

The Maine Heritage Policy Center Testimony to Support LD 252

“RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit New or Increased Fees or Taxes by Means of Direct Initiatives of Legislation”

Senator Luchini, Representative Schneck, and distinguished members of the Committee on Veterans and Legal Affairs, my name is Adam Crepeau and I serve as the policy analyst for The Maine Heritage Policy Center. Thank you for the opportunity to provide testimony in support of LD 252, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit New or Increased Fees or Taxes by Means of Direct Initiatives of Legislation.”

The Maine Heritage Policy Center supports this constitutional resolution for several reasons. First, citizen referendums are not vetted appropriately at this time. Secondly, other states have taken steps to limit the types of initiatives that can appear on the ballot. Third, allowing the “many” to make laws that involve more taxes and fees for the “few” is unproductive.

When a measure to increase taxes or fees is proposed by the legislature, it is their obligation to vote yea or nea on the measure. It is first proposed, referred to and vetted by a committee, and thereafter voted on by the committee and both bodies of the legislature. This process helps to prevent harmful legislation from being passed and gives the public a chance to offer their thoughts through public hearings. When a citizen initiative is proposed, the vetting process is not as thorough.¹ Qualifying initiatives are subject to a process whereby the legislature can enact it into law, take no action, or submit a competing measure for voters to consider simultaneously. If the legislature does not enact the initiative, it is sent to the citizens of Maine for a vote. While the initiative has a 30-day public comment period, it does not go through the same scrutiny involved in the legislative process.² Lawmakers often hear hours of robust debate and acquire most, if not all facts before making a decision about moving forward on proposals. This fact finding process is imperative when making decisions about levying additional taxes and fees in Maine.

In addition to being under-scrutinized, Maine’s ballot initiative process is outdated and lags behind other states. Four states do not allow citizen initiatives to dedicate revenue or make appropriations on their ballots.³ Prohibiting citizen initiatives from increasing taxes and fees will bring Maine in line with other states that have similar protections in place.

Finally, crafting complex tax policy at the ballot box is a logistical nightmare and a terrible way to make public policy. The founding fathers believed direct democracy limited the rights of the minority and allowed the majority to choose how the minority must live. James Madison called this “tyranny of the majority” and prevented it by supporting a representative government.⁴ Our elected leaders in Augusta should be resolving these issues collectively; they should not be left to voters at the ballot box where

¹ <https://www.maine.gov/legis/const/>

² <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec905-A.html>

³ [https://ballotpedia.org/Subject_restrictions_\(ballot_measures\)](https://ballotpedia.org/Subject_restrictions_(ballot_measures))

⁴ <https://www.heritage.org/conservatism/commentary/preventing-the-tyranny-the-majority>

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turnout could be low or minority populations could feel the wrath of the majority. While we are not opposed to all direct initiatives, we believe it would be wise to prevent new taxes and fees from be levied via referendum. All bills that raise revenues should originate in the House of Representatives and be carefully vetted by the legislature.

The Maine Heritage Policy Center urges the committee to vote "Ought to Pass" on this resolution. Thank you.