

MAINE STATE LEGISLATURE

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DEPARTMENT OF THE SECRETARY OF STATE

Bureau of Corporations,
Elections & Commissions

STATE OF MAINE

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Maine Citizen's Guide to the Referendum Election

Tuesday, November 8, 2005

In Accordance with the August 15, 2005 Proclamation
of the Governor and with the Act and Resolution
Passed by the 122nd Legislature at the First Regular
Session and the Second Special Session



Matthew Dunlap
Secretary of State

Appropriation 010-29A-4213-012

Dear Fellow Citizen,

All eligible Maine residents may vote on November 8, 2005. The information on this site is intended to help you learn about the questions that will appear on the ballot, so you can make well-informed decisions about how to vote. Referendum elections are an important part of the heritage of public participation in Maine. I hope you will help keep our democracy strong by voting.

For information about how or where you vote, please contact your local municipal clerk or call Maine's Division of Elections at 624-7650. Information is also available at: www.maine.gov/sos.

Here you will find:

- each of the seven 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; and
- 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 information. We hope you find it helpful and that you will vote on November 8, 2005.

Sincerely,

Matthew Dunlap
Secretary of State

STATE OF MAINE
Referendum Election, November 8, 2005
LISTING OF REFERENDUM QUESTIONS

Question 1: People's Veto

Do you want to reject the new law that would protect people from discrimination in employment, housing, education, public accommodations and credit based on their sexual orientation?

Question 2: Bond Issue

Do you favor a \$33,100,000 bond issue for improvements to highways and bridges; airports; public transit improvements; state-owned ferry vessels and ferry and port facilities including port and harbor structures; and statewide bicycle trail and pedestrian improvements that makes the State eligible for over \$158,000,000 in matching funds?

Question 3: Bond Issue

Do you favor an \$8,900,000 bond issue for purposes related to agriculture and the environment in anticipation of approximately \$31,000,000 in federal funds to be used for sustainable water sources and irrigation system development, loans from a wastewater state revolving fund, grants from a small community grants program, support of public water system improvements and repairs and improvements to a veterinary technician facility at the University of Maine?

Question 4: Bond Issue

Do you favor a \$20,000,000 bond issue to stimulate economic growth and job creation through investments in the Maine economy in anticipation of approximately \$44,000,000 in federal and private funds for medical research and development; marine research and development; equity investments in small Maine companies with potential for high growth; the New Century Community Program for capital improvements to cultural resources; the renovation of Camden Hall on the University of Maine Bangor campus for a graduate school for biomedical science; the development of the Laboratory for Surface Science Technology; capital costs and equipment for the career center facility at the University of Southern Maine's Lewiston-Auburn College; and the development of the Sunrise Business and Career Center in the Town of Jonesboro?

Question 5: Bond Issue

Do you favor a \$12,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for conservation, water access, wildlife and fish habitat, outdoor recreation, including hunting and fishing, farmland preservation and working waterfront preservation to be matched by at least \$7,000,000 in private and public contributions?

Question 6: Bond Issue

Do you favor a \$9,000,000 bond issue to make building renovations at campuses of the University of Maine System, improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine and make building renovations at campuses of the Maine Community College System?

Question 7: Constitutional Amendment

Do you favor amending the Constitution of Maine to permit the Legislature to authorize waterfront land used for commercial fishing activities to be assessed based on the land's current use in a manner similar to treatment now available for farms, open space and forestland?

Treasurer's Statement

The State of Maine borrows money by issuing bonds. Bonds spread the payments for projects over their useful life so that all benefiting from the projects pay for them. Bonding is a multi-step process which can generally be described as follows: 1. The Legislature decides which projects it believes should be funded from bond proceeds (money acquired from the sale of bonds) and puts the projects out for voter approval as required by the State Constitution. 2. The voters, at a statewide election, approve or reject each proposed project. 3. The State Treasurer issues bonds to pay for those projects approved by the voters or otherwise authorized by the Constitution. A person or institution purchasing the bonds is, in effect, loaning the State of Maine money in return for interest payments during the term of the bond. 4. The Treasurer distributes the money acquired from the sale of bonds in accordance with the legislation authorizing bonds for approved projects. 5. The Treasurer pays interest twice yearly to bond purchasers until the maturity date when the Treasurer pays them principal as well.

The following is a summary of the bond debt of the State of Maine as of **June 30, 2005**.

Bonds Outstanding (Issued and Maturing through 2015):

Principal	Interest	Total
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Highway Fund	\$ 47,825,000	\$ 5,873,179	\$ 53,698,179
General Fund	\$439,110,000	\$74,483,496	\$513,593,496
Total	\$486,935,000	\$80,356,675	\$567,291,675

Unissued Bonds Authorized by Voters: **\$ 71,545,000**

Unissued Bonds Authorized by the Constitution and Laws: **\$ 99,000,000**

Total Unissued Bonds: **\$170,545,000**

The total amounts that must be paid in the present fiscal year for debt already outstanding (for FY2006): **\$89,205,617.92**

If the bonds submitted here are approved by voters and issued for the full statutory period authorized, an estimate of the total interest and principal that may reasonably be expected to be paid is **\$107,651,000** representing **\$83,000,000** in principal and **\$24,651,000** in interest.



David Lemoine, Treasurer of State

Question 1: People's Veto

Do you want to reject the new law that would protect people from discrimination in employment, housing, education, public accommodations and credit based on their sexual orientation?

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 2005, Chapter 10, entitled "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation".

APPROVED
March 31, 2005
BY GOVERNOR

CHAPTER
10
PUBLIC LAW

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

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 a 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, sexual orientation or physical or mental disability.

Sec. 2. 5 MRSA §4553, sub-§6-A, as enacted by PL 1979, c. 350, §1, is amended to read:

6-A. Normal retirement age. "Normal retirement age" means the specified age, the years of service requirement or any age and years of service combination at which a member may become eligible for retirement benefits. This subsection shall may not be construed to require the mandatory retirement of a member or to deny employment to any person based solely on his that person's normal retirement age.

