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[LePage clarifies comment on health-care law](#)

By [Tom Belltbell@mainetoday.com](mailto:TomBelltbell@mainetoday.com)
Staff Writer

AUGUSTA -- Gov.-elect [Paul LePage](#)'s recent statement about a process for overturning health care reform prompted a clarification Monday, after it became the target of criticism.

LePage was quoted Sunday by MaineToday Media saying he believes Maine should join a multistate lawsuit challenging the 2010 health care reform law -- and that he just learned that, if 35 states joined the suit, the law "dies, automatically."

But no such provision exists in statute or the U.S. Constitution.

LePage spokesman Dan Demeritt issued a written statement Monday saying the governor-elect believes that, if enough states oppose the measure, it would have the effect of killing it politically.

"His intent was to discuss the concept of broad-based political opposition, rather than a nonexistent statutory or constitutional trigger," Demeritt said.

Demeritt said the provision LePage referred to was the Nov. 30 introduction in Congress of a possible constitutional amendment to allow two-thirds of the states the power to directly repeal a federal law.

The so-called "Repeal Amendment" would allow any provision of federal law or rule to be repealed if 35 states object to its implementation.

The measure was introduced by U.S. Rep. Rob Bishop, R-Utah.

Bishop is chairman of the 10th Amendment Task Force, created this year by members of Congress who consider themselves states'-rights conservatives, all of whom hail from districts in the South and West.

The 10th Amendment to the Constitution states that powers not specifically deigned to the federal government, nor specifically prohibited from the states, belongs to the states. It's designed as a check on federal authority.

Bishop's group believes the federal government should not interfere in matters that are within the purview of the states. Its mission is to "disperse power from Washington and restore the constitutional balance of power through liberty-enhancing federalism," according to its

website.

A strong conservative and Republican issue, and one with health care reform as a prime target, the Repeal Amendment is viewed dimly by Democratic members of Congress such as U.S. Rep. Chellie Pingree, D-1st District.

"I think it's just outrageous to propose amending the Constitution to strip away the health care rights we've finally established for people in this country," she said Monday. "If changes are needed to improve the law, let's work together to make them. But we can do it without wasting the work we've done and without going back to the days when insurance companies could deny you for pre-existing conditions or drop coverage when you get sick."

Randy Barnett, a professor of constitutional law at Georgetown University and a senior fellow of the Cato Institute, is credited with conceiving the concept of the Repeal Amendment, and argues it would restore the balance between state and federal power contained in the original Constitution.

In a Wall Street Journal op-ed published Sept. 16, Barnett described it as a method of allowing "... thousands of democratically elected representatives outside the Beltway to check the will of 535 elected representatives in Washington, D.C."

It's generated a great deal of press attention in recent weeks as Republicans from across the country who've been elected to statewide positions -- such as LePage -- prepare to take office.

LePage's comments, however, elicited criticism in some circles -- particularly national political blogs -- as displaying a fundamental misunderstanding of the U.S. Constitution.

Demeritt said Monday the governor-elect knows the state repeal is just a proposal, and did not intend to give the impression that it now exists.

"Gov.-elect LePage understands there are proposals to give states the ability to repeal federal mandates," he said. "He considers them important items to consider."

Passing an constitutional amendment is a long and difficult process. The U.S. Constitution stipulates that the Senate and the House must pass a bill by a two-thirds majority in each. Then, once a bill has passed both houses, it requires the approval of two-thirds of the Legislatures of the states.

Supporters of an amendment have seven years to pass it after its introduction.

Tom Bell -- 699-6261

tbell@mainetoday.com

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