

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fifteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

House of Representatives  
December 5, 1990 to May 16, 1991

salmon, what you have got to do is keep the fly fishermen out of the streams until after the eggs hatch and that would truly conserve the salmon in the area.

The SPEAKER: The pending question before the House is the motion of Representative Ruhlin of Brewer that the House reconsider its action whereby it failed to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 53

YEA - Aikman, Aliberti, Ault, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Clark, M.; Coles, Cote, Crowley, DiPietro, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Garland, Gean, Goodridge, Gould, R. A.; Gurney, Hale, Handy, Hastings, Heesch, Hichens, Jacques, Jalbert, Joseph, Kerr, Kilkelly, Kontos, Macomber, Marsh, McKeen, Melendy, Merrill, Michaud, Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Reed, W.; Richards, Richardson, Ruhlin, Savage, Sheltra, Simpson, Skoglund, Stevens, P.; Treat, Tupper.

NAY - Adams, Anderson, Anthony, Bailey, H.; Bailey, R.; Barth, Bell, Bowers, Cashman, Chonko, Clark, H.; Constantine, Daggett, Donnelly, Dore, Duplessis, Farren, Foss, Graham, Gray, Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Hichborn, Hoglund, Hussey, Ketterer, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Martin, H.; Mayo, McHenry, Mitchell, E.; Murphy, Nash, Norton, O'Gara, Ott, Paradis, J.; Paradis, P.; Parent, Pendexter, Pendleton, Pines, Powers, Rand, Reed, G.; Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Tracy, Waterman, Wentworth, Whitcomb.

ABSENT - Holt, Ketover, Morrison, Townsend, Vigue, The Speaker.

Yes, 65; No, 80; Absent, 6; Paired, 0; Excused, 0.

65 having voted in the affirmative and 80 in the negative with 6 being absent, the motion did not prevail.

Subsequently, the House voted to adhere.

The Chair laid before the House the sixth item of Unfinished Business:

An Act to Improve the Regulatory Operations of the Board of Licensing of Auctioneers (EMERGENCY) (H.P. 440) (L.D. 623) (C. "A" H-146) TABLED - May 1, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the seventh item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (12) "Ought to

Pass" as amended by Committee Amendment "A" (H-195) - Minority (1) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Codify the Rules of Maine" (H.P. 1) (L.D. 1) TABLED - May 1, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Motion of Representative JOSEPH of Waterville to accept the Majority "Ought to Pass" as Amended Report.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-195) was read by the Clerk.

Representative Coles of Harpswell offered House Amendment "A" (H-200) to Committee Amendment "A" (H-195) and moved its adoption.

House Amendment "A" (H-200) to Committee Amendment "A" (H-195) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: L.D. 1 was a bill to codify the rules of the State of Maine. It is the result of a Commission Report. I urge you to support this amendment.

The original hope of the commission was that eventually there would be an official publication of the rules promulgated by the state agencies and that there would be a clear marking on any other publications that it was not a certified version of the rules. The process of developing a text file upon which an official publication could be based is now several years off.

We have discussed this House Amendment and we agree that the amendment would provide the necessary protection to assure that the public would not be led to believe that publications which have not been certified by the Secretary of State have or imply that they have any kind of an official seal of approval from the state or that they are an official or certified copy of the rules. It is particularly important to avoid this inference in the case of copies of the rules which are disseminated in a loose-leaf format, since it is impossible from looking at the document to tell whether the version has been kept up-to-date.

This House Amendment explicitly states that a publication may neither state nor imply that a publication is an official copy of the rules. We feel that by including the words "state and imply" in the amendment provides adequate protection that such a publication will neither explicitly state nor through the use of symbols imply it is an official copy. We also feel that the inclusion of information on where certified copies can be obtained is a positive addition and will be helpful to the public.

Subsequently, House Amendment "A" (H-200) to Committee Amendment "A" (H-195) was adopted.

Committee Amendment "A" (H-195) as amended by House Amendment "A" (H-200) thereto was adopted and the Bill assigned for second reading, Wednesday, May 8, 1991.

At this point, Speaker Martin appointed Representative Michaud of East Millinocket to act as Speaker pro tem.