

[Back](#)[Absentee Voting on the Rise](#)[Schedule for Road Shows on Excise Tax & TABOR II](#)

Campaign '09: Excise Tax & TABOR II

(from *Maine Townsman*, August/September/September 2009)

By Geoff Herman, Director, State and Federal Relations, MMA

Four citizen initiatives will be decided by the voters on November 3, 2009. That's one for the record books.

According to information posted on the Secretary of State's website, six citizen initiatives were decided by the voters during the entire 50 year period between 1920 and 1970.

During the 1970s, six more initiatives were decided by the voters, increasing the average rate from one citizen initiative per decade to an initiative every other year.

The rate at which citizen initiatives were presented to the electorate jumped again during the 1980s, when 12 citizen initiatives were decided by the voters. The decade of the 1990s experienced the same one-initiative-per-year rate when 11 citizen initiatives were advanced to the statewide ballot.

After November 3, 2009, 16 citizen initiatives will have been decided by the voters since the year 2000, with one year still left to fill out the decade. Four of those 16 initiatives will be decided by the voters this November.

Maine is unmistakably trending toward increased "government by referendum".

Three of the four initiatives directly impact local government, and MMA is actively involved in the effort to educate voters about the negative impacts of two: the Motor Vehicle Excise Tax initiative and "TABOR II". We are launching this effort because the elected and appointed municipal officials who make up MMA's 70-member Legislative Policy Committee and 12-member Executive Committee strongly believe that these two proposals, both individually and in combination, would be harmful to the citizens of the state, cause negative and unfair impacts, and place increased burdens on the real estate property tax (see article in this issue titled ***Unfair, Unnecessary and Unwise***).

The educational effort goes well beyond this Association, however. MMA is just one association within a broad coalition of organizations and individuals opposed to one or both of these proposals.

Along with MMA, the core group of organizations and individuals joining together to inform the voters about the significant down-side of these two initiatives include the Maine Education Association, the Maine Service Center Coalition, the Maine Better Transportation Association, the Maine State Employees Association, an organization called *EngageMaine*, the Hon. Jill Goldthwait of Bar Harbor, and Joseph Wishcamper of Freeport. The Political Action Committee that is overseen by that core group goes by the title *Citizens Unified for Maine's Future*.

But the size and the breadth of the coalition opposed to these two initiatives doesn't

end there. Dozens of organizations representing a broad range of perspectives have added their names to the list of opponents. Business groups such as the American Council of Engineering Companies and Associated General Contractors have taken formal positions in opposition to one or both of these proposals. Along with the business-based opponents, there are labor organizations such as the AFL-CIO, environmental groups including the Natural Resources Council of Maine, groups representing certain voters such as the League of Women Voters and the League of Young Voters, groups representing the not-so-young such as the Maine Chapter of the American Association of Retired Persons, and over two dozen social service agencies. The list of opponent organizations grows every day.

The Shape of the 2009 Campaigns. In 2003 there was the “Question 1A” initiative that directed the state to actually assume 55% of the cost of public education, as long promised. In 2004 there was the “Palesky” initiative limiting all property tax rates to 1% of real estate assessments and prohibiting those assessments from being adjusted to reflect their changing values. In 2006 there was the original TABOR campaign which is the progenitor of this November’s TABOR II initiative. As challenging as each of these campaigns were, they were at least advanced through the initiative process one-at-a-time.

In 2009, however, the primary supporter of governmental tax cap and revenue-limiting proposals – The Maine Heritage Policy Center – has decided to advance two tax-cut, tax-capping proposals simultaneously: The Excise Tax initiative which is largely (but not exclusively) focused on cutting municipal revenue, and the TABOR II initiative which is largely (but not exclusively) focused on ratcheting down state government’s ability to financially support its core functions.

Although both initiatives may share Heritage’s smaller-is-better philosophy about government, there are big differences between them when it comes to how and when the restrictions and limitations would actually be implemented, which governments are most affected, how the negative impacts can be quantified, and the types of governmental programs and services that would likely be impaired.

As a result, MMA and its coalition partners will be conducting two separate campaigns between now and November. MMA will take the lead in standing up against the Excise Tax proposal. The opposition to TABOR II will be the primary focus of MMA’s coalition partners.

