

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 517

H.P. 402

House of Representatives, February 6, 2003

An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DAIGLE of Arundel.
Cosponsored by Senator SAWYER of Penobscot and
Representative: SAVIELLO of Wilton.

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

4 **Sec. 1. 38 MRSA §341-D, sub-§1-B,** as amended by PL 1999, c. 784, §6, is further amended to read:

6 **1-B. Rulemaking.** Subject to the Maine Administrative
8 Procedure Act, the board shall adopt, amend or repeal reasonable
10 rules and emergency rules necessary for the interpretation,
12 implementation and enforcement of any provision of law that the
department is charged with administering. The board shall also
adopt, amend and repeal rules as necessary for the conduct of its
business.

14 The department shall identify in its regulatory agenda, when
16 feasible, a proposed rule or provision of a proposed rule that is
anticipated to be more stringent than the federal standard, if an
18 applicable federal standard exists. Notwithstanding any other
section of this Title, a rule that is anticipated to be more
20 stringent than a federal standard is a major substantive rule as
defined in Title 5, chapter 375, subchapter 2-A.

22 During the consideration of any proposed rule by the board, when
24 feasible, and using information available to it, the department
shall identify provisions of the proposed rule that the
26 department believes would impose a regulatory burden more
stringent than the burden imposed by the federal standard, if
28 such a federal standard exists, and shall explain in a separate
section of the basis statement the justification for the
difference between the agency rule and the federal standard.

30 Notwithstanding Title 5, chapter 375, subchapter ~~¶~~ 2, the board
32 shall accept and consider additional public comment on a proposed
rule following the close of the formal rule-making comment period
34 at a meeting that is not a public hearing only if the additional
public comment is directly related to comments received during
36 the formal rule-making comment period or is in response to
changes to the proposed rule. Public notice of the meeting must
38 comply with Title 1, section 406 and state that the board will
accept additional public comment on the proposed rule at that
40 meeting.

42 ~~This subsection takes effect January 1, 1998.~~

44 **SUMMARY**

46 This bill provides that any rule proposed by the Department
48 of Environmental Protection that will be more stringent than a
federal standard is subject to legislative review as a major
50 substantive rule.