

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

**Tuesday, November 8, 2011**



**In Accordance with  
the July 8, 2011 and September 9, 2011  
Proclamations of the Governor and with the  
Acts Passed by the 125<sup>th</sup> Legislature  
at the First Regular Session**

**Charles E. Summers, Jr.  
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 educate voters about the questions that will appear on the November 8, 2011 Referendum Election ballot. Referendum elections are a vital part of the tradition of civic involvement in Maine. I hope you will help keep our democracy strong by reviewing this information before casting your ballot.

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](http://www.maine.gov/sos).

Within 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 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.

The Department of the Secretary of State, the Attorney General, the State Treasurer, and the Office of Fiscal and Program Review have collaborated in preparing this booklet. We hope you find it informative and we encourage you to exercise your right to vote this November.

Sincerely,



Charles E. Summers, Jr.  
Secretary of State



## Features in this Guide

Chapter 316 of the Public Laws of 2005, passed by the First Special Session of the 122<sup>nd</sup> Legislature, added several features to the Guide.

In addition to the Intent and Content summaries prepared by the Office of the Attorney General, and the Treasurer's Statement and analysis of the debt service on the bond issue, this Guide also includes an estimate of the fiscal impact of each statewide referendum on state revenues, appropriations and allocations. The fiscal impact estimate must summarize the aggregate impact that each ballot measure will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the state to local units of government.

In addition the Guide may also include public comments in support of or in opposition to each ballot measure. As required by this law, a person filing a public comment for publication must pay a fee of \$500 to the Secretary of State. Fees filed with public comments will be deposited in the Public Comment Publication Fund. The money in this fund must be used for the purpose of publishing the Secretary of State's Guide to the Referendum Election.

Pursuant to Chapter 316 of the Public Laws of 2005, the Secretary of State adopted rules regarding the publication of public comment by proponents and opponents of ballot measures. Chapter 520, Rules Regarding Publication of Public Comments on Statewide Referenda, are available on the Secretary of State's web site at:

<http://www.maine.gov/sos/cec/rules/29/250/250c520.doc>

**State of Maine  
Referendum Election, November 8, 2011  
Listing of Referendum Questions**

**Question 1: People's Veto**

Do you want to reject the section of Chapter 399 of the Public Laws of 2011 that requires new voters to register to vote at least two business days prior to an election?

**Question 2: Citizen Initiative**

Do you want to allow a slot machine facility at a harness racing track in Biddeford or another community within 25 miles of Scarborough Downs, subject to local approval, and at a harness racing track in Washington County, with part of the profits from these facilities going to support specific state and local programs?

**Question 3: Citizen Initiative**

Do you want to allow a casino with table games and slot machines in Lewiston, with part of the profits going to support specific state and local programs?

**Question 4: Constitutional Amendment**

Do you favor amending the Constitution of Maine to change the years of redistricting the Maine Legislature, congressional districts and county commissioner districts after 2013 from 2023 and every 10th year thereafter to 2021 and every 10th year thereafter?

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## Question 1: People's Veto

Do you want to reject the section of Chapter 399 of the Public Laws of 2011 that requires new voters to register to vote at least two business days prior to an election?

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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 2011, Chapter 399, entitled "An Act To Preserve the Integrity of the Voter Registration and Election Process".

Approved	Chapter
June 21, 2011	399
By Governor	Public Law

In the Year of Our Lord  
Two Thousand and Eleven

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

**Sec. 1. 21-A MRSA §121, sub-§1-A**, as amended by PL 2005, c. 453, §12, is further amended to read:

**1-A. Identification and proof.** Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 30 days of an election must be advised that the registrar might not receive the application before ~~that election~~ the deadline for mail or 3rd-person registration, but that the applicant may register in person ~~before or on election day~~ no later than the deadline for in-person registration set forth in section 122, subsection 4-A.

Registration applications received by the Secretary of State from outside agencies 30 days or more before an election must be transferred to the appropriate registrar's office within 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies less than 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election. The 20-day period before the election is the closed period for outside registrations. The registrar shall send the notice required by section 122 to all voters whose applications were received by mail or a 3rd person by the 21st day before election day no later than the 18th day before election day.

A person who registers ~~during the 20 days before election day or on election day~~ shall register in person and shall show proof of identity and residency. If satisfactory proof of identity and residency can not be provided to the registrar or deputy, the person's name is entered into the central voter registration system and placed on the incoming voting list and the person casts a challenged ballot.

**Sec. 2. 21-A MRSA §122, first ¶**, as amended by PL 2003, c. 584, §3, is further amended to read:

A person may register as a voter by appearing before the registrar, by the registration deadline in

subsection 4-A, proving that the person meets the qualifications of section 111, subsections 1 to 3, and filing an application provided by the registrar containing the information required by section 152 or 154, if applicable. Township residents may register as provided in section 156.

**Sec. 3. 21-A MRSA §122, sub-§4**, as amended by PL 2005, c. 453, §16, is repealed.

**Sec. 4. 21-A MRSA §122, sub-§4-A** is enacted to read:

**4-A. Deadline for registration.** The deadline for receipt of registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for in-person registration is the 3rd business day before election day by the close of the registrar's hours established under subsection 6.

**Sec. 5. 21-A MRSA §122, sub-§5**, as amended by PL 2007, c. 515, §3, is further amended to read:

**5. Alternative registration schedule for absentee voters.** If the clerk receives a properly completed absentee ballot application that is signed by a person who is not a registered voter in the municipality, a presumption of the person's qualification as a voter is established. The clerk shall send an absentee ballot to the voter at the address indicated, along with a voter registration application under section 152. The completed registration application must be returned to the clerk ~~by the close of the polls on election day~~ no later than the deadline for in-person registration under subsection 4-A, in order for the ballot to be counted and may not be sealed with the voted absentee ballot. If the application is received ~~during the closed period~~ before the registration deadline and the registrar is not satisfied as to the person's qualification as a voter, the registrar shall follow the requirements of section 121, subsection 1-A to place the person's name on the incoming voting list and challenge the absentee ballot. An application by telephone under section 753-A, subsection 4 or an application by e-mail under section 753-A, subsection 6 does not establish a presumption of qualification under this section and the requestor must submit a properly completed voter registration application before the clerk may issue an absentee ballot.

**Sec. 6. 21-A MRSA §122, sub-§6**, as amended by PL 2005, c. 453, §18, is repealed and the following enacted in its place:

**6. Schedule for acceptance of registrations.** The registrar shall accept registrations on any business day or other day that the clerk's office is open prior to the registration deadline established by subsection 4-A. The names and other information from the voter registration applications of any persons registering by this deadline must be recorded as provided in subsection 7. On the 3rd business day before election day, the registrar must be available to accept the registrations of applicants who appear in person as follows:

A. For at least 2 hours, in a municipality with a population of 500 or fewer;

B. For at least 4 hours, in a municipality with a population of more than 500 but fewer than 2,500; or

C. For at least 6 hours, including at least 2 hours in the evening between 5:00 p.m. and 9:00 p.m., in a municipality with a population of 2,500 or more.

The registrar shall publish the hours for registration required by this section according to section 125.

**Sec. 7. 21-A MRSA §122, sub-§7**, as amended by PL 2005, c. 453, §19, is repealed and the following enacted in its place:

**7. Record of names.** The registrar shall, after finding the applicant qualified, enter the voter's name and other information from the voter registration application into the central voter registration



system before the incoming voting list is printed. Before the polls are opened, the registrar shall deliver the incoming voting list to the clerk. The inclusion of a person's name on the incoming voting list entitles that person to vote on election day.

**Sec. 8. 21-A MRSA §122, sub-§8**, as enacted by PL 1985, c. 307, §1, is repealed.

**Sec. 9. 21-A MRSA §122, sub-§9**, as amended by PL 2003, c. 395, §1, is further amended to read:

**9. Regulation of registration monitors.** Anyone who wishes to monitor the names and addresses of persons who are registering at the registrar's office or the clerk's office shall inform the registrar or clerk of that intent. ~~Anyone who wishes to monitor the names and addresses of persons who are registering at the polling place shall inform the registrar or clerk of that intent by submitting a written, signed statement containing the proposed monitor's name, address and intent. The registrar or clerk may designate a place where a person monitoring registrations may stand. The registrar or clerk shall then announce the name and address of individuals registering to vote in a loud and clear voice. A person monitoring registrations shall direct any questions the person has to the registrar or clerk. These questions must be limited to information pertinent to the qualifications of an individual to register. A person monitoring registrations may not ask questions of individuals waiting to register concerning their eligibility to vote. A polling place registration monitor may not handle or inspect registration cards, files or other materials used by the registrar or clerk except as provided in section 22. A monitor may not inhibit the work of the registrar or clerk. If the work of a registrar or clerk appears to be inhibited, the warden may request a reduction in the number of monitors present in the polling place.~~ A registrar or clerk may require a person monitoring registrations who violates the provisions of this subsection to leave the building.

**Sec. 10. 21-A MRSA §125**, as amended by PL 1997, c. 436, §24, is further amended to read:

#### **§125. Notice of schedule**

The registrar shall publish the schedule established under section 122, subsection 6 ~~or as changed by the municipal officers under subsection 8~~, in a newspaper having general circulation in the municipality at least 710 to 15 business days before the ~~schedule becomes effective~~election, except that, in municipalities with a population of 2,500 or fewer, ~~the publication of the time schedule by the registrar is discretionary rather than compulsory~~may be done by another means the registrar considers sufficient to provide adequate notice to the residents of the municipality.

### ***Sec. 11 of the Bill was not included in the People's Veto.***

**Sec. 12. 21-A MRSA §129, sub-§1**, as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Notice.** The voter must give written notice to the registrar of ~~his~~the voter's new and former names or addresses ~~before the close of registrations~~changes of address within the municipality prior to casting a ballot on election day.

**Sec. 13. 21-A MRSA §129, sub-§3**, as amended by PL 1995, c. 459, §15, is further amended to read:

**3. Failure to notify.** If a voter fails to notify the registrar of a change of name or change of address within the municipality before the ~~close of registrations~~registration deadline in section 122, subsection 4-A, the voter must appear before the registrar on election day and follow the procedure outlined in section 661 if the voter wishes to vote, unless the registrar has already made the correction

in following the procedure prescribed by section 128. If the voter wishes to exercise the right to vote, the voter must vote using the ballot or ballots for the new polling place, if applicable, on election day.

**Sec. 14. 21-A MRSA §130**, as amended by PL 2005, c. 453, §22, is further amended to read:

**§130. Applications for voter registration**

A person who completes an application for registration to vote, as provided in section 152, may mail the application or have the application delivered to the registrar before the closed period for the acceptance of mail or 3rd-person registrations in the person's municipality, to be entered into the central voter registration system and placed on the incoming voting list prior to the next election; except that applications completed under section 122, subsection 5 may be delivered by the voter during the closed period by the in-person registration deadline under section 122, subsection 4-A for immediate placement on the incoming voting list.

**Sec. 15. 21-A MRSA §156, sub-§1**, as amended by PL 2005, c. 568, §7, is further amended to read:

**1. Registration and enrollment.** A township resident who lives in a township for which the county commissioners have not established a voting place as provided in section 632 may register and enroll in any municipality within the applicant's representative district or, if the applicant lives in a portion of a township not easily accessible to a municipality within the representative district, the township resident may register and enroll in a more convenient municipality within or outside the county. The township resident ~~may~~must register and enroll ~~on election day~~according to the deadlines established in section 122, subsection 4-A. The registrar shall designate the applicant as a township voter with the letter "T" in the central voter registration system and on the incoming voting list.

**Sec. 16. 21-A MRSA §661, sub-§1, ¶B**, as amended by PL 2005, c. 453, §54, is further amended to read:

B. If the name or address of the voter was omitted by error from or placed incorrectly on the incoming voting list and the registrar is able to determine that an error has been made, the registrar shall issue a certificate to the voter containing the voter's correct name and address and directed to the warden of the appropriate voting place. The registrar shall correct the name and address on the incoming voting list and in the central voter registration system.

**Sec. 17. 21-A MRSA §661, sub-§1, ¶D** is enacted to read:

D. If the registrar is unable to determine that an error was made, but the voter declares the voter is registered to vote and eligible to vote in the municipality, the voter must be permitted to vote a provisional ballot pursuant to section 673-A.

**Sec. 18. 21-A MRSA §671, sub-§2**, as amended by PL 2003, c. 584, §9, is further amended to read:

**2. Enters guardrail enclosure.** The election clerk in charge of the incoming voting list shall place a check mark or a horizontal line, in red ink, on the list beside the voter's name and allow the voter to enter the area enclosed by the guardrail. If the person's name does not appear on the incoming voting list, the warden shall inform the person of the provisional voting process and, if the person meets the requirements to be a provisional voter, shall allow the person to cast a provisional ballot as provided in section 673-A.

**Sec. 19. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 2007, c. 455, §32, is further amended to read:

A. A voter or an election official may challenge another voter only upon personal knowledge or a

reasonably supported belief that the challenged voter is unqualified. Only the following reasons for challenges may be accepted by the warden. The challenged person:

- (1) ~~Is not a registered voter;~~
- (2) Is not enrolled in the proper party, if voting in a primary election;
- (3) Is not qualified to be a registered voter because the challenged person:
  - (a) Does not meet the age requirements as specified in sections 111, subsection 2 and section 111-A;
  - (b) Is not a citizen of the United States; or
  - (c) Is not a resident of the municipality or appropriate electoral district within the municipality;
- (4) Registered to vote during the closed period ~~or on election day~~ and did not provide satisfactory proof of identity and residency to the registrar pursuant to section 121, subsection 1-A, except that only an election official may challenge for this reason;
- (5) Did not properly apply for an absentee ballot;
- (6) Did not properly complete the affidavit on the absentee return envelope;
- (7) Did not cast the ballot or complete the affidavit before the appropriate witness;
- (8) Communicated with someone as prohibited by section 754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;
- (9) Did not have the ballot returned to the clerk by the time prescribed;
- (10) Voted using the name of another;
- (11) Committed any other specified violation of this Title; or
- (12) Voted using the wrong ballot for the appropriate electoral district or political party, if applicable.

**Sec. 20. 21-A MRSA §673, sub-§6**, as reallocated by RR 2003, c. 1, §12, is repealed.

**Sec. 21. 21-A MRSA §673-A** is enacted to read:

### **§673-A. Provisional voting**

If a person declares that the person is a registered voter in the jurisdiction in which the person desires to vote and that the person is eligible to vote in an election for federal office, but the name of the person does not appear on the incoming voting list for the voting place, such person must be permitted to cast a provisional ballot as follows.

**1. How issued.** The person must complete and sign a provisional ballot affidavit, swear to or affirm the information before the warden and show proof of identity and current residency in the municipality and voting district, if applicable. The provisional ballot affidavit must be on a form designed by the Secretary of State and must include, at a minimum, the person's name, address, party affiliation, if any, and reason that the person believes the person is a registered voter in that jurisdiction.

**2. Ballot and provisional envelope issued.** As soon as the provisional ballot affidavit form has been completed, the election clerk in charge of ballots shall give a provisional ballot and a provisional ballot envelope to the warden. The warden shall write a provisional ballot number on the affidavit form and the provisional ballot envelope and give them to the voter. The warden also shall give the voter a notice about provisional voting, on a form designed by the Secretary of State, that includes the provisional ballot number assigned to the voter's ballot.

**3. Proceed to vote.** After the voter marks the provisional ballot, the voter shall seal it in the provisional ballot envelope and return it to the warden.

**4. Provisional ballots segregated and logged.** The warden shall place every provisional ballot envelope containing a completed provisional ballot in a tamper-proof container until a determination of the person's eligibility to vote can be made. The warden also shall complete a provisional ballot log, on a form provided by the Secretary of State, that indicates for each provisional ballot the name of the voter, the provisional ballot number and a notation of whether the provisional ballot was resolved and cast or rejected. The sealed tamper-proof containers of provisional ballots that are not resolved must be returned to the municipal clerk after the polls are closed, along with all provisional ballot affidavits and the provisional ballot log form.

**5. Ballots relating to court order.** In an election for federal office, if a federal or state court has issued an order extending the time established for closing the polls, any ballots cast during the period of that extension must be treated as provisional ballots according to this section.

