Maine Citizen's Guide to the

Referendum Election

Tuesday, November 2, 2021

In Accordance with
the April 8, 2021 Proclamation of the Governor
and with the Acts Passed by the 130th Legislature
at the First Special Session

Shenna Bellows
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 2, 2021 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;
- an estimate of the fiscal impact of each referendum question on state revenues, appropriations and allocations; and
- public comments filed in support of or in opposition to each ballot measure.

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,

Shenna Bellows

Shenna Bellows
Secretary of State

State of Maine
Referendum Election, November 2, 2021
Listing of Referendum Questions

Question 1: Citizen's Initiative

Do you want to ban the construction of high-impact electric transmission lines in the Upper Kennebec Region and to require the Legislature to approve all other such projects anywhere in Maine, both retroactively to 2020, and to require the Legislature, retroactively to 2014, to approve by a two-thirds vote such projects using public land?

Question 2: Bond Issue

Do you favor a $100,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit facilities and ports and make other transportation investments, to be used to leverage an estimated $253,000,000 in federal and other funds?

Question 3: Constitutional Amendment

Do you favor amending the Constitution of Maine to declare that all individuals have a natural, inherent and unalienable right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being?

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 2021 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 2.45% in FY22 and 2.56% in FY23.

The following is a summary of general obligation bond debt of the State of Maine as of **October 30, 2021**.

Bonds Outstanding (Issued and Maturing through 2031):

	Principal	Interest	Total
Highway Fund	$ 0	$ 0	$ 0
General Fund	589,665,000	117,986,658	707,651,658
Total	$ 589,665,000	$ 117,986,658	$ 707,651,658

Unissued Bonds Authorized by Voters:	**$ 67,130,000**
Unissued Bonds Authorized by the Constitution:	**$ 99,000,000**
Total Authorized but Unissued Bonds:	**$ 166,130,000**
The total amount that must be paid in the present fiscal year for bonded debt already outstanding (for FY2022):	**$ 110,528,908**

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 **$127,500,000.00**, representing **$100,000,000.00** in principal and **$27,500,000.00** in interest.

Henry E.M. Beck

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

Question 1: Citizen's Initiative

Do you want to ban the construction of high-impact electric transmission lines in the Upper Kennebec Region and to require the Legislature to approve all other such projects anywhere in Maine, both retroactively to 2020, and to require the Legislature, retroactively to 2014, to approve by a two-thirds vote such projects using public land?

STATE OF MAINE

"An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region"

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

Sec. 1. 12 MRSA §1852, sub-§4, as enacted by PL 1997, c. 678, §13 and amended by PL 2013, c. 405, Pt. A, §24, is further amended to read:

4. Lease of public reserved land for utilities and rights-of-way. The bureau may lease the right, for a term not exceeding 25 years, to:

A. Set and maintain or use poles, electric power transmission and telecommunication transmission lines and facilities, roads, bridges and landing strips;

B. Lay and maintain or use pipelines and railroad tracks; and

C. Establish and maintain or use other rights-of-way.

Any such poles, transmission lines and facilities, landing strips, pipelines and railroad tracks under this subsection are deemed to substantially alter the uses of the land within the meaning of the Constitution of Maine, Article IX, Section 23, and a lease or conveyance for the purpose of constructing and operating such poles, transmission lines and facilities, landing strips, pipelines and railroad tracks under this subsection may not be granted without first obtaining the vote of 2/3 of all the members elected to each House of the Legislature.

Notwithstanding Title 1, section 302 or any other provision of law to the contrary, this subsection applies retroactively to September 16, 2014.

Sec. 2. 35-A MRSA §3131, sub-§4-A, as enacted by PL 2009, c. 655, Pt. A, §3, is amended to read:

4-A. High-impact electric transmission line. "High-impact electric transmission line" means a transmission line greater than 50 miles in length ~~that is not located in a statutory corridor, as defined in section 122, subsection 1, paragraph F-4, or a petitioned corridor, as defined in section 122, subsection 1, paragraph D-1, and~~ that is:

A. Constructed to transmit direct current electricity; or

B. Capable of operating at 345 kilovolts or more and:

(1) Is not a generator interconnection transmission facility as defined in section 3132, subsection 1-B; and

(2) Is not constructed primarily to provide electric reliability, as determined by the commission.

