

MAINE STATE LEGISLATURE

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L.D. 940

Date: 6/1/11

(Filing No. H-445)

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. 700, L.D. 940, Bill, "An Act To Increase Access to State Rule-making Notices"

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

Sec. 1. 5 MRSA §8052, sub-§5, ¶B, as amended by PL 1993, c. 446, Pt. A, §19, is further amended to read:

B. A rule may not be adopted unless the adopted rule is consistent with the terms of the proposed rule, except to the extent that the agency determines that it is necessary to address concerns raised in comments about the proposed rule, or specific findings are made supporting changes to the proposed rule. The agency shall maintain a file for each rule adopted that must include, in addition to other documents required by this Act, testimony, comments, the names of persons who commented and the organizations they represent and information relevant to the rule and considered by the agency in connection with the formulation, proposal or adoption of a rule. If an agency determines that a rule that the agency intends to adopt is substantially different from the proposed rule, the agency shall request comments from the public concerning the changes from the proposed rule. The agency may not adopt the rule for a period of 30 days from the date comments are requested pursuant to this paragraph. Notice of the request for comments must be published by the Secretary of State in the same manner as notice for proposed ~~or adopted~~ rules.

Sec. 2. 5 MRSA §8056, sub-§1, ¶D, as enacted by PL 1981, c. 524, §12, is amended to read:

D. Publish, pursuant to the procedures set forth in section 8053, subsection ~~5~~ 6, a notice containing the following information: A statement that the rule has been adopted, its effective date, a brief description of the substance of the rule, and the address where a copy may be obtained.

Sec. 3. Secretary of State to use General Fund savings to develop a plan for the website. General Fund savings from the reduction in newspaper advertising

COMMITTEE AMENDMENT

R.O.F.S.

1 resulting from posting notices of adopted rules on a publicly accessible website
2 maintained by the Secretary of State pursuant to this Act must be allocated to the
3 Secretary of State to be used solely for developing and implementing a plan to improve
4 the website. The website must be made more user-friendly with easy searchability of
5 agency rules and archival capability. The Secretary of State shall report to the Joint
6 Standing Committee on State and Local Government by January 15, 2012 on the progress
7 in developing and implementing the plan.

8 **Sec. 4. Calculation and transfer.** Notwithstanding any other provision of law,
9 the State Budget Officer shall calculate the amount of savings in section 3 of this Part that
10 applies against each General Fund account for all departments and agencies from savings
11 associated with eliminating the requirement to publish all adopted rule notices in
12 newspapers and shall transfer the amounts by financial order upon the approval of the
13 Governor. These transfers are considered adjustments to appropriations in fiscal year
14 2011-12 and fiscal year 2012-13.

15 **Sec. 5. Appropriations and allocations.** The following appropriations and
16 allocations are made.

17 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
18 **Departments and Agencies - Statewide 0016**

19 Initiative: Reduces funding for the advertising of adopted rule notices in newspapers.

20	GENERAL FUND	2011-12	2012-13
21	All Other	(\$75,000)	(\$100,000)
22			
23	GENERAL FUND TOTAL	<u>(\$75,000)</u>	<u>(\$100,000)</u>

24 **Sec. 6. Appropriations and allocations.** The following appropriations and
25 allocations are made.

26 **SECRETARY OF STATE, DEPARTMENT OF**
27 **Bureau of Administrative Services and Corporations 0692**

28 Initiative: Provides funding for updating the publicly accessible website. This
29 appropriation must be used solely for this purpose.

30	GENERAL FUND	2011-12	2012-13
31	All Other	\$75,000	\$100,000
32			
33	GENERAL FUND TOTAL	<u>\$75,000</u>	<u>\$100,000</u>

35 **SUMMARY**

36 This amendment replaces the bill. It requires the Secretary of State to publish
37 adopted rule notices only on the publicly accessible website maintained by the Secretary

R.O.F.S.

COMMITTEE AMENDMENT "A" to H.P. 700, L.D. 940

1 of State. The bill removes all proposed and adopted rules from publication in the
2 newspaper beginning July 1, 2012. The amendment also requires the General Fund
3 savings from reducing newspaper publication to be allocated to the Secretary of State to
4 be used for improving the website and requires the Secretary of State to submit a progress
5 report to the Joint Standing Committee on State and Local Government by January 15,
6 2012. The amendment also adds an appropriations and allocations section.

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FISCAL NOTE REQUIRED

(See attached)



125th MAINE LEGISLATURE

LD 940

LR 640(02)

An Act To Increase Access to State Rule-making Notices

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

This legislation eliminates the requirement for agencies to publish adopted rule notices in the newspapers. The bill includes a General Fund deappropriation to the Department of Financial and Administrative Services, Department and Agencies - Statewide account of \$75,000 in fiscal year 2011-12 and \$100,000 in fiscal year 2012-13. It also includes a General Fund appropriation to the Department of Secretary of State in the same amounts to update the publicly accessible website.