qualifying contributions.

Upon certification, a candidate must transfer to the fund any unspent seed money contributions. A certified candidate must comply with all requirements of this Act after certification and throughout the primary and general election periods. Failure to do so is a violation of this chapter.

6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. All revenues distributed to certified candidates from the fund must be used

for campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.

7. Timing of fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 8 in the following manner.

A. Within 3 days after certification, for candidates certified prior to March 16th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election.

B. Within 3 days after March 16th of the election year, for primary election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election, reduced by any amounts previously distributed under paragraph A.

C. Within 3 days after the primary election, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested general election. Funds may not be distributed for uncontested general elections.

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

8. Amount of fund distribution. By July 1, 1999 of the effective date of this Act, and at least every 4 years after that date, the commission shall determine the amount of funds to be distributed to participating candidates based on the type of election and office as follows.

A. For contested primary elections, the amount of revenues to be distributed is the average amount of campaign expenditures made by each candidate during all contested primary election races for the immediately preceding 2 primary elections as reported in the initial filing period subsequent to the primary election for the respective offices of Governor, State Senate and State House of Representatives.

B. For uncontested primary elections, the amount of revenues distributed is the average amount of campaign expenditures made by each candidate during all uncontested primary election races, or for contested races if that amount is lower, for the immediately preceding 2 primary elections as reported in the initial filing period subsequent to the primary election for the respective offices of Governor, State Senate and State House of Representatives.

C. For contested general elections, the amount of revenues distributed is the average amount of campaign expenditures made by each candidate during all contested general election races for the immediately preceding 2 general elections as reported in the initial filing period subsequent to the general election for the respective offices of Governor, State Senate and State House of Representatives.

D. Revenues may not be distributed for uncontested general elections.

If the immediately preceding two election cycles do not contain sufficient electoral data, the commission shall use information from the most recent applicable elections. For only the initial computations under subsections A to C that are conducted by July 1, 1999, the commission shall reduce the amounts to be distributed by 25%.

9. Matching funds. When any campaign, finance or election report shows that the sum of a candidate's expenditures or obligations, or funds raised or borrowed, whichever is greater, alone or in conjunction with independent expenditures reported under section 1019, exceeds the distribution amount under subsection 8, the commission shall issue immediately to any opposing Maine Clean Election Act candidate an additional amount equivalent to the reported excess. Matching funds are limited to 2 times the amount originally distributed under subsection 8, paragraph A or C, whichever is applicable.

10. Candidate not enrolled in a party. An unenrolled candidate certified by March 16th preceding the primary election is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections 7 and 8. For an unenrolled candidate not certified by March 16th at 5:00 p.m. the deadline for filing qualifying contributions is 5:00 p.m. on June 2nd preceding the general election. An unenrolled candidate certified after March 16th at 5:00 p.m. is eligible for revenues from the fund in the same amounts as a general election candidate, as specified in subsections 7 and 8.

11. Other procedures. The commission shall establish by rule procedures for qualification, certification, disbursement of fund revenues and return of unspent fund revenues for races involving special elections, recounts, vacancies, withdrawals or replacement candidates.

12. Reporting; unspent revenue. Notwithstanding any other provision of law, participating and certified candidates shall report any money collected, all campaign expenditures, obligations and related activities to the commission according to procedures developed by the commission. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections that candidate shall return all unspent fund revenues to the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

13. Distributions not to exceed amount in fund. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 1124. Notwithstanding any other provisions of this chapter, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsections 8 or 9, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than $500 per donor per election for gubernatorial candidates and $250 per donor per election for State Senate and State House candidates, up to the applicable amounts set forth in subsections 8 and 9 according to rules adopted by the commission.

14. Appeals. A candidate who has been denied certification as a Maine Clean Election Act candidate or the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate may challenge a certification decision by the commission as follows.

A. A challenger may appeal to the full commission within 3 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal.

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing. The appellant has the burden of providing evidence to demonstrate that the commission decision

was improper. The commission must rule on the appeal within 3 days after the completion of the hearing.

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court according to the procedure set forth in section 356, subsection 2, paragraphs D and E.

D. A candidate whose certification by the commission as a Maine Clean Election Act candidate is revoked on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court find that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any.

