

ELECTIONS - 2005 (Nov.)

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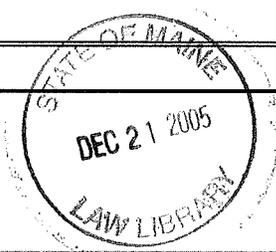
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## Maine Citizen's Guide to the Referendum Election

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](http://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

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**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
Highway Fund	\$ 47,825,000	\$ 5,873,179	\$ 53,698,179
General Fund	<u>\$439,110,000</u>	<u>\$74,483,496</u>	<u>\$513,593,496</u>
<b>Total</b>	<b>\$486,935,000</b>	<b>\$80,356,675</b>	<b>\$567,291,675</b>

**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?

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**STATE OF MAINE**

To the Governor of the State of Maine:

In accordance with Section 17 of Article IV, Part Third of the Constitution of the State of Maine, the undersigned electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified, hereby propose to veto Public Law 2005, Chapter 10, entitled "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation".

**APPROVED                      CHAPTER**  
**March 31, 2005                10**  
**BY GOVERNOR                PUBLIC LAW**

**IN THE YEAR OF OUR LORD**  
**TWO THOUSAND AND FIVE**

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**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 ~~4-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 ~~4-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 ~~4-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 ~~4-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 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 be~~ 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.

State of Maine



*WHEREAS, written petitions bearing the signatures of electors of this State, numbering in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 17, of the Constitution of Maine, were addressed to the Governor of the State of Maine and were filed in the office of the Secretary of State on or before the 90th day after the recess of the First Regular Session of the One Hundred and Twenty-second Legislature, requesting that the act entitled "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation," passed by the Legislature and signed by the Governor, be referred to the people; and*

*WHEREAS, Article IV, Part Third, Section 17, of the Maine Constitution provides that as soon as it appears that the effect of the Act has been suspended by petition, the Governor shall, by proclamation, order the Act referred to the people for referendum at the next statewide or general election not less than 60 days after such proclamation; and*

*NOW, THEREFORE, I, John Elias Baldacci, Governor of the State of Maine, in pursuance of the provisions of Article IV, Part Third, Section 17, of the Constitution of Maine, do hereby proclaim that an election shall be called for Tuesday, November 8, 2005, so that "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation" may be submitted to the people of this State for a referendum vote*



*IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed. Given under my hand at Augusta this fifteenth day of August in the year Two Thousand and Five*

*John Elias Baldacci*  
John Elias Baldacci  
Governor

*Matthew Dunlap*  
Matthew Dunlap  
Secretary of State

**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. .

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#### **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?

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*The bond issues denoted in Questions 2, 3, 4, 5 and 6 are contained within one single Legislative Act, as*

VF  
C-2



Matthew Dunlap  
Secretary of State

*Bureau of Corporations, Elections and Commissions*

*Department of  
the Secretary of State*

**State of Maine**



Julie L. Flynn  
Deputy Secretary of State

ELECTIONS - 2005  
(NOV.)

## Referendum Tabulation

*for the Election held on*

**November 8, 2005**

for

**People's Veto, Bond Issues and  
Constitutional Amendment**

Prepared by  
Bureau of Corporations, Elections and Commissions  
Elections Division

Appropriation 101 29A 4213 01  
101 State House Station, Augusta, Maine 04333-0101  
<http://www.maine.gov/sos/cec/elec>

## Statewide Referendum Results for the Election Held on 11-08-2005

Question #	Question Type	Question	Yes	No
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?	181,926	223,274
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?	270,486	130,352
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?	228,970	167,424
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?	232,563	165,607
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?	259,475	140,469
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?	193,077	195,939
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?	276,116	109,508