

Group hopes Maine will help states get veto power over Congress

By [Steve Mistler, Staff Writer](#)

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The executive director of a national organization that wants to give states the power to veto acts of Congress hopes Gov. Paul LePage and the Legislature will join the effort.

Marianne Moran, the executive director of the [Repeal Amendment](#), said LePage had been receptive to a libertarian movement that has so far gained traction in 13 state legislatures. The intent, Moran said, is to blunt the unfunded mandates by the federal government by adding clarifying language to the U.S. Constitution that reasserts the states' rights outlined in the [Federalist Papers](#).

The Repeal Amendment is considered another weapon in Republican attempts to overturn the national health care law.

The initiative, spurred by the tea party's strict interpretation of the U.S. Constitution, is currently working two fronts.

In Congress, Rep. Rob Bishop, R-Utah, is [pushing a bill](#) that would give states the ability to overturn any act of Congress if 34 states agree to do so. Bishop's bill has the backing of several key Republicans, including House Republican whip, Rep. Eric Cantor, R-Va.

The Repeal Amendment group is also working on the state level to urge legislatures to call for a constitutional convention. Under Article V of the U.S. Constitution, states can propose amendments like the repeal measure if two-thirds of them, or 34, petition Congress.

So far, the state-led effort is under way in 13 legislatures. Moran hopes Maine will become the 14th.

Moran said LePage had been supportive of the measure during his trip to Washington, D.C., in December. At the time, the governor made headlines for telling a reporter that Maine [could help overturn](#) the Affordable Care Act by becoming one of 35 states to join a lawsuit challenging the law's constitutionality.

That provision doesn't exist in the U.S. Constitution. However, LePage's spokesman Dan Demeritt later clarified the governor's remarks, saying he was referring to Bishop's bill. That led Moran to consider Maine a potential supporter for the Repeal Amendment effort.

"I've talked with some of his staff there, but as of yet, we're not ready to officially announce we have a sponsor in Maine," Moran said.

Demeritt said the governor "has concerns about federal mandates and any restrictions at the federal level that prevent the state from acting as it thinks it should, but we haven't signed onto anything yet."

Demeritt acknowledged that he'd spoken to Moran about the repeal amendment, but that those discussions had taken place in December.

"Gov. LePage believes strongly in state sovereignty and protecting Maine from overreaching federal mandates," Demeritt said. "I had brief discussions with a national repeal amendment group during the transition about the concept, but the governor has not taken a formal position on a proposal."

Demeritt and the communications director for the House Republican Office said they didn't know if relevant legislation had been submitted in the Legislature.

"Just because it hasn't crossed my desk doesn't mean there aren't discussions about it," Demeritt said.

The initiative would seem to fit LePage's constitutional rhetoric about states rights, as well as his opposition to the Affordable Care Act. Twenty-five states, including Maine, are legally challenging the law, and Moran acknowledged that some of the momentum of the Repeal Act can be attributed to its potential threat to the ACA.

"We're definitely not selling like that," Moran said. "Our strategy is to restore that balance of power. The people have more power and their state legislators and government is healthier if people can control it better."

The Repeal Act's state-led initiative has had some success. The Virginia House of Delegates recently approved the measure with the support of both the speaker and Gov. Robert McDonnell.

The effort also has the backing of the [American Legislative Exchange Council](#), a national organization that has [reportedly ghostwritten](#) dozens of legislative proposals over the last decade. ALEC, a coalition of conservative lawmakers and business interests, has unveiled a broad slate of legislation for GOP legislatures.

The Repeal Amendment was written by Randy Barnett, a professor of legal theory at Georgetown University. Barnett is also a senior member of the libertarian Cato Institute.

Tarren Bragdon, the chief executive officer of the conservative advocacy group the Maine Heritage Policy Center, and an advisor to LePage, said Monday that he was unaware of the state-led effort of the Repeal Amendment.

Demeritt didn't rule out the governor's support of the effort, saying the governor could submit legislation at any time. He said LePage was currently focused on the budget "and putting people back to work."

Moran said that states have petitioned Congress for Constitutional amendments in the past. The most recent effort came toward the end of President Ronald Reagan's first term when he called on states to push for a balanced budget amendment. Although Reagan's effort fell short of the 34-state threshold, it compelled Congress to act and eventually led to the Balanced Budget Act of 1985.

"The bottom line is when you have so many states pushing for the change, Congress should submit," Moran said.

Moran said she hoped Maine would join a national effort that's popular with Republicans and Democrats.

"State legislators love the idea of having more power to check Congress when many of them, whether they're Republican or Democrat, feel that Congress is not properly representing the people," Moran said. "With unfunded mandates it's a winning topic."

She said her group had yet to find a Democratic sponsor in the 13 states' Legislatures considering the Repeal Act.

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