Sec. 3. 5 MRSA §4553, sub-§9-C is enacted to read:

9-C. Sexual orientation. "Sexual orientation" means a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.

Sec. 4. 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 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 be controlling; and

Sec. 5. 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~~ 5-B; and

Sec. 6. 5 MRSA §4553, sub-§10, ¶G is enacted to read:

G. Discrimination in employment, housing, public accommodation, credit and educational opportunity on the basis of sexual orientation, except that a religious corporation, association or organization that does not receive public funds is exempt from this provision with respect to:

- (1) Employment, as is more fully set forth in section 4553, subsection 4 and section 4573-A;
- (2) Housing, as is more fully set forth in section 4553, subsection 6, paragraph C; and
- (3) Educational opportunity, as is more fully set forth in section 4602, subsection 4.

Any for-profit organization owned, controlled or operated by a religious association or corporation and subject to the provisions of the Internal Revenue Code, 26 United States Code, Section 511(a) is not covered by the exemptions set forth in this paragraph.

Sec. 7. 5 MRSA §4566, sub-§6, as amended by PL 1991, c. 99, §3, is further amended to read:

6. Advisory groups. To create local or statewide advisory agencies and conciliation councils to aid in effectuating the purposes of this Act. The commission may study or may empower these agencies and councils to study the problems of discrimination in all or specific fields of human relationships when based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, and foster good will among the groups and elements of the population of the State. Agencies and councils may make recommendations to the commission for the development of policies and procedures. Advisory agencies and conciliation councils created by the commission shall must be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;

Sec. 8. 5 MRSA §4566, sub-§10, as amended by PL 1991, c. 99, §4, is further amended to read:

10. Publications. To publish results of investigations and research to promote good will and minimize or eliminate discrimination based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin;

Sec. 9. 5 MRSA §4566, sub-§11, as amended by PL 1991, c. 99, §5, is further amended to read:

11. Reports. To report to the Legislature and the Governor at least once a year describing the investigations, proceedings and hearings the commission has conducted and the outcome and other work performed by the commission, and to make recommendations for further legislation or executive action concerning abuses and discrimination based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, or other infringements

on human rights or personal dignity; and

Sec. 10. 5 MRSA §4571, as amended by PL 1991, c. 99, §6, is further amended to read:

§4571. Right to freedom from discrimination in employment

The opportunity for an individual to secure employment without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin is recognized as and declared to be a civil right.

Sec. 11. 5 MRSA §4572, sub-§1, ¶¶ A, B and C, as amended by PL 1991, c. 885, Pt. E, §7 and affected by §47, are further amended to read:

A. For any employer to fail or refuse to hire or otherwise discriminate against any applicant for employment because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the applicant's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the applicant that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or, because of those reasons, to discharge an employee or discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment or any other matter directly or indirectly related to employment; or, in recruiting of individuals for employment or in hiring them, to utilize any employment agency that the employer knows or has reasonable cause to know discriminates against individuals because of their race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of their previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B;

(1) This paragraph does not apply to discrimination governed by Title 39-A, section 353;

B. For any employment agency to fail or refuse to classify properly, refer for employment or otherwise discriminate against any individual because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the individual's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the individual that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or to comply with an employer's request for the referral of job applicants if a request indicates either directly or indirectly that the employer will not afford full and equal employment opportunities to individuals regardless of their race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B;

C. For any labor organization to exclude from apprenticeship or membership or to deny full and equal membership rights to any applicant for membership because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the applicant's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the applicant that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or, because of those reasons, to deny a member full and equal membership rights, expel from membership, penalize or otherwise discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, representation, grievances or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of that labor organization or by a collective labor agreement or other contract; to fail or refuse to classify properly or refer for employment or otherwise discriminate against any member because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, because of the member's previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions taken by the member that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or to cause or attempt to cause an employer to discriminate against an individual in violation of this section, except that it is lawful for labor organizations and employers to adopt a maximum age limitation in apprenticeship programs, if the employer or labor organization obtains prior approval from the Maine Human Rights Commission of any maximum age limitation employed in an apprenticeship program. The commission shall approve the age limitation if a reasonable relationship exists between the maximum age limitation employed and a legitimate expectation of the employer in receiving a reasonable return upon the employer's investment in an apprenticeship program. The employer or labor organization bears the burden of demonstrating that such a relationship exists;

Sec. 12. 5 MRSA §4572, sub-§1, ¶D, as amended by PL 1995, c. 393, §12, is further amended to read:

D. For any employer, employment agency or labor organization, prior to employment or admission to membership of any individual, to:

(1) Elicit or attempt to elicit information directly or indirectly pertaining to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B;

(2) Make or keep a record of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B, except under physical or mental disability when an employer requires a physical or mental examination prior to employment, a privileged record of that examination is permissible if made and kept in compliance with this Act;

(3) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B. This section does not prohibit any officially recognized government agency from keeping records permitted to be kept under this Act in order to provide free services to individuals requesting rehabilitation or employment assistance;

(4) Print, publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, any previous assertion of a claim or right under former Title 39 or Title 39-A or any previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B; or

(5) Establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, the previous assertion of a claim or right under former Title 39 or Title 39-A or because of previous actions that are protected under Title 26, chapter 7, subchapter ~~V-B~~ 5-B, of that group; or

Sec. 13. 5 MRSA §4581, first ¶, as amended by PL 1991, c. 99, §12, is further amended to read:

The opportunity for an individual to secure decent housing in accordance with the individual's ability to pay, and without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status is hereby recognized as and declared to be a civil right.

