

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1410

H.P. 1036

House of Representatives, April 6, 2011

### An Act To Amend the Maine Administrative Procedure Act

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CAREY of Lewiston.

Cosponsored by Representatives: DUCHESNE of Hudson, FITTS of Pittsfield, McKANE of  
Newcastle, Senators: COURTNEY of York, RECTOR of Knox.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §8053-B** is enacted to read:

3 **§8053-B. Public rule-making docket**

4 **1. Public rule-making docket.** Each agency shall maintain a current rule-making  
5 docket accessible to the public and posted on the publicly accessible portion of the  
6 agency's website. The rule-making docket must list every proposed agency rule or  
7 modification of a rule that is under active consideration. For purposes of this subsection,  
8 a proposed rule or modification of a rule is under active consideration during the time  
9 period commencing from when notice is provided under section 8053 to final disposition  
10 of the proposed rule or modification of a rule including withdrawal, termination or  
11 rejection of the proposed rule or modification of a rule or when the proposed rule or  
12 modification of a rule becomes effective. For each proposed rule or modification of a rule  
13 listed in the rule-making docket, the rule-making docket must state:

- 14 A. The precise subject matter of the proposed rule or modification of a rule;  
15 B. The name, address and phone number of the staff person responsible for  
16 providing information on the proposed rule or modification of a rule;  
17 C. The proposed rule or modification of a rule's current status within the agency; and  
18 D. Any pending rule-making proceeding under subsection 2 for the proposed rule or  
19 modification of a rule.

20 **2. Pending rule-making proceedings.** For each proposed rule or modification of a  
21 rule listed in the rule-making docket under subsection 1, the rule-making docket must list  
22 information on each pending rule-making proceeding, including:

- 23 A. The subject matter of the proposed rule or modification of a rule;  
24 B. A citation to all published notices relating to the proceeding;  
25 C. Where written comments concerning the proposed rule or modification of a rule  
26 may be inspected;  
27 D. The time period during which written comments may be made;  
28 E. The name of any person who petitioned for the adoption or modification of a rule  
29 under section 8055 and where any petition under this paragraph may be inspected;  
30 F. The current status of the proposed rule or modification of a rule and any agency  
31 determination with respect to the proposed rule or modification of a rule;  
32 G. The date and time of any scheduled hearing;  
33 H. The timetable for any agency decision or other action in the proceeding;  
34 I. The State's cost to implement the proposed rule or modification of a rule;  
35 J. The impact of the proposed rule or modification of a rule on business and jobs,  
36 including the economic impact statement required under section 8052, subsection 5-A  
37 and where the economic impact statement may be inspected;

