MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 296

H.P. 221

House of Representatives, January 18, 2005

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize or Require a Growth Limitation on the Taxable Value of Small Business Land

Reported by the Majority of the Joint Select Committee on Property Tax Reform pursuant to Joint Order 2005, H.P. 108.

Millient M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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. Small business land value. The Legislature may limit the rate of increase in the taxable value of small business land. The Legislature may permit municipalities to choose whether to adopt such a limitation. In implementing this subsection, the Legislature shall provide that certain changes in ownership or use of the small business land as specified by the Legislature must result in the restoration of the land to taxation at just value and the imposition of a minimum penalty equal to the tax that would have been imposed over the 5 years preceding the change of ownership or use had the small business land not been subject to a limitation on increases in taxable value under this subsection and interest, as determined by the Legislature. Any limitation on increases in taxable value under this subsection may not affect the determination of equalized just value of a municipality for any purpose.

; 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 limiting the taxable value of small business land?"

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.

6

SUMMARY

8

10

12

This resolution proposes to amend the Constitution of Maine to allow the Legislature to authorize or require municipalities to limit the rate of increase in the taxable value of small business land. Change of ownership or use of qualifying land would result in a minimum penalty.

FISCAL NOTE REQUIRED (See attached)

Length



122nd MAINE LEGISLATURE

LD

LR 2164(01)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature to Authorize or Require a Growth Limitation on the Taxable Value of Small Business Land

Fiscal Note for Original Bill

Sponsor: Submitted by the Joint Select Committee on Property Tax Reform pursuant to Joint Order 2005, H.P. 108.

Fiscal Note Required: Yes

Fiscal Note

Referendum Costs Month/Year Election Type Question

Nov-05 General Referendum Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions increases the ballot length, an additional appropriation of \$8,000 or more may be required.