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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1854

H.P. 1284

House of Representatives, May 14, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on State and Local Government suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative GRAY of Sedgwick.

Cosponsored by Representative GWADOSKY of Fairfield, Senator CLARK of Cumberland and Representative LORD of Waterboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking.

(AFTER DEADLINE)

The state of the s

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

4

Constitution, Art. IV, Pt. Third, §1 is amended to read:

6

8

10

12

14

16

18

20

22

24

26

28

30

32

34

To meet annually; power of Legislature to convene at other times; extent of legislative power. Legislature shall convene on the first Wednesday of December following the general election in what shall be designated the first regular session of the Legislature; and shall further convene on the first Wednesday after the first Tuesday of January in the subsequent even-numbered year in what shall be designated the second regular session of the Legislature; provided, however, that 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. The Legislature shall enact appropriate statutory limits on the length of the first regular session and of the second regular session. The Legislature may convene at such other times on the call of the President of the Senate and Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having been first polled. The Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States. Legislature or a committee of the Legislature, as provided by law, may disapprove by order any rule adopted by a state agency, board or commission.

36

38

; and be it further

40 42 Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers 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 a 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:

46

44

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

50

48

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
2	below the word "Yes" or "No." The ballots must be received,
	sorted, counted and declared in open ward, town and plantation
4	meetings and returns made to the Secretary of State in the same
•	manner as votes for members of the Legislature. The Governor
6	shall review the returns and, if it appears that a majority of
	the legal votes are cast in favor of the amendment, the Governor
8	shall proclaim that fact without delay and the amendment becomes
	part of the Constitution on the date of the proclamation; and be
10	it further
12	Secretary of State shall prepare ballots. Resolved: That the
	Secretary of State shall prepare and furnish to each city, town
14	and plantation all ballots, returns and copies of this resolution

16

18

STATEMENT OF FACT

20 This resolution allows the Legislature to oversee implementation of its rule-making authority by reviewing and, if necessary, vetoing administrative rules.

necessary to carry out the purposes of this referendum.