

MAINE STATE LEGISLATURE

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April 26, 1955

To Honorable Carleton S. Fuller, Senate Chamber
Re: Potato Tax - Referendum

Reference is made to L. D. 1317, which contemplates an increase in the potato tax with the provision that the same go to referendum vote and receive the approval of at least a majority of the shippers.

We promised that Boyd Bailey, our Assistant in the Bureau of Taxation, would draft a referendum provision which would be proper. It appears, however, that the only proper referendum provision would be one whereby the bill would be submitted to the voters of the whole State. Bills submitted to electors less than those in the entire State would be unconstitutional, as it would be a delegation of the taxing power to a few and such procedure has been held bad by our courts.

The alternatives are two: To pass the bill without a referendum provision or to pass the bill with such a referendum provision as will afford to the State as a whole the right to vote.

With respect to such a referendum provision, Mr. Slosberg tells me that he has the forms available and will prepare the same at your request.

James Glynn Frost
Deputy Attorney General

jgf/c