

MAINE STATE LEGISLATURE

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Date: 6/4/15

(Filing No. H-300)

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ROFS

Minority

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 694, L.D. 999, Bill, "An Act To Ensure Proper Adoption of Rules by All Departments, Agencies and Boards"

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

'Resolve, To Establish the Commission on Rulemaking Oversight'

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

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, some state agencies, boards and commissions may not have their rule-making authority overseen by a department; and

Whereas, the Commission on Rulemaking Oversight is tasked with reviewing rule-making authority for state agencies, boards and commissions; and

Whereas, the review must be initiated before the 90-day period expires in order that the review may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission on Rulemaking Oversight, referred to in this resolve as "the commission," is established to study rule-making authority for independent state agencies; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 10 members as follows:

- 1. Four members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

COMMITTEE AMENDMENT

ROFS

- 1 1. Strikes and replaces the bill with a resolve and changes the title;
- 2 2. Establishes the Commission on Rulemaking Oversight to study rule-making
- 3 authority for independent state agencies;
- 4 3. Sets up the membership of the commission, which consists of 10 members,
- 5 including 4 members of the Senate, 4 members of the House of Representatives, the
- 6 Commissioner of Administrative and Financial Services or the commissioner's designee
- 7 and a representative from the Governor's office appointed by the Governor;
- 8 4. Requires that the commission identify current rule-making authority and the
- 9 statutory references that provide the authority for each independent state agency;
- 10 categorize each independent state agency based on whether or not a department provides
- 11 oversight of the independent state agency's rule-making process; and identify the
- 12 department that provides oversight of the independent state agency's rule-making process
- 13 for those independent state agencies overseen by a department;
- 14 5. Requires the commission to develop recommendations for any changes to routine
- 15 technical rule-making authority of independent state agencies;
- 16 6. Requires the Legislative Council to provide necessary staffing services to the
- 17 commission; and
- 18 7. Requires the commission to submit a report by December 2, 2015 with its findings
- 19 and recommendations, including suggested legislation, to the joint standing committee of
- 20 the Legislature having jurisdiction over state and local government matters.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 05/28/15 *MBC*

127th MAINE LEGISLATURE

LD 999

LR 1388(02)

An Act To Ensure Proper Adoption of Rules by All Departments, Agencies and Boards

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-300)
Committee: State and Local Government
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$4,250 in fiscal year 2015-16. The Legislature's proposed budget includes \$10,000 in fiscal year 2015-16 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources. If more than 4 meetings are held during the interim the estimated cost for each additional meeting is projected to be \$1,000 for legislative per diem and expenses.

Fiscal Detail and Notes

The additional costs to the Governor's Office and the Department of Administrative and Financial Services are expected to be minor and can be absorbed utilizing existing budgeted resources.