

LD 315 Resolve, To Require State Departments To Report on Rule Changes within State Government since the Beginning of the COVID-19 Pandemic

To: Members, Joint Standing Committee on State and Local Government
From: Lynne Caswell, Esq., Legislative Analyst
Date: March 1, 2021

SUMMARY

This resolve requires each executive branch department to submit a report to the relevant joint standing committee or committees listing all routine technical rule changes that occurred between March 1, 2020 and November 15, 2021. Each joint standing committee that receives a report has the authority to introduce legislation in the Second Regular Session of the 130th Legislature.

TESTIMONYⁱ

Sponsor: Representative Justin Fecteau – to promote transparency; evaluate changes due to pandemic

Proponents: Senator Keim – state of great isolation; oversight authority; formal notice

Opponents: Office of the Governor - information is public and reported to the Legislature

NFNA: SOS

SOS' Annual Report (<http://legislature.maine.gov/execdir/2020-rulemaking-report/9854>), submitted February 1 of each year, includes:

- statutory authority for rule;
- rule chapter number and title;
- principal reason or purpose for rule;
- written statement explaining the factual and policy basis for rule
- whether routine technical or major substantive;
- whether emergency adoption; and
- fiscal impact of rule.

SPONSOR'S PROPOSED AMENDMENT

The sponsor proposed to amend section 1 of the resolve by adding the underlined language.

Sec. 1. Report. Resolved. That each department of State Government shall, by December 1, 2021, submit a report to the joint standing committee or committees of the Legislature having jurisdiction over matters related to the department identifying all routine technical rule changes and all changes to rules due to action by the Governor adopted by the department pursuant to Maine Revised Statutes, Title 5, section 8071, subsection 2, paragraph A between March 1, 2020 and November 15, 2021.

POTENTIAL ISSUES / TECHNICAL PROBLEMS

1. The sponsor's amendment

Sec. 1. Report. Resolved. That each department of State Government shall, by December 1, 2021, submit a report to the joint standing committee or committees of the Legislature having jurisdiction over matters related to the department identifying all routine technical rule changes ~~and all changes to rules due to action by the Governor~~ adopted by the department pursuant to Maine Revised Statutes, Title 5, section 8071, subsection 2, paragraph A ~~and all changes to rules due to action of the Governor taken~~ between March 1, 2020 and November 15, 2021.

2. Section 2 does not specify the scope or purpose, or other clarifying description of the legislation a committee may submit based on the regulatory report provided by state agencies

INFORMATION REQUESTS

How much time will this take a committee to complete this work?

FISCAL IMPACT - Preliminary (OFPR)

None provided as of this date.

¹ The section is not intended to reflect all comments and may include unintentionally errors.