Sec. 3. 35-A MRSA §3132, sub-§6-A, as enacted by PL 2009, c. 655, Pt. A, §5, is amended to read:

6-A. High-impact electric transmission line; certificate of public convenience and necessity. The commission shall evaluate and render a decision on any petition for a certificate of public convenience and necessity for a high-impact transmission line ~~in accordance with section 122, subsection 1-D~~.

Sec. 4. 35-A MRSA §3132, sub-§6-C is enacted to read:

6-C. High-impact electric transmission line; legislative approval. In addition to obtaining a certificate of public convenience and necessity, a high-impact electric transmission line may not be constructed anywhere in the State without first obtaining the approval of the Legislature, except that any high-impact electric transmission line crossing or utilizing public lands designated by the Legislature pursuant to Title 12, section 598-A is deemed to substantially alter the land and must be approved by the vote of 2/3 of all the members elected to each House of the Legislature.

Sec. 5. 35-A MRSA §3132, sub-§6-D is enacted to read:

6-D. High-impact electric transmission line; geographic prohibition. Notwithstanding subsection 6-C, a high-impact electric transmission line may not be constructed in the Upper Kennebec Region. For the purpose of this subsection, "Upper Kennebec Region" means the approximately 43,300 acres of land located between the Town of Bingham and Wyman Lake, north along the Old Canada Road, Route 201, to the Canadian border, and eastward from the Town of Jackman to encompass Long Pond and westward to the Canadian border, in Somerset County and Franklin County.

Sec. 6. 35-A MRSA §3132, sub-§6-E is enacted to read:

6-E. Retroactivity. Notwithstanding Title 1, section 302 or any other provision of law to the contrary, subsections 6-C and 6-D apply retroactively to September 16, 2020 and apply to any high-impact electric transmission line the construction of which had not commenced as of that date.

SUMMARY

This initiated bill requires the approval of the Legislature for the construction of high-impact electric transmission lines and provides that high-impact electric transmission lines crossing or utilizing public lands must be approved by 2/3 of all the members elected to each House of the Legislature. This initiated bill also prohibits the construction of high-impact electric transmission lines in the Upper Kennebec Region. These provisions apply retroactively to September 16, 2020, the date of filing of this initiative.

This initiated bill also requires the approval of 2/3 of all the members elected to each House of the Legislature for any use of public lands for transmission lines and facilities and certain other projects. This provision applies retroactively to September 16, 2014.

Intent and Content
Prepared by the Office of the Attorney General

This citizen-initiated bill would make a number of changes and additions to state laws governing the lease of public reserved lands and the construction of electric transmission lines. These statutory changes are intended to ban construction of a certain type of electric transmission line in a particular region of Franklin and Somerset Counties and require legislative approval of certain leases of public reserved land and electric transmission line projects throughout Maine.

The initiated bill contains six sections:

***Supermajority Legislative Approval Required for Certain Leases of Public Reserved Lands* (Section 1).** Current law permits the Bureau of Parks and Public Lands to lease public reserved land for a term of up to 25 years for the following utilities and rights of way: poles, electric power and telecommunication transmission facilities, roads, bridges, landing strips, pipelines, and railroad tracks. The initiated bill would amend the list of covered projects to change "electric power transmission and telecommunication transmission facilities" to "electric power transmission and telecommunication transmission lines and facilities." It would further require that leases for such transmission lines and facilities, as well as for poles, landing strips, pipelines, and railroad tracks (though not roads and bridges) must be approved by a two-thirds vote of all the members of each House of the Legislature.

Article IX, § 23, of the Maine Constitution prohibits substantial alteration of the uses of certain types of state land except on the vote of two-thirds of the members of each House. The bill would deem the projects listed above to substantially alter the uses of the land within the meaning of the Constitution.