**6. Resolution and counting of provisional ballots.** By the close of the polls if possible, but no later than 3 business days after election day, the municipal clerk or registrar shall review the information on the provisional ballot affidavits and determine whether each voter is eligible to vote in the election. In making this determination, the municipal clerk or registrar must review all voter registration information on file with the municipality, including, but not limited to, the voter registration applications and attached documentation, the incoming voter list from any previous election and information or records in the central voter registration system. After reviewing the voter registration information, the municipal clerk or registrar must proceed as follows:

**A.** If the person's eligibility to vote in the election is confirmed by the close of the polls on election day, the clerk or registrar shall designate on the provisional ballot log that the provisional ballot was accepted. The warden shall remove the provisional ballot from the sealed provisional ballot envelope and place it into the ballot box or tabulator to be counted with the other ballots after the polls close. The warden shall annotate the incoming voting list to add the voter's name and address, along with an indication that the voter voted.

**B.** If the person's eligibility to vote in the election is confirmed after the close of the polls on election day, the clerk or registrar shall designate on the provisional ballot log that the provisional ballot was accepted. The clerk or registrar, in the presence of one or more witnesses, shall remove the provisional ballot from the sealed provisional ballot envelope and place it into a ballot box in a manner that preserves the secrecy of the vote. After all accepted provisional ballots have been placed into the ballot box, the clerk or registrar shall remove and count the provisional ballots in the same manner as regular ballots. After the incoming voting list is unsealed following the election, the clerk or registrar shall annotate the list to add the names and addresses of the voters under this subsection, along with an indication that the voters voted.

**C.** If the eligibility of a voter cannot be confirmed, the clerk or registrar shall write "rejected" on the provisional ballot envelope and return the unopened envelope to the tamper-proof container. The clerk or registrar shall update the provisional ballot log to indicate the ballot was rejected.

**7. Report to Secretary of State.** After all provisional ballots have been resolved, but no later than 3 business days after election day, the clerk shall report the status of all provisional ballots to the Secretary of State by providing a copy of the provisional ballot log. In addition to annotating the

provisional ballot log to indicate whether provisional ballots were accepted or rejected, the clerk shall update the municipality's return of votes cast to include the votes cast by all provisional voters who were determined to be eligible to vote in the election.

8. Secretary of State to make status available. Within 20 days after any election, the Secretary of State shall make available the status of the provisional ballots on the Secretary of State's publicly accessible website, including whether the ballot was counted and if not, the reason the ballot was not counted.

***Sec. 22 of the Bill was not included in the People's Veto.***

***Sec. 23 of the Bill was not included in the People's Veto.***

***Sec. 24 of the Bill was not included in the People's Veto.***

**Sec. 25. 21-A MRSA §777-A**, as amended by PL 2009, c. 563, §3, is further amended to read:

**§777-A. Registration and enrollment**

~~Uniformed~~Notwithstanding the registration deadline in section 122, subsection 4-A, uniformed service voters or overseas voters may register or enroll at any time by completing a federal or state voter registration application form and filing it with the registrar or the Secretary of State in person, by mail or by electronic means authorized by the Secretary of State.

**Intent and Content**  
**Prepared by the Office of the Attorney General**

This referendum asks whether Maine voters want to reject or accept amendments to the state's voter registration laws, enacted by the Legislature and approved by the Governor in June 2011, that repeal existing law permitting election day registration.

The amendments, enacted as Chapter 399 of the Public Laws of 2011, eliminate the option of election day registration and instead require a voter who wishes to register to vote to do so more than two business days prior to the election. For a primary, general or special election held on a Tuesday, this means the voter would have to register to vote in person at the municipal office no later than the close of business on the Thursday before election day. (Voters also may register to vote by submitting an application by mail or through a 3<sup>rd</sup> person, including a social service or motor vehicle agency, provided the municipal office receives the application by the close of business on the 21<sup>st</sup> day prior to the election. Chapter 399 does not change this provision of existing law.) A voter who is already registered to vote in the municipality but who has moved to a new address within the municipality would still be allowed to change that registration address on or before election day.

Chapter 399 also establishes a procedure for provisional voting, which enables a person to cast a provisional ballot on election day if the person's name is not on the incoming voting list in the municipality but the person declares that he or she is a registered voter in that municipality and eligible to vote in a federal election. In order to obtain a provisional ballot, the voter must make a sworn statement to this effect and must show proof of identity and current residency in that municipality. (Under existing law, a voter in such circumstances would be allowed to register to vote on election day and cast a regular ballot.) A provisional ballot is counted as a regular ballot if the municipal clerk or registrar is able to confirm the voter's eligibility to vote in that jurisdiction no later than three business days after the election.

After the legislation making the above changes was enacted in June 2011, petitioners collected a sufficient number of signatures of registered voters to refer certain sections of the legislation to the people for a vote at a statewide election. The effect of these sections of Chapter 399 has been suspended pending the outcome of the election. Other provisions of Chapter 399 that amended Maine laws relating to absentee voting were not included in the referendum petition and thus have already taken effect.

A "YES" vote is to reject these amendments to Maine's voter registration laws and thereby allow election-day registration to continue.

A "NO" vote is to accept these amendments to Maine's voter registration laws and thereby require voters to register to vote at least two business days before an election.

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

Approval of the People's Veto of certain sections of PL 2011, c. 399 will eliminate any minor costs that might have been incurred by the Department of the Secretary of State associated with establishing a provisional ballot process to be used in certain limited circumstances.

**Public Comments**

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

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## Question 2: Citizen Initiative

Do you want to allow a slot machine facility at a harness racing track in Biddeford or another community within 25 miles of Scarborough Downs, subject to local approval, and at a harness racing track in Washington County, with part of the profits from these facilities going to support specific state and local programs?

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### STATE OF MAINE

#### “An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County”

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

**Sec. 1. 8 MRSA §275-A, sub-§1, ¶A**, as amended by PL 2003, c. 401, §10, is further amended to read:

A. If the population of the region is 300,000 or more, based on the 1990 U.S. Census, conducted racing on more than 100 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is 300,000 or more, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 100 days in each of the 2 preceding calendar years; ~~or~~

**Sec. 2. 8 MRSA §275-A, sub-§1, ¶B**, as amended by PL 2003, c. 401, §10, is further amended to read:

B. If the population of the region is less than 300,000, based on the 1990 U.S. Census, conducted racing on more than 25 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is less than 300,000, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 26 days in each of the 2 preceding calendar years; ~~or~~

**Sec. 3. 8 MRSA §275-A, sub-§1, ¶C** is enacted to read:

C. Is owned and operated by one or more federally recognized Indian tribes located in this State, is located more than 90 miles from the nearest existing commercial track that operates slot machines, as defined in section 1001, subsection 39, is within 45 miles of the operating tribe's Indian reservation as defined in Title 30, chapter 601 and conducts racing on more than 25 days each calendar year after having been granted a license to conduct harness horse racing. For the purposes of this paragraph, distance in miles is determined by measuring from the center of the commercial track along the most commonly used roadway as determined by the Department of Transportation.



**Sec. 4. 8 MRSA §1011, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**2. Eligible persons.** The board may accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track that satisfies the following criteria:

- A. The commercial track is located at or within a ~~5-mile~~ 25-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 or the track qualifies as a commercial track under section 275-A, subsection 1, paragraph C; and
- B. The operation of slot machines at the commercial track is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum election held at any time after December 31, 2002 and before December 31, ~~2003~~ 2013.

**Sec. 5. 8 MRSA §1011, sub-§6** is enacted to read:

**6. License may not be denied on basis of proximity of track to other gambling facility.** Notwithstanding any other provision of this chapter, a license to operate slot machines at a commercial track may not be denied on the basis of the proximity of the commercial track to any other gambling facility if the commercial track was licensed and operating before the other gambling facility was licensed, unless the commercial track proposes to relocate or has relocated closer to the other gambling facility after the other gambling facility was licensed and operating.

**Sec. 6. 8 MRSA §1020, sub-§3**, as amended by PL 2005, c. 663, §9, is further amended to read:

**3. Limits on total slot machines.** The board shall determine the number of slot machines to be registered in the State. The board shall make this determination based upon the minimum net slot machine income, when distributed pursuant to section 1036, necessary to maintain the harness horse racing industry in this State, except that:

- A. The total number of slot machines registered in the State may not exceed 1,500; and
- B. A slot machine operator may not operate more than 1,500 slot machines at any one commercial track.

