

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
124TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1272, L.D. 1784, Bill, "An Act Regarding the Commissioner of Education's Rule-making Authority"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Interim committee study. Resolved: That the Joint Standing Committee on State and Local Government is authorized to hold up to 3 interim meetings to study the rule-making process under the Maine Administrative Procedure Act. In conducting the study, the committee shall examine:

1. The circumstances surrounding the adoption of emergency rules, in particular major substantive rules, to ensure that the process of adopting an emergency rule is applied only when there is truly an emergency;

2. The Legislature's role in reviewing major substantive rules, including whether sufficient information is being provided by agencies, oversight functions are adequate and appropriate notice is being provided to the public, and the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature; and

3. The relationship between the intention of the Legislature in adopting specific content in a major substantive rule and the rule as drafted by the department; and be it further

Sec. 2. Report. Resolved: That the Joint Standing Committee on State and Local Government shall, by November 3, 2010, submit a report that includes its findings and recommendations on matters relating to the issues identified in section 1, along with any suggested legislation, to the First Regular Session of the 125th Legislature for presentation to the joint standing committee of the Legislature having jurisdiction over state and local government matters.'

SENATE AMENDMENT

SUMMARY

This amendment changes the concept draft to a resolve. The amendment authorizes the Joint Standing Committee on State and Local Government to meet up to 3 times during the 2010 interim for the purpose of studying the rule-making process under the Maine Administrative Procedure Act. The committee is required to submit a report and recommended legislation by November 3, 2010 to the First Regular Session of the 125th Legislature.

SPONSORED BY: 

(Senator BARTLETT)

COUNTY: Cumberland

CAV. NOTE REQUIRED
(See Attached)



124th MAINE LEGISLATURE

LD 1784

LR 2535(07)

An Act Regarding the Commissioner of Education's Rule-making Authority

Fiscal Note for Senate Amendment "A"
Sponsor: Sen. Bartlett II of Cumberland
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

This amendment replaces the bill with a study to be conducted during the 2010 interim by the Joint Standing Committee on State and Local Government. The general operating expenses of this interim study are projected to be \$5,625 in fiscal year 2010-11. These costs will be funded from the amounts budgeted by the Legislative Council for interim committee meetings.