Retroactivity. Maine law generally provides that amending a law does not affect a proceeding already pending when the amendment was passed, including a pending application for a license or permit if review of the application has begun. The initiated bill provides that, notwithstanding this law and any other provision of law, the amended lease provision applies retroactively to September 16, 2014.

***Amended Definition of "High-Impact Electric Transmission Line"* (Section 2).** All of the remaining provisions of the initiated bill would regulate construction of a specific type of electric transmission line called a "high-impact electric transmission line." The initiated bill would alter the existing legal definition of that phrase.

Current law defines "high-impact electric transmission line" to mean a transmission line of more than 50 miles that either (a) is constructed to transmit direct current (DC) electricity or (b) is capable of operating at 345 kilovolts or more, is not a generator interconnection transmission facility, and is not constructed primarily to provide electric reliability. Current law excludes from the definition any line that is located in an energy infrastructure corridor. An energy infrastructure corridor was a geographic area within the State designated by statute or the Public Utilities Commission for the siting of energy infrastructure. The law authorizing and regulating such corridors expired by its own terms in 2017.

The initiated bill would alter the definition of "high-impact transmission line" by removing the exclusions for lines located within energy infrastructure corridors. The initiated bill would thus clarify that all lines meeting the remaining criteria are "high-impact transmission lines," regardless of where they are located.

***Modified Requirement for Public Utilities Commission Review of High-Impact Electric Transmission Lines* (Section 3).** Current law requires the Public Utilities Commission to decide whether to approve any proposed construction of high-impact electric transmission lines. The law further requires that the Commission, in making its determination, follow procedures set forth in the law governing energy infrastructure corridors that expired in 2017.

The initiated bill would keep the requirement that the Public Utilities Commission decide whether to approve construction of high-impact electric transmission lines but would repeal the requirement that the Commission must follow the expired law governing energy infrastructure corridors. Other applicable laws and rules governing the approval process for electric transmission lines would continue to apply.

***Legislative Approval Required for Construction of High-Impact Electric Transmission Lines* (Section 4).** The initiated bill would require the Legislature to approve construction of all high-impact electric transmission lines anywhere in Maine. This approval would be in addition to the approval required from the Public Utilities Commission.

The initiated bill would also require a vote by two-thirds of all the members of each House of the Legislature to approve any construction of high-impact electric transmission lines if the proposed lines would use or cross certain types of public land. An existing law sets forth the categories of public land that would trigger this requirement. Categories include state parks and historic sites, public reserved lands, state-owned wildlife management areas, and lands gifted to the State for conservation purposes.

This section deems construction of high-impact electric transmission lines using or crossing the designated categories of public lands to be a substantial alteration of the use of the land within the meaning of Article IX, § 23, of the Maine Constitution.

***No Construction of High-Impact Electric Transmission Lines in the Upper Kennebec Region* (Section 5).** The initiated bill would ban the construction of high-impact electric transmission lines within a region of Maine referred to in the bill as the "Upper Kennebec Region."

"Upper Kennebec Region" is not defined in current law. The initiated bill would define the "Upper Kennebec Region" to mean approximately 43,300 acres of land in Somerset and Franklin County. More specifically, it is the land located between the Town of Bingham and Wyman Lake, north along the Old Canada Road (Route 201) to the Canadian border, and eastward from the Town of Jackman to encompass Long Pond and westward to the Canadian border.

***Legislative Approval Requirement and Construction Ban Are Retroactive* (Section 6).** The initiated bill would make retroactive to September 16, 2020, the provisions banning construction of high-impact electric transmission lines in the Upper Kennebec Region and requiring legislative approval of such lines elsewhere in the State (including the supermajority requirement for lines crossing or using designated public lands). The bill states that those provisions will apply to any high-impact electric transmission line that had not begun construction by the September 16th date.

As with the provision governing leases for utilities and rights-of-way, this retroactivity provision applies notwithstanding the general state law exempting certain pending applications and other matters from statutory amendments and notwithstanding any other contrary provision of law.

A "YES" vote is to <u>enact</u> the initiated bill in its entirety.

A "NO" vote <u>opposes</u> the initiated bill in its entirety.

