

MAINE STATE LEGISLATURE

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May 13, 1976

Committee on State Government

107th Legislature

Sarah Redfield, Assistant

Attorney General

Request for Information Dated April 30, 1976

BAXTER STATE PARK AUTHORITY

I. Adoption of Rules.

The procedures for adoption of rules by the Baxter State Park Authority (BSPA) are indicated in Section 903 of Title 12. This section provides the Park Authority may promulgate such rules and regulations as it deems necessary for the protection and preservation of the Park and of the monumental structures therein, for the protection and safety of the public, and for the proper observance of the conditions and restrictions expressed in the deeds of trust of Baxter State Park to the State of Maine.

Before promulgating any rules the statute provides that the BSPA shall submit such rules to the Attorney General. If the Attorney General certifies the rules to be in conformity with the law, the rules must then be published once a week for two successive weeks in a newspaper in either Penobscot or Piscataquis County. They must also be posted in at least two places within the Park. Upon such publication, the rules take effect. In addition, a certificate of publication and posting, executed by a majority of the BSPA is to be filed with the Secretary of State. The BSPA does not have any specific regulations governing the procedures for the adoption of rules. However, as a matter of practice, the Authority does hold a public hearing prior to the adoption of rules in addition to the requirements for publication provided in the statute.

II. Final Action in an Adjudicatory Proceeding.

The BSPA does not conduct any adjudicatory proceedings.

III. Final Action on a Licensing Application.

The BSPA does not act on any licenses.

IV. Rights and Duties of Parties.

Technically, there are no parties in a proceeding for the adoption of rules of the BSPA. However, members of the public have the opportunity to comment at any public hearing which may be held.

v. Practice.

Attached for your information is a copy of the rules and regulations of the BSPA for 1976.

enclosure

SR/cmb