Notwithstanding any other provision of this subsection, the board may allow an additional 1,500 slot machines to be registered for each commercial track at which slot machines were not operated prior to January 1, 2010 and at which the operation of slot machines is thereafter licensed.

## Summary

This initiated bill allows the Gambling Control Board within the Department of Public Safety to accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track located at or within a 25-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 or from any person who is licensed to operate a commercial track that is owned and operated by one or more federally recognized Indian tribes located in this State if the operation of these slot machines is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum held before December 31, 2013. Current law requires the commercial track to be located at or within a 5-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 and requires the referendum to have been held before December 31, 2003.

The initiated bill changes the definition of "commercial track" to include a harness horse racing track licensed to conduct harness horse racing with pari-mutuel wagering that is owned and operated by one or more federally recognized Indian tribes located in this State, is located more than 90 miles from the nearest existing commercial track that operates slot machines, is within 45 miles of the operating tribe's Indian reservation and conducts racing on more than 25 days each calendar year after having been granted a license to conduct harness horse racing.

The initiated bill provides that a license to operate slot machines at a commercial track may not be denied on the basis of the proximity of the commercial track to any other gambling facility if the commercial track was licensed and operating before the other gambling facility was licensed, unless the commercial track proposes to relocate or has relocated closer to the other gambling facility after the other facility was licensed and operating.

The initiated bill permits the Gambling Control Board to allow an additional 1,500 slot machines to be registered for each commercial track at which slot machines were not operated prior to January 1, 2010 and at which the operation of slot machines is licensed after January 1, 2010. Current law limits the total number of slot machines registered in the State to 1,500.

### **Intent and Content Prepared by the Office of the Attorney General**

This initiated legislation amends the criteria for determining who is eligible to obtain a license to operate slot machines at commercial harness racing tracks in the state, and thereby authorizes the licensing of up to two additional slot machine facilities.

It authorizes the Maine Gambling Control Board to accept a licensing application for a slot machine facility from the person who is licensed to operate a commercial track within a 25-mile radius of the center of a commercial harness racing track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002. The Scarborough Downs track in Scarborough is the only one that fits these criteria (apart from the Bangor Raceway, which is already licensed). This means that the commercial track at Scarborough Downs could be relocated within 25 miles of its present site and its operator would still be eligible for a slot machine facility license. However, the track could not be relocated (or proposed to be relocated) to a site closer than Scarborough Downs is to the Oxford County casino after the Oxford County casino has been licensed and begun operation. Biddeford is one of the communities that is located within a 25-mile radius of the center of the track at Scarborough Downs but further away from the proposed site of the Oxford County casino.

The initiated bill also amends the definition of a "commercial track" at which a slot machine facility may be licensed to include a track owned and operated by a federally recognized Indian tribe, provided it meets certain criteria. The track must be located within 45 miles of the operating tribe's Indian reservation and more than 90 miles from the center of the nearest existing commercial track that operates slot machines. Mileage is to be measured along the most commonly used roadway, as determined by the Maine Department of Transportation. The Bangor Raceway is the only existing commercial track that operates slot machines, and the locations that fit the distance criteria are predominantly within Washington County. To be eligible for a slot machine facility license, the new commercial track must be licensed to conduct harness racing on more than 25 days each calendar year after being granted a license by the Maine Harness Racing Commission.

To be licensed, the slot machine facility would have to be located on "the premises of a commercial track," which means within 200 feet of the outside edge of the racing oval. The voters of the host community would first have to approve the operation of slot machines by referendum vote at a local election held before December 31, 2013.

The initiative authorizes the Gambling Control Board to allow 1,500 slot machines to be registered at each commercial track licensed for slot machines after January 1, 2010.

Income from these slot machine facilities would be distributed according to a formula in existing law that calls for 1% of the gross slot machine income to be paid into the State's General Fund for administrative expenses of the Gambling Control Board, and 39% of the net slot machine income to be turned over to the Gambling Control Board for distribution in specified percentage amounts to the programs and entities listed in Title 8, section 1036, subsection 2. These include ten percent to supplement harness racing purses, three percent to the Gambling Control Board for administrative expenses, one percent to the host municipality, and amounts ranging from one to four percent to the Sire Stakes Fund, the Agricultural Fair Support Fund, the Fund for a Healthy Maine, scholarship funds at the University of Maine and Maine Community College Systems, the Fund to Encourage Racing at Maine's Commercial Tracks and the Fund to Stabilize Off-Track Betting Facilities.

If approved, this citizen initiated legislation would take effect 30 days after the Governor proclaims the official results of the election.

A "YES" vote is to enact the legislation.

A "NO" vote is to defeat the legislation.

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

This initiated bill would allow the Gambling Control Board to accept applications from federally-recognized Indian tribes located in Maine to operate a slot machine facility in Maine if the tribe owns and operates a commercial race track. It also expands the allowable distance a commercial track eligible for slots can be from a pre-existing commercial track and extends the deadline for municipal approval of the facility. Current law allows a total of 1,500 slot machines to be operated in the state. The existing facility in Bangor has already been licensed to operate the entire 1,500, effectively preventing the establishment of additional facilities. This proposed legislation allows an additional 1,500 slot machines to be operated at each facility licensed by the Gambling Control Board.

Presented below is an estimate of the potential annual revenues that may be generated from additional slot machine facilities and the subsequent distribution of those revenues. This fiscal note assumes there would be two new facilities established with a total of 2,000 additional slot machines that would generate annual revenue of \$34,138,824 for the State's General Fund and \$19,701,336 for various other funds. The General Fund would also receive license fees of \$564,500 in the first year and \$213,250 for license renewals in subsequent years. Annual state costs associated with Inspectors, State Police Detectives, an Auditor II, contracts for monitoring services and other related expenses are estimated to be \$1,897,471.

This analysis assumes no significant effect on revenue generated by the licensed racino facility in Bangor or the casino facility pending licensure in Oxford. If there is an appreciable reduction in racino or casino revenue, there will be a reduction in the amounts distributed from those facilities. Any negative impact on the racino facility in Bangor and the casino facility pending licensure in Oxford and the effect on the distributions to various funds and purposes would depend upon the timing of the opening of the two proposed facilities and cannot be determined at this time. The tax structure at the new facilities would be consistent with the facility in Bangor, with 1% of gross slot machine income and 39% of net slot machine income going to the State.

**Summary of Racino Revenue****Annual Estimate**

Gross Slot Income (total value of money, tokens, credits, other value used to play a slot machine)	\$1,306,800,000
Player Payback - Slot Income	\$1,189,188,000
General Fund - 1% of Gross Slot Income	\$13,068,000
Net Slot Income	\$104,544,000
State Share of Net Income - 39%	\$40,772,160
Operator Share of Net Income - 61%	\$63,771,840

**State Revenues by Fund****Annual Estimate****General Fund**

From Slot Machines <sup>1</sup>	\$34,138,824
From Annual License Fees (1st year will be \$564,500)	<u>\$213,250</u>
Total General Fund Revenue	\$34,352,074

**Other Special Revenue Funds**

Purse Supplements	\$10,454,400
Sire Stakes Fund	\$3,136,320
Fund to Encourage Racing at Commercial Tracks <sup>1</sup>	(\$2,252,904)
Fund to Stabilize Off-Track Betting	\$1,045,440
Agricultural Fair Support Fund	\$3,136,320
University of Maine Scholarship Fund	\$2,090,880
Maine Community College System Scholarships	\$1,045,440
Resident Municipalities	<u>\$1,045,440</u>
Total Other Special Revenue Funds Revenue	<u>\$19,701,336</u>

Total Revenue All Funds	<u><u>\$54,053,410</u></u>
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**Summary of Expenditure Impacts to the State****General Fund**

- Public Safety	<u><u>\$1,897,471</u></u>
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<sup>1</sup> Under current statute, 4% is credited as dedicated revenue to the Fund to Encourage Racing at Maine's Commercial Tracks. This 4% payment is terminated when all commercial tracks have obtained a license to operate slot machines. Although current law does not specify where this payment would then be credited, it is assumed it would be credited to the General Fund and is included above as General Fund Revenue from Slot Machines.

**Public Comments**

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

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**Question 3: Citizen Initiative**

Do you want to allow a casino with table games and slot machines in Lewiston, with part of the profits going to support specific state and local programs?

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**STATE OF MAINE**

**“An Act Regarding Establishing a Slot Machine Facility”**

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

**Sec. 1. 8 MRSA §1001, sub-§23-A** is enacted to read:

**23-A. Host municipality.** "Host municipality" means a municipality within which a slot machine facility is located or proposed to be located.

**Sec. 2. 8 MRSA §1003, sub-§2, ¶M,** as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

M. Inform ~~commercial track operators applying~~ all applicants for a license to operate slot machines that any slot machines licensed by the board must be compatible with the central site system of on-line monitoring used by the board;

**Sec. 3. 8 MRSA §1011,** as amended by PL 2005, c. 663, §6, is further amended to read:

**§1011. License to operate**

The board shall exercise authority over the licensing of all persons participating in the operation, distribution and maintenance of slot machines and slot machine facilities and over the registration of slot machines.

**1. Operator license required.** A person may not operate any slot machine in the State unless the person has been issued a license to operate slot machines by the board. A slot machine operator license authorizes a licensee to own or lease slot machines operated at a licensed gambling facility.

**2. Commercial track operators.** The board may accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track that satisfies the following criteria:

A. The commercial track is located at or within a 5-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002; and

B. The operation of slot machines at the commercial track is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum election held at any time after December 31, 2002 and before December 31, 2003.

**2-A. Other eligible persons.** The board may accept applications for a license to operate slot machines from any person whose application satisfies the following criteria:

A. The applicant proposes to operate slot machines at a slot machine facility within a specific host municipality;

B. The host municipality has a population of at least 30,000;

C. No slot machines licensed under this chapter were in operation within the host municipality as of July 1, 2010;

D. The applicant holds an option that was in effect on July 1, 2010 to purchase real property located in and owned by the host municipality; and

E. The voters of the host municipality have approved the option under paragraph D no later than July 1, 2010.

**3. Requirements for license; continued commercial track licensure.** The board may not issue a license to operate slot machines to any person unless that person demonstrates compliance with the qualifications set forth in sections 1016 and 1019. A person who is granted a license to operate slot machines under subsection 2 must maintain a license to operate a commercial track, without lapse, suspension or revocation for the duration of the slot machine operator's license.

**4. Requirement for license; agreement with municipality where slot machines are located.** A slot machine operator shall enter into an agreement with the municipality where the slot machine operator's slot machines are located that provides for revenue sharing or other compensation, including, but not limited to, a provision requiring the preparation, in conjunction with the municipality, of a security plan for the premises on which the slot machines are located. The revenue-sharing agreement must provide for a minimum payment to the municipality of 3% of the net slot machine income derived from the machines located in the municipality. This minimum payment requirement is satisfied by a person licensed under subsection 2-A by compliance with section 1036, subsection 2-A.

**5. Renewal.** Licenses to operate slot machines may be renewed upon application for renewal in accordance with this subchapter, subject to board rules.

**6. Additional licenses.** Notwithstanding any other provision of law, if an additional type of gambling-related license is authorized under this chapter or any other provision of law after July 1, 2010, any person who holds a license under subsection 2 or 2-A is automatically eligible to obtain such a license, regardless of the criteria imposed or required to obtain such a license.

**Sec. 4. 8 MRSA §1012**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**§1012. Local approval for renewal of slot machine operator license**

An application for renewal of a slot machine operator license must first be approved under this section by the municipal officers of the municipality in which the slot machine facility or commercial track with slot machines is located or, if the slot machine facility or commercial track is in an unincorporated place, the application must be approved by the county commissioners of the county in which the slot machine facility or commercial track with slot machines is located.

**1. Hearings.** Municipal officers or county commissioners, as the case may be, may hold a public hearing for the consideration of a request for the renewal of a license to operate slot machines, except that, when an applicant has held a license for the prior 5 years and a complaint has not been filed with the board against the applicant within that time, the applicant may request a waiver of the hearing.

A. The board shall prepare and supply application forms for public hearings under this subsection.

B. Municipal officers or county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing, at the applicant's prepaid expense, a notice stating the name and place of the hearing to appear on at least 3 consecutive days before the date of the hearing in a daily newspaper having general circulation in the municipality where the premises of the slot machine facility or commercial track with slot machines are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If municipal officers or county commissioners, as the case may be, fail to take final action on an application for a renewal of a slot machine operator license within 60 days of the filing of an application, the application is considered approved and ready for action by the board. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners.

**2. Findings.** In granting or denying an application under this section, municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Noncompliance of the slot machine facility or commercial track licensed to operate slot machines with any local zoning ordinance or other land use ordinance not directly related to slot machine operations;

B. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the premises of the slot machine facility or commercial track with slot machines and caused by persons patronizing or employed by the slot machine facility or commercial track licensed to operate slot machines or other such conditions caused by persons patronizing or employed by the premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the premises to use their property in a reasonable manner;

C. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the premises of the slot machine facility or commercial track with slot machines and caused by persons patronizing or employed by the slot machine facility or commercial track licensed to operate slot machines; and

D. A violation of any provision of this chapter.

**3. Appeal to board.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the board within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The board shall hold a public hearing in the city, town or unincorporated place where the premises of the slot machine facility or commercial track with slot machines are situated. In acting on such an appeal, the board may consider all licensure requirements and findings referred to in subsection 2. If the decision appealed is an application denial, the board may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

**4. Appeal to District Court.** Any person or governmental entity aggrieved by a board decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the board. An applicant who files an appeal or who has an appeal pending shall pay the license renewal fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the board shall refund the applicant the prorated amount of the unused license fee.

**Sec. 5. 8 MRSA §1016, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**1. Minimum qualifications.** Notwithstanding Title 5, chapter 341, and in addition to any requirements imposed by rules adopted by the board, a person must satisfy the following qualifications to be a slot machine operator, a slot machine distributor, a gambling services vendor or an employee of these entities:

- A. The person has completed the application form, promptly and truthfully complied with all information requests of the board and complied with any applicable rules adopted by the board;
- B. The person has sufficient financial assets and responsibility to meet any financial obligations imposed by this chapter and, if applying for a slot machine operator license or slot machine operator license renewal, has sufficient financial assets and responsibility to continue operation of a slot machine facility or commercial track;
- C. The person has not knowingly or recklessly made a false statement of material fact in applying for a license under this chapter or any gambling-related license in any other jurisdiction;
- D. In the case of a person applying to be a slot machine operator, the person has sufficient knowledge and experience in the business of operating slot machines to effectively operate the slot machine facilities to which the license application relates in accordance with this chapter and the rules and standards adopted under this chapter;
- E. The person has not had a gambling-related license application denied or an adverse action taken against a gambling-related license by authorities in this State or any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action;
- F. If the applicant is a business organization, the applicant is organized in this State, although that business organization may be a wholly or partially owned subsidiary of an entity that is organized pursuant to the laws of another state or a foreign country; and
- G. The person and all key executives are citizens or permanent residents of the United States.

~~A person may not hold more than one class of license under this chapter unless the 2nd license is an employee license under section 1015.~~

**Sec. 6. 8 MRSA §1019, sub-§6**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**6. Proximity of licensed slot machine facilities.** A license may not be issued under this chapter at any commercial track located within 100 miles of a licensed slot machine facility. This subsection does not apply to any license issued under section 1011, subsection 2-A or 6.

**Sec. 7. 8 MRSA §1020, sub-§3**, as amended by PL 2005, c. 663, §9, is repealed and the following enacted in its place:

**3. Limits on total slot machines.** A slot machine operator may not operate more than 1,500 slot machines at any one slot machine facility.

**Sec. 8. 8 MRSA §1035**, as amended by PL 2007, c. 611, §11, is further amended to read:



## §1035. Location of slot machines

Slot machines operated by persons licensed under section 1011, subsection 2 may be located only on the premises of a commercial track. For the purposes of this section, "premises of a commercial track" means property owned by the person who owns the property on which a commercial track is located and that is either within 200 feet of the outside edge of the racing oval or, if the commercial track was owned by a municipality when a license to operate slot machines in association with that commercial track was issued, within 2,000 feet of the center of the racing oval.

