

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1188

H.P. 871

House of Representatives, February 25, 1997

An Act to Amend the Maine Administrative Procedure Act to Clarify the Definition of a Proposed Rule and the State Agencies' Ability to Solicit Input into the Rule Development Process.

Submitted by the State Planning Office pursuant to Joint Rule 204.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.
Cosponsored by Senator NUTTING of Androscoggin and
Representative KASPRZAK of Newport.

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

4 **Sec. 1. 5 MRSA §8002, sub-§8-A is enacted to read:**

6 **8-A. Proposed rule.** "Proposed rule" or "proposed agency
8 rule" means a rule that an agency has formally proposed for
adoption through submission of the rule to the Secretary of State
for publication pursuant to section 8053, subsection 5.

10 **Sec. 2. 5 MRSA §8052, sub-§1, as corrected by RR 1995, c. 2,**
12 **§8, is amended to read:**

14 **1. Notice; public hearing.** Prior to the adoption of any
16 rule, the agency shall give notice as provided in section 8053
18 and may hold a public hearing, provided that a public hearing is
held if otherwise required by statute or requested by any 5
interested persons.

20 A public meeting or other public forum held by an agency for any
22 purpose that includes receiving public comments on a proposed
24 agency rule is a public hearing and is subject to all the
provisions of this subchapter regarding public hearings. ~~This
subsubsection does not require compliance with this subchapter when
an agency holds an informal meeting for the purpose of gathering
public input prior to developing or deciding whether to proceed
with development of a proposed rule.~~

28 **SUMMARY**

30 This bill clarifies the Maine Administrative Procedure Act
32 with respect to rulemaking by adding the definition of "proposed
34 rule," meaning a rule that an agency is formally putting forward
for consideration and adoption.