



## **123rd MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2007

**Legislative Document** 

No. 1646

H.P. 1155

House of Representatives, March 22, 2007

**RESOLUTION, Proposing an Amendment to the Constitution of** Maine To Provide Property Tax Relief to the Elderly and Disabled

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. Mag Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative MAZUREK of Rockland. Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BLANCHARD of Old Town, GROSE of Woolwich, HANLEY of Gardiner, HOGAN of Old Orchard Beach, LUNDEEN of Mars Hill, MARLEY of Portland, PERCY of Phippsburg, VALENTINO of Saco. 1 **Constitutional amendment. Resolved:** Two thirds of each branch of the 2 Legislature concurring, that the following amendment to the Constitution of Maine be 3 proposed:

4 **Constitution, Art. IX, §8, first** ¶ is amended to read:

5 Section 8. Taxation. All taxes upon real and personal estate, assessed by authority 6 of this State, shall be apportioned and assessed equally according to the just value thereof, 7 except as provided in this section.

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

9 6. Property owned by person 60 years of age or older or disabled. The 10 Legislature has the power to provide that municipalities must limit the rate of increase on the tax assessed on real property owned by a person at least 60 years of age or a person 11 who is disabled and receiving federal assistance due to that disability. In either case, the 12 limitation is available only after the person has occupied the property as that person's 13 primary residence for at least 5 years prior to limitation. The rate of increase must be 14 15 limited to no more than the rate of inflation as measured by an index of consumer prices as published by a federal agency. If title to the property is transferred to someone other 16 than a family member of the owner, the property assumes the just value at the time of 17 18 transfer.

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; and be it further

20 **Constitutional referendum procedure; form of question; effective date.** 21 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their 22 respective cities, towns and plantations to meet, in the manner prescribed by law for 23 holding a statewide election, at a statewide election held in the month of November 24 following the passage of this resolution, to vote upon the ratification of the amendment 25 proposed in this resolution by voting upon the following question:

26 "Do you favor amending the Constitution of Maine to authorize the Legislature to
27 limit to the rate of inflation the rate of property tax increases on real property owned
28 and occupied as a primary residence for at least 5 years by a person at least 60 years
29 of age or who is disabled?"

30 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 31 square below the word "Yes" or "No." The ballots must be received, sorted, counted and 32 declared in open ward, town and plantation meetings and returns made to the Secretary of 33 34 State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If it appears that a majority of the legal votes are cast in favor of the 35 amendment, the Governor shall proclaim that fact without delay and the amendment 36 37 becomes part of the Constitution of Maine on the date of the proclamation; and be it 38 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.

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## SUMMARY

5 This resolution proposes to amend the Constitution of Maine to authorize the 6 Legislature to require municipalities to limit tax increases on property owned and 7 occupied for at least 5 years as a person's primary residence if that person is at least 60 8 years of age or that person is disabled and receiving federal assistance due to the 9 disability. The amount of the tax increase would be limited to the rate of inflation. Upon 10 transfer of the property to someone other than a family member of the owner, the 11 property would assume the just value at the time of transfer.