



# 115th MAINE LEGISLATURE

## **FIRST REGULAR SESSION-1991**

Legislative Document

No. 1955

H.P. 1371

House of Representatives, June 25, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on State and Local Government suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative GRAY of Sedgwick.

Cosponsored by Representative LORD of Waterboro, Senator CAHILL of Sagadahoc and Senator DUTREMBLE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Maine Administrative Procedure Act.

(AFTER DEADLINE)

(EMERGENCY)

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under current law, agencies are required to issue regulating agendas within 100 days after adjournment; and

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Whereas, this legislation seeks to make changes that will directly affect agencies in issuing those agendas; and

Whereas, it is vitally necessary that this legislation be enacted as an emergency measure in order that agencies may comply with the terms of the law in a timely and complete manner; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 16 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 18 safety; now, therefore,

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

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Sec. 1. 5 MRSA §8060, sub-§6, as enacted by PL 1989, c. 547, §8, is amended to read: 24

Application. Nothing in this section or section 8053-A 26 б. may be construed to prohibit agencies from adopting emergency 28 rules of -- rules that have not been listed or included in the regulatory agenda pursuant to this section.

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Sec. 2. 5 MRSA §8064 is enacted to read:

#### §8064. Limitation

Except for emergency rules, as provided in section 8060, subsection 6, an agency may not adopt any rule unless the agency 36 has complied with the provisions in sections 8053-A and 8060, which includes legislative review of the rule. 38

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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

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#### STATEMENT OF FACT

46 This bill amends the law concerning legislative review of agency regulatory agendas. The bill provides that emergency rules are the only rules that may be excluded from the review 48 requirement.

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