

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 5, 1990 to May 20, 1991

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws"

S.P. 443 L.D. 1187

Tabled - May 9, 1991, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 8, 1991, **READ A SECOND TIME.**)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED.**

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Concerning the Franklin County Budget"

H.P. 15 L.D. 18
(C "A" H-225)

Tabled - May 9, 1991, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 8, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**, in concurrence. Subsequently, **RECONSIDERED.**)

(In House, May 7, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225).**)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Codify the Rules of Maine"

H.P. 1 L.D. 1

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

Minority - **Ought Not to Pass.**

Tabled - May 9, 1991, by Senator CLARK of Cumberland.

Pending - Motion by Senator BERUBE of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In Senate, May 9, 1991, Reports **READ.**)

(In House, May 8, 1991, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195) AS AMENDED BY HOUSE AMENDMENT "A" (H-200)** thereto.)

Senator EMERSON of Penobscot requested a Division.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator EMERSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I find myself on the short end of a twelve to one Committee Report, and I guess that I don't have any illusions of overturning it, but I thought my reasoning was sound, and I guess I want to test it on other people to see if anybody else would agree with me.

This Bill would codify the rules and regulations of the Maine departments and agencies, and so on and so forth, codify them, and eventually publish them. I guess that this would be a nice thing to do if we had money enough to take on any new responsibilities. I don't happen to think that we do have. When this Bill came to us, it had about a quarter of a million dollar price tag on it, and as we worked this Bill, I think there were three different versions that emerged. One was the original Bill, one was the Secretary of States version, and one was a Committee version. As we worked the Bill, a Representative from the Secretary of State came in and said, "If we would stretch the time to five years for doing this job, we could do it in house with what resources we have". I guess I didn't really believe that anyway, but it does concern me when anything of that magnitude says it can be done without any extra help. It just tells me that there is too much help around, anyway. But, those are the three versions.

The Legislative Analyst compared the three versions for us, and I would like to read just one thing regarding the fiscal impact. The original Bill, like I say, was for the first year \$161,000, and the next year was about \$88,000, so that is almost a quarter of a million dollars. The Secretary of States amendment that she writes us would be substantially less than the original Bill, but significant cost for staff and equipment. Then the Committees amendment under fiscal impact says, Unknown at time of preparation. However, most likely, would be less than the Secretary of States amendment. Well, it just seems to me that it is potentially going to cost money somewhere down the road, and it is money that I don't think that we have, and it is something that I think is absolutely unnecessary to have. It would be nice if we had the money.

But secondly, this is being done partly now by a private concern. There is a concern located in Portland that will publish some of the rules and regulations of some of the agencies and departments.

Not all, but they published, I think, nine volumes, and if they published them all, I think that there would be something like nineteen or twenty. So they publish a good share of them. Of course those are the ones that are needed the most by the public, and they are bought by the public, and they are not paid for by the taxpayers, no taxpayer money goes into that.

I just happen to think that for now we shouldn't pass this Bill, we should let the private concern do what they are doing, and not place yet another debt on us in the future as we would do with this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Far be it for me to suggest that I would support a Bill that would cost the thousands of dollars that my colleague on the State and Local Government Committee said it would, if it did, indeed, I would not be supporting it, because I think I have a reputation for fiscal conservatism. But initially, it was not implemented to the degree that the Commission who studied this issue of Codification of Rules and Regulations anticipated, and that is the reason that we took out the Bill. I would not have supported it for the same reason that again, the Senator from Penobscot, Senator Emerson suggests. However, the Secretary of States Office will be able to implement the beginnings of this Bill within existing resources, and the Committee felt that they could do it with their existing resources, and that it was a good step forward.

Everybody has been complaining and criticizing for a number of years that they have no access to the rules and regulations. They are spread out here and there. At least this would codify them and make them available to libraries. Eventually, businesses would be able to research rules and regulations.

Another aspect which is very important, is that the Commission and the Committee that studied this last summer insisted that it clearly be defined that the official rules and regulations come from the Secretary of States Office, and all others that are published are not official, although they mirror pretty much the Secretary of State, so that insignias or emblems should be discouraged because they do not represent the true codification of rules. This was a 12 to 1 Report, and I would hope that you would support the motion to Accept the Ought To Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I stand tonight in support of the Senator from Penobscot, Senator Emerson. I think that he has brought forward some very good points. The state doesn't have any money, and certainly with all respect to the Senator from Androscoggin, Senator Berube, if the Secretary of States Office said that they could implement this with existing resources, I would simply say, what existing resources? The State of Maine is broke. We

have implemented furlough days, we have laid people off, and I strongly suspect we are going to continue further reduction in state government. It would be a very nice thing to have, but considering the fact that we just voted to send \$50,000 to Aroostook County, and that is certainly well deserved and much needed funds, if we have an opportunity to possibly save some money now and in the future, I would certainly suggest that we accept the Minority Report on this piece of legislation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

13 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

Senator **WEBSTER** of Franklin moved to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

HELD BILL

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator **CLARK:** Mr. President. Is the Senate in possession of L.D. 1488?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

SENATE REPORT - from the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Provide Access for Persons with Physical Disability to the State's Recreational Areas"

S.P. 568 L.D. 1488

Report - Refer to the Committee on **HUMAN RESOURCES**.

(In Senate, May 7, 1991, Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY**.)