Fiscal Impact Statement

Prepared by the Office of Fiscal and Program Review

This citizen initiative would require the approval of 2/3 of all the members elected to each House of the Legislature for the construction of high-impact electric transmission lines in the State and for leases of public reserved lands for utilities and rights-of-way, retroactively applied to September 16, 2014. The initiative would also prohibit any construction of a high-impact electric transmission line in the Upper Kennebec region of the State that has not commenced construction by September 16, 2020.

A recent court decision has vacated the lease of certain land that would have generated at least $65,000 annually for the next 25 years to the Public Reserved Lands Management Fund managed by the Department of Agriculture, Conservation and Forestry (ACF). Without that decision, this initiative would have caused termination of that lease and necessitated renegotiation of it. With the lease already vacated, this initiative will still require any renegotiated lease to receive a vote of 2/3 of each House of the Legislature if the new use of the land is deemed to be substantially altered.

Any additional costs to the PUC or the ACF resulting from this initiative are within the scope of normal budgeted activities and are not anticipated to require supplemental appropriations or allocations. It is also assumed that any required legislative considerations and approvals would occur within currently planned sessions of the Legislature and could be absorbed within existing budgeted resources. Provisions prohibiting the construction of high-impact transmission lines in the Upper Kennebec region and those requiring retroactive Legislative approval of projects already approved by the PUC may result in litigation against the State initiated by the parties impacted. No estimate is made at this time on the potential cost to the Attorney General to defend or participate in such litigation.

Public Comments

Public Comment in Support of Question 1

Comment submitted by:
Vivian Mikhail, Treasurer
Mainers for Local Power
84 Marginal Way, Suite 600
Portland, ME 04101

Vote 'YES' on Question 1 to ban the Central Maine Power (CMP) New England Clean Energy Corridor and to provide legislative oversight for similar projects in the future.

Question 1 finally gives the public a vote on this project while ensuring that we have a voice, through our local legislators, on major high-impact transmission line projects in the future. It protects our public lands by re-affirming the Maine Constitution, righting a wrong dating back to the first illegal public lands lease granted to CMP for their corridor project in 2014.

Western Maine is home to the largest contiguous forest east of the Mississippi River. What we have here is unique and special. Let's preserve the way life should be and search out real climate solutions.

This destructive corridor will forever change western Maine. It will damage our environment, threaten heritage brook trout fisheries and do nothing to address climate change. It will cost Maine's biomass, tourism, renewable energy and forestry industries hundreds of jobs.

All of this to send power from Canada to Massachusetts.

While this project has been promoted as a climate change solution, the only green involved is the profit this corridor would export to two foreign corporations. Hydro-Quebec, owned 100 percent by a foreign government, would make $41 million per month and CMP would make $5 million per month for the project duration while the benefit package in today's dollars to Mainers averages just 11.5 cents per month.

Mainers' voices, and the voices of their elected lawmakers, have been silenced by unelected bureaucrats and multiple administrations. It is time that we are heard.

Join us in voting 'YES' on Question 1 to reject the CMP corridor because it's a bad deal for Maine.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Public Comment in Support of Question 1

Comment submitted by:
Darryl Wood, Treasurer
No CMP Corridor
PO Box 52
New Sharon, ME 04955

Vote yes on 1 to protect the environment

I am an outdoorsman who cares deeply about the environment. I would be behind the CMP corridor project if it was good for Maine and actually supported greenhouse gas reductions. It's not. It's an environmental scam designed to maximize profits for CMP.

If you do the research, claims of climate solutions by this project are questionable at best. There are multiple sources to research the damaging impacts of Hydro-Quebec's mega-dams. Dr. Brad Hager, PhD from MIT states, *"Studies show that there's an extremely wide range of greenhouse gas emissions from hydro, but six of Hydro Quebec's reservoirs are among the top 25 percent of greenhouse gas emitters of hydro plants worldwide."* Hager says their emissions, which come from decay of submerged trees and disturbed soils, range from that of a natural gas power plant to over twice those of coal power plants.

