

# MAINE STATE LEGISLATURE

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Legislative limits on introduction of bills  
22 M.R.S.A. § 4793

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# STATE OF MAINE

Inter-Departmental Memorandum Date January 6, 1977

To Joseph M. Hochadel

Dept. Executive

From John M. R. Paterson, Deputy


Dept. Attorney General

Subject Opinion Re 22 M.R.S.A. § 4793

Your memorandum of December 9, 1976, requests our opinion on the constitutionality of a portion of 22 M.R.S.A. § 4793, which reads:

"No private organization, church organization, state department, civic group or individual shall submit legislation affecting the Penobscot Tribe of Indians to the State Legislature without first bringing it before the Penobscot governor and council for approval."

We believe that the above-quoted section is clearly unconstitutional. The provision constitutes an impermissible limitation on the right of free speech, the right to petition the Legislature, and is a constitutionally impermissible delegation of legislative authority to a group other than the Legislature. See Maine Constitution, Art. I, § 4; Art. 1, § 15; Art. IV, § 1, and United States Constitution, Amendment 1 and Amendment 14. The notion that legislation can only be offered to the Maine Legislature if first approved by another individual, organization, or group of any kind is so fundamentally repugnant to basic constitutional principles that we believe no further extensive citations in support of our conclusion are necessary.

  
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JOHN M. R. PATERSON  
Deputy Attorney General

JMRP:mfe