STATE OF MAINE

In House 2/29/12

WHEREAS, it appears to the House of Representatives of the 125th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, there is a question within the House of Representatives as to what activities constitute engaging in trade or commerce within the meaning of the Constitution of Maine, Article V, Part Third, Section 3; now, therefore, be it

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the House of Representatives their opinion on the following questions of law:

Question 1. Does mere ownership of business interests or stock by the Treasurer of State constitute engaging in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader as such terms are used in the Constitution of Maine, Article V, Part Third, Section 3?

Question 2. If the answer to Question 1 is in the affirmative, would the Treasurer of State be engaged in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader if the Treasurer of State did not manage or involve himself in the day-to-day activities of such business interests or stock?

Question 3. If it is determined that the Treasurer of State has engaged in any business of trade or commerce, or as a broker, or as an agent or factor for any merchant or trader, does that finding affect or have an impact on the validity of the actions taken by the Treasurer of State in the performance of his official duties as used in the Constitution of Maine, Article V, Part Third, Section 3?

SPONSORED BY: Philip A. Curtis
(Representative CURTIS)
TOWN: Madison

HC0041

HOUSE OF REPRESENTATIVES
February 29, 2012

READ.

ON MOTION OF REPRESENTATIVE CURTIS OF MADISON,
TABLED PENDING PASSAGE PURSUANT TO HOUSE RULE 513.

SPECIALLY ASSIGNED FOR MARCH 1, 2012.

CLERK

HOUSE OF REPRESENTATIVES
March 1, 2012

SPEAKER LAID BEFORE THE HOUSE

SUBSEQUENTLY, THE House ORDER WAS PASSED.

ROLL CALL NO. 235

(YEAS 122 - NAYS 0 - ABSENT 28 - EXCUSED 0) (VACANCY 1)

. ORDERED SENT FORTHWITH.

CLERK