Pair Hydro-Quebec's emissions up with a permanent clearcutting of a massive swath of contiguous forest in western Maine, and it spells a recipe for environmental disaster. Perhaps that is why CMP sent 30 lobbyists to Augusta to fight a bill that would have studied this project's greenhouse gas reduction claims.

CMP obtained an illegal lease to cross our public lands and have repeatedly blocked the general public and our elected lawmakers from engaging in any sort of meaningful way on the permitting of this project. Allowing it to move forward sets a dangerous precedent that Maine is for sale, and that our laws are mere suggestions. That's not how we do things here in Maine.

Question 1 rights the wrongs of this project while ensuring transparency and accountability on similar high impact transmission line projects in the future.

Protect Maine's environment and preserve the way life should be by voting yes on Question 1.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Public comment in opposition to Question 1

Comment submitted by:
Richard Anderson
75 State Street
Portland, ME 04101

We have recently seen major renewable energy projects and policies established here in Maine, helping create clean energy infrastructure and jobs for the future.

Question 1 would roll back this progress by writing new laws after-the-fact, to retroactively block energy infrastructure projects that have undergone exhaustive review.

To be built in Maine, energy projects must undergo strict environmental and economic review by state and federal agencies. These reviews encourage participation by all interested parties, gathering information from them and from the general public. Facts are developed and applied to objective legal criteria to protect our environment, our economy, and the public good.

Question 1 asks Mainers to support a law that provides no new guidance on how to protect our wildlife, our ecosystems, or our economy. Instead, the bill removes permitting decisions from impartial experts and hands them over to the partisan politics of the state legislature.

People of good will can disagree over which infrastructure projects ought to be built here in Maine; but it would be reckless to dismantle the very process we have long and successfully used to learn the truth about these project proposals.

This is no way to make good Maine law. Vote NO! on Question 1.

Richard Anderson & Richard Barringer
Former Commissioners of the Maine Department of Conservation

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Public comment in opposition to Question 1

Comment submitted by:
Jonathan Breed, Principal Officer
Mainers for Fair Laws
PO Box 5380
Augusta, ME 04332

I'm voting NO on Question 1 and standing on the side of fairness for all Maine families, workers, and small businesses.

Question 1 has plenty of words for Mainers to sift through, but there is really only one word that matters: "retroactively." Applying a law retroactively—which is at the heart of this ballot question—sets a terrible precedent for our state that could harm small businesses, renewable energy, manufacturing, and other vital Maine industries. It would open the floodgates for politicians who want to target Maine people and businesses by making new laws that apply to events that have already happened—all to suit personal political agendas.

The principle that our laws should apply to the future and not the past is the foundation of any democracy that stands for the rule of law. Even in ancient times—as far back as the Romans—retroactive laws were banned. Even the framers of our founding documents put prohibitions on retroactive laws into the Constitution in multiple places, going so far as to say imposing them was "one of the hallmarks of tyranny."

Stability and predictability are what Mainers rely on so we can keep our way of life. But if we start passing retroactive laws and head down this slippery slope, simple elements of our everyday life—owning a small business, running a campground, or simply building an addition on your house—could be targeted after the fact by someone with an axe to grind.

The message we'd be sending to the businesses and workers we're trying so hard to attract would be heard loud and clear: don't come to Maine, don't invest in Maine, and don't hire Maine workers.

Vote NO on Question 1, because Mainers already have to deal with the uncertainty of the future—they shouldn't have to deal with uncertainty of the past, too.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Public comment in opposition to Question 1

Comment submitted by:
Thorn Dickenson, President
NECEC Transmission, LLC
162 Canco Road
Portland, ME 04103

I'm voting NO on Question 1 and standing on the side of the hundreds of Maine workers building the Clean Energy Corridor.

If Question 1 passes, it will not only cost Mainers jobs and money by retroactively blocking the New England Clean Energy Connect (NECEC), but it will also threaten potential future infrastructure projects.

This project is already creating real jobs for real Mainers. In fact, over 400 Mainers are already employed by the project, making an average of $38 an hour with benefits, at a time when people need them most.

