MAINE STATE LEGISLATURE

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Legislative Record

House of Representatives

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

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Beginning with Page H-277

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)** on Bill "An Act to Restore Legislative Oversight of Rulemaking"

(H.P. 234) (L.D. 383)

Signed:

Senators:

BALDACCI of Penobscot

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon

GREENWOOD of Wales

POMERLEAU of Standish

UNDERWOOD of Presque Isle

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

Signed:

Senator:

NANGLE of Cumberland

Representatives:

STOVER of Boothbay

COPELAND of Saco

DHALAC of South Portland

RISEMAN of Harrison

READ.

Representative STOVER of Boothbay moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Stover.

Representative **STOVER**: Madam Speaker, this bill requires that all rulemaking be major substantive and it would represent significant administrative cost to the State. That is why I urge to vote to the Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Madam Speaker. I am opposed to the pending motion. We worked this bill, we had a bipartisan report, and for that reason, I request a Roll Call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. This is yet another example of a Minority Report being moved tonight.

I believe in a separation of powers. I believe that the Executive, Judicial, and Legislative are all coequal branches working for the good of the people of Maine. These branches are accountable to the people. The people have a First Amendment right to a redress of grievances with these parts that make up our government and to vote every two years on every Legislative seat in the State. What I do not believe in is the fourth branch of government that no one ever talks about; the administrative State. The administrative State is made up of bureaucrats who never face election or reelection, working in government agencies and offices. Often, these jobs are filled by the same person for decades. This is dangerous because it takes away oversight and the peoples' voice. The administrative State is not accountable to the people. They are faceless, nameless and have the power to run your life or rein in your business through routine technical rulemaking while never being elected to make laws. There's nothing routine or technical about this type of rulemaking. It takes the power and often ties the hands of Representatives and Senators who are elected by their communities to serve. It is extremely dangerous to let the State, capital S, make its own rules and call it routine. It is time that we as legislators took our power back and reaffirmed our commitment to the separation of powers of the three legitimate branches of government that face reelection every two years. It is beyond time that we reined in the administrative State and provided oversight of the rulemaking process in its entirety. Today, we have an opportunity and a simple yet impactful solution to this problem facing us. We can pass LD 383, which would make every rule under the Administrative Procedures Act major substantive, which would require legislative oversight. This is the way it should be. We owe it to our constituents and businesses to be their eyes and ears under the dome and LD 383 would help us do that. The bill has co-sponsors that are Republican, Democrat and unenrolled. It is a nonpartisan bill but it is a necessary bill for best practices in governance. I ask for your support in voting LD 383 Ought to Pass and voting down the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 211

YEA - Abdi, Ankeles, Arford, Bell, Brennan, Bridgeo, Campbell, Cloutier, Cluchey, Collamore, Collings, Copeland, Crafts, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Madam Speaker.

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Carlow, Carmichael, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Riseman, Rudnicki, Sampson, Schmersal-Burgess, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood S, Woodsome.

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 76; No, 65; Absent, 8; Vacant, 1; Excused, 1.

76 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.
