

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1705

H.P. 1195

House of Representatives, March 9, 1999

An Act to Amend the Maine Administrative Procedure Act.

Submitted by the Secretary of State pursuant to Joint Rule 204.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.

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

4 **Sec. 1. 5 MRSA §8056, sub-§1, ¶B,** as amended by PL 1995, c.
5 373, §6, is further amended to read:

6 B. File the original rule as signed by the Attorney General
7 or an assistant attorney general and the authorized
8 representative of the agency, and the statement required by
9 section 8052, subsection 5, with the Secretary of State in a
10 form prescribed by the Secretary of State, which form is
11 susceptible to frequent and easy revision; .

12 An agency may incorporate all or any part of a code,
13 standard, rule, or regulation that has been adopted by an
14 agency of the United States or of this State, another state
15 or by a nationally recognized organization or association by
16 reference in its rules and without the incorporated matter
17 in full if incorporation of its text in agency rules would
18 be unduly cumbersome, expensive or otherwise inexpedient.
19 The reference in the agency rules must fully identify the
20 incorporated matter by exact title, edition or version, date
21 of publication, publisher and location. An agency may
22 incorporate by reference such matter in its rules only if
23 the agency, organization or association originally issuing
24 that matter makes copies of it readily available to the
25 public. The rules must state where copies of the
26 incorporated matter are available at cost from the agency
27 issuing the rule and where copies are available from the
28 agency of the United States, this State, another state or an
29 organization or association originally issuing that matter;

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32 **SUMMARY**

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34 This bill clarifies that incorporation by reference in the
35 rulemaking process is acceptable as long as the rule fully
36 identifies the incorporated matter and that such matter is
37 readily available to the public.
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