MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 942

H.P. 699

House of Representatives, February 25, 2003

An Act To Create Guidelines To Promote Good Science in Rulemaking

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

Millicent M. Mac farland MILLICENT M. MacFARLAND Clerk

Presented by Representative SAVIELLO of Wilton.
Cosponsored by Senator WOODCOCK of Franklin and
Representatives: ANNIS of Dover-Foxcroft, JOY of Crystal, KOFFMAN of Bar Harbor,
MAKAS of Lewiston, MOODY of Manchester, PINEAU of Jay, SUSLOVIC of Portland,
THOMPSON of China.

2	Sec. 1. 5 MRSA §8059-A is enacted to read:
4	§8059-A. Quality of information in rule-making proceedings
6	30033-A. Quality of information in full-making proceedings
8	1. Definitions. As used in this section, unless the context otherwise indicates, when referring to information
	provided and used by agencies in rule-making procedures, the
10	following terms have the following meanings.
12	A. "Influential information" means information that an agency reasonably determines will have or does have a clear
14	and substantial impact on important public policies or important decisions within the private sector.
16	
	B. "Information" means any communication or representation
18	of knowledge such as facts or data, in any medium or form,
	including textual, numerical, graphic, cartographic,
20	narrative or audiovisual forms. "Information" does not
	include opinions, when the entity presenting the information
22	makes it clear that what is being offered is someone's
	opinion rather than fact.
24	
	C. "Integrity of information" means the security of the
26	information, including protection of information from
	unauthorized access or revision and protection against the
28	compromise of information through corruption or
20	falsification.
30	Taisilicacion.
30	D. "Objectivity" when referring to information, means the
32	
34	extent to which information is presented in an accurate,
2.4	clear, complete and unbiased manner and is presented within
34	a proper context.
36	E. "Quality" means utility, objectivity and integrity.
38	P "IItility" many the usefulness of information to its
30	F. "Utility" means the usefulness of information to its
4.0	intended users.
40	2 Pataliana of standards without To sundention
4.3	2. Establishment of standards; criteria. In conducting
42	rulemaking under this chapter, an agency shall incorporate
	information quality criteria into its agency rule-making
44	practices and shall adopt specific standards of quality that are
	appropriate for the various categories of information that are
46	used as evidence in a rule-making proceeding under this chapter.
48	A. To assess the objectivity of information, the agency

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

shall:

2	(1) To the extent possible consistent with
	confidentiality restrictions, identify the source of
4	the information;
6	(2) With respect to scientific, financial or statistical information, identify the supporting data
8	and models;
10	(3) With respect to influential scientific, financial or statistical information, ensure full, accurate and
12	transparent documentation about data and methods to facilitate reproducibility of results; and
14	(4) Identify and disclose error sources affecting the
16	information.
18	If information has been subjected to formal, independent, external peer review, that information is presumed to be
20	objective. This presumption is rebuttable upon a persuasive showing to the contrary.
22	If an agency-sponsored peer review is used to satisfy the
24	objectivity standard, the review process used must meet generally accepted criteria for competent and credible peer
26	review.
28	B. To assess the utility of information, the agency must consider the transparency of the data and methods, if
30	relevant, and consider the potential uses of the information, including potential uses by the public.
32	C. To assess the integrity of information, the agency must
34	consider the specific steps taken to protect the information from corruption, revision or falsification.
36	3. Review of quality of information. Each state agency
38	shall develop a process for reviewing the quality of information before that information is used as evidence in a rule-making
40	proceeding under this chapter.
42	Sec. 2. Application. This Act applies to rule-making proceedings that begin on or after October 1, 2003.
44	
46	SUMMARY
48	This bill requires state agencies to establish standards of objectivity, utility and integrity for information used and
50	relied upon in conducting rule-making proceedings under the Maine Administrative Procedure Act.