

MAINE STATE LEGISLATURE

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Bureau of Corporations, Elections, and Commissions

covers
1993

*Department of
the Secretary of State*

Bill Diamond
Secretary of State

Janet E. Waldron
Assistant Secretary of State

January 27, 1993

Gary Cooper
Deputy Secretary of State

Honorable John R. McKernan, Jr.
Governor of Maine
Executive Department
State House Station 1
Augusta, Maine 04333

Dear Governor McKernan,

Pursuant to 5 M.R.S.A. Section 8056-A, the Secretary of State is hereby submitting its report on the progress of the Maine Administrative Procedure Act.

During the year of 1993, there were 290 proposed rule notices and 494 adopted rules. Of the 494 adopted rules, 184 rules were adopted as emergencies. Marine Resources filed 132 of those emergency rules for the closing and opening of shores, flats and waters as a result of red tide, bacteria contamination and other potential threats to the public health. The other 52 emergency rules were filed by various other agencies.

At the end of 1993, there were a total of 1,860 rules on file with the Secretary of State. This is an increase of 40 over what was on file at the end of 1992.

During the calendar year of 1993, the cost of publishing the rulemaking notices was \$177,930.23; this is an 11% decrease from the 1992 figure of \$199,602.17.

Most state agencies consistently meet all the requirements of the Maine Administrative Procedure Act. Those agencies which do not submit the required forms, etc. with the proposed or adopted rules comply once they are reminded.

Of the 1,860 rules which the Secretary of State has on file, only 496 have been entered on the computer in a word processing system. Of the 496 rules entered, 94 are complete, 377 need to be proofread and 25 have been converted to our word processing system but must be edited.

We expect to propose a rule which would establish the procedures for filing electronic copies of rules adopted by state agencies within the next few months. Because of the lack of personnel, the move to establish a complete set of agency rules in electronic format has been moving very slowly. In some cases we may even be losing ground as agencies may sometimes repeal and replace rules

which have been completely processed, thereby rendering the old rules invalid. Such a situation occurred with the rules adopted by the Workers Compensation Commission and the Harness Racing Commission.

An ad was placed in several newspapers requesting comments from the public on the Administrative Procedure Act. We had several requests for information but did not receive any comments.

We also held a meeting on the rulemaking process for agency liaisons and other interested people. Since we received many favorable comments in favor of this type of meeting, our office plans to conduct others in the future. We feel these could be beneficial in educating other state agencies and the public on the requirements of the A.P.A. process.

Sincerely yours,

Bill Diamond,
Secretary of State