§1126. Commission to adopt rules

The commission shall adopt rules to ensure effective administration of this chapter. These rules must include but must not be limited to procedures for obtaining qualifying contributions, certification as a Maine Clean Election Act candidate, circumstances involving special elections, vacancies, recounts, withdrawals or replacements, collection of revenues for the fund, distribution of fund revenue to certified candidates, return of unspent fund disbursements and compliance with the Maine Clean Election Act.

§1127. Violations

1. **Civil penalty.** In addition to any other penalties that may be applicable, a person who violates any provision of this chapter is subject to a civil penalty not to exceed $10,000 per violation payable to the fund. This penalty is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate found in violation of this chapter may be required to return to the fund all amounts distributed to the candidate from the fund. If the commission makes a determination that a violation of this chapter has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

2. **Class E crime.** A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.

§1128. Study report

By January 30, 2002 and every four years after that date, the commission shall prepare for the joint standing committee of the Legislature having jurisdiction over legal affairs a report documenting, evaluating and making recommendations relating to the administration, implementation and enforcement of the Maine Clean Election Act and the Maine Clean Election Fund.

Sec. 18. 36 MRSA §5286 is enacted to read:

§5286. Contribution to the Maine Clean Election Fund; voluntary checkoff

1. **Designation.** Resident taxpayers may designate that $3 of their taxes be deposited in the Maine Clean Election Fund in accordance with Title 21-A, section 1124.

2. **Forms.** The State Tax Assessor shall provide on the first page of the income tax form a space for the filing individual to indicate whether that filer wishes to pay $3, or $6 if filing a joint return, from the General Fund of the State to finance the Maine Clean Election Fund.

3. **Transfer of Funds.** The State Tax Assessor shall transfer funds from the General Fund in accordance with Title 21-A, section 1124.

Sec. 19. Transition clause. The revised Commission on Governmental Ethics and Election Practices is the successor in interest to the existing Commission on Governmental Ethics and Election Practices. The members of the existing commission shall serve until appointment and confirmation of members to the revised commission. Members of the revised commission must be appointed and confirmed by June 15, 1997.

STATEMENT OF FACT

This initiative amends existing campaign and election practices as follows.

1. The initiative establishes an alternative, publicly financed campaign financing option by passage of the Maine Clean Election Act. This option is available to candidates running for Governor, State Senator and State Representative. A candidate may voluntarily choose to participate in the Maine Clean Election Act and be certified as a Maine Clean Election Act candidate after a qualifying process. A participating candidate may not accept or spend private contributions during the primary or general elections and must abide by other campaign contribution and spending restrictions.

2. The Maine Clean Election Fund is established to finance election campaigns of Maine Clean Election Act candidates. Sources of revenue for the fund are qualifying contributions obtained by participating candidates, a reduction in legislative and executive agencies' administrative division budgets, a voluntary $3 income tax checkoff, voluntary donations, unspent Maine Clean Election Act campaign funds and fines.

3. The laws regarding the Commission on Governmental Ethics and Election Practices are amended by changing the process by which commission members are selected. The commission administers the Maine Clean Election Act and the Maine Clean Election Fund and conducts rulemaking to effectively implement these programs. The commission is provided resources to better monitor campaign finance data by increasing lobbyist registration fees.

4. Election campaign spending is reduced by limiting the amount of money that political action committees, committees, corporations, associations and individuals may contribute to candidates not participating in the Maine Clean Election Act and by capping campaign expenditures of certified Maine Clean Election Act candidates.

Proclamation

WHEREAS, *written petitions bearing the signatures of 59,563 electors of this State, which number is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18, of the Constitution of Maine, were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State within twenty-five days after the convening of the One Hundred and Seventeenth Legislature in the Second Regular Session, requesting that the Legislature consider an act entitled "An Act to Reform Campaign Finance"; and*

WHEREAS, *on March 28, 1996, the Maine House of Representatives accepted the Majority Ought Not to Pass Report of the Joint Standing Committee on Legal and Veterans Affairs on the initiated act, known as Legislative Document 1823; and*

WHEREAS, *on March 29, 1996, the Maine Senate accepted the Minority Ought to Pass Report of the Joint Standing Committee on Legal and Veterans Affairs on the initiated act, known as Legislative Document 1823; and*

WHEREAS, *on April 1, 1996, the initiated act, known as Legislative Document 1823, died between the Houses for lack of concurrence; and*

