

MAINE STATE LEGISLATURE

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AUGUSTA, MAINE 04333

March 13, 1979

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear Mr. Speaker:

Your letter of March 7, 1979 requested this Office to research the question of "whether or not any application has been made to Congress subsequent to the adoption of Joint Rule 35 (or its predecessors) in 1960 without having first been approved in accordance with said Joint Rule." The following information is offered in response:

1. As indicated in our opinion of March 6, 1979, present Joint Rule 35 was first adopted in 1961 and appeared as an amendment to the Joint Rules, numbered Joint Rule 11-A.

2. During the period 1961-1978 (100th - 108th Legislatures), the period during which Joint Rule 35 and its precursors were in force, the Maine Legislature made no application to Congress under Article 5.

3. During this period, the Maine Legislature considered proposed applications to Congress under Article 5 on five occasions.^{1/}

^{1/} The proposed applications were:

"Joint Resolution Memorializing Congress to Call a Constitutional Convention," S.P. 733, 103rd Legislature, 1967 (re-apportionment); introduced in the Senate out of order and under suspension of the rules and indefinitely postponed, no notation of approval;

"Joint Resolution Making Application to the Congress of the United States for the Calling of a Convention to Propose an Amendment to the Constitution of the United States," H.P. 1107, L.D. 1428, 104th Legislature, 1969 ("Liberty Amendment" regarding the Federal Government's engagement in private enterprise); introduced in the House and referred to State Government Committee, Committee report Ought Not to be Adopted accepted, notation of approval;

(Cont.)

Two of the proposed applications were introduced bearing a notation that their introduction had been approved by the Committee on Reference of Bills in accordance with the joint rule as it was

1/ (continued)

"Joint Resolution Memorializing Congress to Call a Convention for the Purpose of Amending the United States Constitution to Provide for Intergovernmental Sharing of Federal Income Tax Revenue," S.P. 107, 105th Legislature, 1971; introduced in the Senate, tabled and specially assigned, Leave to Withdraw granted; S.P. 148 introduced in the Senate (non-application memorial on same subject) and adopted, notation of approval;

"Joint Resolution Memorializing Congress to Call a Convention for the Purpose of Amending the United States Constitution to Permit Voluntary Prayer in Public Schools," S.P. 757, 105th Legislature, 1971; introduced in the Senate and specially assigned, amended to non-application memorial, S-347, and adopted, no notation of approval;

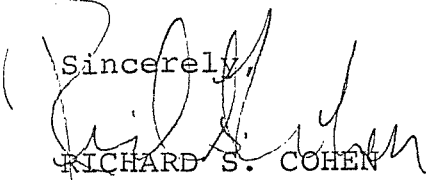
"Joint Resolution Memorializing Congress to Call a Convention for the Purpose of Amending the United States Constitution Relative to Abortion," H.P. 857, 106th Legislature, 1973; introduced in the House, tabled and specially assigned, amended to non-application memorial, H-67, and adopted, no notation of approval.

As indicated, all of these proposed applications were introduced in the Legislature. We could locate no source of information relating to proposed applications which had been reviewed and denied approval under the joint rule. The legislature appears not to keep a repository or record of such documents.

then numbered. Three of the proposed applications were introduced with no notation of approval. The lack of such notation may indicate that these three proposed applications were introduced without having been reviewed and approved by the Committee on Reference of Bills or it may indicate inconsistency in noting such review and approval.

I trust that this research^{2/} has provided the information you seek.

Sincerely,


RICHARD S. COHEN
Attorney General

RSC:jg

cc: Legislative Council
Edith Hary
David Silsby

2/ The research drew upon the following sources:

- Legislative Journals, 100th - 107th Legislatures. The Journals of the 108th are not yet available in bound form.
- Legislative files, Office of the Senate, for the 108th Legislature.
- Maine State Archives, materials from the Offices of the Clerk of the House and Secretary of the Senate, 100th - 108th Legislatures.
- Congressional Research Service, Government Division, Library of Congress.