

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-286)

COMMITTEE AMENDMENT "A " to S.P. 415, L.D. 1411, Bill,
"AN ACT to Improve Public Access to State Agency Rules by
Providing for their Publication in a State Register by the
Secretary of State."

Amend the Bill by striking out all of the title and inserting
in its place the following:

'AN ACT to Improve Public Access to State Agency Rules
by Providing for their Publication and for a Rule Review
Program.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

'Sec. 1. 3 MRSA c. 23 is enacted to read:

CHAPTER 23

RULE REVIEW PROGRAM

§501. Statement of purpose

The purpose of this chapter is to establish a program
for receipt of complaints from any person about rules of state
agencies or departments which adversely affect them, for review
and evaluation of the complaints by a joint standing committee
of the Legislature, and for recommendations by the joint
standing committee of appropriate steps to be taken in response
to the complaints.

§502. Secretary of State to prepare and distribute forms

1. Develop suitable forms. The Secretary of State shall develop a form suitable for use by any person in making complaints about a rule of a state agency or department which may adversely affect him. The form shall include, at a minimum, identified spaces for the following information:

A. Name, address and phone number of person submitting the form;

B. Citation and title of the rule, brief description of its content, and title of the agency or department which promulgated the rule;

C. Description of the adverse effect; and

D. Any recommendations as to why and how the rule should be changed.

The form shall show the addresses to which completed forms may be mailed and otherwise submitted.

2. Forms to be available. The Secretary of State shall print and make forms available to any person requesting them by mail and at appropriate locations throughout the State.

3. Provide assistance. The Secretary of State shall provide assistance requested by any person in completion of the forms. Such assistance shall be limited to simple instruments on completing the form and shall not include any research or assistance with the substance of the form.

4. Copies delivered to Legislative Council. The Secretary of State shall deliver copies of submitted, forms to the Legislative Council.

§503. Legislative Council

The Legislative Council shall assign each complaint form to the Joint Standing Committee which has jurisdiction over the statute which authorized promulgation of the rule.

§504. Joint standing legislative committee

A joint standing legislative committee shall review, at a meeting of the committee, each complaint form assigned to it and shall report to the Legislature on these reviews not later than the 20th legislative day of each regular session of the Legislature. The committee may hold public hearings as a part of its review. The report shall contain, at a minimum, the following:

- A. Copies of each complaint submitted;
- B. A descriptive summary of the complaints; and
- C. The committee's recommendations to the Legislature, including drafts of proposed legislation.

Sec. 2. 5 MRSA c. 304 is enacted to read:

CHAPTER 304

PUBLICATION OF STATE AGENCY RULES

§2381. Publication of rules

The Secretary of State shall, as soon as practicable after January 1, 1978, establish and conduct a system to currently publish the rules of state agencies and departments.

At a minimum the system shall be as follows: For all rules in effect on January 1, 1978, the secretary shall compile, codify and index them; publish them in a standard format and size, which shall be susceptible to frequent and easy revision to reflect all changes and additions to the rules, including rules taking effect after January 1, 1978; provide a system for frequent and easy revision; arrange for the free distribution of sets of the rules and all changes and additions to persons, agencies and departments that request a set and are furnished annotated revisions of statutes under Title 3, section 173, subsection 3; and arrange for the sale, at actual unit cost, of additional sets of the rules and all changes and additions, to any person requesting them. The secretary shall report to the Legislature by April 1, 1979, on the anticipated demand for free sets.

§2382. State agencies to assist Secretary of State

All state agencies shall assist the Secretary of State in any reasonable way that the secretary of State deems necessary for accomplishing the purposes of this chapter.

Nothing in this chapter shall be interpreted to supercede the requirement of any other law. Where the requirements of this chapter and another law may be satisfied by the identical administrative action, the requirements of this chapter alone may be used. Where the requirements of this chapter are so used, the secretary of state may bill the cooperating agency for an amount not to exceed actual unit cost.

§2383. Establishment and use of revolving funds

Subject to all other laws concerning the receipt, custody and disbursement of funds, the Secretary of State may establish and maintain a revolving fund for the publication of rules. The secretary^{of State}/may use the revolving fund for the receipt and disbursement of state and nonstate funds pursuant to this chapter. These funds shall be nonlapsing.

Upon a written finding that purchase would be a less expensive way to accomplish the purposes of this chapter, the secretary^{of State}/may, subject to all other provisions of this chapter, contract with a private firm or firms for the purchase of part or all of the following: Compiling, codifying, indexing, printing, distributing and selling of rules and revisions.

Sec. 3. Appropriation. There is appropriated from the General Fund to _____ the Secretary of State the sum of \$600, and to the Legislature the sum of \$13,000 for the biennium to be used to carry out the purposes of this Act. The breakdown shall be as follows:

	<u>1977-78</u>	<u>1978-79</u>
SECRETARY OF STATE		
All Other	\$500	\$100
LEGISLATURE		
Personal Services	-	\$6,500
All Other	-	6,500'

Fiscal Note

The appropriation for this Act only reflects the printing costs for the Rule Review Program. The expenses for the compiling, indexing and publication of state agency rules are met by an appropriation contained in L.D. 1768, the Administrative Procedure Act. The cost of the additional actions required by this Act beyond those required by the Administrative Procedure Act is negligible.

This appropriation also includes funds in the 2nd year of the biennium for legislative review of complaints. The appropriation is based on the assumption that each committee will meet once during the interim for this purpose.

Statement of Fact

This amendment establishes 2 programs relating to state rules and regulations: A rule review program and a rule publication program.

The rule review program section requires the Secretary of State to develop and make available forms for complaints about rules and regulations and to receive and transmit complaints to the Legislature. The Legislature, through its committees are to review and report on these complaints.

The rule publication program requires the secretary^{of State}/to codify, index, revise and publish the rules of all state agencies. This provision complements the provisions of L.D. 1768, the Administrative Procedure Act which require the secretary^{of State}/to develop a standardized form for rules and to make rules available to the public. This amendment requires the publication of the

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consolidated rules of all agencies. The amendment also provides for free distribution of the published rules to those who presently receive free copies of the statutes. Other copies will be sold at cost to those who request them.

The publication program is expected to take from one to 2 years to reach the first publication of these rules. Thus, the full cost of publication and distribution is not reflected in this bill.

Reported by the Committee on State Government.

Reproduced and distributed pursuant to Senate Rule 11-A.

June 20, 1977

(Filing No. S-286)