

# MAINE STATE LEGISLATURE

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OFFICE OF  
THE GOVERNOR

NO. 20 FY 11/12  
DATE August 24, 2011

**AN ORDER ESTABLISHING COMPREHENSIVE  
RULEMAKING OVERSIGHT**

**WHEREAS**, certain Executive Orders have been issued since the beginning of this Administration;

**WHEREAS**, such Orders have provided effective and necessary oversight to agency rulemaking;

**WHEREAS**, establishing a unified, comprehensive rulemaking oversight policy will lead to better governance; and

**WHEREAS**, promulgated rules must reflect the intent of the Legislature and the goals of the Executive;

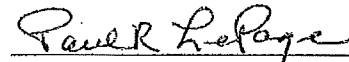
**NOW, THEREFORE**, I, Paul R. LePage, Governor of the State of Maine, hereby order as follows:

1. State agencies shall take the following criteria into account prior to drafting new rules as defined by 5 M.R.S.A. § 8002(9) or otherwise amending existing rules:
  - A. The impact of the proposed rule on job growth or creation;
  - B. The burden imposed by any fees included in the rule;
  - C. The cost to the public in terms of time and money required to comply with the rule;
  - D. The extent to which other state laws and regulations already address the subject matter of the rule; and
  - E. The relevant Federal standards, if any, and the specific need for Maine's rules to differ from them if such a need exists.

These criteria are in addition to other criteria required by statute unless the statute specifically limits the agency's rulemaking discretion to enumerated criteria. When findings are issued, the agency shall make findings relevant to the criteria insofar as the rule reasonably addresses the subject matter of the criteria. Findings are for submission to the Governor's Office as provided in Section 2 and may be made available to the public upon request.

2. No proposed state agency rules shall be published for public review and comment until the agency receives the approval of the Governor's Office that such rulemaking may proceed.
3. Upon the conclusion of the public review and comment period, the agency shall submit to the Governor's Office a report of comments received and changes incorporated into the proposed rule, if any. If no changes are made, the agency may proceed to adoption. If changes are made, the amended proposed rule must be resubmitted to the Governor's Office for final approval.
4. Emergency rules which meet the conditions and durational limits of 5 M.R.S.A. § 8054 shall be approved by the agency head in writing before submission to the Governor's Office for approval.
5. This order supersedes Executive Orders 09 FY 11/12, 13 FY 11/12, and 14 FY 11/12.

The effective date of this Executive Order is August 24, 2011.

  
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Paul R. LePage, Governor