**Sec. 9. 8 MRSA §1036, sub-§2**, as amended by PL 2007, c. 466, Pt. A, §29, is further amended to read:

**2. Distribution from commercial track.** A slot machine operator licensed under section 1011, subsection 2 shall collect and distribute 39% of the net slot machine income from slot machines operated by the slot machine operator to the board for distribution by the board as follows:

- A. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board;
- B. Ten percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the fund established in section 298 to supplement harness racing purses;
- C. Three percent of the net slot machine income must be credited by the board to the Sire Stakes Fund created in section 281;
- D. Three percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Agricultural Fair Support Fund established in Title 7, section 91;
- E. Ten percent of the net slot machine income must be forwarded by the board to the State Controller to be credited to the Fund for a Healthy Maine established by Title 22, section 1511 and segregated into a separate account under Title 22, section 1511, subsection 11, with the use of funds in the account restricted to the purposes described in Title 22, section 1511, subsection 6, paragraph E;
- F. Two percent of the net slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909;
- G. One percent of the net slot machine income must be forwarded by the board to the board of trustees of the Maine Community College System to be applied by the board of trustees to fund its scholarships program under Title 20-A, section 12716, subsection 1;
- H. Four percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Encourage Racing at Maine's Commercial Tracks, established in section 299; however, the payment required by this paragraph is terminated when all commercial tracks have obtained a license to operate slot machines in accordance with this chapter;
- I. Two percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Stabilize Off-track Betting Facilities established by section 300, as long as a facility has conducted off-track wagering operations for a minimum of 250 days during the preceding 12-month period in which the first payment to the fund is required. After 48 months of receiving an allocation of the net slot machine income from a licensed operator, the percent of net slot machine income forwarded

to the Fund to Stabilize Off-track Betting Facilities is reduced to 1% with the remaining 1% to be forwarded to the State in accordance with subsection 1; and

J. One percent of the net slot machine income must be forwarded directly to the municipality in which the slot machines are located.

**Sec. 10. 8 MRSA §1036, sub-§2-A** is enacted to read:

**2-A. Distribution from other slot machine operators.** A slot machine operator licensed under section 1011, subsection 2-A shall collect and distribute 40% of the net slot machine income from slot machines operated by the slot machine operator to the board for distribution by the board as follows:

A. Three percent of the net slot machine income must be forwarded by the board to the Treasurer of State for distribution as determined by the joint standing committee of the Legislature having jurisdiction over natural resources matters to support bringing the Androscoggin River up to the minimum standards of water quality classification of the state water classification program under Title 38, chapter 3, subchapter 1, article 4-A and subsequently to support other water quality initiatives for rivers in the State;

B. Two and seven-tenths percent of the net slot machine income must be forwarded by the board to the Department of Economic and Community Development to be used for renovations and improvements for downtown revitalization throughout the State, and 0.3% of the net slot machine income must be forwarded by the board to the host municipality to be used for renovations and improvements to its downtown;

C. Two and seven-tenths percent of the net slot machine income must be forwarded by the board to the Efficiency Maine Trust established in Title 35-A, section 10103, and 0.3% of the net slot machine income must be forwarded by the board to the host municipality to be used to provide grants and low-interest loans to residents to upgrade or convert homes or businesses to renewable clean energy sources as determined by the Efficiency Maine Trust Board or the host municipality, as applicable;

D. Three percent of the net slot machine income must be forwarded by the board for distribution equally to each county in the State, other than the county in which the host municipality is located, for their unrestricted use;

E. Three percent of the net slot machine income must be forwarded by the board to the Treasurer of State for distribution as determined by the Department of Marine Resources for maintenance, repairs and improvements to ports and fisheries in the State, including for expenses attributable to bond issuances, to obtain federal funds and for similar costs and expenses;

F. Three percent of the net slot machine income must be forwarded by the board to the Treasurer of State for distribution as determined by the Department of Transportation to support collector roads and an east-west highway, including, in the case of an east-west highway, for expenses attributable to bond issuances, to obtain federal funds and for similar costs and expenses;

G. Three percent of the net slot machine income must be forwarded by the board to the Treasurer of State for distribution as determined by the Department of Transportation to support capital improvements to rail service within the State;

H. Two percent of the net slot machine income must be forwarded by the board to the Treasurer of State to be distributed as determined by the Department of Transportation for

capital improvements to support rail service to the Town of Bethel, including for expenses attributable to bond issuances, to obtain federal funds and for similar costs and expenses;

I. Two percent of the net slot machine income must be forwarded by the board to the host municipality for its unrestricted use;

J. One percent of the net slot machine income must be forwarded by the board to the municipality that is closest to the host municipality and has a population of at least 20,000 as of the 2010 Federal Decennial Census for its unrestricted use;

K. One percent of the net slot machine income must be forwarded by the board to the county in which the host municipality is located for its unrestricted use;

L. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State to be distributed as determined by a committee consisting of the Chancellor of the University of Maine System, the President of the Maine Community College System and the President of Maine Maritime Academy for capital improvements to the University of Maine System, Maine Community College System and Maine Maritime Academy;

M. One percent of the net slot machine income must be forwarded by the board to the Chief of the State Police to be distributed to persons licensed under Title 17, section 1832 for use by such persons for charitable donations, unless such persons are permitted under applicable law to operate video gaming terminals or similar machines that are available to play or simulate the play of a video game upon the payment of something of value in exchange for which the player may receive something of value, including but not limited to free games or credits; in which case, one percent of the net slot machine income must be forwarded by the board to the Treasurer of State to be distributed as determined by the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs to benefit veterans;

N. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Agricultural Fair Support Fund established in Title 7, section 91;

O. One percent of the net slot machine income must be forwarded by the board to an economic growth council in Lewiston-Auburn for its unrestricted use;

P. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State to provide funding for the Job Creation Through Educational Opportunity Program established under Title 20-A, section 12542;

Q. One percent of the net slot machine income must be forwarded by the board to the Department of Economic and Community Development, Office of Tourism to promote the State as a tourist destination;

R. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State for distribution to the Finance Authority of Maine to provide funding for the Maine State Grant Program established in Title 20-A, section 11612;

S. One percent of the net slot machine income must be forwarded by the board to the Department of Health and Human Services to provide funding for home-based care for the elderly;

T. One percent of the net slot machine income must be forwarded by the board to the Maine Technology Institute for its unrestricted use;

U. One-half of one percent of the net slot machine income must be forwarded by the board to the Chief of the State Police to be distributed to persons licensed under Title 17, section 314 to be used to increase winnings, as follows: 1/3 to licensees located within 25 miles of the host municipality, 1/3 to licensees located 25 to 50 miles from the host municipality and 1/3 to licensees located more than 50 miles from the host municipality;

V. One-half of one percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the fund established in section 298 to supplement harness racing purses;

W. One-half of one percent of the net slot machine income must be forwarded by the board to the host municipality for infrastructure improvements;

X. One-half of one percent of the net slot machine income must be forwarded by the board to each of the humane societies, as defined in Title 17, section 1011, subsection 15-A, located within the State on an equal basis;

Y. One-half of one percent of the net slot machine income must be forwarded by the board to the Department of Transportation for the purpose of developing a riverfront bike path connecting the City of Lewiston and the City of Auburn with the Town of Brunswick and then continuing to other communities along the Androscoggin River;

Z. One-half of one percent of the net slot machine income must be forwarded by the board to the Department of Health and Human Services to provide funding for meals on wheels;

AA. One-half of one percent of the net slot machine income must be forwarded by the board to the City of Lewiston and the City of Auburn to provide funding for joint expenditures; and

BB. One-half of one percent of the net slot machine income must be forwarded by the board to municipalities, not including the municipality under paragraph J, that are adjacent to the host municipality, allocated according to population, for their unrestricted use.

A slot machine operator who complies with the requirements of collection and distribution to the board as set forth in this subsection is in compliance with the minimum payment requirement of section 1011, subsection 4.

## **Summary**

This initiated bill authorizes the establishment of a slot machine facility in a municipality with a population of at least 30,000 in which slot machines were not in operation as of July 1, 2010 if the person who applies for a license to operate slot machines holds an option to purchase real property located in and owned by that municipality that was in effect on July 1, 2010 and approved by the voters of the municipality no later than July 1, 2010.

The initiated bill removes the existing limit on the total number of slot machines that may be registered in this State (1,500 machines) and replaces it with a limit of 1,500 slot machines at each licensed slot machine facility.

The initiated bill provides for regulation of the slot machine facility authorized in the initiated bill by the Gambling Control Board.

The slot machine operator would be required to collect and distribute 1% of gross slot machine income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the Gambling Control Board. The initiated bill also requires the slot machine operator to collect and distribute 40% of net slot machine income to the board for distribution to various entities, in specified percentages for a variety of purposes that are also specified in the bill.

