

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1331

S.P. 433

In Senate, March 12, 2003

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Allow Real Estate To Be Valued Differently Based on the
Residence of the Owner**

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TURNER of Cumberland.

Cosponsored by Senators: NASS of York, WOODCOCK of Franklin, Representative: BRUNO of Raymond.

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

6 **Constitution, Art. IX, §8, sub-§6** is enacted to read:

8 6. Valuation of Maine resident property. The Legislature
shall require municipalities to establish a fixed valuation of
10 property owned by a permanent resident of Maine within that
municipality. The valuation of Maine resident-owned property may
12 not increase for the time that the property is owned by that
Maine resident. Upon transfer of the property to a non-Maine
14 resident, the valuation may increase to the just value as
determined by the assessors of the taxing municipality. If the
16 property is transferred to another permanent Maine resident, the
valuation of the property remains at the same value as when last
18 owned by the transferor. The valuation of property owned by a
person who is not a permanent resident of Maine must continue to
increase according to the just value of that property.

20 ; and be it further

22
24 **Constitutional referendum procedure; form of question; effective
date. Resolved:** That the municipal officers of this State shall
26 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
28 following the first Monday of November following the passage of
this resolution, to vote upon the ratification of the amendment
30 proposed in this resolution by voting upon the following question:

32 "Do you favor amending the Constitution of Maine to require
the Legislature to require municipalities to fix the value
34 of property owned by a Maine resident at a level that does
not change until the property is transferred to a
36 nonresident of Maine and requiring the value of property
owned by non-Maine residents to increase according to just
38 value assessment?"

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

2 Constitution of Maine on the date of the proclamation; and be it
further

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

10 **SUMMARY**

12 This resolution proposes to amend the Constitution of Maine
to require the Legislature to require municipalities to fix the
14 value of property owned by permanent residents of Maine; once the
value is fixed, it could not increase until the property was
16 transferred through sale or other means to a non-Maine resident
or the owner was no longer considered a permanent Maine
18 resident. At the time of transfer to a non-Maine resident, the
valuation of the property would increase to the amount of the
20 true or just valuation. A Maine resident who purchased the
property would assume the valuation in place on the date of the
22 transfer.