

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN**

**JOINT RESOLUTION RECOGNIZING THE
SOVEREIGNTY OF MAINE AND
MEMORIALIZING THE PRESIDENT OF THE
UNITED STATES AND THE UNITED STATES
CONGRESS TO CEASE CERTAIN MANDATES**

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the members of the Congress of the United States, as follows:

WHEREAS, the Tenth Amendment to the United States Constitution reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 2011, it is as if the states are treated as agents of the Federal Government; and

WHEREAS, many federal laws seem to be in violation of the Tenth Amendment to the United States Constitution; and

WHEREAS, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the Federal Government may not usurp; and

WHEREAS, Article IV, Section 4 says, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people"; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully claim sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the Federal Government by the United States Constitution; and be it further

RESOLVED: That we urge and request that the President of the United States and Members of Congress, as our agents, work to end the federal mandates that are beyond the scope of these constitutionally delegated powers; and be it further

RESOLVED: That we urge and request that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.