

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 12 FY 91/92
DATE December 23, 1991

ORDER REGARDING THE INITIATIVE OF ADMINISTRATIVE RULEMAKING

WHEREAS, the economic condition of the region has significantly reduced State revenues, employment opportunities and the stability of both the public and private sectors; and

WHEREAS, this condition is limiting the ability of government to maintain existing services and to initiate new regulatory activities; and

WHEREAS, the regulated community in Maine is under substantial economic pressures that limit its ability to absorb the additional cost of new regulatory initiatives and burdens; and

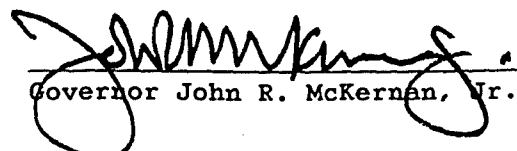
WHEREAS, in light of the recessionary status of the economy, it is important to understand the legal requirement for any new regulatory initiative and whether the initiative is fundamental to protecting against a direct and immediate threat to the public health, safety or welfare; and

WHEREAS, in these times of serious stress on the economy it is also necessary to assure that regulatory proposals by State government adequately consider and weigh the cost to the State as well as the cost to, and competitive impact on, the affected regulated community;

NOW, THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby order that the agencies of the State of Maine shall present to the Office of the Governor a written explanation of the following prior to proposing rules or regulations governed by 5 MRSA §8001 et. seq.:

1. The legal requirement for adopting the rule or regulation;
2. Whether the proposed rule or regulation protects against a direct and immediate threat to the public health, safety or welfare; and
3. An analysis of the costs of the rule or regulatory initiative to the State as well as the cost to, and competitive impact on, the regulated community.

Only upon review of the Office of the Governor may the rulemaking initiative proceed. Rules or regulations governed by 5 MRSA §8001 et. seq. that have been proposed but not yet finally adopted shall immediately be subject to the above requirement. This Order shall be effective December 23, 1991.


Governor John R. McKernan, Jr.