Sec. 14. 5 MRSA §4582, 2nd, 3rd and 4th ¶¶, as amended by PL 1991, c. 99, §14, are further amended to read:

For any owner, lessee, sublessee, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation, or any agent of these to make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of any prospective purchaser, occupant or tenant of the housing accommodation; or to refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual housing accommodation because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the individual; or to issue any advertisement relating to the sale, rental or lease of the housing accommodation ~~which~~ that indicates any preference, limitation, specification or discrimination based upon race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status; or to discriminate against any individual because of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status in the price, terms, conditions or privileges of the sale, rental or lease of any housing accommodations or in the furnishing of facilities or services in connection with any housing accommodations; or to evict or attempt to evict any tenant of any housing accommodation because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the tenant;

For any real estate broker or real estate sales person, or agent of one of them, to fail or refuse to show any applicant for a housing accommodation any accommodation listed for sale, lease or rental, because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or of any intended occupant of the accommodation, or to misrepresent, for the purpose of discriminating because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or intended occupant, the availability or asking price of a housing accommodation listed for sale, lease or rental; or for any reason to fail to communicate to the person having the right to sell or lease the housing accommodation any offer for the same made by any applicant; or in any other manner to discriminate against any applicant for housing because of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or of any intended occupant of the housing accommodation, or to make or cause to be made any written or oral inquiry or record concerning the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of any applicant or intended occupant, or to accept for listing any housing accommodation when the person having the right to sell or lease the same has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of their race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status, or when the broker knows or has reason to know that the person having the right to sell or lease the housing

accommodation has made a practice of discrimination since July 1, 1972;

For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured, or agent of the person, to make or cause to be made any oral or written inquiry concerning the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of any individual seeking financial assistance, or of existing or prospective occupants or tenants of housing accommodations; or to discriminate in the granting of financial assistance, or in the terms, conditions or privileges relating to the obtaining or use of any financial assistance, against any applicant because of the race or color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of the applicant or of the existing or prospective occupants or tenants;

Sec. 15. 5 MRSA §4583, as amended by PL 1991, c. 99, §19, is further amended to read:

§4583. Application

Nothing in this Act may be construed to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease or manage a housing accommodation to set up and enforce specifications in the selling, renting, leasing or letting or in the furnishings of facilities or services in connection with the facilities which that are not based on the race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments of any prospective or actual purchaser, lessee, tenant or occupant. Nothing in this Act may be construed to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations, to set standards and preferences, terms, conditions, limitations or specifications for the granting of loans or financial assistance which that are not based on the race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments of the applicant for a loan or financial assistance or, of any existing or prospective owner, lessee, tenant or occupant of housing accommodation.

Sec. 16. 5 MRSA §4591, as amended by PL 1991, c. 99, §20, is further amended to read:

§4591. Equal access to public accommodations

The opportunity for every individual to have equal access to places of public accommodation without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin is recognized as and declared to be a civil right.

Sec. 17. 5 MRSA §4592, sub-§§ 1 and 2, as amended by PL 1995, c. 393, §22, are further amended to read:

1. Denial of public accommodations. For any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to directly or indirectly refuse, discriminate against or in any manner withhold from or deny the full and equal enjoyment to any person, on account of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin, any of the accommodations, advantages, facilities, goods, services or privileges of public accommodation, or in any manner discriminate against any person in the price, terms or conditions upon which access to accommodation, advantages, facilities, goods, services and privileges may depend.

For purposes of this subsection, unlawful discrimination also includes, but is not limited to:

- A. The imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages or accommodations, unless the criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages or accommodations being offered;
- B. A failure to make reasonable modifications in policies, practices or procedures, when modifications are necessary to afford the goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities, unless, in the case of a private entity, the private entity can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages or accommodations;
- C. A failure to take steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless, in the case of a private entity, the private entity can demonstrate that taking those steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in an undue burden;
- D. A private entity's failure to remove architectural barriers and communication barriers that are structural in nature in

existing facilities and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals, not including barriers that can be removed only through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift, where the removal is readily achievable;

When the entity can demonstrate that the removal of a barrier under this paragraph is not readily achievable, a failure to make the goods, services, facilities, privileges, advantages or accommodations available through alternative methods if alternative methods are readily achievable; and

E. A qualified individual with a disability, by reason of that disability, being excluded from participation in or being denied the benefits of the services, programs or activities of a public entity, or being subjected to discrimination by any such entity;

2. Communication, notice or advertisement. For any person to directly or indirectly publish, display or communicate any notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any place of public accommodation are refused, withheld from or denied to any person on account of race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin, or that the patronage or custom of any person belonging to or purporting to be of any particular race or color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited, or that the clientele is restricted to any particular race or color, sexual orientation, physical or mental disability, religion, ancestry or national origin. The production of any communication, notice or advertisement purporting to relate to any place of accommodation is presumptive evidence in any action that the action was authorized by its owner, manager or proprietor;

Sec. 18. 5 MRSA §4595, as repealed and replaced by PL 1975, c. 770, §40, is amended to read:

§4595.

Right to freedom from discrimination solely on basis of age, race, color, sex, sexual orientation, marital status, ancestry, religion or national origin in any credit transaction

The opportunity for every individual to be extended credit without discrimination solely because of any one or more of the following factors: Age age; race; color; sex; sexual orientation; marital status; ancestry; religion or national origin is recognized as and declared to be a civil right.

Sec. 19. 5 MRSA §4596, as repealed and replaced by PL 1975, c. 770, §41, is amended to read:

§4596. Unlawful credit extension discrimination

It shall be is unlawful credit discrimination for any creditor to refuse the extension of credit to any person solely on the basis of any one or more of the following factors: Age age; race; color; sex; sexual orientation; marital status; ancestry; religion or national origin in any credit transaction. It shall is not be unlawful credit discrimination to comply with the terms and conditions of any bona fide group credit life, accident and health insurance plan, for a financial institution extending credit to a married person to require both the husband and the wife to sign a note and a mortgage and to deny credit to persons under the age of 18 or to consider a person's age in determining the terms upon which credit will be extended.

