

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1172

H.P. 870

House of Representatives, March 17, 2011

An Act To Prohibit Enforcement of Federal Laws in Violation of the Constitution of the United States

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative NEWENDYKE of Litchfield.
Cosponsored by Representative LIBBY of Waterboro, Senator SNOWE-MELLO of
Androscoggin and Representatives: CEBRA of Naples, CRAFTS of Lisbon, KNIGHT of
Livermore Falls, KUMIEGA of Deer Isle, O'CONNOR of Berwick, TIMBERLAKE of Turner,
WEAVER of York, Senator: MASON of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA c. 213-A** is enacted to read:

3 **CHAPTER 213-A**

4 **INTRASTATE COMMERCE ACT**

5 **§1409. Findings**

6 The Legislature finds that:

7 **1. Agent of the people.** The people of the several states that compose the United
8 States of America created the Federal Government to be their agent for certain
9 enumerated purposes;

10 **2. Tenth Amendment.** The United States Constitution, Amendment X declares that
11 the powers not delegated to the Federal Government by the United States Constitution,
12 nor prohibited by it to the states, are reserved to the states respectively, or to the people;

13 **3. Ninth Amendment.** The United States Constitution, Amendment IX specifically
14 provides that the enumeration of certain rights in the United States Constitution does not
15 preclude the retention of other rights by the people;

16 **4. Regulation of interstate commerce by Federal Government.** Under the United
17 States Constitution, Article I, Section 8, the Federal Government is empowered to
18 regulate commerce among the several states; and

19 **5. Reservation of regulation of intrastate commerce rights.** The power to
20 regulate intrastate commerce is reserved to the states or the people under the United
21 States Constitution, Amendment IX and Amendment X.

22 **§1410. Prohibition**

23 **1. Interference with intrastate goods and services.** A person may not enforce or
24 attempt to enforce a federal law that regulates or attempts to regulate goods grown,
25 manufactured or made in this State or services performed in this State when those goods
26 or services are sold, maintained, retained or performed exclusively in this State.

27 **2. Violation by federal official.** An official, agent or employee of the Federal
28 Government or an employee of a corporation providing services to the Federal
29 Government who enforces or attempts to enforce an act, order, law, statute, rule or
30 regulation of the Federal Government in violation of subsection 1 commits a Class C
31 crime.

32 **3. Violation by state official.** An official, agent or employee of the State who
33 enforces or attempts to enforce an act, order, law, statute, rule or regulation of the Federal
34 Government in violation of subsection 1 commits a Class D crime.

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SUMMARY

This bill expresses the findings of the Legislature that the Commerce Clause of the United States Constitution is valid for the regulation of interstate commerce but not intrastate commerce. The bill prohibits a federal or state official, agent or employee from enforcing a federal act, order, law, statute, rule or regulation that attempts to regulate goods grown, manufactured or made in this State or services performed in this State. Violation by a federal official is a Class C crime, punishable by up to 5 years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in prison and a fine of up to \$2,000.