

MAINE STATE LEGISLATURE

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Bureau of Corporations, Elections, and Commissions

covers
1994

Department of
the Secretary of State

Janet E. Waldron
Assistant Secretary of State

Bill Diamond
Secretary of State

Gary Cooper
Deputy Secretary of State

January 30, 1995

Honorable Angus S. King, Jr.
Office of the Governor
State House Station 1
Augusta, Maine 04333

Dear Governor King,

Pursuant to 5 M.R.S.A. Section 8056-A, the Secretary of State is hereby submitting its report on the progress of the Maine Administrative Procedure Act.

During the year of 1994, there were 278 proposed rule notices and 540 adopted rules. Of the 537 adopted rules 231 rules were emergencies. Marine Resources filed 192 of those emergency rules for the closing and opening of shores, flats and waters as a result of red tide, bacteria contamination and other potential threats to the public health. The other 43 emergency rules were filed by various other agencies.

At the end of 1994, there were 1,889 rules on file with the Secretary of State. This is an increase of 29 over 1993.

During the calendar year of 1994, the cost of publishing the rulemaking notices was \$196,942.91. This amount was spread among the rule-making agencies pro rata.

Most state agencies consistently meet all the requirements of the Maine Administrative Procedure Act. Attached is a "report card" on the agencies' compliance records. Most errors involved failing to file fact sheets, checklists, comments summaries or basis statements.

Of the 1,889 rules which the Secretary of State has on file, only 544 have been entered on the computer in a word processing system. Of the 544 rules entered, 149 are complete, 358 need to be proofread and 36 have been converted to our word processing system but must be edited.

We have drafted the rule for electronic filing of rules and expect to go through rulemaking within the next six months. We expect to hold meetings with representatives from other state agencies to get their ideas on this subject as well.

An ad was placed in several newspapers requesting comments from the public on the Administrative Procedure Act and the rule soon to be proposed by the Secretary of State on the electronic filing of rules. The only comment received was from Weil Publishing Corp. requesting a change in statute to require agencies to file electronic copies of any rule which they adopt.

Please feel free to direct any inquiries regarding the A.P.A. to Lucille Weeks, A.P.A. Officer, at 287-4184 or to Division Director, Don Wismer, at 287-6381.

Sincerely yours,

Bill Diamond
Secretary of State

AGENCY RULEMAKING "REPORT CARD"

DEPARTMENT	RULES FILED IN 1994	% OF ERROR-FREE FILINGS
AGRICULTURE	27	78%
PROFESSIONAL & FINANCIAL REG.	43	76%
DEPT. OF CORRECTIONS	2	100%
DEPT. OF CONSERVATION	1	100%
ZONING MAPS	7	These are exempted from the A.P.A.
DEPT. OF EDUCATION	6	92%
DEPT. OF ENVIRONMENTAL PROTECTION	50	87%
EXECUTIVE DEPT:		
Office of Substance Abuse	2	87%
Maine Waste Management Agency	1	75%
INLAND FISHERIES & WILDLIFE	17	100%
HUMAN SERVICES	83	89%
DEPT. OF LABOR	4	94%
DEPT. OF MARINE RESOURCES	14	92%
Closing and Opening of Clam Flats	192	93% Partially exempted
DEPT. OF MENTAL HEALTH & RETARDATION	2	91%
DEPT. OF PUBLIC SAFETY	6	100%
DEPT. OF TRANSPORTATION	1	exempted
ADMINISTRATION & FINANCIAL SERV.	4	88%
ECONOMIC & COMMUNITY DEVELOPMENT	9	100%
OFF. OF TREASURER OF STATE	1	75%
SECRETARY OF STATE	10	98%
PUBLIC UTILITIES COMM.	3	83%
WORKERS COMPENSATION COMM.	4	88%

HEALTH CARE FINANCE COMM.	21	58%
		Fact Sheets missing
FUND INSURANCE REVIEW BOARD	2	100%
COMM. ON ARTS & HUMANITIES	1	100%
GOVERNMENTAL ETHICS/ELECTION PRAC.	2	100%
BAXTER STATE PARK AUTH.	1	100%
ME. HUMAN RIGHTS COMM.	1	100%
RETIREMENT SYSTEM TRUSTEES BD.	3	83%
FINANCE AUTHORITY OF MAIN	9	100%
MAINE STATE HOUSING AUTHORITY	5	70%
		Fact sheets missing