MAINE STATE LEGISLATURE

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| | FIRST REGULAR SE | SSION |
|--------------|--|--------------------------------|
| | ONE HUNDRED AND TWELFTH | LEGISLATURE |
| Legisla | tive Document | No. 377 |
| S.P. 138 | | In Senate, January 31, 1983 |
| | erred to the Committee on State Gover vn for concurrence. | nment and ordered printed. |
| | JOY J. O' | BRIEN, Secretary of the Senate |
| | d by Hichens of York. ponsored by Representative Boutilier o ington. | of Lewiston and Senator Brown |
| | STATE OF MAIN | E |
| | IN THE YEAR OF OU | |
| | NINETEEN HUNDRED AND E | IGHII-FIVE |
| | AN ACT to Amend the Maine | |
| | Procedure Act to Req Designation of Federal | |
| | Statutes and Regul | |
| Be it follow | enacted by the People of to | he State of Maine as |
| Se | c. 1. 5 MRSA §8052, sub-§ | 8 is enacted to read: |
| 8. | Appropriate references | to underlying federal |
| and st | ate laws and regulations. | At the time of adop- |
| | of any rule, the agency sha | |
| | y to any underlying federa tion which serves as the b | |
| | d by the rule, including | |
| the ru | le follows or departs from | the pertinent law or |
| regula | tion. | |
| | c. 2. 5 MRSA §8053, sub-§ | |
| ronloc | ad by Pt. 1979 a 425 85 | is amonded to read. |

3. Contents of notice. The notice shall:

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- A. Refer to the statutory authority under which the adoption of the rule is proposed;
- B. State the time and place of any scheduled public hearing or state the manner in which a hearing may be requested;
 - C. State the manner and time within which data, views or arguments may be submitted to the agency for consideration, whether or not a hearing is held; and
 - D. If possible, contain the express terms of the proposed rule or otherwise describe the substance of the proposed rule, stating the subjects and issues involved and indicate where a copy of the proposed rule may be obtained; and
 - E. To the extent practicable, where the proposed rule is intended to comply with the requirements of federal or state laws or regulations, describe with particularity the manner in which the proposed rule fulfills these other standards, and, if applicable, the manner in which the proposed rule departs from, or goes beyond, these standards.

STATEMENT OF FACT

This bill amends the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, governing proposed and adopted rules to require a description of the manner in which these rules fulfill, depart from or go beyond the requirements imposed by any underlying federal or state laws and regulations.

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