

## Maine State Constitution Bill of Rights

**Power inherent in people.** All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or to totally change the same, when their safety and happiness require it.

Maine State Constitution, Art. 1, Sec.2

## A Community Bill of Rights Is Legitimate Law

- The RBO is based on the Maine State Constitution's Bill of Rights.
- RBOs are validated by popular vote at a legal town meeting.
- RBOs have been successfully used in over 150 communities and counties across the U.S. to halt unwanted corporate activities.

## Corporations as "Persons"

Although the word *corporation* is not used in the **U.S. Constitution**, courts regularly uphold the rights of corporations over those of ordinary citizens by *finding* corporate rights that were intended for real people. **Here's just a sampling.**

1. In the 1<sup>st</sup> Amendment, corporation persons were *found* to have **Freedom of Speech**, and, consequently, now have the right to lobby and support political candidates with levels of contribution which surpass those of most individuals.
2. Under the 4<sup>th</sup> Amendment, which prohibits **unreasonable search and seizure**, corporate persons were *found* to have privacy rights. They shelter behind this amendment to avoid penalties for unlawful trade practices, hazardous working conditions, and environmental destruction.
3. In the 14<sup>th</sup> Amendment, which gave African Americans the right to vote, federal judges *found* corporate persons. Justice Black wrote in 1947, "The 14<sup>th</sup> Amendment was to be a charter of liberty for human rights against property rights [the practice of slavery] ... It operates today to protect the rights of property to the detriment of the rights of man." (from CELDF Model Brief)
4. The Commerce Clause says that only Congress has the power to regulate commerce. Originally applied only to people, this clause now applies to corporate persons preventing local government from regulating harmful corporate activities.

**The Rights-Based Ordinance asserts that the U.S. Constitution was written for real people, not corporations.**

Prepared by Sangerville Community Rights Group with the assistance of CELDF.  
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**Asserting...**

***Our Fundamental Rights***

**Based...**

***On Legitimate Law***

**Rejecting...**

***Unsustainable Development***

## Rights-Based Ordinance [RBO]: A Community Bill of Rights

RBOs assert our “unalienable and inalienable” right to self-governance. They empower our community to locally and democratically assert choices about what happens in the places where we live by safeguarding our fundamental rights to clean air and water; to a sustainable economy and infrastructure; to aesthetically pleasing natural surroundings; and to the peaceful enjoyment of our land.

RBOs can effectively protect citizens’ quality of place in a world increasingly overrun by corporate projects, where nature is regularly assaulted by aggressive resource extractions (such as fracking, utility corridors, wind farms, privatization of water, toxic dumping, and open pit mining.) Those corporate projects have little local accountability for the devastating economic, cultural, and environmental impacts their activities have on our communities.

Through the use of RBOs, we, citizens, reclaim our legitimate right to decide what is best for our own communities. RBOs are crafted with local folks right at the center of both the decision-making and the enforcement process -- thus they are written by the people who know what is sustainable for present and future generations.

“The Rights of Persons, and the Rights of Property, are the objects, for the protection of which, Government was instituted.” --James Madison, *The Federalist Papers*

## The Way It Is Now, or ... Why We Can’t Say “NO!”

### Current regulatory procedure does not legally support communities wishing to ban an unwanted project.

In regulatory law, if a project has been deemed a legal use of land at the state or federal level, the community is prohibited from banning it. To do so is to infringe on the rights of the corporate *person*. Simply, state/federal laws both elevate the constitutional rights of corporations (by giving them *personhood*) and preempt (take precedence over) local laws. Because corporations are on equal footing with the state, once they have a state permit, they do not have to respect local land use ordinances. ***In reality, it is the people whose rights have been compromised.***

### How does the RBO change that balance?

RBOs emerge from laws that protect the rights of people; in this case, citizens’ rights to choose what sustains the health, safety and vision for their community. It’s simple: Via the Maine Constitution, we *real people* assert that we have more rights to choose what is acceptable for our community than a corporate *person*, motivated purely by profit.

## What the RBO Does...

- **Claims** our rights to self-governance guaranteed by the Maine State Constitution.
- **Challenges** the Doctrine of Preemption, including Eminent Domain, because we assert ***our*** legal standing in regulatory matters.
- **Declares** that corporations ***do not*** have the rights of persons.
- **Claims** the rights of local communities to determine their own future.
- **Rejects** projects like the proposed East / West Corridor because it is ***unsustainable***, meaning the corridor ***does not support*** and ***is not supported by*** the local community.

“Whenever any form of government becomes destructive of these ends [life, liberty, and the pursuit of happiness] it is the right of the people to alter or abolish it, and to institute new government. ...”

--Thomas Jefferson,  
*The Declaration of Independence*