

# **MAINE STATE LEGISLATURE**

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## STATE OF MAINE

OFFICE  
OF THE  
SECRETARY OF STATEMATTHEW DUNLAP  
SECRETARY OF STATE

January 31, 2018

Honorable Paul Davis, Senate Chair  
Honorable Roland Martin, House Chair  
Members of the Joint Standing Committee on State and Local Government  
100 State House Station  
Augusta, Maine 04333-0100

Dear Senator Davis, Representative Martin and Members of the Joint Standing Committee on State and Local Government,

Pursuant to 5 MRS §8056-A, herein is the Secretary of State's report on the progress of the Maine Administrative Procedure Act (APA).

During the year 2017, there were 190 proposed rule filings and 209 adopted rule filings. This represents a decrease of 15 proposed rule filings and a decrease of 23 adopted rule filings from 2016. There are fewer proposals than adoptions primarily because of emergency adoption filings, which do not require the filing of a proposal prior to adoption. There were 14 provisional major substantive rule adoptions submitted by agencies to the Secretary of State and the Legislature during 2017, which is 3 more than 2016. During 2017, 17 new rule chapters were adopted, and 2 were repealed. At the end of 2017 there were 2,076 current rule chapters in effect and on file with the Secretary of State under the APA, 15 more than 2016.

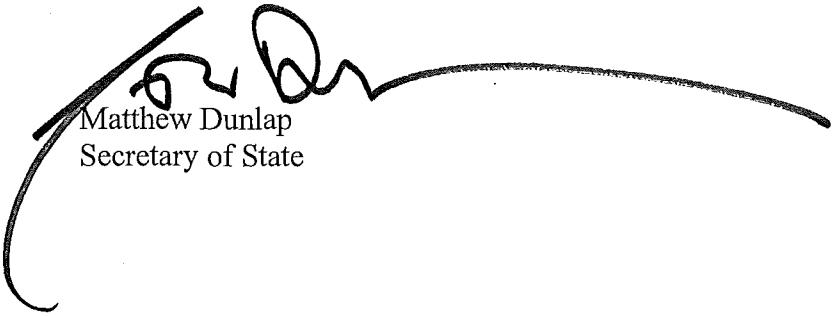
Additionally during 2017, the cost of publishing the Wednesday rule-making proposal notices in five daily newspapers was \$193,918. This was an increase of \$2,081 from 2016. This cost was spread among the rule-making agencies *pro rata*. Pursuant to Chapter 380 of the *Public Laws of 2011*, notice of the adoption of rules is no longer published in the newspapers. Weekly adoption notices are included on the Bureau's (CEC) website along with the rule-making proposal notices.

The Secretary of State solicited comments on the progress of the Maine APA by publishing a notice in five daily newspapers and on the Internet, and by e-mail to state agencies. One comment was received and is attached.

Direct access to the full text of Maine's rule chapters and regulatory agendas may be found on the Department's website at: [www.maine.gov/sos/cec/rules](http://www.maine.gov/sos/cec/rules).

If you have any questions regarding the Administrative Procedure Act, please contact me or Julie Flynn, Deputy Secretary of State at 624-7650.

Sincerely,



Matthew Dunlap  
Secretary of State

**Wismer, Don**

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**From:** Pare, Tera  
**Sent:** Tuesday, January 30, 2018 9:02 AM  
**To:** Wismer, Don  
**Subject:** Comments on the MAPA Rulemaking

Don,

I apologize for the lateness of these comments, but I wanted to send them anyway. After meeting with my policy analysts, here are some general suggestions about improving the MAPA rulemaking process:

1. In 5 M.R.S. §8053, it currently requires notice to be by mail, with written or electronic submission after the subscriber agrees. We recommend amending the statute to allow notices to interested parties to be electronic, by default. Then such parties may request a hard copy of notices and rule be mailed by the agency.
2. Allow for exceptions to the 120-day deadline for adoption, following the comment deadline.
3. More detail on hybrid routine/technical and major/substantive rulemaking is needed.
4. The MAPA forms are redundant and duplicative. Would it be possible to create a master document that contains all necessary information?

Please let me know if you have any follow up questions.

**Tera R. Pare, J.D.**  
Manager, Regulations and Enforcement

**Department of Health and Human Services**  
**Maine Center for Disease Control and Prevention – Preserve ~ Promote ~ Protect**  
**Division of Public Health Operations**  
**Policy and Compliance**

286 Water Street  
11 State House Station  
Augusta, ME 04333-0011

Tel: (207) 287-5680  
Fax: (207) 287-2887  
TTY: Call 711 (Maine Relay)



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