Sec. 20. 5 MRSA §4601, as repealed and replaced by PL 1991, c. 824, Pt. A, §4, is amended to read:

§4601. Right to freedom from discrimination in education

The opportunity for an individual at an educational institution to participate in all educational, counseling and vocational guidance programs and all apprenticeship and on-the-job training programs without discrimination because of sex, sexual orientation, a physical or mental disability, national origin or race is recognized and declared to be a civil right.

Sec. 21. 5 MRSA §4602, sub-§4 is enacted to read:

4. Unlawful education discrimination on the basis of sexual orientation. It is unlawful education discrimination in violation of this Act, on the basis of sexual orientation, to:

- A. Exclude a person from participation in, deny a person the benefits of or subject a person to discrimination in any academic, extracurricular, research, occupational training or other program or activity;
- B. Deny a person equal opportunity in athletic programs;
- C. Apply any rule concerning the actual or potential family or marital status of a person or to exclude any person from any program or activity because of their sexual orientation;
- D. Deny admission to the institution or program or to fail to provide equal access to any information about an institution or

program through recruitment; or

E. Deny financial assistance availability and opportunity.

The provisions in this subsection relating to sexual orientation do not apply to any education facility owned, controlled or operated by a bona fide religious corporation, association or society.

Sec. 22. 5 MRSA §4612, sub-§4, ¶A, as amended by PL 1993, c. 303, §2, is further amended to read:

A. If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination or to members of a racial, color, sex, sexual orientation, physical or mental disability, religious, or nationality group or age group if relief is not immediately granted, or if conciliation efforts under subsection 3 have not succeeded, the commission may file in the Superior Court a civil action seeking such relief as is appropriate, including temporary restraining orders.

Sec. 23. Construction. This Act may not be construed to create, add, alter or abolish any right to marry that may exist under the Constitution of the United States, the Constitution of Maine or the laws of this State.

Proclamation

INTENT AND CONTENT

This referendum asks whether voters want to approve or disapprove the newly enacted legislation that amends the Maine Human Rights Act to make it unlawful to discriminate against individuals based on their sexual orientation in decisions regarding employment, housing, educational opportunity, access to public accommodations and the extension of credit. Sexual orientation is defined to mean a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression. Religious organizations that do not receive public funds are exempt from the provisions regarding employment, housing and educational opportunity. The legislation also includes language stating that it may not be construed to create, add, alter or abolish any right to marry that may exist under the constitution or laws of the state or federal government.

The legislation was passed by the Legislature and signed by the Governor in March, 2005. Petitioners subsequently collected a sufficient number of signatures of registered voters to refer it 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. .

Question 2: Bond Issue

Do you favor a \$33,100,000 bond issue for improvements to highways and bridges; airports; public transit improvements; state-owned ferry vessels and ferry and port facilities including port and harbor structures; and statewide bicycle trail and pedestrian improvements that makes the State eligible for over \$158,000,000 in matching funds?

Question 3: Bond Issue

Do you favor an \$8,900,000 bond issue for purposes related to agriculture and the environment in anticipation of approximately \$31,000,000 in federal funds to be used for sustainable water sources and irrigation system development, loans from a wastewater state revolving fund, grants from a small community grants program, support of public water system improvements and repairs and improvements to a veterinary technician facility at the University of Maine?

Question 4: Bond Issue

Do you favor a \$20,000,000 bond issue to stimulate economic growth and job creation through investments in the Maine economy in anticipation of approximately \$44,000,000 in federal and private funds for medical research and development; marine research and development; equity investments in small Maine companies with potential for high growth; the New Century Community Program for capital improvements to cultural resources; the renovation of Camden Hall on the University of Maine Bangor campus for a graduate school for biomedical science; the development of the Laboratory for Surface Science Technology; capital costs and equipment for the career center facility at the University of Southern Maine's Lewiston-Auburn College; and the development of the Sunrise Business and Career Center in the Town of Jonesboro?

Question 5: Bond Issue

Do you favor a \$12,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for conservation, water access, wildlife and fish habitat, outdoor recreation, including hunting and fishing, farmland preservation and working waterfront preservation to be matched by at least \$7,000,000 in private and public contributions?

Question 6: Bond Issue

Do you favor a \$9,000,000 bond issue to make building renovations at campuses of the University of Maine System, improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine and make building renovations at campuses of the Maine Community College System?

*The bond issues denoted in Questions 2, 3, 4, 5 and 6 are contained within one single Legislative Act, as printed below. However, each bond issue will be listed on the ballot as individual questions to be accepted or rejected separately. **Question 2** is described in Part A of the legislation, **Question 3** is described in Part F, **Question 4** is described in Part D, **Question 5** is described in Part B, **Question 6** is described in Part E.*

STATE OF MAINE
Chapter 462
Public Laws of 2005
 Approved August 8, 2005

An Act to Authorize Bond Issues for Ratification by the Voters at the November 2005 Election

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 as described in this Act,

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

PART A

Sec. A-1. Authorization of bonds. 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 \$33,100,000 for the purposes described in section 6 of this Part. 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. A-2. Records of bonds issued kept by 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. A-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

Sec. A-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Transportation.

Sec. A-6. Allocations from Highway Fund and General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF TRANSPORTATION

Highway Fund

Highway and Bridge Improvements	\$27,000,000
Highway Fund Total	\$27,000,000

General Fund

State-owned Ferry Vessels and Ferry and Port Facilities (includes funds to rebuild the bulkhead at the Gulf of Maine Research Institute and the pier at Fort Preble in South Portland)	\$3,500,000
Airports (includes \$450,000 for the Presque Isle project, \$250,000 for small airport projects and \$1,000,000 for all other airport projects)	\$1,700,000
Transit and Bus Improvements	\$500,000

Pedestrian and Bicycle Trails (aids local community trails)	\$400,000
General Fund Total	<u>\$6,100,000</u>

Sec. A-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. A-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 or Highway Fund debt service.