The Clean Energy Corridor will also remove more than 3 million metric tons of carbon emissions every year. That's the equivalent of removing 700,000 cars from the road in our region, helping Maine and New England meet its clean energy goals.

The project will also save money for consumers and taxpayers. The Maine Department of Public Utilities concluded that the project could save Maine consumers $14-44 million every year in electricity costs. The project also includes $140 million in rate relief funds for Maine consumers, with another $50 million specifically for low-income consumers. Other direct financial benefits include: $18 million in tax revenue for host communities; 189 miles of new fiber optic cable and a $10 million fund for broadband expansion in rural communities; a $15 million fund for electric vehicle infrastructure; $15 million for heat pumps; and $6 million for scholarships for Maine students.

Maine will also receive renewable energy directly from the line – enough to power 70,000 Maine homes or 10,000 Maine businesses.

If we pass Question 1, all these benefits—clean energy, jobs, and money in Maine families' pockets--will be lost. Please join me in voting NO on Question 1 in November.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Question 2: Bond Issue

Do you favor a $100,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit facilities and ports and make other transportation investments, to be used to leverage an estimated $253,000,000 in federal and other funds?

STATE OF MAINE
Chapter 408
Public Laws of 2021
Approved July 6, 2021

An Act To Authorize General Fund Bond Issues To Improve Transportation

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 $100,000,000 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.

DEPARTMENT OF TRANSPORTATION

Provides funds to construct, reconstruct, rehabilitate and preserve state Priority 1, Priority 2 and Priority 3 corridor highways statewide, to replace and rehabilitate bridges statewide and to fund the municipal partnership initiative and for associated activities.

Total $85,000,000

Provides funds for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects and associated activities.

Total $15,000,000

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 $100,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit facilities and ports and make other transportation investments, to be used to leverage an estimated $253,000,000 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 $100 million, 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.

Proceeds from the sale of these bonds would be administered by the **Maine Department of Transportation** for the following purposes:

Highways and bridges – $85 million would be expended to:

- construct, reconstruct, rehabilitate, and preserve 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
- make improvements to state and state-aid highways in partnership with municipalities through the existing Municipal Partnership Initiative program, and for associated activities.

Under the Municipal Partnership Initiative program, municipalities are generally required to contribute 50% or more of the project costs, with the state contribution capped at $500,000, unless waived by the Commissioner. The program is described on the Department's web site at http://maine.gov/mdot/planning/. For highway and bridge projects, the federal government is expected to contribute approximately $2.50 for every $1 of state funding.

Multi-modal improvements – $15 million would be expended on facilities and equipment related to freight and passenger railroads, transit (public transportation), aviation, ports, harbors, marine transportation, and active transportation projects and associated activities. These projects are expected to receive varying ratios of federal or local matching funds, totaling approximately $49.5 million.

Overall, the bond proceeds for the above categories of projects are expected to be matched by approximately $253 million in federal and local matching funds.

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 $100,000,000 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 **$127,500,000** representing **$100,000,000** in principal and **$27,500,000** 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 opposition to Question 2.

Question 3: Constitutional Amendment

Do you favor amending the Constitution of Maine to declare that all individuals have a natural, inherent and unalienable right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being?

STATE OF MAINE
Chapter 1
Constitution Resolution of 2021
Approved July 2, 2021

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

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. I, §25 is enacted to read:

Section 25. Right to food. All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.

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 declare that all individuals have a natural, inherent and unalienable right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being?"

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 add a right to food to the Declaration of Rights in Article I of the Maine Constitution. The Declaration of Rights sets forth the natural, inherent, and unalienable rights of the people of Maine.

The proposed right to food would include the right of each individual to save and exchange seeds, and the right to grow, raise, harvest, produce, and consume the food of their own choosing for their own nourishment, sustenance, bodily health, and well-being. In addition to these features, the right to food may have other features not expressly described.

The proposed right would not protect trespassing, theft, or poaching. The right would also exclude other abuses of private property rights, public lands, or natural resources in the harvesting, production, or acquisition of food.

A "YES" vote would amend the Maine Constitution to add a right to food.

A "NO" vote opposes adoption of the constitutional amendment.

