

# MAINE STATE LEGISLATURE

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1 (After Deadline)  
2 SECOND REGULAR SESSION  
3

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4 ONE HUNDRED AND TWELFTH LEGISLATURE  
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6 Legislative Document

No. 2228

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8 H.P. 1579 House of Representatives, March 18, 1986  
9 Approved for introduction by a majority of the Legislative Council pursuant  
to Joint Rule 27.

10 Referred to the Committee on State Government. Sent up for  
concurrency and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Carter of Winslow.

12 Cosponsored by Speaker Martin of Eagle Lake, President Pray of  
Penobscot and Representative Gwadosky of Fairfield.

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13 STATE OF MAINE  
14

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15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX  
17

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18 RESOLUTION, Proposing an Amendment  
19 to the Constitution of Maine  
20 to Establish a Legislative Veto over Agency  
21 Rules.  
22

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23 Constitutional amendment. RESOLVED: Two thirds  
24 of each branch of the Legislature concurring, that  
25 the following amendment to the Constitution of Maine  
26 be proposed:

27 Constitution, Art. IV, Pt. 3, §1 is amended to  
28 read:

29 Section 1. To meet annually; power of Legisla-  
30 ture to convene at other times; extent of Legislature  
31 power. The Legislature shall convene on the first  
32 Wednesday of December following the general election  
33 in what shall be designated the first regular session  
34 of the Legislature; and shall further convene on the  
35 first Wednesday after the first Tuesday of January in  
36 the subsequent even-numbered year in what shall be

1 designated the second regular session of the Legisla-  
2 ture; provided, however, that the business of the  
3 second regular session of the Legislature shall be  
4 limited to budgetary matters; legislation in the Gov-  
5 ernor's call; legislation of an emergency nature ad-  
6 mitted by the Legislature; legislation referred to  
7 committees for study and report by the Legislature in  
8 the first regular session; and legislation presented  
9 to the Legislature by written petition of the elec-  
10 tors under the provisions of Article IV, Part Third,  
11 Section 18. The Legislature shall enact appropriate  
12 statutory limits on the length of the first regular  
13 session and of the second regular session. The Legis-  
14 lature may convene at such other times on the call of  
15 the President of the Senate and Speaker of the House,  
16 with the consent of a majority of the Members of the  
17 Legislature of each political party, all Members of  
18 the Legislature having been first polled. The Legis-  
19 lature, with the exceptions hereinafter stated, shall  
20 have full power to make and establish all reasonable  
21 laws and regulations for the defense and benefit of  
22 the people of this State, not repugnant to this Con-  
23 stitution, nor to that of the United States. The  
24 Legislature, or a committee of the Legislature, by  
25 order, as provided by law, may disapprove any rule  
26 adopted by an agency of the Executive Department.

27 Constitutional referendum procedure; form of  
28 question; effective date. Resolved: That the city  
29 aldermen, town selectmen and plantation assessors of  
30 this State shall notify the inhabitants of their re-  
31 spective cities, towns and plantations to meet, in  
32 the manner prescribed by law for holding a statewide  
33 election, at the next general election in the month  
34 of November following passage of this resolution, to  
35 vote upon the ratification of the amendment proposed  
36 in this resolution by voting upon the following ques-  
37 tion:

38 "Shall the Constitution of Maine be amended to  
39 establish a legislative veto over agency rules?"

40 The legal voters of each city, town and planta-  
41 tion shall vote by ballot on this question, and shall  
42 designate their choice by a cross or check mark  
43 placed within the corresponding square below the word  
44 "Yes" or "No." The ballots shall be received,

1 sorted, counted and declared in open ward, town and  
2 plantation meetings and returns made to the Secretary  
3 of State in the same manner as votes for members of  
4 the Legislature. The Governor shall review the re-  
5 turns and, if it appears that a majority of the legal  
6 voters are in favor of the amendment, the Governor  
7 shall proclaim that fact without delay and the amend-  
8 ment shall become part of the Constitution on the  
9 date of the proclamation.

10 Secretary of State shall prepare ballots. Re-  
11 solved: That the Secretary of State shall prepare  
12 and furnish to each city, town and plantation all  
13 ballots, returns and copies of this resolution neces-  
14 sary to carry out the purposes of this referendum.

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#### STATEMENT OF FACT

16 This resolution allows the Legislature to oversee  
17 implementation of its rule-making authority by re-  
18 viewing, and if necessary, vetoing administrative  
19 rules.

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