

MAINE STATE LEGISLATURE

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*Legislative Rules on Introduction of Bills
Legislature's Control of Court Legislation*

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January 6, 1977

Honorable Donald V. Carter
House of Representatives
State House
Augusta, Maine

Dear Representative Carter:

This responds to your request for an opinion as to whether the draft order amending Rule 22 would involve any constitutional problems.

The draft order in question regulates submission of departmental bills by the Governor and proposes to add regulation of submission of bills by the Chief Justice. Additionally, the draft order would add a paragraph to Rule 22 specifying how bills submitted on behalf of the Governor or the Chief Justice would be designated.

We believe there is no constitutional problem with the Legislature controlling the manner in which bills are presented to it or designation of those bills. Such matters are entirely within the discretion of the Legislature. It should be noted that the Maine Legislature may be more liberal than some other legislatures and the United States Congress in allowing departments or the courts to present bills without necessarily finding a specific sponsor. In the United States Congress, for example, bills only may be introduced by specific sponsors. Thus, there is no constitutional problem with the order to amend Rule 22 to specify the time of submission of legislation by the Governor or the Chief Justice or to specify the title of such legislation.

Whether the courts would deem it appropriate to submit bills directly to the Legislature in this manner or to continue to have bills introduced by individual Legislators as the individual Legislator's bill would be a matter for the courts themselves to decide.

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If you have any further questions, please feel free to contact me.

Very truly yours,

Joseph E Brennan
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cc: Hon. Richard Carey