**Intent and Content**  
**Prepared by the Office of the Attorney General**

This initiated bill authorizes the Maine Gambling Control Board to license one additional slot machine facility or casino that meets applicable criteria within a qualifying host municipality. The community must have a population of at least 30,000 people; it must not have had any slot machines in operation there as of July 1, 2010; the license applicant must hold an option, in effect on July 1, 2010, to purchase property owned by the municipality; and that option must have been approved by municipal voters as of that date. The city of Lewiston is the only municipality in Maine that meets these criteria. (Lewiston is one of only three municipalities in Maine with a population over 30,000, and the voters of Lewiston approved the sale of an option on city-owned property in the Bates Mill for this purpose prior to July 1, 2010.)

The legislation also makes any facility that is licensed to operate slot machines, under this initiative or under existing law, automatically eligible to obtain a license for any other gambling-related activity authorized by law after July 1, 2010 “regardless of the criteria imposed or required to obtain such a license.” Because the voters in November 2010 approved the licensing of a casino in Oxford County to operate table games as well as slot machines, and the Legislature has since amended the law to allow the Hollywood Slots facility in Bangor to obtain a casino license to operate table games, this means that a new slot machine facility in Lewiston would be eligible to receive a casino license to operate table games.

The initiated bill exempts a slot machine facility or casino in Lewiston from the restriction in existing law that prohibits the Gambling Control Board from issuing a license for a facility located within 100 miles of another licensed slot machine facility. The bill also repeals the statewide limit on the number of slot machines and provides that a slot machine operator may not operate more than 1,500 slot machines at any one slot machine facility.

Forty percent (40%) of the net slot machine income from a facility licensed under this initiated bill would be turned over to the Gambling Control Board for distribution in specified percentage amounts, ranging from one half of one percent to three percent, to approximately 28 different state and local entities and programs. These are listed in section 10 of the bill, as 8 M.R.S.A. §1036, sub-§2-A, paragraphs A – Z, AA and BB, and include a variety of economic development and transportation initiatives, as well as programs for energy conservation, water quality improvement, tourism, college scholarships, agricultural fairs, meals on wheels, home-based care for the elderly, humane societies, veterans and other charities, and funds for unrestricted use by Lewiston, Auburn and Androscoggin County. One percent (1%) of the gross slot machine income would be paid into the State’s General Fund for administrative expenses of the Gambling Control Board.

If approved, this citizen initiated legislation would take effect 30 days after the Governor proclaims the official results of the election.

A “YES” vote is to enact the legislation.

A “NO” vote is to defeat the legislation.

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

This initiated bill would allow the Gambling Control Board to accept applications for licenses to operate additional slot machine facilities in Maine. Current law allows for a total of 1,500 slot machines to be operated in the state. The existing facility in Bangor has already been licensed to operate the entire 1,500, effectively preventing the establishment of additional facilities. Although this proposed legislation would open the licensing opportunity to multiple facilities with up to 1,500 slot

machines per facility, specific limiting criteria in the proposed language would make it highly unlikely that more than one new facility would be possible.

Presented below is an estimate of the potential revenues that may be generated from one new slot machine facility and the subsequent distribution of those revenues. This fiscal note assumes one new facility would be established with 1,000 slot machines that would generate annual revenue of \$6,534,000 for the State's General Fund and \$20,908,800 for various other funds. The General Fund would also receive license fees of \$414,500 in the first year and \$188,250 for license renewals in subsequent years. Annual state costs associated with a Deputy Director, Inspectors, State Police Detective, Auditor II, contracts for monitoring services and other related expenses are estimated to be \$1,123,661.

This analysis assumes no significant effect on revenue generated by the licensed racino facility in Bangor or the casino facility pending licensure in Oxford. If there is an appreciable reduction in racino or casino revenue, there will be a reduction in the amounts distributed from those facilities. Any negative impact on the racino facility in Bangor and the casino facility pending licensure in Oxford would depend upon the timing of the opening of this proposed facility and cannot be determined at this time. The tax structure at the new facility would be 1% of gross slot machine income and 40% of net slot machine income.

**Summary of Slot Machine Facility Revenue**

**Annual Estimate**

Gross Slot Income (total value of money, tokens, credits, other value used to play a slot machine)	\$653,400,000
Player Payback - Slot Income	\$594,594,000
General Fund - 1% of Gross Slot Income	\$6,534,000
Net Slot Income	\$52,272,000
Share of Net Income for Distribution - 40%	\$20,908,800
Operator Share of Net Income - 60%	\$31,363,200

**State Revenues by Fund**

**Annual Estimate**

General Fund

From Slot Machines	\$6,534,000
From Annual License Fees (1st year will be \$414,500)	<u>\$188,250</u>
Total General Fund Revenue	\$6,722,250

Distribution of 40% Share of Net Income

Androscoggin River Minimum Water Quality Standards	\$1,568,160
Downtown Revitalization - Statewide	\$1,411,344
Downtown Revitalization - Host Municipality	\$156,816
Grants and Low-Interest Loans to Upgrade and Convert to Renewable Energy - Efficiency Maine	\$1,411,344
Grants and Low-Interest Loans to Upgrade and Convert to Renewable Energy - Host Municipality	\$156,816
Counties Other Than County in Which Host Municipality is Located	\$1,568,160
Maintenance, Repairs and Improvements to Ports and Fisheries	\$1,568,160
Support Collector Roads and East-West Highway	\$1,568,160
Capital Improvements to Rail Service	\$1,568,160
Capital Improvements to Support Rail Service to Bethel Host Municipality	\$1,045,440
	\$1,045,440

Municipality Closest to Host Municipality With Population of at Least 20,000	\$522,720
County in Which Host Municipality is Located	\$522,720
Capital Improvements to the University of Maine, Maine Community Colleges and/or Maine Maritime	\$522,720
Organizations Licensed Under MRSA Title 17, §332 Agricultural Fair Support Fund	\$522,720
Lewiston Auburn Economic Growth Council	\$522,720
Maine Scholars Program	\$522,720
Maine Office of Tourism	\$522,720
Maine State Grant Program	\$522,720
Home-Based Care for the Elderly	\$522,720
Maine Technology Institute	\$522,720
Organizations Licensed Under MRSA Title 17, §314	\$261,360
Fund to Supplement Harness Racing Purses	\$261,360
Host Municipality - Infrastructure Improvements	\$261,360
Each Humane Society Within the State	\$261,360
Riverfront Bike Path Connecting Lewiston/Auburn to Brunswick	\$261,360
Meals on Wheels	\$261,360
Cities of Lewiston and Auburn for Joint Expenses	\$261,360
Municipalities Adjacent to Host Municipality	\$261,360
Total Other Special Revenue Funds Revenue	<u>\$20,908,800</u>
Total Revenue All Funds	<u><u>\$27,631,050</u></u>

**Summary of Expenditure Impacts to the State**

General Fund

- Public Safety	<u><u>\$1,123,661</u></u>
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**Public Comments**

No public comments were filed in support of or in opposition to Question 3.

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## Question 4: Constitutional Amendment

Do you favor amending the Constitution of Maine to change the years of redistricting the Maine Legislature, congressional districts and county commissioner districts after 2013 from 2023 and every 10th year thereafter to 2021 and every 10th year thereafter?

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### State of Maine Chapter 1

#### Constitutional Resolutions of 2011 Approved June 29, 2011

#### **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting**

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

**Constitution, Art. IV, Pt. First, §2** is amended to read:

**Section 2. Number of Representatives; biennial terms; division of the State into districts for House of Representatives.** The House of Representatives shall consist of 151 members, to be elected by the qualified electors, and hold their office 2 years from the day next preceding the first Wednesday in December following the general election. The Legislature which convenes in ~~1983~~2013, and also the Legislature which convenes in 2021 and every 10th year thereafter, shall cause the State to be divided into districts for the choice of one Representative for each district. The number of Representatives shall be divided into the number of inhabitants of the State exclusive of foreigners not naturalized according to the latest Federal Decennial Census or a State Census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each Representative District. Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts shall be drawn within municipal boundaries. Any population remainder within the municipality shall be included in a district with contiguous territory and shall be kept intact.

