

MAINE STATE LEGISLATURE

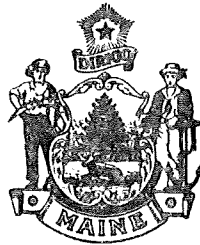
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ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 11, 1981

Honorable Joseph C. Brannigan
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Brannigan:

I am responding to your request for advice on the following question: Does the Maine Constitution prohibit a Senator from co-sponsoring a revenue bill?

The pertinent constitutional provision, Article IV, part 3, section 9, provides:

Bills, orders or resolutions, may originate in either House, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases: provided, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

It is significant that revenue bills are accorded special treatment by the Constitution. They must originate in the House of Representatives and the Senate's control over revenue bills is severely restricted. We construe these restrictions as requiring the House of Representatives to exercise primary and substantial control over revenue bills.

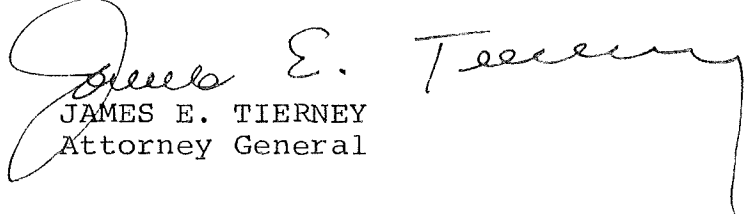
While the role of the House is pre-eminent, it is our opinion that Senate co-sponsorship of revenue bills is not necessarily prohibited. A Senator could co-sponsor a revenue bill if co-sponsorship conferred no special prerogatives. Stated differently, Senate co-sponsorship is permitted if the control of the House and/or the presenter over the revenue bill is the same as it would be without Senate co-sponsorship.

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Since Rule 28*, Joint Rules of the 110th Legislature, appears to confer no powers on either the Senate or on the Senate co-sponsors which would not otherwise exist with respect to a revenue bill, it is our opinion that Article IV, part 3, section 9 would not bar Senate co-sponsorship.

I hope this answers your question. If we can be of any further assistance, please do not hesitate to contact me.

Very truly yours,


JAMES E. TIERNEY
Attorney General

JET:mfe

* 28. COSPONSORSHIP. A presenter of legislation may authorize up to three additional members of either House to cosponsor a bill or resolve. Orders, resolutions and memorials may be cosponsored in the same manner as bills and resolves. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the presenter.