

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1003

H.P. 729

House of Representatives, March 28, 1995

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Establish a Line-item Veto.**

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.
Cosponsored by Representatives: BENEDIKT of Brunswick, BOUFFARD of Lewiston,
CLARK of Millinocket, DiPIETRO of South Portland, DONNELLY of Presque Isle, OTT of
York, REED of Falmouth, SIMONEAU of Thomaston, Senators: HANLEY of Oxford,
HATHAWAY of York.

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
6 **Constitution, Art. IV, Part Third, §2-A** is enacted to read:

8 2-A. Line-item veto of items appearing in appropriation or
9 allocation sections of legislative documents. The Governor has
10 power to disapprove any item or items appearing in an
11 appropriation section or allocation section, or both, of an
12 enacted legislative document. Unless the Governor exercises the
13 line-item veto power authorized in this section no later than one
14 day after receiving for signature the enacted legislation, the
15 powers of the Governor as set out in section 2 apply to the
16 entire enacted legislation. For any disapproved item or items,
17 the Governor shall replace the item with one that does not result
18 in an increase in an appropriation or allocation or a decrease in
19 a deappropriation or deallocation. When disapproving an item
20 pursuant to this section, the Governor may not propose an
21 increase in an appropriation or allocation elsewhere in the
22 legislative document. The Governor shall specify the distinct
23 item or items that are revised, and the part or parts of the
24 legislative document not specifically revised become law. The
25 item or items of appropriation or allocation that have been
26 disapproved become law as revised by the Governor, unless passed
27 over the Governor's veto by the Legislature as the item or items
28 originally appeared in the enacted bill as presented to the
29 Governor; except that, notwithstanding any other provision of
30 this Constitution for items vetoed pursuant to this section, a
31 majority of all the elected members in each House is sufficient
32 to override the veto, and each item vetoed must be voted on
33 separately to override the veto. Except as provided in this
34 section, the Governor may not disapprove, omit or modify any
35 language allocated to the statutes or appearing in an unallocated
36 section of law.

38 ; and be it further

40 **Constitutional referendum procedure; form of question; effective**
41 **date. Resolved:** That the municipal officers of this State shall
42 notify the inhabitants of their respective cities, towns and
43 plantations to meet, in the manner prescribed by law for holding
44 a statewide election, at a statewide election, on the Tuesday
45 following the first Monday of November following the passage of
46 this resolution, to vote upon the ratification of the amendment
47 proposed in this resolution by voting upon the following question:
48

2 "Do you favor amending the Constitution of Maine to give the
Governor a line-item veto over expenditures of state funds,
4 providing that vetoed items may be passed over the
Governor's veto by a majority of all of the elected members
of the Senate and the House of Representatives?"

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

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

24

26

STATEMENT OF FACT

28 This resolution proposes an amendment to the Constitution of
Maine to give the Governor a line-item veto over items in an
30 appropriation or allocation section of a bill. The Governor
would be authorized to replace the item that has been vetoed with
32 an amount that does not increase the appropriation or decrease
the deallocation. The Governor would not be authorized to
34 disapprove, omit or modify any language allocated to the statutes
or appearing in an unallocated section of law. This bill also
36 prevents the Governor from proposing an increase in spending
elsewhere in an appropriation or allocation section of a bill.
38 It specifies that the Governor must exercise the line-item veto
within one day after receiving for signature the enacted
40 legislation. Finally, it allows a line-item veto to be
overridden by a majority vote of all the elected members of the
42 Senate and the House of Representatives.