



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1410

H.P. 1036

House of Representatives, April 6, 2011

An Act To Amend the Maine Administrative Procedure Act

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Clerk

Presented by Representative CAREY of Lewiston.

Cosponsored by Representatives: DUCHESNE of Hudson, FITTS of Pittsfield, McKANE of Newcastle, Senators: COURTNEY of York, RECTOR of Knox.

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

2 **Sec. 1. 5 MRSA §8053-B** is enacted to read:

3 **§8053-B. Public rule-making docket**

4 **1. Public rule-making docket.** Each agency shall maintain a current rule-making
5 docket accessible to the public and posted on the publicly accessible portion of the
6 agency's website. The rule-making docket must list every proposed agency rule or
7 modification of a rule that is under active consideration. For purposes of this subsection,
8 a proposed rule or modification of a rule is under active consideration during the time
9 period commencing from when notice is provided under section 8053 to final disposition
10 of the proposed rule or modification of a rule including withdrawal, termination or
11 rejection of the proposed rule or modification of a rule or when the proposed rule or
12 modification of a rule becomes effective. For each proposed rule or modification of a rule
13 listed in the rule-making docket, the rule-making docket must state:

- 14 A. The precise subject matter of the proposed rule or modification of a rule;
15 B. The name, address and phone number of the staff person responsible for
16 providing information on the proposed rule or modification of a rule;
17 C. The proposed rule or modification of a rule's current status within the agency; and
18 D. Any pending rule-making proceeding under subsection 2 for the proposed rule or
19 modification of a rule.

20 **2. Pending rule-making proceedings.** For each proposed rule or modification of a
21 rule listed in the rule-making docket under subsection 1, the rule-making docket must list
22 information on each pending rule-making proceeding, including:

- 23 A. The subject matter of the proposed rule or modification of a rule;
24 B. A citation to all published notices relating to the proceeding;
25 C. Where written comments concerning the proposed rule or modification of a rule
26 may be inspected;
27 D. The time period during which written comments may be made;
28 E. The name of any person who petitioned for the adoption or modification of a rule
29 under section 8055 and where any petition under this paragraph may be inspected;
30 F. The current status of the proposed rule or modification of a rule and any agency
31 determination with respect to the proposed rule or modification of a rule;
32 G. The date and time of any scheduled hearing;
33 H. The timetable for any agency decision or other action in the proceeding;
34 I. The State's cost to implement the proposed rule or modification of a rule;
35 J. The impact of the proposed rule or modification of a rule on business and jobs,
36 including the economic impact statement required under section 8052, subsection 5-A
37 and where the economic impact statement may be inspected;

