

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

OK  
R. of S.

L.D. 1293

(Filing No. H- 544 )

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 962, L.D. 1293,  
"RESOLUTION, Proposing an Amendment to the Constitution of Maine  
to Provide Legislative Review of Delegated Rule-making Authority"

Amend the resolution by striking out all of the 2nd and 3rd  
indented paragraphs (page 1, lines 5 to 36 in L.D.) and inserting  
in their place the following:

Constitution Art. IV, Part Third, §2-A is enacted to read:

Section 2-A. Legislative review of administrative rules;  
stay of rules by committee action; Governor's override. The  
effectiveness of a rule may be stayed by a joint standing  
committee of the Legislature having jurisdiction over the subject  
matter of the rule acting within 30 days after approval of the  
rule by the Attorney General. If the Legislature fails to take  
action validating or to enact legislation invalidating a rule  
during the regular session in which it is stayed or at the next  
regular session if it is not in session, the rule takes effect as  
provided by the Legislature but no later than 5 days after  
adjournment. By executive order, the Governor may overrule a  
stay issued by a legislative committee and the rule continues in  
effect unless the Legislature enacts legislation to invalidate  
the rule. The Legislature shall enact legislation implementing  
this section.'

Further amend the resolution by inserting at the end before  
the statement of fact the following:

FISCAL NOTE

The estimated cost of sending this constitutional amendment  
out to referendum will vary according to the total number of

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 962, L.D. 1293

referenda enacted during the First Regular Session of the 116th Legislature. The estimated cost to the Secretary of State if one to 6 referenda are enacted is \$95,000. Each additional referendum costs an additional \$7,000.

STATEMENT OF FACT

This amendment replaces the language of the original resolution to clarify the proposed amendment to the Constitution of Maine authorizing legislative oversight of agency administrative rules. The intent of this amendment is to authorize the joint standing committee having jurisdiction over the subject matter of the rule to temporarily stop implementation of a rule by suspending the rule within 30 days after the rule is finally adopted. Following suspension of a rule, the Legislature would consider whether to enact legislation invalidating the rule. If the Legislature fails to take action validating or invalidating the rule, the rule goes into effect 5 days after adjournment of that session of the Legislature or on an earlier date specified by the Legislature. A committee suspension of a rule may be overridden by the Governor by issuance of an executive order, thereby putting the rule into effect. A rule put into effect by executive order may be invalidated by the Legislature through enactment of a law.

The Legislature is directed to adopt laws necessary to implement the constitutional amendment, which could include the committee process and criteria for review of a rule and the procedure for consideration and enactment of legislation invalidating a rule.

Reported by the Majority of the Committee on State and Local Government  
Reproduced and distributed under the direction of the Clerk of the House  
6/2/93 (Filing No. H-544)