



**WARRANT  
STATE ELECTION  
November 4, 2008**

Hampshire, ss.

To one of the Constables of the Town of Amherst

**GREETING:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

- |            |  |             |                                       |
|------------|--|-------------|---------------------------------------|
| Precinct 1 | North Congregational Church Hall               | Precinct 6  | Fort River School                     |
| Precinct 2 | North Fire Station                             | Precinct 7  | Crocker Farm School                   |
| Precinct 3 | Immanuel Lutheran Church                       | Precinct 8  | Munson Memorial Library               |
| Precinct 4 | Large Activity Room,<br>Bangs Community Center | Precinct 9  | Wildwood School                       |
| Precinct 5 | Large Activity Room,<br>Bangs Community Center | Precinct 10 | Glass Room,<br>Bangs Community Center |

on **TUESDAY, THE FOURTH DAY OF NOVEMBER, 2008**, from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

- ELECTORS OF PRESIDENT AND VICE PRESIDENT ..... STATEWIDE**  
**SENATOR IN CONGRESS ..... FOR THIS COMMONWEALTH**  
**REPRESENTATIVE IN CONGRESS..... FIRST CONGRESSIONAL DISTRICT**  
**COUNCILLOR ..... EIGHTH DISTRICT**  
**SENATOR IN GENERAL COURT ..... HAMPSHIRE & FRANKLIN DISTRICT**  
**REPRESENTATIVE IN GENERAL COURT..... THIRD HAMPSHIRE DISTRICT**  
**REGISTER OF PROBATE ..... HAMPSHIRE COUNTY**

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

**SUMMARY**

This proposed law would reduce the state personal income tax rate to 2.65% for all categories of taxable income for the tax year beginning on or after January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

The personal income tax applies to income received or gain realized by individuals and married couples, by estates of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of "S corporations" as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized in a tax year beginning before January 1, 2009.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

*A YES VOTE* would reduce the state personal income tax rate to 2.65% for the tax year beginning on January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

*A NO VOTE* would make no change in state income tax laws.

### **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

#### **SUMMARY**

This proposed law would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil offense from the state's criminal record information system. Offenders age 18 or older would be subject to forfeiture of the marijuana plus a civil penalty of \$100. Offenders under the age of 18 would be subject to the same forfeiture and, if they complete a drug awareness program within one year of the offense, the same \$100 penalty.

Offenders under 18 and their parents or legal guardian would be notified of the offense and the option for the offender to complete a drug awareness program developed by the state Department of Youth Services. Such programs would include ten hours of community service and at least four hours of instruction or group discussion concerning the use and abuse of marijuana and other drugs and emphasizing early detection and prevention of substance abuse.

The penalty for offenders under 18 who fail to complete such a program within one year could be increased to as much as \$1,000, unless the offender showed an inability to pay, an inability to participate in such a program, or the unavailability of such a program. Such an offender's parents could also be held liable for the increased penalty. Failure by an offender under 17 to complete such a program could also be a basis for a delinquency proceeding.

The proposed law would define possession of one ounce or less of marijuana as including possession of one ounce or less of tetrahydrocannabinol ("THC"), or having metabolized products of marijuana or THC in one's body.

Under the proposed law, possessing an ounce or less of marijuana could not be grounds for state or local government entities imposing any other penalty, sanction, or disqualification, such as denying student financial aid, public housing, public financial assistance including unemployment benefits, the right to operate a motor vehicle, or the opportunity to serve as a foster or adoptive parent. The proposed law would allow local ordinances or bylaws that prohibit the public use of marijuana, and would not affect existing laws, practices, or policies concerning operating a motor vehicle or taking other actions while under the influence of marijuana, unlawful possession of prescription forms of marijuana, or selling, manufacturing, or trafficking in marijuana.

The money received from the new civil penalties would go to the city or town where the offense occurred.

*A YES VOTE* would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties.

