

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
110TH LEGISLATURE
FIRST REGULAR SESSION

L.D. 1078
(Filing No. H-487)

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to
H.P. 912, L.D. 1078, Bill, "AN ACT Authorizing and Directing
the Bureau of Mental Health to Enhance and Protect the Rights
of Recipients of Mental Health Services."

Amend the Amendment by striking out all of the next to
the last paragraph before the Statement of Fact and inserting
in its place the following:

'3. Legislative review. When a rule is proposed pursuant
to this section, a copy of the proposed rule shall be sent to
the legislative committee having
jurisdiction over health and institutional services.

A copy of any rule adopted by the bureau shall be submitted to
the same committee. The committee may review the rule and
if it determines that it should be stricken or amended, the
committee may prepare legislation to accomplish that purpose
and submit that legislation to the full Legislature in accordance
with the legislative rules.

The rule shall remain in effect unless the full Legislature acts
to strike or amend it, or it is repealed or amended by the
bureau in accordance with the Maine Administrative Procedure
Act, Title 5, chapter 375, subchapter II.'

Statement of Fact

This amendment amends the committee amendment by requiring that changes in rules adopted by the bureau be adopted by the entire Legislature after the joint standing committee of the Legislature having jurisdiction over health and institutional services reviews them and recommends alterations.

This process is required by law which prohibits the Legislature from delegating its function to a committee.

Filed by Mrs. Prescott of Hampden.
Reproduced and distributed under the direction of the Clerk
of the House.

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