

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 173, L.D. 211, Bill, "AN ACT to Provide for Legislative Review and Automatic Termination of State Agency Rules."

Amend the Bill in section 1 by striking out all of subsection 1 of that part designated "§2502." and inserting in its place the following:

'1. Administering agency. "Administering agency" for a rule shall mean the state agency responsible for promulgating such rule, and shall include any body of State Government authorized by law to adopt rules, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized; but the term shall not include the Legislature, the Governor, the courts, including the Administrative Court, the University of Maine, the Maine Maritime Academy, school districts, special purpose districts or municipalities, counties or other political subdivisions of the State.'

Further amend the Bill in section 1 by striking out all of subsection 4 of that part designated "§2502." and inserting in its place the following:

'4. Rule.

A. "Rule" means the whole or any part of every regulation,

standard, code, statement of policy, or other agency statement of general applicability, including the amendment, suspension or repeal of any prior rule, that:

- (1) Has the force of law, or the violation of which may result in the imposition of sanctions; and
- (2) Implements, interprets or makes specific the law administered by the agency, or describes the procedures or practices of the agency.

B. The term does not include:

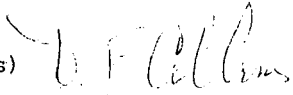
- (1) Policies or memoranda concerning only the internal management of an agency and not affecting the rights of or procedures available to any person; or
- (2) Decisions issued in adjudicatory proceedings;
- (3) Any form, instruction, opinion or explanatory statement of policy which in itself does not have force of law, or the violation of which is not punishable by any sanction, and which is intended solely as advice to assist persons in determining, exercising or complying with their legal rights, duties or privileges.'

Statement of Fact
bill

The definition of "rule" in the / reflects the fact that there is no uniform definition for it in current Maine law. The purpose of this amendment is to provide such a uniform definition. It is broader than the definition in the bill, to assure that the review process established by the bill applies

to as broad a class of rules as is reasonably desirable.

(Collins)
NAME:



COUNTY: Aroostook

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