

MAINE STATE LEGISLATURE

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pages 1 -

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Representative MOONEN of Portland assumed the Chair. The House was called to order by the Speaker Pro Tem.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act"

(H.P. 209) (L.D. 285)

Signed:

Senator:

CLAXTON of Androscoggin

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
PEBWORTH of Blue Hill
RISEMAN of Harrison
VEROW of Brewer

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HEAD of Bethel
KINNEY of Knox
TUELL of East Machias

READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to the pending motion.

The current subsection 8074 in Title 5 -- in order for -- let's see, let me read this -- major substantive rules that must be adopted to comply with federal law or regulations or to qualify for federal funds and over the adoption of which the

agency exercises no option or discretion are not subject to the legislative review requirement of this subchapter unless they impose requirements or conditions that exceed the federal requirements. It goes on a little bit further, but by repealing this subsection of Maine law, we could potentially lose federal funding crucial to the operation of our state's budget and I hope you will join me in opposition of the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I also rise in opposition to the pending motion mainly because the vast breadth of federal rules and whatnot that comes down that impact all of our committees. Like, take marine resources, for example. We have some very monumental stuff coming down, whether it be from federal or interstate agencies that could impact our fishing industry. If we, for lack of a better term, dither over whether we're going to do and what we're going to do and get into the middle of all of these rules, we might well just not have a fishery. We could -- this could be a very dangerous ground we're treading on, so I would simply caution people against supporting the pending motion, therefore I will be voting in opposition.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, there clearly is some confusion regarding this piece of legislation.

If a legislature -- or if this body enacts a piece of legislation that authorizes an agency or department to go ahead and move forward with rulemaking, there are two ways that that can occur. One is simply rulemaking and they can adopt it, hold public hearings, hold forums, and it's clearly a rule. However, if a legislature requires that the rule come back to the full body of the legislature prior to enactment, that provision is called major substantive rules, and that's current statute in Maine law. Unfortunately, if the federal government moves forward with a rule and if it's major substantive, the current Maine statute exempts the feds from any oversight by the legislative process. Enactment of this piece of legislation will equal the balance it will provide that the federal government if, in fact, they move forward with a major substantive rule, it must come back to the legislature for final approval. Thank you, Mr. Speaker, and Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Thank you, Mr. Speaker, Members of the House. I stand in support of this bill.

It's essentially a state's rights bill and we should not give to the federal government the ability to make rules that are Maine rules. Thank you very much.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 17

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Carney, Cloutier, Collings, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield,

Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Pierce T, Pluecker, Reckitt, Riley, Riseman, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Cardone, Cooper, Denno, DeVeau, Haggan, McDonald, McLean, Perry J, Roberts-Lovell, Madam Speaker. Yes, 84; No, 55; Absent, 10; Excused, 1.

84 having voted in the affirmative and 55 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought to Pass Report** was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 24) (L.D. 71) Bill "An Act To Reinstate the Income Tax Deduction for Contributions to College Savings Accounts" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-5)**

(H.P. 480) (L.D. 659) Bill "An Act Regarding the Use of Interchangeable Biological Products" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 113) (L.D. 131) Bill "An Act To Permit a Veterans Organization To Lease Its Facility to an Organization That Is Registered To Operate Beano or Bingo Games without Obtaining a Commercial Beano Hall Permit" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-16)**

(H.P. 215) (L.D. 291) Bill "An Act Regarding Responsibility for the Overpayment of Claims" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-17)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence

and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Extend the Duration of Temporary Licenses for Sale and Consumption of Liquor

(H.P. 98) (L.D. 116)

(C. "A" H-5)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Protect Shooting Ranges

(H.P. 65) (L.D. 79)

An Act To Eliminate Gross Metering

(H.P. 77) (L.D. 91)

(S. "A" S-4)

An Act To Allow Flexibility in the Deposit Labeling of Metal Returnable Beverage Containers

(H.P. 263) (L.D. 338)

An Act To Amend the Brunswick Sewer District Charter

(H.P. 272) (L.D. 346)

An Act To Fund Services for Blind and Visually Impaired Persons at the Maine State Library

(H.P. 291) (L.D. 382)

(C. "A" H-7)

An Act To Protect Vulnerable Adults from Financial Exploitation

(H.P. 410) (L.D. 566)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolves

Resolve, Directing the Secretary of State To Review the Revised Uniform Law on Notarial Acts

(H.P. 293) (L.D. 384)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment, Thursday, March 14, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.