

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1602

H.P. 1124

House of Representatives, March 21, 2007

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Reduce Homestead Property Taxes**

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Reference to the Committee on Taxation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WOODBURY of Yarmouth.



1 The tax refund or forgiveness must be calculated to reflect the ability of the claimant to  
2 pay the tax.

3 ; and be it further

4 **Constitutional referendum procedure; form of question; effective date.**

5 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
6 respective cities, towns and plantations to meet, in the manner prescribed by law for  
7 holding a statewide election, at a statewide election held in the month of November  
8 following the passage of this resolution, to vote upon the ratification of this Part of the  
9 amendment proposed in this Part by voting upon the following question:

10 "Do you favor amending the Constitution of Maine to allow the Legislature to  
11 authorize municipalities to refund a portion of the property taxes paid or forgive the  
12 payment of a portion of property taxes owed on a principal residence, with the tax  
13 refund or forgiveness based upon the resident's ability to pay?"

14 The legal voters of each city, town and plantation shall vote by ballot on this question  
15 and designate their choice by a cross or check mark placed within the corresponding  
16 square below the word "Yes" or "No." The ballots must be received, sorted, counted and  
17 declared in open ward, town and plantation meetings and returns made to the Secretary of  
18 State in the same manner as votes for members of the Legislature. The Governor shall  
19 review the returns. If it appears that a majority of the legal votes are cast in favor of this  
20 Part of the amendment, the Governor shall proclaim that fact without delay and this Part  
21 of the amendment becomes part of the Constitution of Maine on the date of the  
22 proclamation; and be it further

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

26 **PART C**

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

28 6. Property tax rate on secondary residential property. The Legislature may  
29 permit or require municipalities to apply a property tax rate to all or a portion of the value  
30 of secondary residential property that is higher than the property tax rate applied to all  
31 other taxable property; however, the tax rate applied to secondary residential property  
32 may not exceed the higher of the rate applied to other taxable property in the taxing  
33 jurisdiction and the statewide average rate applied to other taxable property. For  
34 purposes of this subsection, "secondary residential property" means property used as a  
35 residence by the owner that is not the owner's primary residence. The Legislature may  
36 adopt legislation to implement this subsection, including further definition of "secondary  
37 residential property."

38 ; and be it further

39 **Constitutional referendum procedure; form of question; effective date.**

40 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
41 respective cities, towns and plantations to meet, in the manner prescribed by law for

1 holding a statewide election, at a statewide election held in the month of November  
2 following the passage of this resolution, to vote upon the ratification of this Part of the  
3 amendment proposed in this Part by voting upon the following question:

4 “Do you favor amending the Constitution of Maine to allow the Legislature to permit  
5 or require municipalities to adopt a higher property tax rate on secondary residential  
6 property?”

7 The legal voters of each city, town and plantation shall vote by ballot on this question  
8 and designate their choice by a cross or check mark placed within the corresponding  
9 square below the word “Yes” or “No.” The ballots must be received, sorted, counted and  
10 declared in open ward, town and plantation meetings and returns made to the Secretary of  
11 State in the same manner as votes for members of the Legislature. The Governor shall  
12 review the returns. If it appears that a majority of the legal votes are cast in favor of this  
13 Part of the amendment, the Governor shall proclaim that fact without delay and this Part  
14 of the amendment becomes part of the Constitution of Maine on the date of the  
15 proclamation; and be it further

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

19 **SUMMARY**

20 This constitutional resolution proposes 3 changes to the Constitution of Maine and  
21 provides that each change must be presented as a separate and independent questions to  
22 the voters.

23 Part A of this resolution proposes to amend the Constitution of Maine to allow the  
24 Legislature to authorize a local option homestead property tax exemption.

25 Part B of this resolution proposes to amend the Constitution of Maine to allow the  
26 Legislature to authorize a local option property tax refund or tax forgiveness program  
27 based on a resident's ability to pay.

28 Part C of this resolution proposes to amend the Constitution of Maine to allow the  
29 Legislature to permit or require municipalities to adopt a tax rate on secondary residential  
30 property that is higher than the rate on other property, provided that the rate on the  
31 secondary residential property does not exceed the statewide average rate applied to other  
32 taxable property.