The Web Site and the Road Shows. We have two primary ways of providing information to our membership regarding these initiatives; information we hope municipal officials will find useful in their efforts to provide educational resources to their constituents.

At the front page of MMA’s website (www.memun.org), a simple click on “**Citizen Initiatives**” can take any interested surfer to a section devoted to quality information about the Excise Tax initiative. The table of contents of that section of the website is shown on page 5. As will be noted, the proposed legislation and its fiscal

| Excise Tax Information on the MMA Website: www.memun.org | |
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| <p>The Legislation</p> <ul style="list-style-type: none"> • LD 974 • Fiscal Note • MMA Summary <p>The Impact</p> <ul style="list-style-type: none"> • MMA Estimate (Statewide) • MMA Estimate (Town-by-Town) • MMA Worksheet (RTF) or (PDF) <p>Advocacy</p> <ul style="list-style-type: none"> • MMA Talking Points • MMA Q&A • Resolutions • Voter Guide Essays <ul style="list-style-type: none"> – Jill M. Goldthwait, Bar Harbor – Mayor Roger Katz, Augusta – Richard Gould, Greenville <p>Related Laws</p> | <p>Excise Tax & Local Budgets</p> <ul style="list-style-type: none"> • Road Revenues & Expenditures (FY 2008) • Annual Reports • 2007 Road Revenues & Expenditures Chart <p>Reports by Others</p> <ul style="list-style-type: none"> • Maine Development Foundation Report on Roads (2009) • American Society of Civil Engineers Road Report Card (2008) • Maine Revenue Services Report on Motor Vehicle Excise Tax (2008) • MBTA Report (2009) • Maine Heritage Policy Center Report on Municipal Spending (2008) |

note, pertinent data, impact analyses, advocacy materials, etc., are organized according to informational categories for the convenience of anyone wishing to comprehensively review the Excise Tax initiative and understand its impacts at both the statewide and local level.

MMA will also be taking information about these two citizen initiatives on the road. The [schedule of road shows](#) as developed thus far is located on page 6. The purpose of the road shows is to provide an opportunity for municipal officials and the general public to obtain more information about these two initiatives. The design of each road show will depend largely on the interests of the community or region where the informational sessions will be held. MMA's offer is entirely open. We will make ourselves available to provide the information we have about these two proposals, with a focus on the Excise Tax initiative. If there is a local interest in expanding that informational forum into a presentation from both supporters and opponents of these citizen initiatives, that would be perfectly acceptable.

As will be noted, almost all the road shows are scheduled for the month of September. Not that many years ago, the public discussion and debate over election issues might begin after Labor Day but not crescendo until the last week or two before the official election day. We are now learning about a growing trend toward early voting by absentee ballot (see the sidebar article ***Absentee Voting on the Rise***). As a result, we thought it would be prudent to get as much information as possible into the public debate during the earlier half of this autumn's election season.

Schedule for Road Shows on Excise Tax & TABOR II

Sept. 3 6:30-8:30 p.m.
Bangor Public Library

Sept. 9 6:00-8:30 p.m.
Biddeford City Hall

Sept. 9 6:00-9:00 p.m.
Waldo Town Office

Sept. 10 6:00-8:30 p.m.
Naples Town Office

Sept. 14 6:00 – 8:30 p.m.
Paris Fire Station

Sept. 15 6:30-8:30 p.m.
South Portland
Community Center

Sept. 16 6:30-8:30 p.m.
Location TBD (likely Wiscasset High School Café or Middle School Cafeteria)

Sept. 17 6:00-8:30 p.m.

University of ME at Machias

Sept. 21 6:45 p.m.
Waterboro Town Office

Sept. 22 6:00-8:30 p.m.
Ellsworth City
Hall Auditorium

Sept. 23 7:00-8:30 p.m.
Farmington Municipal Building

Sept. 24 6:30-8:30 p.m.
Lewiston City
Council Chambers

Sept. 29 (tentative) 6:00-8:00 p.m.
Greenville Town Office

Oct. 7 3:15- 4:15 p.m.
Augusta Civic Center
(MMA Convention)