WHEREAS, *Article IV, Part Third, Section 18, of the Maine Constitution provides that the Governor shall, by proclamation, order an initiated bill proposed to, but not enacted by, the Legislature without change to the people for referendum in November within 10 days following the recess of the Legislature to which the measure was proposed and, in the event that the Governor fails to order the bill to referendum, requires the Secretary of State to do so by proclamation; and*

WHEREAS, *Governor King is not physically present in the State of Maine to sign the proclamation on April 16, 1996, due to a death in his family, the Governor has requested the Secretary of State to undertake the necessary proclamation within the 10 day period contemplated by the Constitution on behalf of the Governor and in full compliance with the constitutional mandate;*

NOW THEREFORE, *I, BILL DIAMOND, Secretary of State of the State of Maine, at the request of the Governor and in pursuance of the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, do hereby proclaim that an election shall be called for Tuesday, November 5, 1996, so that "An Act to Reform Campaign Finance" may be submitted to the people of this State for a referendum vote.*

IN TESTIMONY WHEREOF, *I have caused the Great Seal of the State to be hereunto affixed. Given under my hand at Augusta this Sixteenth day of April in the year One Thousand Nine Hundred and Ninety-Six.*

BILL DIAMOND
Secretary of State

Intent and Content

This initiated legislation would enact the Maine Clean Election Act, under which candidates running for the offices of Governor, State Senator and State Representative in the elections of the year 2000 and thereafter may choose to have their campaigns funded publicly by the Maine Clean Election Fund. In order to qualify for public funding, candidates for Governor would have to receive contributions between $5 and $100 up to a maximum of $50,000 from at least 2,500 Maine voters at the beginning of an election year; candidates for State Senator would have to receive contributions between $5 and $100 up to a maximum of $1,500 from at least 150 voters within the applicable Senate district; and candidates for State Representative would have to receive contributions between $5 and $100 up to a maximum of $500 from at least 50 voters within the applicable House district. Once qualified, a candidate could not receive any further contributions, but must finance his or her campaign solely from distributions from the Fund. The amount of those distributions would be the average amount of campaign expenditures for the office in question for the preceding 2 contested primaries, uncontested primaries, or contested general elections, as applicable. The Fund would be funded by an annual transfer of $2 million from state income and sales tax revenues (to be offset be reductions in administrative divisions in the legislative and executive branches) and a voluntary $3 state income tax checkoff, as well as unspent past distributions, voluntary contributions and fines imposed for violations of the Act and the campaign reporting laws.

The Act and Fund would be administered by the Commission on Governmental Ethics and Elections Practices, which would become a 5 member body appointed by the Governor and confirmed by the Legislature. The Commission would receive increased funding for its administration and enforcement of the campaign and lobbyist reporting laws from an increase in the annual registration fee for lobbying from $200 to $400 for a principal lobbyist and $100 to $200 for a lobbyist associate.

The initiative would also reduce permitted campaign contributions (now $1,000 for each individual and $5,000 for each corporation or political action committee) to $500 for any election for Governor and $250 for any other state or county election.

A "YES" vote approves the initiative.

A "NO" vote disapproves the initiative.

Question 4: Bond Issue

Do you favor a $3,000,000 bond issue to make capital improvements at state parks and historic sites?

STATE OF MAINE

Chapter 77

Private & Special Laws of 1995

"An Act to Authorize a General Fund Bond Issue in the Amount of $3,000,000 for Major Improvements at State Park and Historic Site 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 major improvements at state park and historic site facilities.

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

Sec. 1. Authorization of bonds to provide for major improvements at state park and historic site facilities. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $3,000,000 to raise funds for major improvements at state park and historic site facilities, specifically renovations needed to make state parks and historic sites accessible to people with disabilities according to standards set by state and federal law, completion of the roof and masonry restoration at Fort Knox State Historic Site and the replacement of Churchill Dam in the Allagash Wilderness Waterway, as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 5 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State 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 bond, 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 must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Director of the Bureau of Parks and Lands.

Sec. 6. Allocations from General Fund bond issue; major improvements at state park and historic site facilities. The proceeds of the sale of the bonds must be expended as designated in the following schedule.

