MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 784

H.P. 582

House of Representatives, February 18, 2003

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Establish a Different Property Tax Rate for Secondary Residential Property for Purposes of Education Funding and To Protect State Funding of Education

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFARLAND
Clerk

Presented by Representative McGOWAN of Pittsfield.
Cosponsored by Representatives: BLANCHETTE of Bangor, DUGAY of Cherryfield,
DUNLAP of Old Town, PELLON of Machias, SHERMAN of Hodgdon, TARDY of Newport,
THOMAS of Orono, TOBIN of Dexter.

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-§6 is enacted to read:

6. Property taxes for education funding. The Legislature may establish a different tax rate for secondary residential property, as defined by the Legislature, for the portion of the property tax that is assessed for the purpose of funding public education from kindergarten to grade 12 as defined by the Legislature. The Legislature shall establish the procedure to determine the tax rate for secondary residential property established under this subsection.

Constitution, Art. IX, §§24 and 25 are enacted to read:

Section 24. Education Funding Stabilization Fund. The Legislature shall create and maintain the Education Funding Stabilization Fund for the purpose of ensuring the stability of adequate revenues to support the State's contribution to kindergarten to grade 12 public education. The fund must be annually capitalized with at least 25% of the excess of total General Fund revenues received over accepted estimates in any fiscal year as defined by the Legislature. Money from the fund may be allocated only for the purpose of meeting the State's share of the cost of funding public education from kindergarten to grade 12 and only upon a 2/3 vote of all members elected to each House of the Legislature.

Section 25. Dedication of education revenues. All additional revenues collected as a result of changes to the sales tax enacted as a result of a decision by the voters at referendum on November 4, 2003 requiring the Legislature to provide additional funds to meet the State's obligation to fund education must be dedicated to support kindergarten to grade 12 education unless appropriated for a different purpose by an enactment approved by a vote of 2/3 of all the members elected to each House of the Legislature.

; 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 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 permit the Legislature to establish a different tax rate for secondary residential property for the purpose of funding public education from kindergarten to grade 12, to establish the Education Funding Stabilization Fund dedicated to providing a stable source of state revenue to support kindergarten to grade 12 education and to dedicate additional sales tax revenue enacted as a result of a referendum to support kindergarten to grade 12 education?"

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 of Maine 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 to amend the Constitution of Maine to permit the Legislature to establish a different tax rate for secondary residential property for the purpose of funding public education from kindergarten to grade 12, to establish the Education Funding Stabilization Fund dedicated to providing a stable source of state revenue to support kindergarten to grade 12 education and to dedicate additional sales tax revenue enacted as a result of a referendum to support kindergarten to grade 12 education unless otherwise appropriated by a 2/3 vote of each House of the Legislature.