

**Maine Citizen's Guide to the
Referendum Election**

Tuesday, November 5, 2019



**In Accordance with
the Acts Passed by the 129th Legislature
at the First Regular Session and the First Special Session**

**Matthew Dunlap
Secretary of State**

Appropriation 010-29A-4213-012

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

Dear Fellow Citizen,

The information in this booklet is intended to help voters learn about the questions that will appear on the November 5, 2019 Referendum Election ballot. Referendum elections are an important part of the heritage of public participation in Maine.

Inside this booklet, you will find:

- ◆ the referendum questions;
- ◆ the legislation each question represents;
- ◆ a summary of the intent and content of the legislation;
- ◆ an explanation of the significance of a “yes” or “no” vote;
- ◆ an analysis of the debt service on the bond issues; and
- ◆ an estimate of the fiscal impact of each referendum question on state revenues, appropriations and allocations.

For information about how and where to vote, please contact your local Municipal Clerk or call Maine’s Division of Elections at 624-7650. Information is also available online at www.maine.gov/sos.

The Department of the Secretary of State, the Attorney General, the State Treasurer and the Office of Fiscal and Program Review have worked together to prepare this booklet of information and we hope you find it helpful.

Sincerely,



Matthew Dunlap
Secretary of State

State of Maine
Referendum Election, November 5, 2019
Listing of Referendum Questions

Question 1: Bond Issue

Do you favor a \$105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated \$137,000,000 in federal and other funds?

Question 2: Constitutional Amendment

Do you favor amending the Constitution of Maine to allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature?

Treasurer's Statement

The State of Maine borrows money by issuing bonds. General Obligation bonds are backed by the full faith and credit of the State and must be submitted statewide to the voters for approval.

Once approved, the Treasurer issues bonds as needed to fund the approved bond projects and uses a rapid 10-year repayment of principal strategy to retire the debt.

If the bond proposals on the ballot in November 2019 are approved by the voters, general obligation debt service as a percentage of the State's General Fund, Highway Fund and Revenue Sharing appropriations is expected to be 2.70% in FY20 and 3.07% in FY21.

The following is a summary of general obligation bond debt of the State of Maine as of **September 30, 2019**.

Bonds Outstanding (Issued and Maturing through 2029):

| | <u>Principal</u> | <u>Interest</u> | <u>Total</u> |
|--------------|------------------|-----------------|----------------|
| Highway Fund | \$ 9,820,000 | \$ 500,168 | \$ 10,320,168 |
| General Fund | 533,580,000 | 109,533,743 | 643,113,743 |
| Total | \$ 543,400,000 | \$ 110,033,911 | \$ 653,433,911 |

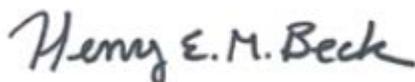
Unissued Bonds Authorized by Voters: \$ 103,638,697

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

Total Authorized but Unissued Bonds: \$ 202,638,697

The total amount that must be paid in the present fiscal year for bonded debt already outstanding (for FY2020): \$ 109,936,486

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 **\$133,875,000.00**, representing **\$105,000,000.00** in principal and **\$28,875,000.00** in interest.



Henry E.M. Beck, Esq.
Treasurer of State

Question 1: Bond Issue

Do you favor a \$105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated \$137,000,000 in federal and other funds?

**STATE OF MAINE
Chapter 532
Public Laws of 2019
Approved August 30, 2019**

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 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 \$105,000,000 for the purposes described in section 5 of this Act. 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.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

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

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

**TRANSPORTATION, DEPARTMENT
OF**

Provides funds to construct, reconstruct, rehabilitate and preserve Priority 1, Priority 2 and Priority 3 state highways under the Maine Revised Statutes, Title 23, section 73, subsection 7 and associated improvements, to replace and rehabilitate bridges and to fund the municipal partnership initiative.

Total \$85,000,000

Provides funds for facilities or equipment related to freight and passenger railroads, transit, ports, marine transportation, aviation and bicycle and pedestrian improvements that preserve public safety or otherwise have demonstrated high transportation value including property acquisition.

Total \$15,000,000

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Provides funds for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and increase community safety. Eligible project sponsors include local governments, municipal conservation commissions, soil and water conservation districts and private nonprofit organizations. A proposal for funding from an eligible project sponsor must include a map and summary of the proposed project, describing how it meets the following criteria:

1. Contribution to competitive grant program goals. The extent to which the proposed project allows communities to more effectively prepare for storm and flood events and advances the goals of restoring habitat for fish, including sea-run fish and native brook trout; and
2. Cost-effectiveness. The extent to which the proposed project represents an efficient and cost-effective investment, including the proportion of total project funding that will be provided from other sources and the potential avoided costs associated with the proposed project. Funds may not be used to cover all of the costs associated with a proposed project.

Total \$4,000,000

**ECONOMIC AND COMMUNITY
DEVELOPMENT, DEPARTMENT OF**

Provides funds for the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation as secured access and berthing for commercial fishing vessels and to support vessels for marine research at sea that supports continued long-term marine job development.

Total \$1,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. 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 the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated \$137,000,000 in federal and other 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. 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
Prepared by the Office of the Attorney General

This Act would authorize the State to issue general obligation bonds in an amount not to exceed one hundred and five million dollars (\$105,000,000), to raise funds for transportation projects as described below. 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.

One hundred million dollars (\$100,000,000) in proceeds from the sale of these bonds would be administered by the **Department of Transportation** for the following purposes:

Highways, secondary roads and bridges – eighty-five million dollars (\$85,000,000) would be expended to:

- construct, reconstruct or rehabilitate state highways that have been designated as Priority 1, 2 or 3 by the Department of Transportation in accordance with state statute (23 M.R.S. § 73(7));
- replace and rehabilitate bridges; and
- repair secondary roads in partnership with municipalities pursuant to the existing Municipal Partnership Initiative program.

Municipalities are required to contribute 50% or more of the project costs under the Municipal Partnership Initiative program, which is described on the Department's web site at <http://maine.gov/mdot/planning/>. Highway and bridge projects are matched with federal funds on a ratio of 1.1 to 1 (federal to state) dollars.

Multi-modal projects – Fifteen million dollars (\$15,000,000) would be expended on facilities and equipment, including property acquisition, related to freight and passenger railroads, transit (public transportation), ports, marine transportation, aviation, and bicycle and pedestrian improvements. The intent is to fund projects that preserve public safety or otherwise demonstrate high transportation value.

The bond proceeds for the above categories of projects are expected to be matched by one hundred and thirty-seven million dollars (\$137,000,000) in federal and local matching funds.

Four million dollars (\$4,000,000) in proceeds from the sale of these bonds would be administered by the **Department of Environmental Protection** to fund a competitive grant program to upgrade or replace municipal culverts at stream crossings in order to improve fish and wildlife habitats, reduce flood hazards and improve storm water management. Local governments, municipal conservation commissions, soil and water conservation districts and private nonprofit organizations would be eligible to apply for these grants and would be required to provide some matching funds. Project proposals will be evaluated based on criteria including the extent to which the project will allow communities to more effectively prepare for storm and flood events; how well the project will advance the goals of restoring fish habitat; and how cost-effective the investment will be based on the proportion of total funding that will come from other sources and what other potential costs will be avoided.

One million dollars (\$1,000,000) in proceeds from the sale of these bonds would be administered by the **Department of Economic and Community Development** to fund the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland so that those facilities can be used as a berth for commercial fishing vessels as well as vessels used for marine research that will support long-term development of marine-related jobs.

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

A "Yes" vote approves the issuance of up to one hundred and five million dollars (\$105,000,000) in general obligation bonds to finance transportation-related activities.

A "No" vote opposes the bond issue in its entirety.

Debt Service

Prepared by the Office of the Treasurer

Total estimated life time cost is **\$133,875,000**, representing **\$105,000,000** in principal and **\$28,875,000** in interest (assuming interest at 5% over 10 years).

Fiscal Impact Statement

Prepared by the Office of Fiscal and Program Review

This bond issue has no significant fiscal impact other than the debt service costs identified above.

Public Comments

No public comments were filed in support of or in opposition to Question 1.

Question 2: **Constitutional Amendment**

Do you favor amending the Constitution of Maine to allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature?

STATE OF MAINE

“RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities”

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

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

Section 20. Meaning of words "electors," "people," "recess of Legislature," "statewide election," "measure," "circulator," and "written petition"; written petitions for people's veto; written petitions for direct initiative. As used in any of the 3 preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "statewide election" means any election held throughout the State on a particular day; "measure" means an Act, bill, resolve or resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners, or, as authorized by law, the alternative signatures of persons with physical disabilities that prevent them from signing their own names. attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list or to certify signatures on petitions for voters on the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of the city, town or plantation of the official as qualified to vote for Governor. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be filed in the office of the Secretary of State, or, if such 10th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Such officials must complete the certification of only those petitions submitted by these deadlines and must return them to the circulators or their agents within 2 days for a petition for a people's veto and within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. Signatures on petitions not submitted to the appropriate local or state officials by these deadlines may not be certified. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed and notarized and submitted to the office of the

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

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month 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 allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature?”

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. 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.

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
Prepared by the Office of the Attorney General

This proposal would amend Maine’s Constitution to allow voters who have physical disabilities that prevent them from signing their own names to use an alternative method of signing a citizens’ initiative or people’s veto petition. The alternative method would be defined by statute.

The Maine Constitution (in Article IV, part 3, section 20) currently provides that a “written petition” for a citizens’ initiative or a people’s veto referendum must contain “original signatures of the petitioners.” This definition prevents voters who are physically unable to write an original signature from signing these types of petitions.

Maine election law (Title 21-A, section 153-A of the Maine Revised Statutes) already allows a voter who is unable to sign his or her own name to sign a voter registration application, a change of party enrollment form, candidate nomination petitions, and Maine Clean Election Act forms by using a signature stamp or by authorizing another Maine-registered voter to sign on the voter’s behalf – in the voter’s presence and at the direction of the voter. Adoption of the proposed constitutional amendment would authorize the Legislature to expand the scope of this election statute or to adopt a different alternative method that would allow voters with certain physical disabilities to sign citizens’ initiative petitions and people’s veto petitions.

A “Yes” vote approves adoption of the constitutional amendment.

A “No” vote opposes adoption of the constitutional amendment.

Fiscal Impact Statement
Prepared by the Office of Fiscal and Program Review

If approved by the voters, this amendment to the Constitution of Maine will allow persons with physical disabilities that prevent them from signing their own names to use alternative signatures when signing petitions. This accommodation is not expected to create additional costs for the State or for local units of government.

Public Comments

No public comments were filed in support of or in opposition to Question 2.