



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1005

H.P. 731

House of Representatives, March 28, 1995

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

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

 $W./I_{i}$

GOSEPH W. MAYO, Clerk

Presented by Representative 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:

4 6

2

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

- 2-A. Line-item veto of items appearing in appropriation or 8 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 10 of which is to make unified, supplemental or emergency appropriations or allocations for the expenditures of State 12 Government. Unless the Governor exercises the line-item veto 14 power authorized in this section no later than 10 days after receiving for signature the enacted legislation, the powers of the Governor as set out in section 2 apply to the entire enacted 16 legislation. For any such disapproved item or items, the Governor shall replace the item with one that does not result in 18 an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation. When disapproving an item 20 pursuant to this section, the Governor may not propose an 22 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 24 legislative document not specifically revised become law. The 26 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 28 enacted budget bill as presented to the Governor over the Governor's veto as provided in section 2; except that, for items 30 vetoed pursuant to this section, a 2/3 majority of all the elected members in each House is sufficient to override the veto 32 and each item vetoed must be voted on separately to override the veto. Except as provided in this section, the Governor may not 34 disapprove, omit or modify any language allocated to the statutes 36 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 38 or repeal a section or sections of law.
- 40

42

; and be it further

Constitutional referendum procedure; form of question; effective 44 date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and 46 plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday 48 following the first Monday of November following the passage of 50 this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question: 52

Page 1-LR0618(1)

L.D.1005

"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 2/3 majority of all of the elected members of the Senate and the House of Representatives?"

12 The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a 14 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 16 and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review 18 the returns and, if it appears that a majority of the legal votes 20 are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the 22 Constitution on the date of the proclamation; and be it further

24 Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town 26 and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

STATEMENT OF FACT

28

30

32 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 that 34 is primarily a budget bill; the Governor would have 10 days to 36 exercise this veto power. 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 38 in spending elsewhere in the bill. Under the terms of the 40 proposed amendment, a veto of an appropriation or allocation may be overridden by a 2/3 majority vote of all the elected members of the Senate and the House of Representatives. 42