

MAINE STATE LEGISLATURE

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L.D. 377

(Filing No. S-20)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 138, L.D. 377,
Bill, "AN ACT to Amend the Maine Administrative Pro-
cedure Act to Require the Designation of Federal and
State Statutes and Regulations."

Amend the Bill in section 1 by striking out all
of subsection 8 and inserting in its place the fol-
lowing:

'8. Appropriate reference to underlying federal
and state laws and regulations. At the time of adop-
tion of any rule, the agency shall refer with partic-
ularity to any underlying federal or state law or
regulation which serves as the basis of the rule.'

Further amend the Bill in section 2 in subsection
3, by striking out all of paragraph E and inserting
in its place the following:

'E. Refer to the substantive state or federal
law to be implemented by the rules.'

STATEMENT OF FACT

The purpose of this amendment is to remove con-
fusing and misleading statutory language from the
bill. The bill requires the state agencies proposing
rules for adoption to explain how the rules exceed or
depart from state or federal law and regulations.
Since a state agency cannot depart from or conflict
with a state or federal law or regulation, it is nec-
essary to remove this provision. In addition, this
amendment removes the requirement that a state agency
proposing a rule show how the rule exceeds state or
federal law. A rule cannot exceed state law.

D. OF R.

COMMITTEE AMENDMENT "A " to S.P. 138, L.D. 377

1 This amendment requires the state agency to cite
2 the federal law, if any, that is the basis of a pro-
3 posed state agency rule.

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Reported By Senator Kany for the Committee on State Government
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