



121st MAINE LEGISLATURE

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Legislative Document

No. 801

S.P. 280

In Senate, February 20, 2003

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 Increase a Tax

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BLAIS of Kennebec.

Cosponsored by Representative CRESSEY of Baldwin, Representative CLOUGH of Scarborough and Senators: DAVIS of Piscataquis, GILMAN of Cumberland, NASS of York, WESTON of Waldo, Representatives: BERUBE of Lisbon, HEIDRICH of Oxford, NUTTING of Oakland, TREADWELL of Carmel.

Constitutional amendment. Resolved: Two thirds of each 2 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. 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 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. Repeal. A tax exemption may not be eliminated unless repealed by vote of 2/3 of all members of each House of the 20 Legislature; and 22 4. Exception; debt payment. To the extent necessary to make up for General Fund revenues set apart by the Treasurer of State to pay interest and principal on bonded debt as provided 24 under Article V, Part Third, Section 5, the Legislature may 26 eliminate a tax exemption without application of subsection 3 or enact a tax or license fee or increase the rate of taxes or license fees without application of subsections 1 and 2. 28 30 This section does not apply to enactment of or increase in a tax or license fee or elimination of a tax exemption that is required to receive a vote of more than 2/3 of all members of 32 each House of the Legislature under another provision of this 34 Constitution. ; and be it further 36 Constitutional referendum procedure; form of question: effective 38 date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and 40 plantations to meet, in the manner prescribed by law for holding

42 a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of
44 this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:
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"Do you favor amending the Constitution of Maine to require a 2/3 vote of all the members of each House of the Legislature to enact or increase taxes or license fees or to eliminate tax exemptions except when inadequate funds have been appropriated for debt payment?"

The legal voters of each city, town and plantation shall 4 vote by ballot on this question and designate their choice by a 6 cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, 8 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 10 the returns and, if it appears that a majority of the legal votes 12 are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the 14 Constitution of Maine on the date of the proclamation; and be it further 16

Secretary of State shall prepare ballots. Resolved: Secretary of State shall prepare and furnish to each city, town 18 and plantation all ballots, returns and copies of this resolution 20 necessary to carry out the purposes of this referendum.

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SUMMARY

That the

This constitutional resolution requires approval of 2/3 of 26 each House of the Legislature to enact or increase taxes or license fees or repeal existing tax exemptions except when 28 inadequate funds have been appropriated for debt payment.