

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
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ONE HUNDRED AND NINTH LEGISLATURE
January 2, 1980 to April 3, 1980

CHAPTER 669

H. P. 1768 — L. D. 1890

AN ACT to Clarify the Standard of Review for Agency Rulemaking and to Clarify Compliance Requirements with Conflicting Rules.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 5 MRSA § 8058, sub-§ 1, as enacted by PL 1977, c. 551, § 3, is amended by adding, after the 2nd sentence, 2 new sentences to read:

If the court finds that the rule was properly adopted and not in excess of the agency’s rule-making authority, its substantive review of that rule shall be to determine whether the rule is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law. The phrase “otherwise not in accordance with law” shall apply only to the review authorized in the preceding sentence and shall not be construed so as to limit or replace in any way section 8003.

Sec. 2. 5 MRSA § 8059 is enacted to read:

§ 8059. Inconsistent rules

When rules are inconsistent or conflict with other rules, then compliance with any such inconsistent or conflicting rule shall be deemed to be compliance with all such inconsistent or conflicting rules.

Effective July 3, 1980

CHAPTER 670

H. P. 1944 — L. D. 1992

An Act to Clarify the Education Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Acts of previous Legislatures have resulted in certain technical errors, inconsistencies and ambiguities in Title 20; and

Whereas, it is vitally necessary such uncertainties and confusion be resolved to prevent any injustice or hardship on the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency