

# MAINE STATE LEGISLATURE

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L.D. 1878

Date: 2/15/8

(Filing No. H- 684)

Majority

**STATE AND LOCAL GOVERNMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 1310, L.D. 1878, Bill, "An Act To Generate Savings by Changing Public Notice Requirements"

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 12 in L.D.)

Amend the bill by striking out all of section 1 and inserting the following:

**Sec. 1. 5 MRSA §8053, sub-§3**, as amended by PL 2007, c. 181, §§2 to 4, is further amended to read:

**3. Contents of rulemaking notice.** ~~The notice shall~~ Except for notices governed by subsections 5 and 7, a notice under this section must:

- A. Refer to the statutory authority under which the adoption of the rule is proposed;
- B. State the time and place of any scheduled public hearing or state the manner in which a hearing may be requested;
- C. State the manner and time within which data, views or arguments may be submitted to the agency for consideration, whether or not a hearing is held;
- C-1. State the name, address and phone number of the staff person responsible for providing additional information or a printed version of the proposed rule;
- D. If possible, contain the express terms of the proposed rule or otherwise describe the substance of the proposed rule, stating the subjects and issues involved, and indicate where a copy of the proposed rule may be obtained;
- E. Refer to the substantive state or federal law to be implemented by the rules; and
- F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained.

**Sec. 2. 5 MRSA §8053, sub-§5**, as amended by PL 1991, c. 837, Pt. A, §11, is further amended to read:

**COMMITTEE AMENDMENT**

1       **5. Newspaper publication.** The Using the format of notice pursuant to subsection 7,  
2 the Secretary of State shall:

3       A. Arrange for the weekly publication of a consolidated notice of rule making of all  
4 state agencies, which shall also include a brief explanation to assist the public in  
5 participating in the rule-making process. Notice of each rule-making proceeding  
6 shall be published once 17 to 24 days prior to the public hearing on the proposed rule  
7 or at least 30 days prior to the last date on which views and arguments may be  
8 submitted to the agency for consideration if no public hearing is scheduled;

9       B. Designate certain newspapers, which together have general circulation  
10 throughout the State, as papers of record for the purpose of publishing notice under  
11 paragraph A. Notice of proposed rules affecting only a particular locality or region  
12 need only be published in the designated newspapers having general circulation in the  
13 area affected-;

14       C. Designate one day as rules day for publication of notices on rulemaking as set  
15 forth in this subsection; and

16       D. Be reimbursed for the cost of publication of rule-making notice by the agencies  
17 proposing the rulemaking. The total costs of each consolidated publication will be  
18 prorated by the Secretary of State among all agencies submitting notice for a  
19 particular week.

20       **Sec. 3. 5 MRSA §8053, sub-§6** is enacted to read:

21       **6. Electronic publication.** The Secretary of State shall maintain a publicly  
22 accessible website for posting the notices of all proposed and adopted rules. The contents  
23 of the notice for electronic publication are pursuant to subsection 3. Notice of each rule-  
24 making proceeding must be published on the website 17 to 24 days prior to the public  
25 hearing on the proposed rule or at least 30 days prior to the last date on which views and  
26 arguments may be submitted to the agency for consideration if no public hearing is  
27 scheduled.

28       **Sec. 4. 5 MRSA §8053, sub-§7** is enacted to read:

29       **7. Contents of notice for newspaper publication.** The notice for publication in the  
30 newspaper under subsection 5 is shorter than the notice provided for all other purposes  
31 pursuant to subsection 3. The notice for newspaper publication must:

32       A. State the time and place of any scheduled public hearing or state the manner in  
33 which a hearing may be requested;

34       B. State the manner and time within which data, views or arguments may be  
35 submitted to the agency for consideration, whether or not a hearing is held;

36       C. State the name, address and phone number of the staff person responsible for  
37 providing additional information or a printed version of the proposed rule;

38       D. Include a brief and general summary of the substance of the proposed rule;

39       E. Provide the website address where the long notice pursuant to subsection 3 is  
40 posted;

1 F. Indicate where a copy of the statement of impact on small business pursuant to  
2 section 8052, subsection 5-A may be obtained; and

3 G. Indicate the impact on municipalities or counties only if there is an expected  
4 financial impact on municipalities identified under section 8063.

5 **Sec. 5. 5 MRSA §8056, sub-§1-A** is enacted to read:

6 **1-A. Newspaper publication.** With respect to every rule adopted, the agency itself  
7 may publish a notice in the newspaper. That notice must include the information outlined  
8 in section 8053, subsection 7, paragraphs C, D, F and G.'

9 Amend the bill by striking out all of section 3.

10 Amend the bill by striking out all of the emergency clause.

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
12 section number to read consecutively.

13 **SUMMARY**

14 This amendment strikes out the section of the bill that phases out the publication of  
15 rulemaking notices in the newspaper and that requires placing those notices solely on a  
16 publicly accessible website.

17 The amendment changes the requirements for public notice of proposed rules in the  
18 newspaper with the intention to make the notices shorter. It removes from the newspaper  
19 notice the requirement to refer to the statutory or federal authority for the rule and  
20 replaces the requirement for the express terms of the proposed rule with a general  
21 statement on the substance. The notices posted on the publicly accessible website must  
22 meet the original requirements for the notice.

23 The amendment removes the requirement that adopted rules be published in the  
24 newspaper and requires rules to be published on the website. Agencies may choose to  
25 publish notice of adopted rules in the newspaper.

26 The amendment removes the emergency preamble and emergency clause.

27 **FISCAL NOTE REQUIRED**

28 (See attached)



# 123rd MAINE LEGISLATURE

LD 1878

LR 2601(04)

An Act To Generate Savings by Changing Public Notice Requirements

Fiscal Note for Bill as Amended by Committee Amendment "B"  
Committee: State and Local Government  
Fiscal Note Required: Yes

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## Fiscal Note

Current biennium savings - All Funds

### Fiscal Detail and Notes

This legislation changes the requirements for public notice for proposed rules in the newspaper with the intention of making the notices shorter and also removes the requirement for adopted rules to be published in the newspaper. Based upon historical data related to number of advertisements and advertising costs, it is estimated that this change will result in annual savings statewide in fiscal year 2008-2009 of approximately \$200,000.