

MAINE STATE LEGISLATURE

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M
R.d.S.

L.D. 1705

DATE: 4-30-99

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1195, L.D. 1705, Bill, "An Act to Amend the Maine Administrative Procedure Act"

Amend the bill in section 1 in paragraph B by striking out all of the 2nd blocked paragraph (page 1, lines 13 to 30 in L.D.) and inserting in its place the following:

'(1) Through rulemaking, an agency may incorporate by reference all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States or of this State or by a nationally recognized organization or association.

(2) The reference in the agency rules must fully identify the incorporated matter by exact title, edition or version and date of publication.

(3) The rules must state where copies of the incorporated matter are available at cost from the agency issuing the rule or where copies are available from the agency of the United States, this State or an organization or association originally issuing that matter.

(4) An agency incorporating a matter by reference shall submit a copy of the incorporated matter to the Secretary of State.'

COMMITTEE AMENDMENT

2 Further amend the bill by inserting at the end before the
summary the following:

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FISCAL NOTE

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8 Authorizing agencies of State Government to incorporate
within their rules reference to a federal agency or another
state's rules, regulations, codes, etc., may result in minor cost
10 savings to Maine State Government.

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14 Requiring an agency incorporating a matter by reference to
submit a copy of the incorporated matter to the Secretary of
State will result in additional minor costs to the Office of the
Secretary of State and to Maine State Government. These
16 additional costs can be absorbed within existing budgeted
resources.'

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SUMMARY

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24 This amendment reformats the requirements in the original
bill. It removes the condition that printing the incorporated
rules within the proposed rules may occur if the process is
cumbersome, expensive or inexpedient. It also deletes the
26 requirement that the publisher and the publisher's location be
included in the rule citation. The amendment removes the
28 requirement that copies of the rule be readily available to the
public and allows the agency incorporating by reference the
option of not having the rules available at cost if they are
30 readily available elsewhere. A requirement for agencies to file
incorporated material with the Secretary of State is added by
32 this amendment. Finally, the amendment adds a fiscal note to the
34 bill.