

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND EIGHTH LEGISLATURE

---

---

Legislative Document

No. 1658

---

---

H. P. 1397

House of Representatives, April 13, 1977

On motion of Mr. Curran of South Portland, referred to the Committee on State Government. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Najarian of Portland.  
Cosponsor: Mr. Martin of Eagle Lake.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

---

**RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee.**

---

**Constitutional amendment. RESOLVED:** Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

Constitution, Art. III, § 3 is enacted to read:

**Section 3. Joint Legislative Committee to allocate emergency funds and authorize expenditures beyond budgeting limits.**

1. The Legislature may by law delegate to a legislative committee, comprised of Members of both Houses in reasonable proportion to their membership, such of the following powers as may be conferred upon it by law:

A. When an emergency exists, to allocate to any state agency, out of any emergency funds that may be appropriated to the committee for that purpose, additional funds beyond the amount appropriated to the agency by the Legislature or funds to carry on an activity required by law for which an appropriation was not made;

B. When an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated or allocated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law;

C. In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislature for

approval, to approve, or revise and approve, a budget of the money appropriated or allocated for such new activity;

D. When an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between accounts and programs within the budget of an agency.

2. The Legislature shall prescribe by law what shall constitute an emergency for purposes of this section.

3. As used in this section, the following words shall have the following meanings.

A. "State agency" shall mean any elected or appointed officer, board, commission, department, institution, branch or other agency of the State Government, including the University of Maine and the Maine Maritime Academy and excluding the Legislature and judicial branch of government.

B. "Funds" shall include any funds required by law to be appropriated or allocated by the Legislature.

**Constitutional referendum procedure; form of question; effective date.**

**Resolved:** That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Shall the Constitution be amended as proposed by a resolution of the Legislature to delegate certain emergency budgetary powers to a joint legislative committee?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on the date of the proclamation.

**Secretary of State shall prepare ballots. Resolved:** That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

#### STATEMENT OF FACT

The purpose of this bill is to permit the Legislature to delegate by law to a joint legislative committee the following powers when an emergency exists:

1. To allocate emergency funds appropriated to the committee to carry on an activity required by law for which an appropriation was not made;
2. To authorize expenditures of funds dedicated or continuously appropriated or allocated in excess of the amount of the budget for the agency approved by the Legislature;
3. To approve or revise a budget for a new activity coming into existence at such a time as to preclude the submission of a budget to the Legislature; and
4. To authorize transfer of funds between accounts and programs of an agency.