



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1071

H.P. 774

House of Representatives, March 28, 1995

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto.

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

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OSEPH W. MAYO, Clerk

Presented by Representative WHITCOMB of Waldo. Cosponsored by Senator HANLEY of Oxford and Representatives: JOYNER of Hollis, KERR of Old Orchard Beach, Senator: HATHAWAY of York. **Constitutional amendment. RESOLVED:** Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

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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 legislative documents. The Governor has 8 power to disapprove any item or items appearing in an 10 appropriation section or allocation section, or both, of an enacted legislative document. Unless the Governor exercises the 12 line-item veto power authorized in this section no later than one day after receiving for signature the enacted legislation, the powers of the Governor as set out in section 2 apply to the 14 entire enacted legislation. For any disapproved item or items, the Governor shall replace the item with one that does not result 16 in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation. When disapproving an item 18 pursuant to this section, the Governor may not propose an 20 increase in an appropriation or allocation elsewhere in the legislative document. The Governor shall specify the distinct 22 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 24 disapproved become law as revised by the Governor, unless passed 26 over the Governor's veto by the Legislature as the item or items originally appeared in the enacted bill as presented to the 28 Governor; except that, for items vetoed pursuant to this section, a 2/3 majority of all the elected members in each House is 30 sufficient to override the veto, and each item vetoed must be voted on separately to override the veto. Except as provided in 32 this section, the Governor may not disapprove, omit or modify any language allocated to the statutes or appearing in an unallocated 34 section of law.

; and be it further

40 Constitutional referendum procedure; form of question; effective 40 date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and 42 plantations to meet, in the manner prescribed by law for holding 44 following the first Monday of November following the passage of 44 this resolution, to vote upon the ratification of the amendment 46 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, providing that 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?"

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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

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

28 This resolution proposes an amendment to the Constitution of Maine to give the Governor a line-item veto over items in an 30 appropriation or allocation section of a bill. The Governor would be authorized to replace the item that has been vetoed with 32 an amount that does not increase the appropriation or decrease The Governor would not be authorized to the deallocation. disapprove, omit or modify any language allocated to the statutes 34 or appearing in an unallocated section of law. This bill also 36 prevents the Governor from proposing an increase in spending elsewhere in an appropriation or allocation section of a bill. It specifies that the Governor must exercise the line-item veto 38 within one day after receiving for signature the enacted 40 legislation. Finally, it allows a line-item veto to be overridden by a 2/3 majority vote of all the elected members of the Senate and the House of Representatives. 42