

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 358

H.P. 280

House of Representatives, January 30, 2001

**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.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative WATERHOUSE of Bridgton.
Cosponsored by Representative CRESSEY of Baldwin and
Representatives: KASPRZAK of Newport, MUSE of Fryeburg, WHEELER of Eliot,
Senators: President Pro Tem BENNETT of Oxford, DAVIS of Piscataquis, KILKELLY of
Lincoln.

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

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

6 Section 24. Enactment of or increase in any tax or license
8 fee.

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 of 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
under Article V, Part Third, Section 5, the Legislature may enact
22 a tax or license fee or increase the rate of taxes or license
fees without application of subsections 1 and 2; and

24 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
Constitution. This section does not apply to any tax or license
30 fee imposed prior to the effective date of this section.

32 ; and be it further

34 **Constitutional referendum procedure; form of question; effective**
date. Resolved: That the municipal officers of this State shall
36 notify the inhabitants of their respective cities, towns and
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
40 this resolution, to vote upon the ratification of the amendment
proposed in this resolution by voting upon the following question:

42 "Do you favor amending the Constitution of Maine to require
44 a 2/3 vote of all the members of each branch of the
Legislature to enact or increase taxes or license fees
46 except when inadequate funds have been appropriated for debt
payment?"

2 The legal voters of each city, town and plantation shall
vote by ballot on this question and designate their choice by a
4 cross or check mark placed within the corresponding square below
the word "Yes" or "No." The ballots must be received, sorted,
6 counted and declared in open ward, town and plantation meetings
and returns made to the Secretary of State in the same manner as
8 votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes
10 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

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

18

SUMMARY

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22 This bill proposes an amendment to the Constitution of Maine
to require approval of 2/3 of each House of the Legislature to
24 enact or increase taxes or license fees except when inadequate
funds have been appropriated for debt payment.