

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 691

H.P. 483

House of Representatives, February 26, 2013

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LIBBY of Waterboro.
Cosponsored by Senator MASON of Androscoggin and
Representatives: BENNETT of Kennebunk, CRAY of Palmyra, HARVELL of Farmington,
NEWENDYKE of Litchfield, SANDERSON of Chelsea, SIROCKI of Scarborough,
TIMBERLAKE of Turner, Senator: BURNS of Washington.

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 **§1407. Short title**

6 This chapter may be known and cited as "the Intrastate Commerce Act."

7 **§1408. Findings**

8 The Legislature finds that:

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

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

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

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

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

24 **§1409. Prohibition**

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

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

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

4 **SUMMARY**

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