

MAINE STATE LEGISLATURE

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Bureau of Corporations, Elections and Commissions

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*Department of
the Secretary of State*

Rebecca Wyke
Chief Deputy
Secretary of State

Dan A. Gwadosky
Secretary of State

Julie L. Flynn
Deputy Secretary of State

January 29, 2001

Honorable Angus S. King, Jr.
Office of the Governor
1 State House Station
Augusta, Maine 04333

Dear Governor King:

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.

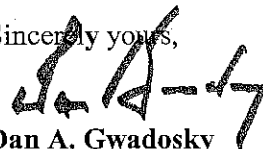
During the year 2000, there were 302 proposed rule notices and 567 adopted rules. This represents an increase of 2 proposed rules and an increase of 26 adopted rules from 1999. There were 10 major-substantive rules submitted to the Second Regular Session of the 119th Legislature. This is a decrease of 3 from 1999. Additionally, during 2000, the cost of publishing the rule-making notices was \$290,574.36. This was an increase of \$ 30,126.80 from 1999. This amount was spread among the rule-making agencies *pro rata*. At the end of 2000, there were 1,833 rules on file with the Secretary of State. This is a decrease of 3 from the rules on file at the end of 1999.

The Secretary of State solicited comments on the progress of the Maine Administrative Act by publishing a notice in five daily Maine newspapers. We received one comment from Richard H. Thompson, Esq., from the Law Offices of Doyle & Nelson, regarding adjudicatory hearings. The notice requirements of 5 M.R.S.A., Sec. 9052 state that notice of an adjudicatory hearing shall be given to the person or persons whose legal rights are at issue, sufficiently in advance of the anticipated time of the decision. He feels that this section should be amended to require at least 30 days notice for a resident of Maine and 45 days notice for a non-resident of Maine doing business in Maine. He stated that each board has their own interpretation of "sufficient" notice and this amendment would require all boards to implement the same standard.

Direct access to the full texts of Maine's rule chapters and regulatory agendas may be found on the Department's website at: www://state.me.us/sos/

If you have any questions regarding the Administrative Procedure Act, please contact Deborah Cabana, Director of Elections and Commissions at 287-4186.

Sincerely yours,


Dan A. Gwadosky
Secretary of State