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

This constitutional amendment declaring that all individuals have a natural, inherent and unalienable right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being is not anticipated to create costs for, or impact the revenues of, the State or local units of government.

Public Comments

Public comment in support of Question 3

Comment submitted by:
Billy Bob Faulkingham
PO Box 121
Winter Harbor, ME 04693

America was founded on human rights: the right to speak out, to organize, to worship, to be armed, to be free from unwarranted search and seizures among others. But what we still haven't secured is the right to food. Rights are protections for the people not provisions from the government. The Right to Food is about the individual right to be free from hunger but it is NOT about securing free food from the government. Instead, it is about protecting the right of people to feed themselves in dignity, meaning that sufficient ability to produce food is available. It means that people have the means to grow or produce food without government interference, or prohibitions to meet their dietary needs for optimal health. Food is our life source and therefore is fundamental to our freedom and our pursuit of happiness.

The right to food will not limit or constrain other rights, including property rights. It does NOT allow a person to commit trespassing, theft, poaching or other abuses of private property rights or public lands in the harvesting, production or acquisition of food. Seed patents are secured.
People are hungry in every county and township across Maine. Above the national average, food insecurity in Maine hovers at around 14%. Maine has the highest food insecurity rate in New England.

People are hungry in Maine because they do not have sufficient income or stable employment. And with more than 90% of what Mainers eat coming from out of the state, our food systems are vulnerable to weaknesses in the national economy and infrastructure. The Right to Food will protect our ability to build resilient communities and strong local economies. With our abundance of natural resources and hard-working people, self-determined food systems are within our reach. By securing the right to food in our constitution, the capacity to grow and raise food will be protected in the most fundamental form of law.

The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.

Public comment in support of Question 3

Comment submitted by:
Senator Craig V. Hickman
194 Annabessacook Road
Winthrop, ME 04364

All power is inherent in the People.

Do the People have a fundamental right to save and exchange seeds to grow, raise and harvest the food of our own choosing?

Do the People have a fundamental right to obtain and consume the foods we wish for our own nourishment and sustenance?

Do the People have a fundamental right to our own bodily health and well-being?

Do the People have a fundamental right to be free from hunger and starvation?

When one in four children among us goes to bed hungry every night, we must do better. Maine has all the natural resources and the hard-working, independent-spirited people to produce, harvest and distribute enough food to feed our people, strengthen local economies, and create resilient communities.

State and federal agencies and courts have yet to recognize the right to food as a fundamental liberty right. But way back in 1888, in the case of Powell vs. Pennsylvania, Supreme Court Justice Stephen Field argued thusly:

> I have always supposed that the gift of life was accompanied with the right to seek and produce food, by which life can be preserved and enjoyed, in all ways not encroaching upon the equal rights of others... [The] right to procure healthy and nutritious food and to manufacture it, is among those inalienable rights, which no state can give, and no state can take away.... It is involved in the right to pursue one's happiness.

Wouldn't you agree? Then let us articulate a Right to Food explicitly in the Constitution of Maine.

Food is life. There's nothing more intimate than eating. Do we have a right to obtain the foods we wish, or don't we? It's really that simple. Let's put it in black and white. Let's put it in writing.

Let the People vote YES.

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Public comment in support of Question 3

Comment submitted by:
Heather Retburg, Board Member
Food for Maine's Future
192 Front Ridge Road
Penobscot, ME 04476

Question 3 is a tribute to small-scale food producers and all eaters, an expression of the fundamental rights to enjoy life, liberty, safety, and happiness.

Why is an individual Right to Food needed in Maine?
Power over our food supply is concentrated in a few individuals and corporations. Global companies dominate our food system and policy at the expense of our food self-sufficiency. This concentration of power threatens Mainers' individual rights to grow, raise, harvest, produce, and consume the food of our choosing now and in the future.

State constitutional amendments exist to protect the people and our individual rights. While our individual rights to free speech, to bear arms, and to be protected from unlawful searches and seizures are constitutionally protected in this country's Bill of Rights, our fundamental right to grow and raise food for our own nourishment, sustenance, bodily health, and well-being is not. The proposed amendment would shift the power to us and protect our individual right to food for present and future generations.

