



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1170

H.P. 861

House of Representatives, April 5, 1993

An Act Regarding the Department of Environmental Protection Rulemaking.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative GWADOSKY of Fairfield. Cosponsored by Representatives: ANDERSON of Woodland, GOULD of Greenville, LORD of Waterboro, TRACY of Rome, Senators: CIANCHETTE of Somerset, DUTREMBLE of York, LUDWIG of Aroostook.

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

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.

14 Beginning on the effective date of this paragraph, the board may not adopt a rule that is more stringent than the requirements or 16 restrictions already imposed by federal law or federal rule unless the board is specifically authorized to do so by the state 18 law that authorizes rulemaking.

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.

STATEMENT OF FACT

This bill provides that rules adopted by the Board of Environmental Protection may not be more stringent than federal

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32 law.

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