

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

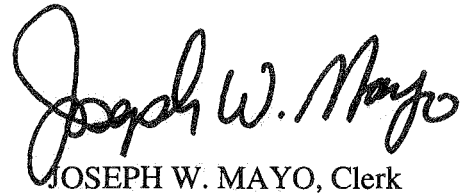
No. 480

H.P. 357

House of Representatives, January 28, 1997

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Require a Vote of 3/5 of Each House of the Legislature to Enact or
Increase a Tax or License Fee.**

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WATERHOUSE of Bridgton.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: BUCK of Yarmouth, CARLETON of Wells, CIANCHETTE of South
Portland.

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

5 **Constitution, Art. IV, Part Third, §24** is enacted to read:

6 Section 24. Enactment of or increase in any tax or license
7 fee. After the effective date of this section:

8 1. Enactment. A tax or license fee may not be imposed or
9 levied unless the tax or license fee was enacted by vote of 3/5
10 of all members elected to each House of the Legislature;

11 2. Increase. The effective rate of any tax or license fee
12 may not be increased except by enactment of legislation approved
13 by 3/5 of all members of each House of the Legislature;

14 3. Exception: debt payment. To the extent necessary to
15 make up for General Fund revenues set apart by the Treasurer of
16 State to pay interest and principal on bonded debt as provided
17 under Article V, Part Third, section 5, the Legislature may enact
18 a tax or license fee or increase the rate of taxes or license
19 fees without application of subsections 1 and 2; and

20 4. Exception: emergency measures. This section does not
21 apply to enactment of or increase in a tax or license fee that is
22 required to receive a vote of more than 3/5 of all members of
23 each House of the Legislature under another provision of this
24 Constitution.

25 ; and be it further

26 **Constitutional referendum procedure; form of question; effective**
27 **date. Resolved:** That the municipal officers of this State shall
28 notify the inhabitants of their respective cities, towns and
29 plantations to meet, in the manner prescribed by law for holding
30 a statewide election, at a statewide election, on the Tuesday
31 following the first Monday of November following the passage of
32 this resolution, to vote upon the ratification of the amendment
33 proposed in this resolution by voting upon the following question:

34 "Do you favor amending the Constitution of Maine to requires
35 a 3/5 vote of all the members of each branch of the
36 Legislature to enact or increase taxes or license fees
37 except when inadequate funds have been appropriated for debt
38 payment?"

39 The legal voters of each city, town and plantation shall
40 vote by ballot on this question and designate their choice by a

2 cross or check mark placed within the corresponding square below
the word "Yes" or "No." The ballots must be received, sorted,
4 counted and declared in open ward, town and plantation meetings
and returns made to the Secretary of State in the same manner as
6 votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes
8 are cast in favor of the amendment, the Governor shall proclaim
that fact without delay and the amendment becomes part of the
Constitution on the date of the proclamation; and be it further

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

16 **SUMMARY**

18 This bill proposes an amendment to the Constitution of Maine
20 to require approval of 3/5 of each House of the Legislature to
enact or increase taxes or license fees except when inadequate
22 funds have been appropriated for debt payment.