The language in the amendment is clear: the amendment conditions the right to food, including the right to save and exchange seeds, on legality. An individual cannot trespass, steal, or poach. The amendment's limiting language protects seed certification and ensures that individuals cannot sell seeds commercially. The amendment prohibits violating private property rights and abusing public lands or natural resources. This is particularly important for the right to food, as it ensures that individuals cannot use their right to food to the detriment of their neighbors or in a way that damages state property. With this limiting language, the proposed amendment carefully constructs a human rights framework that secures the individual rights of the people while cautiously guarding against abuse.

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Public comment in opposition to Question 3

Comment submitted by:
Beth Gallie, Chair
"Right to Food" Amendment Leaves a Bad Taste in Our Mouths Committee
PO Box 6683
Portland, ME 04101

Question 3 is a solution in search of a problem.
It is too vague and far-reaching to have a permanent place in Maine's Constitution.
Mainers concerned about hunger, responsible farming, local control, animal welfare, family farms, and clean air and water should vote NO on 3.

- Vote No on 3 because it's economic hardship that causes Mainers to experience hunger or food insecurity. Question 3 doesn't authorize a penny for the hungry.
- Vote No on 3 because this ambiguous constitutional amendment could give Monsanto and other international food conglomerates license to do whatever they want to our food.
- Vote No on 3 because this measure could strip away animal welfare standards in animal agriculture. This amendment is a "right to factory farming" and a "right to eat dogs, cats, and horses."
- Vote No on 3 because a "a right to food" could take away the power of local governments to provide proper health and safety, anti-pollution, and zoning standards.
- Vote No on 3 because it makes Maine the only state that puts a handful of judges in a position to determine the future of our food policy.
- Vote No on 3 because this measure could create confusion and invite legal challenges when it comes to enforcing Maine wildlife laws.
- Vote No on 3 because the architects of the amendment have not given Mainers a single good reason for this amendment to our Constitution.

When this measure came before the legislature, it was opposed by Maine Veterinary Medical Association, Maine Municipal Association, Maine Friends of Animals, Maine Farm Bureau, Maine Animal Coalition, Animal Rights Maine, and Maine Potato Board.

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Public comment in opposition to Question 3

Submitted by:
Gina Garey
Animal Wellness Action
127 Whitney Ave
Portland, ME 04102

Maine Groups, Agencies, and Private Citizens Raise Concerns at Legislative Hearing about LD 95 (Question 3 and the So-Called "Right to Food")

Maine Veterinary Medical Association (Katherine Soverel, Executive Director)
"The intention of the amendment is unclear, except to be designed to opening the door to all manner of animal abuse and neglect in the name of food."

Maine Municipal Association (Rebecca Graham, Legislative Advocate)
"...can strip a community, or this legislature, of the flexibility necessary to respond to fundamental human rights issues."

Maine Potato Board (Don Flannery, Executive Director)
"Those laws that are put in place with respect to pests and disease may no longer be in effect."

Animal Rights Maine (Melissa Gates, Founding Director)
"...LD95 presents serious threats that if passed, will significantly hinder the ability of the Maine State Legislature, State agencies, and citizens in efforts to protect public safety..."

Maine Farm Bureau (John Harker, Co-President)
"You don't need this constitutional amendment because the current constitution of Maine says we already have this right."

Maine Department of Agriculture, Conservation & Forestry (Emily Horton, Director of Policy and Community Engagement)
"...constitutional amendments will preempt state law and may be subject to legal interpretation going forward."

Maine Legislature Policy and Legal Analysis Office (Karen S. Nadeau, Legislative Analyst)
"The provision will eventually need to be interpreted by a judge in order to determine how this impacts presently existing laws and regulations."

Agricultural Council of Maine (Legislative report from Julie Ann Smith, Executive Director, Maine Farm Bureau)
"...if someone decides to raise animals for food and the Department cannot step in, health code laws and other laws would not be followed. Therefore, food safety is a big question."

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