

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 38

S.P. 24

In Senate, January 16, 2003

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Commercial Fishing Industry

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.
Cosponsored by Senators: BROMLEY of Cumberland, DAMON of Hancock, HALL of
Lincoln, MAYO of Sagadahoc, PENDLETON of Cumberland, STRIMLING of Cumberland,
Representatives: DUDLEY of Portland, NORBERT of Portland.

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

Constitution, Art. IX, §8, sub-§2 is amended to read:

2. Assessment of certain lands based on current use; penalty on change to higher use. The Legislature shall have power to provide for the assessment of the following types of real estate whenever situated in accordance with a valuation based upon the current use thereof and in accordance with such conditions as the Legislature may enact:

A. Farms and agricultural lands, timberlands and woodlands;

B. Open space lands which are used for recreation or the enjoyment of scenic natural beauty; and

C. Lands used for game management or wildlife sanctuaries, and

D. Waterfront land and structures used primarily for commercial fishing purposes, including, but not limited to, access, dockage, processing, vessel and gear storage and the purchase of marine products from a person who fishes commercially.

In implementing paragraphs A, B and, C and D, the Legislature shall provide that any change of use higher than those set forth in paragraphs A, B and, C and D, except when the change is occasioned by a transfer resulting from the exercise or threatened exercise of the power of eminent domain, shall result in the imposition of a minimum penalty equal to the tax which would have been imposed over the 5 years preceding that change of use had that real estate been assessed at its highest and best use, less all taxes paid on that real estate over the preceding 5 years, and interest, upon such reasonable and equitable basis as the Legislature shall determine. Any statutory or constitutional penalty imposed as a result of a change of use, whether imposed before or after the approval of this subsection, shall be determined without regard to the presence of minerals, provided that, when payment of the penalty is made or demanded, whichever occurs first, there is in effect a state excise tax which applies or would apply to the mining of those minerals.

; and be it further

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations

2 to meet, in the manner prescribed by law for holding a statewide
election, at a statewide election, on the Tuesday following the
4 first Monday of November following the passage of this
resolution, to vote upon the ratification of the amendment
proposed in this resolution by voting upon the following question:

6
8 "Do you favor amending the Constitution of Maine to allow
the Legislature to provide for the assessment of land and
structures used primarily for commercial fishing purposes
10 based on the current use of that property?"

12 The legal voters of each city, town and plantation shall
vote by ballot on this question and designate their choice by a
14 cross or check mark placed within the corresponding square below
the word "Yes" or "No." The ballots must be received, sorted,
16 counted and declared in open ward, town and plantation meetings
and returns made to the Secretary of State in the same manner as
18 votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes
20 are cast in favor of the amendment, the Governor shall proclaim
that fact without delay and the amendment becomes part of the
22 Constitution on the date of the proclamation; and be it further

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

30 SUMMARY

32
34 This constitutional resolution allows the Legislature to
provide for the assessment of land and structures used primarily
36 for commercial fishing purposes based on the current use of that
property.