

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1199

H.P. 827

House of Representatives, March 10, 2005

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Limit Property Valuation Increases for Persons 65 Years  
of Age or Older or Disabled Persons**

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Reference to the Committee on Taxation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GLYNN of South Portland.

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

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

6                   **6. Assessment and taxation of real property for elderly and**  
8                   **disabled.** An increase in the base property value of property  
10                   owned by a person who is at least 65 years of age or who is  
12                   disabled is limited to the rate of the cost-of-living adjustments  
to Social Security benefits. For purposes of this section, "base  
property value" means:

14                   A. For a person claiming a limitation due to age, the just  
16                   value of the property as of the date the person acquires the  
18                   property or the date the person attains 65 years of age,  
whichever is later; and

20                   B. For a person claiming a limitation due to disability,  
22                   the just value of the property as of the date the person  
acquires the property or the date the person becomes  
disabled, whichever is later.

24                   The limitation on base property value granted under this  
26                   subsection is personal and does not survive the transfer of the  
28                   property to a different owner. The Legislature may enact income  
eligibility standards or a means test to determine eligibility  
under this subsection and may enact legislation to provide for  
the administration of this subsection.

30                   ; and be it further

32                   **Constitutional referendum procedure; form of question; effective**  
34                   **date. Resolved:** That the municipal officers of this State shall  
36                   notify the inhabitants of their respective cities, towns and  
38                   plantations to meet, in the manner prescribed by law for holding  
40                   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:

42                   "Do you favor amending the Constitution of Maine to limit  
44                   the increase of the taxable value of real property owned by  
46                   persons who are 65 years of age or older or who are disabled  
to the rate of cost-of-living adjustments to Social Security  
benefits?"

48                   The legal voters of each city, town and plantation shall  
vote by ballot on this question and designate their choice by a

2 cross or check mark placed within the corresponding square below  
the word "Yes" or "No." The ballots must be received, sorted,  
4 counted and declared in open ward, town and plantation meetings  
and returns made to the Secretary of State in the same manner as  
6 votes for members of the Legislature. The Governor shall review  
the returns and, if it appears that a majority of the legal votes  
8 are cast in favor of the amendment, the Governor shall proclaim  
that fact without delay and the amendment becomes part of the  
10 Constitution of Maine on the date of the proclamation; and be it  
further

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

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### SUMMARY

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This resolution amends the Constitution of Maine to limit  
20 the increase of the taxable value of real property owned by  
persons who are 65 years of age or older or who are disabled to  
22 the rate of cost-of-living adjustments to Social Security  
benefits. The Legislature is authorized to enact a means test or  
24 other income eligibility standards for determining participation.