# MAINE STATE LEGISLATURE

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## 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

**Legislative Document** 

No. 108

H.P. 117

House of Representatives, January 21, 2003

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Transportation Revenues to Fund a Flexible and Modern Transportation Policy

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Senator HATCH of Somerset and
Representatives: MARLEY of Portland, McLAUGHLIN of Cape Elizabeth, PARADIS of
Frenchville, SUSLOVIC of Portland, USHER of Westbrook, Senators: DAMON of Hancock,
SAVAGE of Knox.

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

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### Constitution, Art. IX, Section 19 is amended to read:

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Section 19. Limitation on expenditure of motor vehicle and motor vehicle fuel revenues. All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for propulsion of such vehicles shall be expended solely for funding such costs of transportation as the Legislature considers appropriate. Permissible uses include, but are not limited to, the cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges, the cost of administration, construction, equipment purchase and other expenses for mass transit and for trails and routes for human-powered transportation and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax.

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; and be it further

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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 to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday following the 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:

"Do you favor amending the Constitution of Maine to allow use of gas taxes and certain other revenues for such transportation costs as the Legislature considers appropriate, including highways, mass transit and human-powered transportation?"

The legal voters of each city, town and plantation shall 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

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 purposes of this referendum.

#### SUMMARY

This resolution proposes an amendment to the Constitution of Maine to allow gas taxes and other highway fund revenue to be used for such transportation expenses as the Legislature considers appropriate. The goal of the resolution is to amend the Constitution of Maine to reflect modern transportation policy that takes into account modern environmental and health research, ensuring that Maine communities are designed with transportation that makes physical activity and health central to 21st century transportation plans.