

# MAINE STATE LEGISLATURE

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July 6, 1967

Honorable David J. Kennedy  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine

Dear Mr. Kennedy:

I acknowledge receipt of your letter written earlier today in which you pose the question as to whether or not the Governor has the power under our Constitution to veto legislation expressly conditioned upon the people's ratification by referendum vote.

Article IV, Part 3rd, section 2 of the Constitution of Maine provides that those bills for resolutions "having the force of law" are to be presented to the Governor for his approval or disapproval. In my opinion legislation expressly conditioned on the people's ratification does not have the force of law until it is so ratified.

Section 19 of the same part of Article IV of the Constitution states: "The veto power of the Governor shall not extend to any measure approved by vote of the people . . . ." and it further states in the last sentence "The Legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote." Because of the foregoing language, I am of the opinion that the Governor may not interpose himself between the Legislature and the people in these circumstances

Honorable David J. Kennedy

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and therefore cannot veto legislation expressly conditioned upon the people's ratification by a referendum vote.

Very truly yours,

James S. Erwin  
Attorney General

JSE/slf