

MAINE STATE LEGISLATURE

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Date 6/13/23 Majority (Filing No H- 490) L D 850

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 539, L D 850, "An Act to Require State Agencies to Complete the Rulemaking Process Within One Year of a Legislative Directive to Adopt Rules"

Amend the bill by striking out all of section 1 and inserting the following

'Sec. 1. 5 MRSA §8052, sub-§9 is enacted to read

9. Timing of adoption; extension. An agency directed by law to adopt a rule shall adopt the rule or, in the case of major substantive rules under subchapter 2-A, shall provisionally adopt the rule within 12 months of the effective date of the law, unless otherwise required or directed by law. An agency may request an extension of the 12-month deadline by submitting a written request to the joint standing committee of the Legislature having jurisdiction over the rule within 10 months of the effective date of the law.

A If the Legislature is in session when the agency submits a written request under this subsection, the agency is granted an automatic extension of the 12-month deadline until the end of that session, except that, if the Legislature adjourns within 10 legislative days after the submission of the request and an extension has not been granted or expressly denied, the agency is granted an additional 6 months to adopt the rule.

B If the Legislature is not in session when the agency submits a written request under this subsection, the agency is granted an automatic extension until the end of the next legislative session.

C Upon receipt of a written request under this subsection, the joint standing committee of the Legislature having jurisdiction over the rule may submit a bill to grant or deny the extension request.

If the agency fails to adopt the rule within 12 months of the effective date of the law and has not received an extension pursuant to this subsection, the agency's rule-making authority with respect to that law expires 12 months after the effective date of the law.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively

3 **SUMMARY**

4 This amendment, which is the majority report of the committee, provides that an
5 agency may request an extension of the 12-month deadline on rulemaking in the bill by
6 submitting a written request to the joint standing committee of the Legislature having
7 jurisdiction over the rule within 10 months of the effective date of the law that directs the
8 agency to adopt the rule. If the Legislature is in session when the written request is
9 submitted, the agency is granted an automatic extension until the end of that session, except
10 that, if the Legislature adjourns within 10 legislative days after the submission of the
11 request and an extension has not been granted or expressly denied, the agency is granted
12 an additional 6 months to adopt the rule.

13 If the Legislature is not in session when the agency submits a written request, the
14 agency is granted an automatic extension until the end of the next legislative session. The
15 joint standing committee of the Legislature having jurisdiction over the rule has the
16 authority to report out a bill during the legislative session in which the request was received
17 either granting or denying an extension. If the agency fails to adopt the rule within 12
18 months of the effective date of the law and has not received an extension, the agency's rule-
19 making authority with respect to that law expires 12 months after the effective date of the
20 law.

21 **FISCAL NOTE REQUIRED**
22 **(See attached)**



131st MAINE LEGISLATURE

LD 850

LR 1491(02)

**An Act to Require State Agencies to Complete the Rulemaking Process Within One Year of a
Legislative Directive to Adopt Rules**

Fiscal Note for Bill as Amended by Committee Amendment

A (H-490)

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Fiscal Detail and Notes

- Requiring all state agencies and departments to adopt any rule or provisionally adopt any major substantive rule within 12 months of the effective date of the law requiring the rule, unless an extension is granted by the Legislature, would likely result in a significant increase in administrative costs to state departments and agencies and may require additional legislative staff resources. The amount and timing of the increase in administrative costs and additional staff resources cannot be determined at this time.