DEPARTMENT OF CONSERVATION

Bureau of Parks and Lands $3,000,000

Provides funds for major capital improvements at state park and historic site facilities, specifically renovations needed to make state parks and historic sites accessible to people with disabilities, completion of roof and masonry restoration at Fort Knox State Historic Site and the replacement of Churchill Dam in the Allagash Wilderness Waterway.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless 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 carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds 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 are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except 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. Referendum for ratification; submission at general election; form of question; effective date. This Act must 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 municipal officers 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 general 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 make capital improvements at state parks and historic sites?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must 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 a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes 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 10, 1996

Intent and Content

This Act would authorize the State to issue bonds in an amount not to exceed $3,000,000 to raise funds for major improvements at state parks and historic facilities, specifically renovations needed to make state parks and historic sites accessible to people with disabilities according to standards set by state and federal law, completion of the roof and masonry restoration at Fort Knox State Historic Site, and the replacement of Churchill Dam in the Allagash Wilderness Waterway. 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 of the sale of the bonds would be expended by the Bureau of Public Lands of the Department of Conservation for major improvements at state parks and historic facilities.

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 the authorization of a $3,000,000 bond issue for major improvements at state parks and historic facilities.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of $3,427,500, of which Principal is $3,000,000, Estimated Interest at 4.75% over 5 years is $427,500.

Question 5: Bond Issue

Do you favor a $16,500,000 bond issue for the following purposes: (1) $2,500,000 to investigate, abate and clean up threats to the public health and the environment from hazardous substance discharges; (2) $5,000,000 to protect the public health, safety and the environment by providing funds for the cleanup of tire stockpiles; and (3) $9,000,000 to protect the State's drinking water resources by granting funds to cities and towns for the closure and cleanup of their solid waste landfills?

STATE OF MAINE

Chapter 84

Private and Special Laws of 1995

"An Act to Authorize a General Fund Bond Issue in the Amount of $16,500,000 to Investigate, Abate and Clean Up Hazardous Substance Discharges, to Clean Up Tire Stockpiles and to Close and Clean up Municipal Solid Waste Landfills"

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 investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up tire stockpiles and to close and clean up municipal solid waste landfills.

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

Sec. 1. Authorization of bonds to provide funds to investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up tire stockpiles and to close and clean up municipal solid waste landfills. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $16,500,000 to raise funds to investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up tire stockpiles and to close and clean up municipal solid waste landfills as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State 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 bond, 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 must be held by the Treasurer of State and paid by the Treasurer of State

upon warrants drawn by the State Controller, are appropriated solely for the following purposes:

1. The investigation, abatement, cleanup and mitigation of threats to public health and the environment from hazardous substance discharges;

2. The cleanup of tire stockpiles to protect the public health and safety and the environment; the bond proceeds may only be expended for activities that abate the public health, safety and environmental hazards posed by stockpiles, encompassing activities that reduce the number of stockpiled tires in the State; and

3. The reimbursement for all outstanding municipal solid waste landfill closure and remediation expenses. Remaining proceeds must be allocated for municipal solid waste landfill site evaluation and planning and a municipal grants program for implementation of new landfill closure and clean-up plans.

Any unencumbered balances remaining at the completion of the projects in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Environmental Protection.

Sec. 6. Allocations from General Fund bond issue; investigate, abate and clean up hazardous substance discharges; clean up tire stockpiles; close and clean up municipal solid waste landfills. The proceeds of the sale of bonds must be expended as designated in the following schedule.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF	**1996-97**
Investigation, abatement, clean up and mitigation of threats to public health and the environment from hazardous substance discharges	$2,500,000
Clean up of tire stockpiles to protect the public health and safety and the environment	5,000,000
Reimbursement for all outstanding municipal solid waste landfill closure and remediation expenses. Remaining proceeds to be allocated for municipal solid waste landfill site evaluation and planning and a municipal grants program for implementation of new landfill closure and clean-up plans	9,000,000
DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL ALLOCATIONS	$16,500,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless 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 carry forward. Bond

proceeds that have not been expended within 10 years after the date of the sale of the bonds 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 are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except 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. Referendum for ratification; submission at general election; form of question; effective date. This Act must 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 municipal officers 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 $16,500,000 bond issue for the following purposes: (1) $2,500,000 to investigate, abate and clean up threats to the public health and the environment from hazardous substance discharges; (2) $5,000,000 to protect the public health, safety and the environment by providing funds for the cleanup of tire stockpiles; and (3) $9,000,000 to protect the State's drinking water resources by granting funds to cities and towns for the closure and cleanup of their solid waste landfills?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must 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 a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes effective 30 days after the date of the proclamation.