Sec. A-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 Part, 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. A-10. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held on the Tuesday following the first Monday 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 Part by voting on the following question:

"Do you favor a \$33,100,000 bond issue for improvements to highways and bridges; airports; public transit improvements; state-owned ferry vessels and ferry and port facilities including port and harbor structures; and statewide bicycle trail and pedestrian improvements that makes the State eligible for over \$158,000,000 in matching funds?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.

PART B

Sec. B-1. Authorization of bonds. 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 \$12,000,000 for the purposes described in section 5 of this Part and to access \$7,000,000 in matching contributions from public and private sources. 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. B-2. Records of bonds issued kept by 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. B-3. Sale; how negotiated; purposes 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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

Sec. B-5. Disbursement of bond proceeds; purposes. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Land for Maine's Future Board. The proceeds of the bonds must be expended for acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title

5, chapter 353 and working waterfront preservation in accordance with the terms of this Part, including all costs associated with such acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

1. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws and regulations and except for working waterfront projects.

2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by cooperating entities, subject to terms and conditions enforceable by the State to ensure their use for the purposes of this Part. In addition to the considerations required under Title 5, chapter 353, the board shall give a preference to acquisitions under this subsection that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space or farmland.

3. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$5,000,000 in public and private contributions. Seventy percent of that amount must be in the form of cash or other tangible assets, including the value of land and real property interest acquired by or contributed to cooperating entities when property interests have a direct relationship to the property proposed for protection, as determined by the Land for Maine's Future Board. The remaining 30% may be matching contributions and may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities.

4. One million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to acquire public access to water in accordance with the provisions of Title 5, section 6203-A.

5. One million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to protect farmland in accordance with Title 5, section 6207.

6. Two million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to protect working waterfront properties in accordance with section 6 of this Part.

7. To the extent the purposes are consistent with the disbursement provisions in this Part, 100% of the bond proceeds may be considered as state match for any federal funding to be made available to the State.

Sec. B-6. Maine working waterfront protection pilot program.

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

- A. "Board" means the Land for Maine's Future Board.
- B. "Commercial fisheries business" means any enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured fish or shellfish. Commercial fisheries businesses include without limitation commercial fishermen, aquaculturists, individuals and businesses providing direct services to commercial fishermen and aquaculturists, fishermen's cooperatives and municipal and private piers and wharves operated to provide waterfront access to commercial fishermen and aquaculturists.
- C. "Commissioner" means the Commissioner of Marine Resources.
- D. "Department" means the Department of Marine Resources.
- E. "Pilot program" means the Maine Working Waterfront Access Pilot Program.

2. Pilot program established; administration. The Maine Working Waterfront Access Pilot Program is established to provide protection to strategically significant working waterfront properties whose continued availability to commercial fisheries businesses is essential to the long-term future of this economic sector. The department shall administer the pilot program either directly or by contract with a suitable organization.

3. Review panel. The department shall organize a review panel to advise the commissioner in the operation of the pilot program, including without limitation evaluating and recommending to the department applicants for participation in the pilot program.

4. Selection criteria. The department shall develop selection criteria with which to evaluate applications for investment in protected working waterfront properties. The selection criteria must include, without limitation:

- A. The economic significance of the property to the commercial fisheries industry in the immediate vicinity and in the State as a whole;

- B. The availability of alternative working waterfront properties in the same vicinity;
- C. The degree of community support for the proposed investment;
- D. The level of threat of conversion to uses incompatible with commercial fisheries businesses; and
- E. The utility of the proposed protected property for commercial fisheries business uses in terms of its natural characteristics and developed infrastructure.

5. Interests acquired; permanence. The board may acquire real estate interests in accordance with this section directly from willing property owners and may make acquisition grants to local governments, to organizations qualified to hold conservation easements under the Maine Revised Statutes, Title 33, chapter 7, subchapter 8-A and to organizations determined by the board to be capable of holding other less-than-fee interests that are designed to protect access to working waterfront properties. Grants made pursuant to this section are for the purpose of acquiring real property in both fee and less-than-fee simple interest, including, but not limited to, conservation easements, access easements and other permanent interests in land. The board shall include as a condition of any acquisition and grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its use by commercial fisheries businesses. As an additional condition, the board must retain a permanent right of first refusal on any property acquired in fee ore protected by conservation easement or other less-than-fee interests. Exercise of the right of first refusal must be at a price determined by an independent professional appraiser based on the value of the property to a commercial fisheries business at the time of exercise of the right. The board may assign this right to a commercial fisheries business or to a local government if, in the board's judgment, such an assignment is consistent with the purposes of this section. To the extent permissible by law, if the board determines that the public purposes of a grant made under this section are no longer served, the board in its sole discretion may terminate a grant agreement made under this section conditional on repayment of the original grant amount or an amount equal to that proportion of the then-current value of the protected real estate that represents that the ratio of the original grant amount to the original fee interest value at the time of the grant. Any funds recovered under this subsection may be expended only for the purposes of this section.

6. Matching funds. For each grant made under this section, the board shall require that the grant recipient provide matching funds at least equal to the amount of the grant.

7. Interdepartmental coordination. The commissioner may request technical assistance from the Executive Department, State Planning Office and the Department of Transportation in the development and implementation of the pilot program.

8. Rulemaking. The commissioner may adopt rules necessary for the implementation and administration of the pilot program. Rules adopted under this subsection are routine technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. B-7. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

EXECUTIVE DEPARTMENT

State Planning Office

Land for Maine's Future Board

Provides for the use of bond proceeds to be used for the acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation and working waterfront preservation.	\$12,000,000
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Sec. B-8. Contingent upon ratification of bond issue. Sections 1 to 7 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. B-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. B-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 Part, 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. B-11. Referendum for ratification; submission at statewide election; form of question; effective date.

This Part must be submitted to the legal voters of the State at a statewide election held on the Tuesday following the first Monday 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 Part by voting on the following question:

"Do you favor a \$12,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for conservation, water access, wildlife and fish habitat, outdoor recreation, including hunting and fishing, farmland preservation and working waterfront preservation to be matched by at least \$7,000,000 in private and public contributions?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.

