

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1141

S. P. 383

In Senate, March 5, 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 Shute of Waldo.

Cosponsors: Senator Violette of Aroostook, Representative Berube of Lewiston and Representative Drinkwater of Belfast.

STATE OF MAINE

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

AN ACT Requiring Legislative Approval of Administrative Rules and Regulations.

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

Sec. 1. 5 MRSA § 8056, sub-§ 1, ¶ B, as enacted by PL 1977, c. 551, § 3, is amended to read:

B. File a certified copy of the rule with the Secretary of State in a form prescribed by the Secretary of State, which form shall be susceptible to frequent and easy revision and at the same time file a copy with the Secretary of the Senate and the Clerk of the House of Representatives; and

Sec. 2. 5 MRSA § 8060 is enacted to read:

§ 8060. Legislative review of rules

1. Procedure. When a rule is filed under section 8056, subsection 1, paragraph B, the Secretary of the Senate and the Clerk of the House of Representatives shall refer the rule to the appropriate legislative committee for review. The Legislature, through its committees, shall review each change in agency rules submitted when the Legislature is in session to determine if it is within the intent of the authorizing legislation. All agency rules shall be temporary until the

appropriate legislative committee reviews and accepts a rule as permanent. If the appropriate legislative committee fails to act within 50 calendar days following notice and convening of any regular legislative session, the rule shall be considered accepted and final without further action by the committee. The committee may conduct public hearings on such rules as it deems necessary. A majority of the committee to which a rule has been referred may recommend to the Legislature such action as may be necessary to ensure that the agency rules comply with the intent of the legislation authorizing those rules.

2. Legislature may pass amendment to or repeal of any rule. The Legislature may pass by resolve, in compliance with the Constitution of Maine, Article IV, Part Third, Section 2, an amendment to or the repeal of any rule.

STATEMENT OF FACT

This bill provides for a legislative veto over administrative rules. An appropriate legislative committee could recommend action to the Legislature which could then, by resolve, amend or repeal the rule the resolve would be subject to Governor's veto.