

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 344

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S.P. 187

In Senate, February 22, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

*Joy J. O'Brien*  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

Cosponsored by Representative DUFFY of Bangor, Representative TARDY of Palmyra and Representative RUHLIN of Brewer.

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STATE OF MAINE

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

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**An Act to Provide More Legislative Oversight of Agency Rulemaking.**

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

3 5 MRSA §8053-A, as amended by PL 1987, c. 402, Pt. A, §§60  
5 and 61, is repealed and the following enacted in its place:

7 §8053-A. Legislative review

9 1. Submission of rules and fact sheets to the Legislature.

11 At the time of giving notice of rulemaking under section 8053 or  
13 within 10 days following the adoption of an emergency rule, the  
15 agency shall provide copies of the proposed rule to the director  
17 of the office of the Legislature which reviews proposed agency  
19 rules and may be referred to as the legislative office on rules.  
21 In addition to providing the director of this office with  
23 sufficient copies of a proposed rule for each member of the  
25 appropriate committee or committees, the agency shall provide to  
27 the director sufficient copies of a fact sheet providing:

19 A. A citation of the statutory authority for the adoption  
21 of the rule;

23 B. A concise statement of the principal reasons for the  
25 rule;

27 C. An analysis of the rule; and

29 D. An estimated fiscal impact of the rule.

31 2. Review of rules. The director of the legislative office  
33 on rules shall review each rule with respect to:

35 A. Clarity;

37 B. Sufficient statutory justification for the rule;

39 C. Sufficient statutory standards for the rule;

41 D. Whether the rule achieves the purpose for which it is  
43 proposed; and

45 E. How well the proposed rule achieves the purpose.

47 Following the director's review of the rule, the director shall  
49 prepare a statement concisely stating the findings with respect  
51 to the review criteria of this subsection. A copy of this  
53 statement shall be sent to the agency proposing the rule. In  
55 addition, a copy of the statement shall accompany the proposed  
57 rule and fact sheet sent to each Legislator of the appropriate  
59 committee as provided in subsection 3.

