

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1436, L.D. 1881)

2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2102

7
8 H.P. 1592

House of Representatives, February 23, 1984

9 Reported by Representative Manning from the Committee on Marine
10 Resources and printed under Joint Rule No. 2.

11 Original bill presented by Representative Ainsworth of Yarmouth.
Cosponsored by Representative Holloway of Edgecomb, Representative
Melendy of Rockland and Senator Minkowsky of Androscoggin.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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AN ACT to Clarify the Adoption of
Emergency Regulations.

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

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Sec. 1. 12 MRSA §6171-A, sub-§5, ¶B, as enacted
by PL 1981, c. 427, is amended to read:

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B. In an emergency adoption or amendment of gear
conflict regulations, prior public notice and
hearing shall not be required. Notwithstanding
any provisions of the Maine Administrative Proce-
dures Act, Title 5, chapter 375, an emergency
regulation authorized by this subsection shall be
effective immediately upon signature by the com-
missioner or his authorized designee, provided
that it is submitted to the Attorney General and
filed with the Secretary of State, as required by
Title 5, section 8056, subsection 1, paragraphs A

1 and B, within the next business day. Upon
2 promulgation, the emergency regulation shall be
3 published in a newspaper of general circulation
4 in the affected area as soon as possible and
5 within 5 business days. A public hearing shall
6 be held immediately thereafter if requested. No-
7 tice of that hearing shall be published once, not
8 less than 5 days prior to the hearing. The com-
9 missioner shall render a decision within 5 busi-
10 ness days after the hearing. Emergency regula-
11 tions under this section shall be in effect for
12 no more than 90 days and may be repealed by the
13 advisory council.

14 Sec. 2. 12 MRSA §6192, sub-§1, ¶B, as enacted by
15 PL 1977, c. 661, §5, is repealed and the following
16 enacted in its place:

17 B. In an emergency adoption or amendment of reg-
18 ulations relating to the general welfare, as au-
19 thorized by section 6171, the regulation shall be
20 effective immediately, as provided in subsection
21 4, but a public hearing shall be held immediately
22 thereafter if requested. Notice of that hearing
23 shall be published once, not less than 5 days
24 prior to the hearing.

25 STATEMENT OF FACT

26 The current law provides for emergency regula-
27 tions, but imposes a requirement for a public hear-
28 ing, if requested prior to promulgation; a require-
29 ment inconsistent with the emergency nature of the
30 regulations in question, the Revised Statutes, Title
31 12, sections 6171 and 6171-A. This bill remedies the
32 situation by stipulating that regulations promulgated
33 under emergency conditions are effective immediately,
34 while allowing for a public hearing, if requested, as
35 soon as possible thereafter.

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