

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1528

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H.P. 1120

House of Representatives, April 7, 2003

### **An Act To Permit Electronic Notification of Rulemaking for Interested Parties**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth. (GOVERNOR'S BILL)  
Cosponsored by Senator ROTUNDO of Androscoggin.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, the State must reduce expenditures as a result of a  
6 weakened economy; and

8           Whereas, technology exists to permit communications to be  
made via electronic rather than paper media; and

10           Whereas, the use of electronic media for communication would  
12 reduce the need of and greater costs associated with the use of  
paper media as well as be an environmentally sensitive means of  
14 disseminating information; and

16           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
18 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
20 safety; now, therefore,

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

24           **Sec. 1. 5 MRSA §8053, sub-§1,** as amended by PL 1995, c. 373,  
§4, is further amended to read:

26           1. **Notice of rulemaking without hearing.** At least 20 days  
28 prior to the comment deadline of any rule without hearing, the  
agency shall deliver or mail written notice or, with written or  
30 electronic agreement of the party, provide electronic notice to:

32           A. Any person specified by the statute authorizing the  
rulemaking;

34           B. Any person who has filed within the past year a written  
36 or electronic request with the agency for notice of  
rulemaking; and

38           C. Any trade, industry, professional, interest group or  
40 regional publication that the agency considers effective in  
reaching the persons affected.

42           Notification to subscribers under paragraph B must be by mail or,  
44 with written or electronically submitted agreement of the  
subscriber, electronic notice or otherwise in writing to the last  
46 address provided to the agency by that person. Subscribers under  
paragraph B may request to receive a copy of each proposed rule  
48 with the written notice. The agency shall provide the copy at  
the same time the notice is sent.

50

2 Written or electronic notice must also be given to the Secretary  
of State, by the deadline established by the Secretary of State,  
4 for publication in accordance with subsection 5. This notice  
must be in a format approved by the Secretary of State.

6 **Sec. 2. 5 MRSA §8053, sub-§3-A,** as amended by PL 1995, c. 373,  
§5, is further amended to read:

8  
10 **3-A. Copies of proposed rules available upon request.** At  
least 20 days prior to hearing on any proposed rule and at least  
12 20 days prior to the comment deadline of any rule without a  
hearing, the agency shall make copies of the proposed rule  
14 available in writing or, with agreement of the requestor,  
electronically to persons upon request.

16 **Sec. 3. 5 MRSA §8053, sub-§4,** as amended by PL 1981, c. 524,  
§9, is further amended to read:

18  
20 **4. Fee schedule.** The agency may establish a fee schedule  
for notice and for proposed rules under subsection 1, paragraph  
22 B, imposing a cost reasonably related to the actual expense  
entailed. Fees may vary depending upon the method of  
transmission of notice and the rules being transmitted.

24  
26 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

28  
30 **SUMMARY**

32 Under current law, the written notice required in the agency  
rule-making process must be made by delivery or mail to  
34 statutorily specified recipients. This bill permits required  
notice to be given to recipients via electronic mail, so long as  
36 those recipients have agreed in advance that such a manner of  
notice is acceptable. The bill also permits copies of proposed  
38 rules to be distributed in the same manner by agencies. As a  
result, the bill provides agencies with another medium by which  
40 to distribute rule-making information and conserves paper  
resources.