PART C

Sec. C-1. 12 MRSA §1852, sub-§5, ¶C, as enacted by PL 1997, c. 678, §13, is amended to read:

C. With respect to persons with residential leasehold interests in public reserved lands on October 1, 1975 or on lands exchanged for public reserved lands or on lands acquired with Land for Maine's Future Board funds with respect to residential and camp owner leases in existence on or before November 30, 2005, shall enter into new leasehold agreements with those persons and thereafter renew those leases from time to time on reasonable terms and conditions as long as the lessee complies with the terms and conditions of the leases and with all applicable laws and rules of the State.

Sec. C-2. Application; contingent on bond issue. This Part takes effect only if the bond issue in Part B is approved by the voters of this State.

PART D

Sec. D-1. Authorization of bonds. 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 \$20,000,000 for the purposes described in section 6 of this Part. 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. D-2. Records of bonds issued kept by 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. D-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

Sec. D-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Education, the Department of Economic and Community Development, the Maine State Cultural Affairs Council, the Small Enterprise Growth Board, the University of Maine and the

University of Maine System.

Sec. D-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Provides funds for the Maine Biomedical Research Fund to support capital infrastructure and equipment in anticipation of approximately \$36,000,000 in federal and private funds. Eligible institutions are those delineated in the Maine Revised Statutes, Title 5, section 13103. \$8,000,000

Provides funds for the Marine Infrastructure and Technology Fund administered by the Maine Technology Institute to match \$4,000,000 in federal and private funding for competitive capital infrastructure grants to nonprofit marine research laboratories, institutions and state governmental and quasi-governmental agencies. Eight hundred fifty thousand dollars is set aside to purchase the property known as Black Duck Cove on Great Wass Island to serve as the home of the Downeast Institute for Applied Marine Research and Education. If the institute receives \$1,000,000 or more from the Federal Government for this purpose, then the funds set aside are to be awarded as competitive grants. \$4,000,000

SMALL ENTERPRISE GROWTH BOARD

Provides funds for the Small Enterprise Growth Fund to make equity investments in small Maine companies with the potential for high growth to leverage funds of at least \$1,000,000. \$1,000,000

MAINE STATE CULTURAL AFFAIRS COUNCIL

Provides funds for the New Century Community Program in anticipation of \$3,000,000 in matching funds to invest in capital improvements improving cultural assets, including libraries, museums, historical buildings, theaters and arts facilities. \$1,000,000

DEPARTMENT OF EDUCATION

Provides funds for the development of the Sunrise Business and Career Center in the Town of Jonesboro. \$1,000,000

UNIVERSITY OF MAINE

Provides funds for the Laboratory for Surface Science Technology. \$2,000,000

Provides funds to renovate Camden Hall on the University of Maine Bangor campus for a graduate school for biomedical science. \$1,000,000

UNIVERSITY OF MAINE SYSTEM

Provides funds for the career center facility at the University of Southern Maine's Lewiston-Auburn College. Funds will be used for capital costs and equipment for the center. \$2,000,000

Sec. D-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. D-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. D-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 Part, 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. D-10. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held on the Tuesday following the first Monday 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 Part by voting on the following question:

"Do you favor a \$20,000,000 bond issue to stimulate economic growth and job creation through investments in the Maine economy in anticipation of approximately \$44,000,000 in federal and private funds for medical research and development; marine research and development; equity investments in small Maine companies with potential for high growth; the New Century Community Program for capital improvements to cultural resources; the renovation of Camden Hall on the University of Maine Bangor campus for a graduate school for biomedical science; the development of the Laboratory for Surface Science Technology; capital costs and equipment for the career center facility at the University of Southern Maine's Lewiston-Auburn College; and the development of the Sunrise Business and Career Center in the Town of Jonesboro?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.

PART E

Sec. E-1. Authorization of bonds. 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 \$9,000,000 for the purposes described in section 6 of this Part. 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. E-2. Records of bonds issued kept by 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. E-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

Sec. E-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the University of Maine System, the University of Southern Maine and the Maine Community College System.

Sec. E-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

UNIVERSITY OF MAINE SYSTEM

Provides funds for building renovations on campuses of the University of Maine System.	\$2,000,000
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UNIVERSITY OF SOUTHERN MAINE

Provides funds to improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine to match \$4,000,000 in private funding.	\$2,000,000
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MAINE COMMUNITY COLLEGE SYSTEM

Provides funds for building renovations at community college campuses.	\$5,000,000
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Sec. E-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. E-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. E-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 Part, 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. E-10. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held on the Tuesday following the first Monday 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 Part by voting on the following question:

"Do you favor a \$9,000,000 bond issue to make building renovations at campuses of the University of Maine System, improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine and make building renovations at campuses of the Maine Community College System?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.

PART F

Sec. F-1. Authorization of bonds. 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 \$8,900,000 for the purposes described in section 6 of this Part. 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. F-2. Records of bonds issued kept by 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. F-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

Sec. F-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection, the Department of Health and Human Services and the University of Maine System.

Sec. F-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

Provides funds for sustainable water sources and irrigation system development to leverage private funds of \$800,000.	\$1,000,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Provides funds for a wastewater state revolving fund to be matched by \$13,000,000 in other funds.	\$2,600,000
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Provides funds for loans and grants for construction and improvements in the Small Community Grants program.	\$1,000,000
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Provides funds for grants and low-interest loans to construct and upgrade public water systems matched by \$17,500,000 in federal funds.	\$3,500,000
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UNIVERSITY OF MAINE SYSTEM

Provides funds for the repair and improvement of the Witter Veterinary Technician Facility at the University of Maine. \$800,000

Sec. F-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. F-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. F-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 Part, 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. F-10. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held on the Tuesday following the first Monday 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 an \$8,900,000 bond issue for purposes related to agriculture and the environment in anticipation of approximately \$31,000,000 in federal funds to be used for sustainable water sources and irrigation system development, loans from a wastewater state revolving fund, grants from a small community grants program, support of public water system improvements and repairs and improvements to a veterinary technician facility at the University of Maine?"

