

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 900

S.P. 319

In Senate, March 21, 1995

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Provide the Governor with Line-item Veto Power Relating to Budget
Legislation.**

Reference to the Committee on Appropriations and Financial Affairs suggested and
ordered printed.

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator FAIRCLOTH of Penobscot. (GOVERNOR'S BILL).
Cosponsored by Senators: BERUBE of Androscoggin, CIANCHETTE of Somerset,
FERGUSON of Oxford, HANLEY of Oxford, Representatives: AIKMAN of Poland,
DiPIETRO of South Portland, KERR of Old Orchard Beach, MORRISON of Bangor, OTT of
York, SIMONEAU of Thomaston, TUTTLE of Sanford.

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

Constitution, Art. IV, Part Third, §2-A is enacted to read:

2-A. Line-item veto of items appearing in appropriation or allocation sections of budget bills. The Governor has power to disapprove any item or items appearing in an appropriation or allocation section of an enacted budget bill, the primary purpose of which is to make unified, supplemental or emergency appropriations or allocations for the expenditures of State Government. Unless the Governor exercises the line-item veto power authorized in this section no later than 2 days after receiving for signature the enacted legislation, the powers of the Governor as set out in section 2 apply to the entire enacted legislation. For any such disapproved item or items, the Governor shall replace the item with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation. When disapproving an item pursuant to this section, the Governor may not propose an increase in an appropriation or allocation elsewhere in the legislative document. The Governor shall specify the distinct item or items that are revised and the part or parts of the legislative document not specifically revised become law. The item or items of appropriation or allocation that have been disapproved and revised become law, as revised, unless passed by the Legislature as the item or items originally appeared in the enacted budget bill as presented to the Governor over the Governor's veto as provided in section 2; except that, notwithstanding any other provision in this Constitution for items vetoed pursuant to this section, a majority of all the elected members in each House is sufficient to override the veto and each item vetoed must be voted on separately to override the veto. Except as provided in this section, the Governor may not disapprove, omit or modify any language allocated to the statutes or appearing in an unallocated section of law. This section does not apply to an enacted bill that includes appropriation or allocation sections but whose primary purpose is to enact, amend or repeal a section or sections of law.

; and be it further

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:

"Do you favor amending the Constitution of Maine to give the Governor a line-item veto over expenditures of state funds in an appropriation or allocation section of an enacted bill, the primary purpose of which is to make unified, supplemental or emergency appropriations or allocations for the expenditure of State Government and providing that such vetoed items may be passed over the Governor's veto by a majority of all of the elected members of the Senate and the House of Representatives?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must 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 cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution on the date of the proclamation; and be it further

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

This resolution proposes an amendment to the Constitution of Maine to give the Governor a line-item veto over appropriations and allocations, but only in enacted legislation which is primarily a budget bill. The resolution prohibits the Governor, when disapproving an item under the Constitution of Maine, Article IV, Part Third, Section 2-A, from proposing an increase in spending elsewhere in the bill. Under the terms of the proposed amendment, a veto of an appropriation or allocation may be overridden by a majority vote of all the elected members of the Senate and the House of Representatives.