*A NO VOTE* would make no change in state criminal laws concerning possession of marijuana.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

#### **SUMMARY**

This proposed law would prohibit any dog racing or racing meeting in Massachusetts where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the Commission. The penalty would be used for the Commission's administrative purposes, subject to appropriation by the state Legislature. All existing parts of the chapter of the state's General Laws concerning dog and horse racing meetings would be interpreted as if they did not refer to dogs.

These changes would take effect January 1, 2010. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would prohibit dog races on which betting or wagering occurs, effective January 1, 2010.

**A NO VOTE** would make no change in the laws governing dog racing.

#### **QUESTION 4: COMMUNITY PRESERVATION ACT**

Shall this Town amend its acceptance of sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body?

##### **SUMMARY**

This question involves amendment of the Town's acceptance of G.L. c.44B, §§3-7, also known as the Community Preservation Act (the "Act"), by increasing the surcharge imposed on real property from one and one-half percent (1½ %) to three percent (3%) of the tax levy, as determined annually by the Board of Assessors. The Act allows municipalities to impose a surcharge on real property to establish a dedicated source of funds for: the acquisition, preservation and creation of open space and land for recreational use; the acquisition, preservation, restoration and rehabilitation of historic resources; and the creation, preservation and support of community housing. Acceptance of the Act also entitles municipalities to receive an annual distribution from the Massachusetts Community Preservation Trust Fund, which supplements the funds collected pursuant to the surcharge imposed by the Town and increases the available funds for eligible projects.

As approved under Article 2 of the February 12, 2001 Special Town Meeting and by the voters at the 2001 Annual Town Election, the surcharge was initially fixed at one percent (1%) of the annual property tax assessed on real property. An increase in the surcharge to one and one-half percent (1½ %) was later approved under Article 38 of the May 1, 2006 Annual Town Meeting and by the voters at the 2006 biennial state election. On a motion made under Article 24 of the April 28, 2008 Annual Town Meeting, the Amherst Town Meeting voted to increase the surcharge to three percent (3%). If approved, the additional surcharge would be imposed on taxes assessed for fiscal years beginning July 1, 2009.

The Act contains certain mandatory exemptions and also allows municipalities to approve certain optional exemptions. The Town has adopted two such optional exemptions, as follows: (1) any property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in Amherst is exempt from the surcharge; and, (2) one hundred thousand dollars (\$100,000.00) of the value of each taxable parcel of residential real property is exempt from the surcharge. Regardless of whether this question passes or fails, these exemptions will continue to be applicable in the Town of Amherst.

#### **QUESTION 5: THIS QUESTION IS NOT BINDING**

Shall the state representative from this district be instructed (1) to support legislation establishing health care as a human right regardless of age, state of health or employment status, by creating a single payer health insurance system that is comprehensive, cost effective, and publicly provided to all residents of Massachusetts; and (2) to oppose any laws penalizing the uninsured for failing to obtain health insurance.

**QUESTION 6: THIS QUESTION IS NOT BINDING**

Shall the state representative from this district be instructed to vote in favor of legislation that:

- (1) reduces greenhouse gas emissions in Massachusetts by 80% by 2020; and
- (2) phases out tax incentives for energy-intensive projects, while expanding job creation programs for locally-owned businesses and cooperatives involved in renewable energy, conservation, and sustainable agriculture?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 6th day of October, 2008.

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Select Board, Town of Amherst

Hampshire, ss.

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In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| Precinct 1 North Amherst Post Office | Precinct 6 Fort River School       |
| Precinct 2 North Fire Station        | Precinct 7 Crocker Farm School     |
| Precinct 3 Marks Meadow School       | Precinct 8 Munson Memorial Library |
| Precinct 4 Amherst Post Office       | Precinct 9 Wildwood School         |
| Precinct 5 Town Hall                 | Precinct 10 Campus Center, UMass   |

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Constable, Town of Amherst