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

Approved April 11, 1996

Intent and Content

This Act would authorize the State to issue bonds in an amount not to exceed $16,500,000 to raise funds to investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up tire stockpiles and to close and clean municipal solid waste landfills. The bonds would run for a period of not longer than 10 years and would be backed by the full faith and credit of the State.

Proceeds of the sale of the bonds would be expended under the direction of the Department of Environmental Protection for the investigation, abatement, clean up and mitigation of threats to public health and the environment from hazardous substance discharges ($2,500,000); the abatement of public health, safety and environmental hazards posed by tire stockpiles, including activities that reduce the number of stockpiled tires in the State ($5,000,000); and the reimbursement for all outstanding municipal solid

waste landfill closure and remediation expenses, with any remaining proceeds to be allocated for municipal solid waste landfill site evaluation and planning and a municipal grants program for implementation of new landfill closure and clean-up plans ($9,000,000).

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 the authorization of a $16,500,000 bond issue to investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up the stockpiles and to close and clean up municipal solid waste landfills.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of $21,355,125, of which Principal is $16,500,000, Estimated Interest at 5.35% over 10 years is $4,855,125.

Question 6: Bond Issue

Do you favor a $11,000,000 bond issue to encourage job growth and economic vitality by providing access to capital for agricultural enterprises and small businesses with a significant potential for growth and job creation?

STATE OF MAINE

Chapter 81

Private and Special Laws of 1995

"An Act to Authorize a Bond Issue to Encourage and Support Economic Development"

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 the capitalization of the Small Enterprise Growth Fund and the Agricultural Marketing Loan Fund.

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

Sec. 1. Authorization of bonds to provide for the capitalization of the Small Enterprise Growth Fund and the Agricultural Marketing Loan Fund. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $11,000,000 to raise funds for the capitalization of the Small Enterprise Growth Fund and the Agricultural Marketing Loan Fund to provide disbursements to enterprises in critical stages of growth, as authorized by section 7. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature. The bonds, when paid at maturity or otherwise retired, may not be reissued, but may be refunded on terms more favorable to the State than those in the original issue.

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. The Treasurer of State 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 bond, 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 must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 7 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Taxable bond option. The Treasurer of State, at the direction of the Governor, shall covenant and consent that the interest on the bonds is 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 are subject to any limitations or restrictions of any law that may limit the power to covenant and consent.

Sec. 5. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 6. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 7.

Sec. 7. Allocations from General Fund bond issue. The proceeds of the sale of bonds must be expended as designated in the following schedule.

FINANCE AUTHORITY OF MAINE

Small Enterprise Growth Fund	$5,000,000
Agricultural Marketing Loan Fund	$6,000,000
TOTAL	$11,000,000

Sec. 8. Contingent upon ratification of bond issue. Sections 1 to 7 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. 9. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. 10. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except 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. 11. Referendum for ratification; submission at general election; form of question; effective date. This Act must 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 municipal officers 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 general election, to vote on the acceptance or rejection of this Act by voting on the following question:

> "Do you favor a $11,000,000 bond issue to encourage job growth and economic vitality by providing access to capital for agricultural enterprises and small businesses with a significant potential for growth and job creation?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must 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 a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes 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 11, 1996

Intent and Content

This Act would authorize the State to issue bonds in an amount not to exceed $11,000,000 to raise funds for the capitalization of the Small Enterprise Growth Fund and the Agricultural Marketing Loan Fund to provide disbursements to enterprises in critical stages of development. 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 of the sale of the bonds would be expended by the Finance Authority of Maine from the Small Enterprise Growth Fund ($5,000,000) and the Agricultural Marketing Loan Fund ($6,000,000).

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 the authorization of a $11,000,000 bond issue for the Small Enterprise Growth Fund and the Agricultural Marketing Loan Fund to provide disbursements to enterprises in critical stages of growth.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of $14,236,750, of which Principal is $11,000,000, Estimated Interest at 5.35% over 10 years is $3,236,750.

Question 7: Bond Issue

Do you favor a $10,000,000 bond issue for the following purposes: (1) $8,000,000 to construct water pollution control facilities, providing the state match for $10,000,000 in federal funds; and (2) $2,000,000 to address environmental health deficiencies in drinking water supplies?

