

MAINE STATE LEGISLATURE

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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. 837, L.D. 1125, Bill, "An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government To Make Necessary Changes to the Maine Administrative Procedure Act"

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

'Sec. 1. 5 MRSA §8054, sub-§2, as amended by PL 2007, c. 581, §4, is further amended to read:

2. Agency findings. Any emergency rule must include, with specificity, the agency's findings with respect to the existence of an emergency, including any modifications of procedures, and such findings are subject to judicial review under section 8058. Such findings must be included in the basis statement for any adopted emergency rule in a section labeled "findings of emergency." No emergency may be found to exist when the primary cause of the emergency is delay caused by the agency involved.

Sec. 2. 5 MRSA §8054, sub-§4 is enacted to read:

4. Fiscal impact; curtailment orders. An emergency rule adopted in whole or in part to satisfy the requirements of a temporary curtailment order by the Governor under section 1668 must include a specification of the dollar amount of curtailed funds attributable to each change adopted in the rule.'

SUMMARY

This amendment removes the language of proposed rules from the provisions relating to emergency rules because emergency rules are only adopted and not proposed. The amendment also clarifies that the findings for an emergency rule must be included in the basis statement for the rule and not the rule itself.

COMMITTEE AMENDMENT