

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

Sec. 2. 5 MRSA §1125, sub-§2, as repealed and replaced by PL 1965, c. 390, §3, is repealed.

Effective September 19, 1985.

CHAPTER 39

H.P. 303 - L.D. 392

AN ACT to Clarify the Maine Administrative Procedure Act.

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

Sec. 1. 5 MRSA §8052, sub-§7, as enacted by PL 1981, c. 524, §6, is amended to read:

7. Adoption of rule. The agency shall, in adopting rules, be consistent with the terms of the proposed rule, except to the extent it determines necessary to address concerns raised in comments and makes specific findings supporting such changes. The agency shall act to adopt proposed rules within 120 days of the final date by which data, views or arguments may be submitted to the agency for consideration in adopting the rules, or otherwise shall reinitiate public notice. No rule may become effective unless:

A. The agency adopts it within 120 days of the final date by which data, views or arguments may be submitted to the agency for consideration in adopting the rule; and

B. This adopted rule is approved by the Attorney General as to form and legality, as required by section 8056, within 150 days of the final date by which those comments may be submitted.

The final date for comments may be extended if notice of doing so is published before that final date.

Sec. 2. 5 MRSA §8053, sub-§1, as amended by PL 1981, c. 698, §§10 and 11, is further amended to read:

1. Notice of rulemaking without hearing. At least 20 days prior to the adoption of any rule without hearing, the agency shall deliver or mail written notice to:

- A. Any person specified by the statute authorizing the rulemaking;
- B. Any person who has filed within the past year a written request with the agency for notice of rulemaking; and
- C. Any trade, industry, professional, interest group or regional publication that the agency deems effective in reaching the persons affected; and.
- D. The Secretary of State, for publication in accordance with subsection 5.

Notification to subscribers under paragraph B shall be by mail or otherwise in writing to the last address provided to the agency by that person. Subscribers under paragraph B may request to receive a copy of each proposed rule with the written notice. The agency shall provide the copy at the same time the notice is sent.

Written notice shall also be given to the Secretary of State, by the deadline established by him, for publication in accordance with subsection 5.

Sec. 3. 5 MRSA §8056, sub-§1, ¶B, as amended by PL 1981, c. 524, §11, is further amended to read:

B. File a certified copy of the rule and the statement required by section 8052, subsection 5, with the Secretary of State in a form prescribed by the Secretary of State, which form shall be susceptible to frequent and easy revision;

Effective September 19, 1985.

CHAPTER 40

S.P. 86 - L.D. 267

AN ACT Relating to Radiation User Fees Under
the Human Services Law.

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

Sec. 1. 22 MRSA §680, sub-§1, as enacted by PL 1983, c. 345, §§13 and 14, is amended to read: