

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
STATE & LOCAL GOVERNMENT  
PART I - STATE GOVERNMENT

MAY 1988

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**ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST & SECOND SPECIAL SESSIONS  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1988**

*This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.*

*All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::*

<b>OTP</b>	<b>Ought to Pass</b>
<b>OTP-ND</b>	<b>Ought to Pass in New Draft</b>
<b>OTP-ND-NT</b>	<b>Ought to Pass in New Draft, New Title</b>
<b>OTP-A</b>	<b>Ought to Pass as Amended</b>
<b>ONTP</b>	<b>Ought Not to Pass</b>
<b>LVWD</b>	<b>Leave to Withdraw</b>
<b>INDEF PP</b>	<b>Indefinitely Postponed</b>

*Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.*

*Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.*

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COMMITTEE REPORT

AMENDMENTS ADOPTED  
H-629 GWADOSKY

SUMMARY

New Draft Of LD 2410

This new draft reenacted the Maine Revised Statutes, Title 5, section 7061, subsection 3, which was repealed effective March 15, 1988. Section 2 of the new draft authorized the continuation of collective bargaining on the issue of standards for the preparation and updating of written job classification specifications.

A House Amendment added an emergency preamble and emergency clause.

**LD** An Act to Establish Greater Communication in the  
**2611** Rule-Making Process and to Provide Better Standards  
for the Adoption of Rules

INDEF PP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

New Draft of LD 1651: Report of the Majority.

The original bill (LD 1651) contained the recommendations of the Joint Standing Committee on State Government as a result of its study of the issue of legislative veto of agency rules. These recommendations were intended to strengthen the rule-making process, primarily by increased public and legislative notice of rule-making proceedings and through monitoring of agency compliance by the Secretary of State.

This New Draft (LD 2611) was the report of the Majority. It contains many of the recommendations from the bill. Sections 1 and 6 expanded the requirement that rule-making materials be written in plain and clear english understandable to the public.

Section 2 required each agency to designate a person to serve as a liaison between the agency and the general public, the Secretary of State, and the Attorney General with respect to rule making.

Section 3 required that agency statements addressing public comments on a proposed rule must contain a detailed explanation of the agency's response to those comments. This provision attempted to remedy the concerns expressed by some members of the public that some agencies currently do not provide sufficient information with regard to public comments on proposed rules.

Section 5 proposed to provide relief to small businesses that might suffer disproportionate economic burdens which could be alleviated by simplified reporting requirements and flexible time tables. Small business was defined as businesses with 20 or less employees and sales not exceeding \$2,500,000 a year.

Section 5 revised the Maine Revised Statutes, Title 5, section 8053-A regarding rule-making documents that must be provided to the Legislature. It corrects inconsistencies created by several contemporaneous amendments to section 8053-A in 1986 and expands its coverage to include the new regulatory agenda and copies of adopted rules with their supporting statements.

Section 6 provided that the Secretary of State would develop instructions and explanatory information to agencies which develop rules. In addition, the Secretary of State's office would provide assistance in drafting to rule-making agencies. This section also provided that the Secretary of State would monitor agency compliance with rule-making requirements and adopt a checklist to be provided to the Legislature when a rule is adopted.

Section 7 proposed to provide Legislators with copies of fact sheets describing proposed rules, including the estimated impact of rules on people, interest groups, and businesses, in lieu of copies of the proposed rules. The fact sheets would be sufficiently descriptive and accurate to give Legislators a good understanding of the proposed rule.

Section 8 required each agency with the authority to adopt rules to issue a regulatory agenda at the time following a regular session of the Legislature when most laws become effective. The agenda would then be reviewed by the appropriate joint standing committee of the Legislature.

Section 8 also provided that existing and proposed rules of certain "independent" boards be reviewed by the commissioner of the appropriate department of government by December 1, 1988 and annually thereafter. The commissioner's report would be available to the Legislature for review at the same time as regulatory agendas.

Section 8 proposed that state regulatory agencies that issue licenses, permits, certifications, etc., consider performance standards during the public comment period for rule-making if the agencies determine that the performance standards would be appropriate and assist regulated parties to meet necessary criteria.

Section 9 addressed the problem relating to verification of signatures on petitions to the Legislature from the general public for a review of rules. The petitions would be verified and certified in the manner prescribed by the State's election laws (Title 21-A, section 354).

Section 10 established a Commission on the Codification of rules, consisting of 11 persons to investigate and report on the cost and advisability of compiling and indexing all state agency rules in order to provide a resource which would be more readily available to the public.