

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 2014-002
DATE 4/15/2014

AN ORDER REGARDING ADMINISTRATIVE RULEMAKING

WHEREAS, State agencies are responsible for the development of rules, which development is one of the most important policy-making functions entrusted to State agencies; and

WHEREAS, further procedural clarifications and directives are necessary in order to assist that function; and

WHEREAS, the purpose of this Executive Order is to clarify the role and responsibilities of state agencies promulgating rules pursuant to the Maine Administrative Procedures Act:

NOW, THEREFORE, I Paul R. LePage, Governor of the State of Maine, do hereby revoke Executive Order 17 FY 02/03 in its entirety and order the following:

Prior to issuing notice of rulemaking and submitting a proposed rule to the Secretary of State for publication pursuant to 5 M.R.S.A. §8053, agencies must present to the respective Commissioners presiding over said agencies a written explanation detailing the following:

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

Prior to issuing notice of rulemaking and submitting a proposed rule to the Secretary of State for publication pursuant to 5 M.R.S.A. §8053, THE RESPECTIVE Commissioner presiding over agencies promulgating rules shall:

1. Review the above-described written explanation submitted to them and have an understanding of the substance and policy implications of the proposed rules; and
2. Once the Commissioners' review and understanding of the proposed rules are achieved, the Commissioners must indicate the Commissioners' preliminary approval of the proposed rules, if such approval is deemed by the Commissioners to be warranted.

The effective date of this Executive Order is 15th April 2014.


Paul R. LePage, Governor