

# MAINE STATE LEGISLATURE

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ELECTIONS - 1998  
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AUGUSTA, MAINE

MAINE CITIZEN'S GUIDE TO THE  
SPECIAL ELECTION

Tuesday, February 10, 1998



In Accordance with  
a People's Veto Petition to Repeal a Law  
Passed by the 118th Legislature  
and the November 26, 1997  
Proclamation of the Governor

Dan A. Gwadosky  
Secretary of State

Appropriation 010-29A-3213-012

MAR - 3 1998

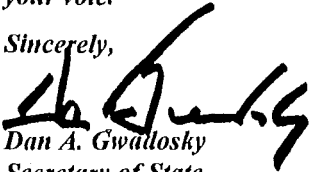
*State of Maine  
Office of the Secretary of State  
Augusta, ME 04333*

*Dear Fellow Citizens,*

*A Special Election will be held on February 10, 1998, and all eligible Maine residents may vote on the People's Veto Referendum that will appear on the ballot. This pamphlet has information to assist you in making your own, informed decision about your vote. For additional voting information, you may contact your local municipal clerk or call Maine's Division of Elections at 287-4186.*

*Referendum Elections, and particularly Special Elections, are an important part of the democratic process. I encourage you to participate in the Special Election by casting your vote.*

*Sincerely,*

  
*Dan A. Gwallosky  
Secretary of State*

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STATE OF MAINE

To the Governor of the State of Maine:

In accordance with Section 17 of Article IV, Part Third of the Constitution of the State of Maine, the undersigned electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified, hereby propose to veto Public Law: 1997; Chapter 205, entitled "An Act to Prevent Discrimination".

APPROVED  
MAY 16, 1997  
BY GOVERNOR

CHAPTER  
205  
PUBLIC LAW

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-SEVEN

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S.P. 338 - L.D. 1116

**An Act to Prevent Discrimination**

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

**Sec. 1. 5 MRSA §4552**, as amended by PL 1993, c. 327, §1, is further amended to read:

**§4552. Policy**

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account

of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin; and in employment, discrimination on account of age or because of the previous assertion of a claim or right under former Title 39 or Title 39-A and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, sexual orientation, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental disability.

Sec. 2. 5 MRSA §4553, sub-§9-C is enacted to read:

9-C. Sexual orientation. "Sexual orientation" means having a preference for heterosexuality, homosexuality or bisexuality, having a history of that preference or being identified with that preference.

Sec. 3. 5 MRSA §4553, sub-§10, ¶E, as amended by PL 1983, c. 578, §2, is further amended to read:

E. In determining whether ~~any~~ a person is acting as an agent or employee of another person so as to make ~~such~~ the other person responsible for ~~his~~ that person's acts, the question of whether the specific acts performed were actually authorized or subsequently ratified ~~shall~~ is not ~~to be~~ controlling; ~~and~~

Sec. 4. 5 MRSA §4553, sub-§10, ¶F, as enacted by PL 1983, c. 578, §2, is amended to read:

F. Unlawful educational discrimination as defined and limited by subchapter V-B; and

Sec. 5. 5 MRSA §4553, sub-§10, ¶G is enacted to read:

G. Discrimination in employment, housing, public accommodations and credit on the basis of sexual orientation, except that a religious corporation, association or organization is exempt from these provisions.

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## QUESTION 1: PEOPLE'S VETO

**Do you want to reject the law passed by the Legislature and signed by the Governor that would ban discrimination based on sexual orientation with respect to jobs, housing, public accommodations and credit?**

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### INTENT AND CONTENT

This legislation amends the Maine Human Rights Act to make it unlawful to discriminate against individuals based on their sexual orientation in decisions regarding employment, housing, access to public accommodations and the extension of credit. Religious organizations are exempt from this new provision.

This legislation was approved by the Legislature and signed into law by the Governor in May, 1997. Petitioners subsequently collected a sufficient number of signatures of registered voters to refer the legislation to the people for approval or disapproval at a statewide election. Its effect has been suspended pending the outcome of the election.

A "YES" vote is in favor of the people's veto and disapproves the legislation.

A "NO" vote is in opposition to the people's veto and approves the legislation.

State of Maine



*WHEREAS, written petitions bearing the signatures of electors of this State, numbering 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 17, of the Constitution of Maine, were addressed to the Governor of the State of Maine and were filed in the office of the Secretary of State on or before the 90th day after the recess of the First Special Session of the One Hundred and Eighteenth Legislature, requesting that the act entitled "An Act to Prevent Discrimination," passed by the Legislature and signed by the Governor, be referred to the people; and*

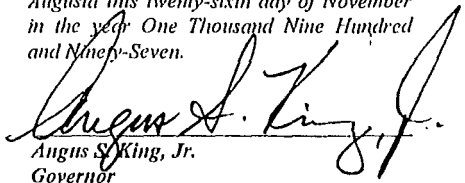
*WHEREAS, Article IV, Part Third, Section 17, of the Maine Constitution provides that as soon as it appears that the effect of the Act has been suspended by petition, the Governor shall, by proclamation, order the Act referred to the people for referendum at the next statewide election not less than 60 days after such proclamation, or in the case of no statewide election within 6 months thereafter the Governor may order such measure submitted to the people at a special election not less than 60 days nor more than 6 months after proclamation thereof; and*

*WHEREAS, a judicial challenge to the validity of petitions has now been resolved, affirming that the Secretary of State was correct in certifying the petition as sufficient to invoke the referendum procedures of Article IV, Part Third, Section 17;*

*NOW, THEREFORE, I, Angus S. King, Jr., Governor of the State of Maine, in pursuance of the provisions of Article IV, Part Third, Section 17, of the Constitution of Maine, do hereby proclaim that an election shall be called for Tuesday, February 10, 1998, so that "An Act to Prevent Discrimination" 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 twenty-sixth day of November in the year One Thousand Nine Hundred and Ninety-Seven.*

  
Angus S. King, Jr.  
Governor

  
Dan A. Gwadlosky  
Secretary of State