



119th MAINE LEGISLATURE

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Legislative Document

No. 359

H.P. 255

House of Representatives, January 14, 1999

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee.

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

SOSEPH W. MAYO, Clerk

Presented by Representative WATERHOUSE of Bridgton. Cosponsored by Representative: ANDREWS of York, Senator BERUBE of Androscoggin and Representatives: BUCK of Yarmouth, CIANCHETTE of South Portland, MacDOUGALL of North Berwick, MACK of Standish, MURPHY of Berwick, WHEELER of Eliot, Senators: AMERO of Cumberland, BENNETT of Oxford.

	Constitutional amendment. Resolved: Two thirds of each
2	branch of the Legislature concurring, that the following
4	amendment to the Constitution of Maine be proposed:
4	Constitution, Art. IV, Part Third, §24 is enacted to read:
6	Combined to My AND AVY A APP AND COULD TEAU.
•	Section 24. Enactment of or increase in any tax or license
8	fee. After the effective date of this section:
10	1. Enactment. A tax or license fee may not be imposed or
	levied unless the tax or license fee was enacted by vote of 2/3
12	of all members elected to each House of the Legislature;
14	2. Increase. The effective rate of any tax or license fee
	may not be increased except by enactment of legislation approved
16	by 2/3 of all members of each House of the Legislature;
18	3. Exception: debt payment. To the extent necessary to
	make up for General Fund revenues set apart by the Treasurer of
20	State to pay interest and principal on bonded debt as provided
22	under Article V, Part Third, Section 5, the Legislature may enact a tax or license fee or increase the rate of taxes or license
<i>L L</i>	fees without application of subsections 1 and 2; and
24	<u> </u>
	4. Exception: emergency measures. This Section does not
26	apply to enactment of or increase in a tax or license fee that is
	required to receive a vote of more than 2/3 of all members of
28	each House of the Legislature under another provision of this
30	Constitution.
50	; and be it further
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	Constitutional referendum procedure; form of question; effective
34	date. Resolved: That the municipal officers of this State shall
	notify the inhabitants of their respective cities, towns and
36	plantations to meet, in the manner prescribed by law for holding
38	a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of
20	this resolution, to vote upon the ratification of the amendment
40	proposed in this resolution by voting upon the following question:
42	"Do you favor amending the Constitution of Maine to require
72	a $2/3$ vote of all the members of each branch of the
44	Legislature to enact or increase taxes or license fees
	except when inadequate funds have been appropriated for debt
46	payment?"
48	The legal voters of each city, town and plantation shall
70	vote by ballot on this question and designate their choice by a

cross or check mark placed within the corresponding square below
the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings
and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes 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

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

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SUMMARY

This bill proposes an amendment to the Constitution of Maine 20 to require approval of 2/3 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.