



Written by [Joe Wolverton, II, J.D.](#) on March 8, 2011

Maine Legislator Introduces Nullification Resolution

As has been well chronicled in *The New American* and elsewhere, over a dozen states (16 at least) have recently proposed bills seeking to defend their constitutionally protected sovereignty. In fact, five of those states have enacted such laws.

And, as further evinced by the impressive attendance at the various Nullify Now! events, the movement toward the restoration of the boundaries between state and federal power with the Constitution as the marker thereof is gaining strength, support, and momentum.



Joining other sentinels in state assemblies across the country, Maine Representative Richard Cebra (R-Naples) recently submitted “An Act to Prevent Enforcement of the Federal Patient Protection and Affordable Care Act” ([LD 58](#)) for consideration by the legislature of the Pine Tree State.

Simply put, nullification is the principle that each state retains the right to nullify, or invalidate, any statute passed by the national government that the state regards as unconstitutional. This powerful weapon against tyranny is in the arsenal of every state. As the sovereign states formed the union, and as creators of that compact, they hold the ultimate authority as to the limits of the power of the central government to enact laws that are to bind the states and the people. That is to say, may the creature be more powerful than the creator?

While this proposal was made only days ago, in an interview with *The New American*, Representative Cebra was adamant that readers understand that the introduction of this measure is not his first attempt at restoring the balance between state and federal sovereignty.

“I tried this back in 2009 and it was rejected on a party line vote and now some people are saying i’m doing this as a response to ObamaCare when in fact I’ve been pushing this idea statewide due to a host of issues since before ObamaCare was the national nightmare that it is,” Cebra explained.

Cebra’s most recent foray into the battle to reject unconstitutional mandates placed on sovereign states by an overreaching federal government is directed specifically at ObamaCare, but more generally at the slate of similar statutes. Says Cebra:

There are plenty of areas where the federal government is spreading its tentacles into our state’s rights. This is just an opportunity for us to say, look, enough is enough.

In a statement to the press, Cebra quickly rattled off three areas that are in the grasp of the federal “tentacles:” federal health care, federal gun control legislation, and the federal drug laws.

[Representative Cebra](#), a small business owner from Naples, Maine, gives credit for the wording of his bill to a similar measure that was passed by the Oklahoma state legislature and subsequently vetoed by the governor in 2008.

Given his all around opposition to federal encroachment into state territory, Representative Cebra is sensitive to charges that his bill is merely another flank opened by the “Tea Party” to attack the Patient Protection and Affordable Care Act (Obamacare) and the Democratic party and president that support it.

In defense of his states’ rights bona fides, Cebra cites his documented opposition to the 2008 attempt by President George W. Bush, a Republican, to institute the [REAL ID](#) program.

The philosophy behind Cebra’s bill is simple and sincere. “I hate to say draw a line in the sand, but that’s pretty much what we’re doing. Going forward, overstepping your Constitutional bounds is not something we’re going to tolerate in the state of Maine.”



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He passionately reiterated the point in a statement made to *The New American*:

This is an idea who's time has clearly come. We now see that the federal government has become this behemoth-like creature that runs roughshod over states.

It is so enormous and unmanageable that it has piled up a \$14 trillion national debt, which poses a direct and potentially dire threat to the well-being of all citizens. In this joint resolution, we are saying they have gone too far and it's time to start reeling them back under control. After all, it was the states that created the federal government. We are the ultimate authority.

While Representative Cebra's particular resolution is non-binding and therefore even if it passed it would not be state law, it would certainly manifest the resolve of the representatives of the people of yet another state in the union to vigorously resist the constant attempts by Congress and the executive to assume powers not enumerated to them in the Constitution.

The last concept is a crucial point in the overall debate. The Constitution is the supreme law of the land and the Tenth Amendment thereto clearly states that, "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."

The Republican party holds only a five vote majority in the [Maine House of Representatives](#) so it is difficult to determine how much support Cebra's resolution will enjoy. The good news, however, is that the chief executive of that state, Governor Paul LePage, is believed to be sympathetic to the cause as he endorsed his state's attorney general's decision to join the attorneys general of many sister states in challenging in federal court the constitutionality of the ObamaCare mandates. According to a report filed by the Bangor *Daily News*, the governor's office has not yet reviewed Cebra's measure.

Regardless of the ultimate success of his bill, Representative Cebra remains undaunted and will not be dissuaded from fighting the good fight. He told the [Maine Tenth Amendment Center](#):

I am under no illusions that this resolution, if it passes, will prompt the federal government to comply. If they actually went back and followed the Constitution, they would have to close down most of the federal departments and agencies. They are clearly unconstitutional. But as more and more states sign onto this 10th Amendment movement, eventually pressure will rise to a point where it can't be ignored.

Photo: Maine statehouse



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