

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2338

H. P. 1845

House of Representatives, January 11, 1974

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Dyar of Strong.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT to Provide Legislative Review of
Administrative Rules and Regulations.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 5, § 2352, sub-§ 1, amended. Subsection 1 of section 2352 of Title 5 of the Revised Statutes is amended to read as follows:

1. **Approval.** The adoption, amendment or repeal of a rule by an agency shall not hereafter become effective until approved by a **joint committee of the Legislature on administrative rules** and as to form and legality by the Attorney General. Approval shall be presumed if the **Administrative Rules Committee of the Legislature and the Attorney General** takes no action within a period of 30 days after the proposal is submitted.

Sec. 2. R. S., T. 5, §§ 2355-2358, additional. Title 5 of the Revised Statutes is amended by adding 4 new sections 2355 to 2358 to read as follows:

§ 2355. **Joint committee on administrative rules; creation; membership, expenses; meetings; hearings; action by concurring majorities; reports**

There shall be a joint committee on administrative rules consisting of 3 members of the Senate and 5 members of the House of Representatives appointed in the same manner as joint standing committees of the Legislature are appointed for terms of 2 years. Members of the committee shall be paid \$25 for every day's attendance on days when the committee meets and shall be reimbursed for expenses incurred in the business of the committee. The committee may meet during a session of the Legislature and during an interim between sessions. The committee may hold a hearing on a rule trans-

mitted to it. Action by the committee shall be by concurring majorities of the members from each house. The committee shall report its activities and recommendations to the Legislature at each regular session.

§ 2356. Powers and duties

The joint committee on administrative rules, in addition to other duties prescribed by law, shall be authorized to review any administrative rules or regulations to determine whether they are in accord with legislative intent and shall make recommendations to the Legislature to approve, amend, annul, reject, suspend or disapprove any rule in such manner as it deems advisable.

§ 2357. Procedures and standards for drafting, processing, publication and distribution of rules; manual

The joint committee on administrative rules may prescribe procedures and standards not inconsistent with this Act or other applicable statutes, for the drafting, processing, publication and distribution of rules. The procedures and standards shall be included in a manual which the Secretary of State shall publish and distribute in reasonable quantities to the state departments.

§ 2358. Notice

If an agency finds that an imminent peril to the public health, safety or welfare requires adoption of a rule upon fewer than 20 days' notice and states in writing its reasons for that finding, it may proceed, without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than 120 days, but the adoption of an identical rule shall not be precluded. The sufficiency of the reasons for a finding of imminent peril to the public health, safety or welfare shall be subject to judicial review.

STATEMENT OF FACT

In recent years there has been rapid growth in the promulgations and enforcement of rules and regulations by various boards, commissions and administrative agencies of State Government. These rules and regulations have the force and effect of law and are formulated by appointive or employed individuals who are not responsible to the electorate. Agency rules and regulations may sometimes not conform to legislative intent and may assume powers and authority contrary to legislative intent. Therefore, it is the intent of this Act to provide for an appropriate committee controlled by and serving the Legislature to review rules and regulations of administrative agencies of the State.