

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1054

6  
7 H.P. 814 House of Representatives, March 4, 1983  
8 Submitted by the Department of Business Regulation pursuant to Joint  
9 Rule 24.

10 On Motion of Representative Brannigan of Portland, referred to the  
11 Committee on Business Legislation. Sent up for concurrence and ordered  
12 printed.

EDWIN H. PERT, Clerk

Presented by Representative Martin of Van Buren.

Cosponsors: Representative Perkins of Brooksville, Senator Charette of  
Androscoggin and Representative Racine of Biddeford.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Amend the Waiting Period After  
18 Promulgation of a Rule by the Bureau  
19 of Banking.  
20

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

23 9-B MRSA §251, as repealed and replaced by PL  
24 1977, c. 694, §158, is amended to read:

25 §251. Rulemaking

26 Promulgation of rules or regulations of the  
27 bureau, and amendments thereto, shall conform to the  
28 requirements of the Maine Administrative Procedure  
29 Act, Title 5, chapter 375, subchapter II. Within 5  
30 days of promulgation, notice of the rule, regulation  
31 or amendment adopted by the superintendent setting  
32 forth a concise, general statement of the content,  
33 purpose and origin of the rule, regulation or amend-

1 ment, together with a statement that copies of the  
2 rule, regulation or amendment are available to the  
3 public at cost, shall be published by the superinten-  
4 dent in those newspapers in which the notice of rule-  
5 making required by the Maine Administrative Procedure  
6 Act was published. Unless the superintendent shall  
7 specify a later date in the final notice relating  
8 thereto, the effective date of any rule, regulation  
9 or amendment shall be 30 days after its promulgation,  
10 provided the requirements of Title 5, section 8056  
11 have been met. The superintendent may waive all or  
12 part of the 30-day waiting period following promul-  
13 gation of any rule, regulation or amendment, if the  
14 superintendent determines that extraordinary or  
15 unusual conditions exist which warrant that action.  
16 The superintendent shall set forth in writing the  
17 circumstances and reasons for his waiving all or part  
18 of the 30-day waiting period.

19 STATEMENT OF FACT

20 This bill removes any remaining inconsistencies  
21 between banking laws and rule-making provisions of  
22 the Maine Administrative Procedure Act. As a result  
23 of this bill, the rules would become effective 5 days  
24 after their promulgation instead of the 30-day wait-  
25 ing period now required.

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