

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2204

H. P. 2028 House of Representatives, February 10, 1976
Referred to Committee on Taxation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Clark of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Assessment of All Real and Personal Property on the Basis of Current Use.

Constitutional amendment. **RESOLVED:** Two-thirds of each branch of the Legislature concurring that the following amendment to the Constitution of this State be proposed:

Constitution, Art. IX, § 8 is repealed and the following enacted in place thereof:

Section 8. Taxation. All taxes upon real and personal estate, assessed by the authority of this State, shall be apportioned and assessed equally, according to the current use value thereof; but the Legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property.

Form of question and date when amendment shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

"Shall the Constitution be amended as proposed by a resolution of the Legislature to Provide for the Assessment of All Real and Personal Property on the basis of Current Use?"

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall review the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the Governor shall forthwith make known the fact by his proclamation, and the amendment shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

STATEMENT OF FACT

Presently, with 2 exceptions, all taxes on real and personal estate are assessed on the basis on the property's just value. "Just value" has been interpreted to mean market value or true value. The 2 exceptions to assessment on the basis of just value are property assessed under the Farm and Open Space Land Law and under the Tree Growth Tax Law.

The purpose of this amendment is to provide for the assessment of all real and personal estates on the basis of the **current use** value of the property.