**Constitution, Art. IV, Pt. First, §3** is amended to read:

**Section 3. Submission of reapportionment plan to Clerk of House; Legislature's action on commission's plan.** The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Clerk of the House no later than ~~420 calendar days after the convening of the Legislature~~June 1st of the year in which apportionment is required. In the preparation of legislation implementing the plan, the commission, following a unanimous decision by commission members, may adjust errors and inconsistencies in accordance with the standards set forth in this Constitution, so long as substantive changes are not made. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of 2/3 of the Members of each House ~~within 30 calendar days after the plan of the commission is submitted~~by June 11th of the year in which apportionment is required. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment ~~within 130 calendar days after convening~~by June 11th, the Supreme Judicial Court shall, within 60 days following the period in which the Legislature is required to act, but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the



public with the court during the first 30 days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

**Constitution, Art. IV, Pt. Second, §2** is amended to read:

**Section 2. Submission of reapportionment plan to Secretary of Senate; Legislature's action on commission's plan; division of State into Senatorial Districts; division by Supreme Judicial Court.** The Legislature which shall convene in the year ~~1983~~2013, and also the Legislature which shall convene in the year 2021 and every tenth year thereafter, shall cause the State to be divided into districts for the choice of a Senator from each district, using the same method as provided in Article IV, Part First, Section 2 for apportionment of Representative Districts.

The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Secretary of the Senate no later than ~~420 calendar days after the convening of the Legislature~~ June 1st of the year in which apportionment is required. In the preparation of legislation implementing the plan, the commission, following a unanimous decision by commission members, may adjust errors and inconsistencies in accordance with the standards set forth in this Constitution, so long as substantive changes are not made. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of 2/3 of the Members of each House, ~~within 30 calendar days after the plan of the commission is submitted~~ by June 11th of the year in which apportionment is required. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment ~~within 130 days after convening~~ by June 11th, the Supreme Judicial Court shall, within 60 days following the period in which the Legislature is required to act but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

**Constitution, Art. IX** is amended by adding after Section 23 the following:

**Section 24. Reapportionment.** Congressional districts must be reapportioned as follows.

**1. Procedure.** Beginning in 2021 and every 10 years thereafter, when the Secretary of State has received notification of the number of congressional seats to which the State is entitled and the Federal Decennial Census population count is final, the Legislative Apportionment Commission, established every 10 years pursuant to Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If the districts do not conform to Supreme Judicial Court guidelines, the commission shall reapportion the State into congressional districts.

In making such a reapportionment, the commission shall ensure that each congressional district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible. The commission shall submit its plan to the Clerk of the House of Representatives no later than June 1st of the year in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own in regular or special session by a vote of 2/3 of the members of each House by June 11th of the year in which apportionment is required to the Clerk of the House of Representatives. This action is subject to the Governor's approval, as provided in Article IV, Part Third, Section 2.

**2. Court apportionment.** If the Legislature fails to make an apportionment by June 11th, the Supreme Judicial Court shall make the apportionment within 60 days following the period in which the Legislature is required to act but fails to do so. In making the apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

**3. Judicial review.** The Supreme Judicial Court has original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group of citizens. If a challenge is sustained, the Supreme Judicial Court shall make the apportionment.

**Section 25. Apportionment of county commissioner districts.** County commissioner districts must be apportioned as follows.

**1. Redistricting, generally.** Beginning in 2021 and every 10 years thereafter, the apportionment commission established under Article IV, Part Third, Section 1-A shall review the existing county commissioner districts and, as necessary, reapportion those districts in each county to establish as nearly as practicable equally populated districts. The Speaker of the House of Representatives is responsible for calling the commission together to review the county commissioner districts. No action may be taken by the commission without a quorum of 7.

**A.** The apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county, excluding foreigners not naturalized, according to the latest Federal Decennial Census or a state census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each county commissioner district. Each county commissioner district must be formed of contiguous and compact territory and must cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within the municipal boundaries. Any population remainder within the municipality must be included in a district drawn to cross the municipal boundary as long as the population remainder within the municipality is contiguous to another municipality or municipalities included in the district. Any county that already meets the standards and guidelines for equally populated districts, as established by this section, this Constitution and the Constitution of the United States, need not be reapportioned.

**B.** Interested parties from each county may submit redistricting plans for the commission to consider. Those plans must be submitted to the commission no later than 30 calendar days after the commission is called together by the Speaker of the House of Representatives under this subsection. The commission may hold public hearings on plans affecting each county.

**C.** The commission shall submit its plan to the Clerk of the House of Representatives no later than June 1st of the year in which apportionment is required. The Clerk of the House of Representatives shall submit to the Legislature, no later than January 15, 2022, and every 10th year thereafter, one legislative document to reapportion the county commissioner districts based on the plan submitted by the apportionment commission. The Legislature must enact the submitted plan or a plan of its own in regular or special session by a vote of 2/3 of the members of each House within 30 calendar days after the plan is submitted to it by the Clerk of the House of Representatives. This action is subject to the Governor's approval, as provided in Article IV, Part Third, Section 2.

**2. Supreme Judicial Court.** If the Legislature fails to make an apportionment within the 30 calendar days, the Supreme Judicial Court shall make the apportionment within 60 calendar days following the period in which the Legislature is required to act but fails to do so. In making the apportionment, the Supreme Judicial Court shall consider plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

; and be it further

**Constitutional referendum procedure; form of question; effective date. Resolved:** That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election 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 change the years of redistricting the Maine Legislature, congressional districts and county commissioner districts after 2013 from 2023 and every 10th year thereafter to 2021 and every 10th year thereafter?”

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; and be it further

**Secretary of State shall prepare ballots. Resolved:** That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

### **Intent and Content Prepared by the Office of the Attorney General**

This proposal would amend Maine’s Constitution to more closely align the time frames for reapportioning electoral districts for federal, state and county offices with the federal census. It would also make the process for reapportionment of congressional and county commissioner districts part of the Constitution.

Maine’s Constitution currently provides that legislative districts must be reapportioned based on census data every ten years, starting in 1983. This means that redistricting occurs in the third year after the federal decennial census. The proposed constitutional amendment would move the year of redistricting up to the first year following the census, meaning that redistricting based on the 2020 federal census would be accomplished in 2021 (instead of in 2023) and every ten years thereafter. Under the amendment, the apportionment commission established under the Constitution would have until June 1<sup>st</sup> of that year in which to submit a plan to the Legislature for reapportioning legislative districts. The Legislature would be required to enact either that plan or its own plan by June 11<sup>th</sup>.

All other aspects of reapportionment for legislative districts would remain as currently written in the Constitution. These include the requirements that a plan be enacted by a two-thirds vote of each legislative body and that if the Legislature fails to adopt a plan by the June 11 deadline, the Maine Supreme Judicial Court shall make the apportionment.

The process for reapportioning congressional districts and county commissioner districts currently exists only in statute. This amendment would incorporate those procedures into Maine’s Constitution. The same commission established to reapportion legislative districts would also be required to submit an apportionment plan for congressional and county commissioner districts to the Legislature by June 1<sup>st</sup> of 2021 and every ten years thereafter. The Legislature would have until June 11<sup>th</sup> of that year to enact the commission’s plan or its own plan for the congressional districts. The schedule would be slightly different for county commissioner districts.

The Clerk of the House of Representatives would be required to submit the commission's plan for county commissioner districts to the Legislature, in the form of a legislative document, by no later than January 15, 2022 (and every 10<sup>th</sup> year thereafter). The Legislature would then have to enact that proposal or its own plan within 30 days.

All of the other procedures and substantive standards that are currently set forth in statute for reapportioning congressional and county commissioner districts would be inserted into the Constitution under this amendment. These include the requirements that a reapportionment plan must be enacted by a two-thirds vote of each legislative body, and that the Maine Supreme Judicial Court shall make the apportionment if the Legislature fails to adopt a plan by its deadline. The Maine Supreme Judicial Court also would retain authority to hear any challenge to the constitutionality of a reapportionment plan under this amendment.

A "YES" vote approves the constitutional amendment.

A "NO" vote disapproves the constitutional amendment.

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

This constitutional amendment changes the timing of redistricting beginning in 2021. This would represent a shift of cost from fiscal year 2022-23 to fiscal year 2020-21. The current estimate of the cost to the Legislature of redistricting is \$280,000.

**Public Comments**

No public comments were filed in support of or in opposition to Question 4.