

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P.
861, L.D. 1170, Bill, "An Act Regarding the Department of
Environmental Protection Rulemaking"

Amend the amendment by striking out everything after the
title and before the statement of fact and inserting in its place
the following:

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

'Sec. 1. 38 MRSA §341-D, sub-§1, as amended by PL 1991, c.
804, Pt. A, §1, is further amended to read:

1. Rulemaking. Subject to the Maine Administrative
Procedure Act, the board shall adopt, amend or repeal reasonable
rules and emergency rules necessary for the interpretation,
implementation and enforcement of any provision of law that the
department is charged with administering. The board shall also
adopt, amend and repeal rules as necessary for the conduct of its
business.

~~If a comment is received during the hearing process on any rule
proposed by the board regarding a specific provision in the rule
that imposes a regulatory burden more stringent than the burden
that would be imposed by the adoption of a federal minimum
standard, the board shall respond to that comment in the basis
statement of the adopted rule.~~

The department shall identify in its regulatory agenda, where
feasible, a proposed rule or provision of a proposed rule that is
anticipated to be more stringent than the federal standard, if an
applicable federal standard exists.

During the consideration of any proposed rule by the board, where
feasible, and using information available to it, the department
shall identify provisions of the proposed rule that the

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 861,
L.D. 1170

department believes would impose a regulatory burden more
stringent than the burden imposed by the federal standard, if
such a federal standard exists, and shall explain in a separate
section of the basis statement the justification for the
difference between the agency rule and the federal standard.

FISCAL NOTE

The Department of Environmental Protection will incur some
minor additional costs to review and justify certain proposed
rules. These costs can be absorbed within the department's
existing budgeted resources.

STATEMENT OF FACT

This amendment requires the Department of Environmental
Protection to identify and justify provisions of proposed rules
that would impose a rule more stringent than comparable federal
standards.

(Senator CIANCHEZZE)
SPONSORED BY: *Alton E. Cianchetti*

COUNTY: Somerset

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