

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 392

7 H.P. 303

House of Representatives, January 31, 1985

8 Referred to the Committee on State Government and ordered printed.
9 Sent up for concurrence.

10 EDWIN H. PERT, Clerk

Presented by Representative Diamond of Bangor.
Cosponsored by Senator Andrews of Cumberland.

11
12 STATE OF MAINE
13

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

17 AN ACT to Clarify the Maine Administrative
18 Procedure Act.
19

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

22 Sec. 1. 5 MRSA §8052, sub-§7, as enacted by PL
23 1981, c. 524, §6, is amended to read:

24 7. Adoption of rule. The agency shall, in adopt-
25 ing rules, be consistent with the terms of the pro-
26 posed rule, except to the extent it determines neces-
27 sary to address concerns raised in comments and makes
28 specific findings supporting such changes. The agency
29 shall act to adopt proposed rules within 120 days of
30 the final date by which data, views or arguments may
31 be submitted to the agency for consideration in
32 adopting the rules, or otherwise shall reinitiate
33 public notice. No rule may become effective unless:

34 A. The agency adopts it within 120 days of the
35 final date by which data, views or arguments may

1 be submitted to the agency for consideration in
2 adopting the rule; and

3 B. This adopted rule is approved by the Attorney
4 General as to form and legality, as required by
5 section 8056, within 150 days of the final date
6 by which those comments may be submitted.

7 The final date for comments may be extended if notice
8 of doing so is published before that final date.

9 Sec. 2. 5 MRSA §8053, sub-§1, as amended by PL
10 1981, c. 698, §§10 ,11, is further amended to read:

11 1. Notice of rulemaking without hearing. At
12 least 20 days prior to the adoption of any rule with-
13 out hearing, the agency shall deliver or mail written
14 notice to:

15 A. Any person specified by the statute authoriz-
16 ing the rulemaking;

17 B. Any person who has filed within the past year
18 a written request with the agency for notice of
19 rulemaking; and

20 C. Any trade, industry, professional, interest
21 group or regional publication that the agency
22 deems effective in reaching the persons affected,
23 and.

24 ~~D. The Secretary of State, for publication in~~
25 ~~accordance with subsection 5.~~

26 Notification to subscribers under paragraph B shall
27 be by mail or otherwise in writing to the last ad-
28 dress provided to the agency by that person. Sub-
29 scribers under paragraph B may request to receive a
30 copy of each proposed rule with the written notice.
31 The agency shall provide the copy at the same time
32 the notice is sent.

33 Written notice shall also be given to the Secretary
34 of State, by the deadline established by him, for
35 publication in accordance with subsection 5.

36 Sec. 3. 5 MRSA §8056, sub-§1, ¶B, as amended by
37 PL 1981, c. 524, §11, is further amended to read:

1 currently the practice, the law is not clear that
2 this is required. Since the objective of the law is
3 to allow citizens to obtain copies of all rules in a
4 single place, the Secretary of State's office, it is
5 reasonable that this "basis statement" be included
6 for their information.

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