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 this Act, the Governor shall proclaim the result without delay, and this 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.

INTENT AND CONTENT

QUESTION 2: Bond Issue

This Act would authorize the State to issue bonds in an amount not to exceed \$33,100,000 to raise funds for a variety of transportation projects. The bonds would run for a period not longer than 10 years from the date of issue and would be backed by the full faith and credit of the State.

Proceeds of the sale of the bonds would be expended by the Department of Transportation for the following projects in the following amounts: \$27,000,000 on highway and bridge improvements; \$3,500,000 for improvements to state-owned ferries and ferry and port facilities, including rebuilding the bulkhead at the Gulf of Maine Research Institute and the pier at Fort Preble in South Portland; \$1,700,000 on airport projects, including \$450,000 for the Presque Isle Airport, \$250,000 for small airport projects and \$1,000,000 for all other airports; \$500,000 on transit and bus facilities; and \$400,000 to support local community bicycle and pedestrian trails. These projects would be matched by federal funds.

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

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

A "YES" vote approves authorization of a \$33,100,000 bond issue to finance all of the above activities.

A "NO" vote disapproves the bond issue in its entirety.

Total estimated life time cost is **\$42,930,700** representing **\$33,100,000** in principal and **\$9,830,700** in interest (assuming interest at 5.4% over 10 years).

QUESTION 3: Bond Issue

This Act would authorize the State to issue bonds in an amount not to exceed \$8,900,000 for a variety of agricultural and environmental projects. The bonds would run for a period not longer than 10 years from the date of issue and would be backed by the full faith and credit of the State.

The Department of Agriculture, Food and Rural Resources would expend \$1,000,000 of the proceeds of the sale of the bonds in grants to farmers to subsidize the development of crop irrigation systems and sustainable water sources. It is anticipated that an additional \$800,000 in private funds would be invested in these projects.

The Department of Environmental Protection would expend \$3,600,000 of the proceeds of the sale of the bonds as follows:

- \$2,600,000 would go into an existing State Revolving Loan Fund, to be matched by \$13,000,000 in federal funds, and distributed as low interest loans to municipalities to repair, improve or upgrade wastewater treatment facilities; and
- \$1,000,000 would be distributed in grants to municipalities to remove and replace failing septic systems through the existing Small Communities Grant Program.

The Department of Health and Human Services would expend \$3,500,000 of the bond proceeds in grants and low interest loans to eligible public water systems, through Maine's Safe Drinking Water Revolving Loan Fund, to construct and upgrade public drinking water systems. These funds would be matched by \$17,500,000 in federal funds.

The University of Maine System would expend the remaining \$3,500,000 of the bond proceeds to make repairs and improvements to the University's livestock research and teaching facility at the J.F. Witter Center in Old Town, Maine.

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

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

A "YES" vote approves authorization of a \$8,900,000 bond issue to finance all of the above activities.

A "NO" vote disapproves the bond issue in its entirety.

Total estimated life time cost is **\$11,543,300** representing **\$8,900,000** in principal and **\$2,643,300** in interest (assuming interest at 5.4% over 10 years).

QUESTION 4: Bond Issue

This Act would authorize the State to issue bonds in an amount not to exceed \$20,000,000 to raise funds for a variety of purposes as reflected in the question. The bonds would run for a period not longer than 10 years from the date of issue 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 would be placed in the Maine Biomedical Research Fund, administered by the Maine Biomedical Research Board, and used to finance investments in equipment and capital infrastructure for biomedical research at Maine-based private nonprofit research institutions, academic medical centers and medical schools deemed eligible in accordance with Title 5, section 13103 of the Maine Revised Statutes.
- \$4,000,000 would be placed in the Marine Infrastructure and Technology Fund, administered by the Maine Technology Institute, and used to fund grants awarded through a competitive process to nonprofit marine research laboratories, institutions and state governmental or quasi-governmental agencies for capital infrastructure projects. These funds would be matched by \$4,000,000 in federal and private funding. Of the bond funds, \$850,000 would be set aside to purchase the property known as Black Duck Cove on Great Wass Island, located in the town of Beals, to serve as the home of the Downeast Institute for Applied Marine Research. If the Institute receives \$1,000,000 or more in federal funds for this land purchase, then the \$850,000 would be awarded as grants on a competitive basis.
- \$1,000,000 would be placed in the Small Enterprise Growth Fund, administered by the Small Enterprise Growth Board and the Finance Authority of Maine, and used to invest in qualifying small businesses that meet the criteria set forth in Title 10, section 386 of the Maine Revised Statutes, which include showing potential for high growth and public benefit.
- \$1,000,000 would be placed in the New Century Community Program Fund, administered by the Maine State Cultural Affairs Council, and used to provide matching grants to eligible nonprofit and community-based organizations for capital improvements to libraries, museums, historical buildings, theaters and arts facilities.

- The Department of Education would expend \$1,000,000 for the development of the Sunrise Business and Career Center in the Town of Jonesboro, to serve Washington County.
- The University of Maine would expend \$2,000,000 on equipment for the Laboratory for Surface Science & Technology, located at the Orono campus, plus \$1,000,000 to renovate Camden Hall on the University's Bangor campus for a graduate school for biomedical science.
- The University of Maine System would expend \$2,000,000 to finance capital improvements and equipment for the career center at the University of Southern Maine's Lewiston-Auburn College.

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

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

A "YES" vote approves authorization of a \$20,000,000 bond issue to finance all of the above activities.

A "NO" vote disapproves the bond issue in its entirety.

Total estimated life time cost is **\$25,940,000** representing **\$20,000,000** in principal and **\$5,940,000** in interest (assuming interest at 5.4% over 10 years).

