

# MAINE STATE LEGISLATURE

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*Legislative Limitations on Consideration of Bills  
Me. Const. Art IV Pt 3rd § 1*

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May 4, 1977

Honorable Bennett Katz  
Senate Chambers  
State House  
Augusta, Maine

Dear Senator Katz:

This responds to your request for advice regarding the constitutionality of a proposed order restricting consideration of bills upon which there have not yet been hearings. The proposed order in question reads as follows:

"Ordered, the House concurring, that any Bills which have had not had public hearings by Friday, May 20, 1977, will be referred for future consideration to the second regular session of the 108th Legislature providing, however, that by a two-thirds vote of both Houses a Bill may be considered after this deadline."

We have reviewed that order in light of the provisions of the Maine and Federal Constitutions. Initially we would note that there is no general constitutional problem with the Legislature taking such an action to manage its business by limiting the time within which bills can be reported. There is no constitutional requirement that all bills be reported and considered at a particular session.

There may be a constitutional problem, however, with transferring all such legislation to the second session in light of the provisions of Article IV, Part Third, Section 1 of the Maine Constitution which restricts consideration of legislation during the second session to certain matters. Specifically, Section 1 provides:

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" \* \* \* the business of the second regular session of the Legislature shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors under the provisions of Article IV, Part Third, Section 18. \* \* \* ."

We cannot determine from the text of the order if the legislation would be effected or whether the legislation deferred to the second session would be in the categories specified by the Constitution. We understand that in the past, in legislative special sessions, similar regulations relating to introduction of legislation applied. However, these regulations were liberally construed by the Legislature. We would note that, as in the past, it will be ultimately a question for the Legislature, in its sole discretion, to determine what legislation is appropriate for consideration in the special session. Accordingly, we cannot determine from the text of the order whether it would be inconsistent with the provisions of the Maine Constitution. Such matters would have to await legislative construction of the provisions of Article IV, Part Third, Section 1.

Sincerely,

JOSEPH E. BRENNAN  
Attorney General

JEB/ec