

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 286

S. P. 119

In Senate, January 19, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

Cosponsor: Mr. Peterson of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Require Legislative Review of Proposed Agency Rules.

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

Sec. 1. 5 MRSA § 8053-A is enacted to read:

§ 8053-A. Legislative review of rules

1. **Requirement.** No rules, except rules adopted under section 8054, may take effect prior to their review by the Legislature.

2. **Procedure.** The procedure for review of rules is as follows.

A. After notification to the Secretary of State under section 8053, and prior to final adoption, agencies shall submit proposed rules to the Legislature for review.

B. The Legislature shall adopt procedures for assigning agency rules to joint standing committees to conduct the required review.

C. Appropriate joint standing committees shall complete their review:

(1) Within 10 legislative days, if the rule is filed with the Secretary of State during a regular session at least 10 days prior to statutory adjournment; or

(2) Within 10 legislative days of the beginning of the next regular session, if

the rule is filed when the Legislature is not in session, or within 10 days of the adjournment of a regular session.

D. Legislative review of rules shall consist of:

- (1) A public hearing if the committee considers this necessary;
- (2) One or more work sessions to discuss whether the rule is within the authority of the agency and implements legislative intent; and
- (3) A report of the committee recommending whether or not the agency should adopt the rules.

3. Effective date of proposed rules. The effective date of proposed rules is as follows.

A. If the appropriate committee recommends adoption of the rule, the rule shall be effective immediately.

B. If the appropriate committee recommends against adoption of the rule, the agency, within 5 days, shall:

- (1) Withdraw the proposed rule; or
- (2) Deliver a written response to the committee explaining why it is necessary to adopt the rule. The rule shall become effective upon delivery of this response.

Sec. 2. 5 MRSA § 8054, sub-§ 3, first sentence, as enacted by PL 1977, c. 551, § 3, is amended to read:

Any emergency rule shall be effective ~~90~~ 180 days, or any lesser period of time specified in an enabling statute or in the emergency rule.

STATEMENT OF FACT

This bill requires all rules, except emergency rules, to be reviewed by an appropriated legislative committee before they become effective. This review will insure that these rules are promulgated within the authority delegated to the agency, and properly implement legislative intent.