

# MAINE STATE LEGISLATURE

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A. G. S.

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 426, L.D. 543, Bill, "An Act To Protect Legislative Intent in Rulemaking"

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

'Sec. 1. 5 MRSA §8053-A, sub-§§5 and 6 are enacted to read:

5. Annual consolidated list of rule-making activity. By January 15th of each year, an agency that was authorized to adopt rules in the previous calendar year shall provide a consolidated list of all rules that the agency adopted in the previous calendar year to the Executive Director of the Legislative Council, who shall refer each list to the agency's appropriate joint standing committee or committees of the Legislature. The agency shall provide 25 copies of its rules. The consolidated list must include for each rule the following:

- A. The statutory authority for the rule and the rule chapter number and title;
- B. The principal reason or purpose for the rule;
- C. A written statement explaining the factual and policy basis for each rule pursuant to section 8052, subsection 5;
- D. Whether the rule adopted was routine technical or major substantive;
- E. If the rule was adopted as an emergency; and
- F. The fiscal impact of the rule.

6. Authority to report out legislation. After the appropriate joint standing committee of the Legislature has received the consolidated list of rule-making activity pursuant to subsection 5, the committee may report out legislation in the same legislative session in which the report is received to adjust rule-making authority related to the rules adopted in the previous calendar year.'

COMMITTEE AMENDMENT

R. & S.

**SUMMARY**

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The amendment replaces the bill, which was a concept draft. The amendment requires that by January 15th of each year, an agency that has adopted a rule in the previous calendar year to provide a coordinated list of all rules to the Executive Director of the Legislative Council, who is required to refer the list to the legislative committee with jurisdiction over those rules. The coordinated list must include the statutory authority for the rule, rule chapter number and title, principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. The committee of jurisdiction is authorized to report out legislation in the same session to adjust the rule-making authority of the agency if the legislative committee considers it necessary.