

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 882, L.D. 1273, Bill, "An Act to Require the Holding of Hearings under the Maine Administrative Procedure Act"

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

'5 MRSA §8052, sub-§2, as amended by PL 1985, c. 737, Pt. A, §18, is further amended to read:

2. **Requirements.** Any public hearing shall must comply with any requirements imposed by statute, but shall is not be subject to subchapter IV. Agencies shall attempt to hold hearings at times that are convenient for people who want to attend. Any public hearing shall must be held and conducted as follows.

A. In the case of a rule authorized to be adopted by more than one agency member, at least 1/3 of the agency members shall must be present.

B. In the case of a rule authorized to be adopted by a single agency member, either the agency member or a person in a major policy-influencing position, as listed in chapter 71, who has a policy-making responsibility over the subject matter to be discussed at the hearing, shall hold and conduct the hearing.

C. In the case of a rule authorized to be adopted that significantly affects the entire State, hearings must be held on that rule in several central locations throughout the State.

FISCAL NOTE

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STATEMENT OF FACT

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This bill requires that state agencies hold regional hearings when adopting rules that impact the entire State. General Fund appropriations and Highway Fund allocations will be required for several state agencies to cover the cost of travel and rental of hearing rooms. These costs can not be estimated at this time as the number of rules that will be proposed and the areas impacted are unknown.'

The original bill required agencies to hold adjudicatory hearings on rules at times convenient to the public and at locations throughout the State if the rule has statewide impact. This amendment removes these requirements from the bill dealing with adjudicatory hearings and places them in the section of the bill relevant to public hearings regarding proposed agency rules. The amendment also adds a fiscal note to the bill.

Reported by the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the House
(5/14/91) (Filing No. H-322)