

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document


No. 510

H.P. 365

House of Representatives, January 28, 1997

An Act to Designate Agency Rules That Increase Fees or Restrict Licenses as Major Substantive Rulemaking.

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative STEDMAN of Hartland.

Cosponsored by Representatives: JONES of Bar Harbor, JONES of Pittsfield, JOY of Crystal, SNOWE-MELLO of Poland, TOBIN of Dexter, TREADWELL of Carmel, VIGUE of Winslow, WATERHOUSE of Bridgton.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 5 MRSA §8071, sub-§2, ¶A,** as enacted by PL 1995, c.
463, §2, is amended to read:

6 A. Routine technical rules are procedural rules that
8 establish standards of practice or procedure for the conduct
of business with or before an agency and any other rules
10 that are not major substantive rules as defined in paragraph
B. Routine technical rules include, but are not limited to,
12 forms prescribed by an agency; they do not include fees
established by an agency ~~except fees established or amended~~
14 ~~by agency rule that are below a cap or within a range~~
~~established by statute.~~

16 **Sec. 2. 5 MRSA §8071, sub-§3, ¶B,** as enacted by PL 1995, c.
18 463, §2, is amended to read:

20 B. Major substantive rules are subject to the requirements
of section 8072. After January 1, 1996, any grant of
22 general or specific rule-making authority to adopt major
substantive rules is considered to be permission only to
24 provisionally adopt those rules subject to legislative
review. Final adoption may occur only after legislative
26 review of provisionally adopted rules as provided in section
8072.

28 The establishment or amendment of an agency fee by
rulemaking is a major substantive rule, ~~except for the~~
30 ~~establishment or amendment of a fee that falls under a cap~~
~~or within a range set in statute, which is a routine~~
32 ~~technical rule.~~ The establishment or amendment of a
restriction placed on a license issued by the agency by
34 rulemaking is a major substantive rule.

36
38 **SUMMARY**

40 Current law requires the Legislature to categorize all new
rules resulting from rulemaking authorized by legislation as
42 either major substantive rules or routine technical rules. Rules
that establish or amend fees imposed by agencies are major
44 substantive rules, except for those fees that fall under a cap or
within a range set by statute.

46 This bill categorizes all changes to fees proposed by
agencies through rulemaking as major substantive rules. The bill
48 also categorizes any restrictions placed by rulemaking on
licenses issued by agencies as major substantive rules.