

MAINE STATE LEGISLATURE

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L.D. 1069

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 772, L.D. 1069, Bill, "An Act to Promote the Use of Alternative Dispute Resolution in State Government"

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

'Sec. 1. 5 MRSA §8051, as amended by PL 1989, c. 297, §1, is further amended to read:

§8051. Adoption of rules of practice

In addition to other rule-making requirements imposed by law, each agency shall adopt rules of practice governing the conduct of adjudicatory proceedings, licensing proceedings and the rendering of advisory rulings, except to the extent that such rules are provided by law. The first time after October 1, 1995 that an agency proposes to adopt or modify the rules of practice governing the conduct of adjudicatory proceedings or licensing proceedings, the agency shall also propose any rules reasonably necessary to promote, when appropriate, the efficient and cost-effective use of alternative dispute resolution techniques, including the use of neutral facilitators, mediators or arbitrators. If the agency determines that it is unnecessary or inappropriate to propose these rules, it shall so state in the notice of rulemaking required under section 8053. A written explanation of the reasons for the agency's determination must be included in the basis statement of rule. Any agency rule of

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COMMITTEE AMENDMENT "A" to H.P. 772, L.D. 1069

2 practice which that imposes a time period or deadline for the
3 filing of any submission or for the service of any paper shall
4 must provide that filing or service is complete:

5 1. **Upon an agency.** Upon an agency, when the agency
6 receives the submission or the paper by mail, in-hand delivery or
7 any other means specified by the agency; or

8 2. **Upon a party.** Upon a party, when the paper is mailed to
9 the party or the party's attorney, ~~upon~~ by in-hand delivery to
10 the recipient or by delivery to the recipient's office.'

11 Further amend the bill by inserting at the end before the
12 statement of fact the following:

13 **FISCAL NOTE**

14 This additional requirement to state agency rulemaking will
15 not significantly increase rule-making costs. Since
16 implementation of alternative dispute resolution is
17 discretionary, any net costs associated with this bill will also
18 be insignificant.'

19 **STATEMENT OF FACT**

20 This amendment restructures the original bill and adds a
21 fiscal note.