STATE OF MAINE

Chapter 82

Private and Special Laws of 1995

"An Act to Authorize a General Fund Bond Issue in the Amount of $10,000,000 to Construct Water Pollution Control Facilities and to Address Environmental Health Deficiencies in Drinking Water Supplies"

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 construct water pollution control facilities and to address environmental health deficiencies in drinking water supplies.

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

Sec. 1. Authorization of bonds to provide for funds to construct water pollution control facilities and to address environmental health deficiencies in drinking water for supplies. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $10,000,000 to raise funds to construct water pollution control facilities and to address environmental health deficiencies in drinking water supplies as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State 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 bond, 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 must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Environmental Protection and the Department of Human Services.

Sec. 6. Allocations from General Fund bond issue; construct water pollution control facilities; address environmental health deficiencies in drinking water supplies. The proceeds of the sale of bonds must be expended as designated in the following schedule.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Construction of water pollution control facilities to provide the state match for $10,000,000 in federal funds	$8,000,000

HUMAN SERVICES, DEPARTMENT OF

Address environmental health deficiencies in drinking water supplies	2,000,000
TOTAL ALLOCATIONS	$10,000,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless 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 carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds 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 are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except 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. Referendum for ratification; submission at general election; form of question; effective date. This Act must 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 municipal officers 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 general election, to vote on the acceptance or rejection of this Act by voting on the following question:

> "Do you favor a $10,000,000 bond issue for the following purposes: (1) $8,000,000 to construct water pollution control facilities, providing the state match for $10,000,000 in federal funds; and (2) $2,000,000 to address environmental health deficiencies in drinking water supplies?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must 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 a majority of the legal votes are cast in

favor of the Act, the Governor shall proclaim the result without delay, and the Act becomes 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 11, 1996

Intent and Content

This Act would authorize the State to issue bonds in an amount not to exceed $10,000,000 to raise funds to construct water pollution control facilities and to address environmental health deficiencies in drinking water supplies. The bonds would run for a period of not longer than 10 years and would be backed by the full faith and credit of the State.

Proceeds of the sale of the bonds would be expended as follows: $8,000,000 under the direction of the Department of Environmental Protection for the construction of water pollution control facilities to provide the State match for $10,000,000 in federal funds, and $2,000,000 under the direction of the Department of Human Services to address environmental health deficiencies in drinking water supplies.

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 the authorization of a $10,000,000 bond issue for the construction of water pollution control facilities and to address environmental health deficiencies in drinking water supplies.

A "NO" vote disapproves the bond issue.

Total Estimated Debt Service of $12,942,500, of which Principal is $10,000,000, Estimated Interest at 5.35% over 10 years is $2,942,500.

Question 8: Constitutional Amendment

Do you favor amending the Constitution of Maine to require that a direct initiative petition be submitted to local officials earlier than is presently required in order to allow 5 working days rather than 2 working days for local officials to certify the petition?

STATE OF MAINE

Chapter 3

Constitutional Resolutions of 1995

"RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions"

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

Constitution, Art. IV, Part Third, §20 is amended to read:

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 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 the presence of the circulator and that to the best of 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 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 the 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~~ 10th day before the petition must be filed in the office of the

Secretary of State, or, if such ~~3rd~~ 10th 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. Such officials must complete the certification of such petitions and must return them to the circulators or their agents within 2 days for a petition for a people's veto and within 5 days for a petition for a direct initiative, 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 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.

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers 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 general election, at the next general election in the month of November following passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to require that a direct initiative petition be submitted to local officials earlier than is presently required in order to allow 5 working days rather than 2 working days for local officials to certify the petition?"

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

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

Resolution according to Article X, Section 4 of the Constitution of the State of Maine. April 3, 1996

Intent and Content

This proposed constitutional amendment would amend the direct initiative provisions of the Maine Constitution to increase from 2 to 5 the number of working days that local officials would have to certify that the signatures on an initiative petition are those of registered voters. The amendment would also require that initiators file their petitions with such officials 10 days prior to the date on which they must file their certified petitions with the Secretary of State (unless the 10th day is a Saturday, Sunday or legal holiday), rather than 3 days prior to that date (unless the 3rd day is a legal holiday) as currently required.

A "YES" vote approves the constitutional amendment.

A "NO" vote disapproves the amendment.