

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

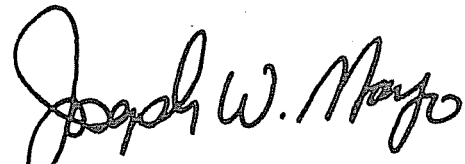
No. 1293

H.P. 962

House of Representatives, April 19, 1993

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Provide Legislative Review of Delegated Rule-making Authority.**

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Speaker MARTIN of Eagle Lake.

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

6 **Constitution Art. IV, Part Third, §1 is amended to read:**

8 **Section 1. To meet annually; power of Legislature to**
Legislature shall convene on the first Wednesday of December
10 following the general election in what shall be designated the
first regular session of the Legislature; and shall further
12 convene on the first Wednesday after the first Tuesday of January
in the subsequent even-numbered year in what shall be designated
14 the second regular session of the Legislature; provided, however,
that the business of the second regular session of the
16 Legislature shall be limited to budgetary matters; legislation in
the Governor's call; legislation of an emergency nature admitted
18 by the Legislature; legislation referred to committees for study
and report by the Legislature in the first regular session; and
20 legislation presented to the Legislature by written petition of
the electors under the provisions of Article IV, Part Third,
22 Section 18. The Legislature shall enact appropriate statutory
limits on the length of the first regular session and of the
24 second regular session. The Legislature may convene at such
other times on the call of the President of the Senate and
26 Speaker of the House, with the consent of a majority of the
Members of the Legislature of each political party, all Members
28 of the Legislature having been first polled. The Legislature,
with the exceptions hereinafter stated, shall have full power to
30 make and establish all reasonable laws and regulations for the
defense and benefit of the people of this State, not repugnant to
32 this Constitution, nor to that of the United States. A rule
34 adopted pursuant to a legislative delegation of authority may be
subsequently disapproved by the Legislature or a committee of the
36 Legislature in accordance with legislation implementing this
section.

38 ; and be it further

40 **Constitutional referendum procedure; form of question; effective**
date. Resolved: That the municipal officers of this State shall
42 notify the inhabitants of their respective cities, towns and
plantations to meet, in the manner prescribed by law for holding
44 a statewide election, at a statewide election, on the Tuesday
following the first Monday of November following the passage of
46 this resolution, to vote upon the ratification of the amendments
proposed in this resolution by voting upon the following question:
48

2 "Do you favor amending the Constitution of Maine to allow
the Legislature or a committee of the Legislature to
4 disapprove rules adopted pursuant to a legislative
delegation of authority?"

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

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

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STATEMENT OF FACT

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28 This resolution proposes to amend the Constitution of Maine
to allow the Legislature or a committee of the Legislature to
disapprove rules adopted pursuant to a legislative delegation of
30 authority. Implementing legislation is contained in a separate
bill.

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