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*Uniform Property Tax Repeal Questions
Initiative Filibuster Votes For competing bills
Me. Const. art IV pt 3 sec 18*

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September 14, 1977

The Honorable Bennett D. Katz
Senator
27 Westwood Road
Augusta, Maine 04330

Dear Senator Katz:

This is in response to your letter concerning the referendum on the initiated bill to repeal the uniform property tax.

In an opinion, dated August 8, 1977, this office concluded that the ballot for the referendum may validly contain three alternative questions. I am enclosing a copy of the August 8, 1977, opinion, as well as a copy of an opinion, dated August 24, 1977. The August 24, 1977, opinion indicates that the wording of question II on the ballot will differ from the language discussed in the August 8 opinion. The structure of the ballot is currently being challenged in the Supreme Judicial Court. Thus until we receive the Court's decision, which probably will be issued by early October, we will not know for certain what the form of the ballot will be.

As you point out in your letter, the referendum may result in the failure of any of the three alternatives to gain a majority vote. Maine Constitution Article IV, pt. 3, §18, however, specifically deals with such a situation in the following language:


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When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for or against both.

Thus if neither competing measure receives a majority of the votes cast, the above quoted provisions of §18 will control. Prior to a separate referendum on one of competing measures, the uniform property tax, as amended by the 1st Session of the 108th Legislature, will remain in effect.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB/slw/reb

Enclosure