

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1, L.D. 1, Bill, "An Act to Codify the Rules of Maine"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §8056, sub-§3, as amended by PL 1979, c. 425, §§8 and 9, is further amended to read:

3. Secretary of State. The Secretary of State shall:

A. Maintain and make available at his the Secretary of State's office, for inspection at no charge and for copying or purchase at actual cost, current copies of complete rules for all agencies filed in accordance with subsection 1, paragraph B;

A-1. Compile, edit, index and arrange for publication and distribution all current rules of state agencies. Compilations shall ~~shall~~ must be supplemented or revised at least annually; and

B. Supply, at actual cost, annually updated copies of complete sets of rules of an agency to any person who has filed with the Secretary of State within the past year a written request for such sets of rules; and

C. Codify all current state agency rules in an electronic text file data base, in consultation with affected state agencies and in accordance with subsections 7 and 8, as available resources permit.

Sec. 2. 5 MRSA §8056, sub-§§7 to 9 are enacted to read:

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4 7. Codification of rules. The Secretary of State, in  
6 consultation with affected state agencies, shall develop a plan  
8 to codify all current rules of state agencies within its  
10 available resources. The codified rules must be maintained on an  
12 electronic text file data base. To develop the electronic text  
14 file data base, agencies may refile an existing rule or parts of  
16 an existing rule. If an agency refiles a rule or portion of a  
18 rule:

20 A. The agency may not make at the time of refileing any  
22 substantive changes in that rule or portion of that rule; and

24 B. The refiled rule or portion of the rule must be adopted  
26 in accordance with the Maine Administrative Procedure Act  
28 except that public comment on the refileing under section  
30 8057-A, subsection 3 is limited to documenting where the  
32 refiled rule or portion of the rule is substantively  
34 different from the existing rule.

36 8. Electronic text file procedures. Under subsection 1,  
38 the Secretary of State may establish by rule in accordance with  
40 the Maine Administrative Procedure Act procedures and criteria  
42 for the filing of rules in electronic text file format.

44 9. Certification of published rules. The Secretary of  
46 State may certify that a publication of the codified rules and  
48 any supplements or replacement volumes to that publication are a  
50 correct transcript of the text of the original rules.

A. Certified publications must contain a printed  
certificate of the Secretary of State stating that the  
publication is the official copy. A facsimile of the  
signature of the Secretary of State imprinted by or at the  
direction of the Secretary of State has the same validity as  
a written signature of the Secretary of State.

B. A publication of the rules certified by the Secretary of  
State constitutes prima facie evidence of the rules.

C. Any publication of a rule or rules that is not certified  
by the Secretary of State must bear the following notice  
conspicuously on that publication: "These rules are (This  
rule is) not certified by the Secretary of State and this  
publication is not an official copy of the rules (rule)."

Sec. 3. 5 MRSA §8056-A, as enacted by PL 1989, c. 574, §6, is amended to read:

§8056-A. Technical assistance; annual report

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1. **Checklist.** The Secretary of State shall establish and implement a checklist that shall must be completed by agencies and attached to ~~proposed--and~~ adopted rules filed with the Secretary of State after December 31, 1989. The checklist shall must include the timing of filing and notices as well as other procedural requirements of this subchapter.

2. **Technical assistance.** The Secretary of State shall develop uniform drafting instructions for use by all agencies that propose rules under this subchapter and shall compile those instructions in a drafting manual. In addition, the Secretary of State shall provide assistance to any agency regarding the form for drafting of rules and supporting materials and the other requirements of this subchapter.

3. **Report.** The Secretary of State shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government prior to February 1st of each year with respect to rule-making activities for the prior year. The report shall must include statistical information on agency rule-making activities, agency experience with procedural requirements of this subchapter, an evaluation of the codification process, the impact of the electronic text file data base on state agencies and users of the rules and recommendations for improvements to the rule-making process. In preparing the report, the Secretary of State shall solicit comments on this subchapter from agencies and their legal counsels, the ~~Director--of--Legislative--Oversight~~ Executive Director of the Legislative Council and the public ~~on--this subchapter--and--recommended--improvements.~~

**FISCAL NOTE**

The Department of the Secretary of State will absorb the costs associated with developing a plan and drafting instructions, rulemaking and reporting within its budgeted resources. The codification of state agency rules in an electronic text file data base will begin and be completed only to the extent that funds are available within budgeted resources to accomplish that purpose. A General Fund appropriation may be necessary for the codification of rules if sufficient funds are not available to develop the data base.'

**STATEMENT OF FACT**

This amendment changes the original bill in the following ways.

COMMITTEE AMENDMENT "A" to H.P. 1, L.D. 1

2 1. It deletes references to providing the State Librarian  
with 18 copies of the codified rules of Maine and supplements.

4 2. It directs the Secretary of State to complete the  
codification as available resources permit.

6 3. It deletes all references to the Secretary of State  
8 publishing the rules but keeps the language that enables the  
Secretary of State to certify published copies of the rules.

10 4. It deletes the requirement that all agencies must submit  
12 a checklist regarding proposed rules to the Secretary of State.

Reported by the Majority of the Committee on State and Local Government  
Reproduced and distributed under the direction of the Clerk of the  
House  
(4/29/91) (Filing No. H-195)