QUESTION 5: Bond Issue

This Act would authorize the State to issue bonds in an amount not to exceed \$12,000,000 to raise funds for the acquisition of land and interests in land for conservation, water access, outdoor recreation, fish and wildlife habitat, farmland preservation and working waterfront preservation, subject to a number of conditions and requirements. The bonds would run for a period not longer than 10 years from the date of issue 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 and supervision of the Land for Maine's Future Board. Of the total proceeds, \$2,000,000 must be made available to protect working waterfront properties that support commercial fisheries businesses, in accordance with the Maine Working Waterfront Access Pilot Program enacted contingent upon voter approval of this bond issue; \$1,000,000 must be made available to acquire public access to water in accordance with the statutory provisions of Title 5, section 6203-A; and \$1,000,000 must be made available to protect farmland in accordance with Title 5, section 6207. With the exception of working waterfront projects and unless required by applicable federal, state or local laws, hunting, fishing, trapping and public access may not be prohibited on lands acquired with these bond proceeds. In acquiring land or interests in land of local or regional significance, the Land for Maine's Future Board is required to give preference to acquisitions that achieve benefits for multiple towns and address regional conservation needs.

Bond funds expended for conservation, recreation, farmland and public access to water must be matched with at least \$5,000,000 in public and private contributions, 70% of which must be in the form of cash or other tangible assets. Any grants from the bond proceeds that are awarded by the Land for Maine's Future Board for working waterfront projects must be matched, dollar for dollar, by the local governments or organizations receiving the grants and must be made subject to a condition that the property may not be used, altered or developed in a manner that precludes its use by commercial fisheries businesses. The Board also is required to retain a right of first refusal on any waterfront property acquisition.

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

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

A "YES" vote approves authorization of a \$12,000,000 bond issue to finance all of the above activities.

A "NO" vote disapproves the bond issue in its entirety.

Total estimated life time cost is **\$15,564,000** representing **\$12,000,000** in principal and **\$3,564,000** in interest (assuming interest at 5.4% over 10 years).

QUESTION 6: Bond Issue

This Act would authorize the State to issue bonds in an amount not to exceed \$9,000,000 for building renovation and construction projects at higher education facilities in Maine. The bonds would run for a period not longer than 10 years from the date of issue and would be backed by the full faith and credit of the State.

Proceeds of the sale of the bonds in the amount of \$5,000,000 would be expended by the Maine Community College System for repairs and improvements to the facilities at several community college campuses around the state; and an additional

\$2,000,000 would be expended by the University of Maine System for the renovation of buildings on several university campuses. Proceeds of the sale of bonds in the amount of \$2,000,000 would be expended by the University of Southern Maine (USM) to build a facility on USM's Portland campus for the Osher Lifelong Learning Institute, which provides courses for Maine citizens age 55 and older. If the bond issue is approved, this \$2,000,000 would be matched by \$4,000,000 in private foundation funds.

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

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

A "YES" vote approves authorization of a \$9,000,000 bond issue to finance all of the above activities.

A "NO" vote disapproves the bond issue in its entirety.

Total estimated life time cost is **\$11,673,000** representing **\$9,000,000** in principal and **\$2,673,000** in interest (assuming interest at 5.4% over 10 years).

Question 7: Constitutional Amendment

Do you favor amending the Constitution of Maine to permit the Legislature to authorize waterfront land used for commercial fishing activities to be assessed based on the land's current use in a manner similar to treatment now available for farms, open space and forestland?

STATE OF MAINE

CHAPTER 1

Constitutional Resolutions of 2005

Approved March 9, 2005

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

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

Constitution, Art. IX, §8, sub-§2 is amended to read:

2. Assessment of certain lands based on current use; penalty on change to higher use. The Legislature shall have power to provide for the assessment of the following types of real estate whenever situated in accordance with a valuation based upon the current use thereof and in accordance with such conditions as the Legislature may enact:

- A. Farms and agricultural lands, timberlands and woodlands;
- B. Open space lands which are used for recreation or the enjoyment of scenic natural beauty; and
- C. Lands used for game management or wildlife sanctuaries; and
- D. Waterfront land that is used for or that supports commercial fishing activities.

In implementing paragraphs A, B and C and D, the Legislature shall provide that any change of use higher than those set forth in paragraphs A, B and C and D, except when the change is occasioned by a transfer resulting from the exercise or threatened exercise of the power of eminent domain, shall result in the imposition of a minimum penalty equal to the tax which would have been imposed over the 5 years preceding that change of use had that real estate been assessed at its highest and best use, less all taxes paid on that real estate over the preceding 5 years, and interest, upon such reasonable and equitable basis as the Legislature shall determine. Any statutory or constitutional penalty imposed as a result of a change of use, whether imposed before or after the approval of this subsection, shall be determined without regard to the presence of minerals, provided that, when payment of the penalty is made or demanded, whichever occurs first, there is in effect a state excise tax which applies or would apply to the mining of those minerals.

; and be it further

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 statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the

following question:

"Do you favor amending the Constitution of Maine to permit the Legislature to authorize waterfront land used for commercial fishing activities to be assessed based on the land's current use in a manner similar to treatment now available for farms, open space and forestland?"

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 of Maine 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 purposes of this referendum.

INTENT AND CONTENT

This proposed constitutional amendment would authorize the Legislature to provide for the property tax assessment of waterfront land that is used for or supports commercial fishing activities based upon the value of its current use. Maine's Constitution already authorizes this alternative method of property tax assessment for farmlands, woodlands, game management areas and wildlife sanctuaries, and open space lands used for recreation or the enjoyment of scenic natural beauty. In exercising this authority, the Legislature would have to provide for a minimum penalty, in the event of a change of use of the waterfront land, equal to the additional property taxes that the owner would have paid over the preceding five years if the property had been assessed based on its highest and best use.

A "YES" vote approves the constitutional amendment.

A "NO" vote disapproves the constitutional amendment.

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