

Date: (Filing No. H- )

STATE AND LOCAL GOVERNMENT

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 922, L.D. 1354, Bill, "An Act To Improve the Maine Administrative Procedure Act"

Amend the bill by striking out all of sections 1 and 2 (page 1, lines 2 to 12 in L.D.)

Amend the bill by striking out all of sections 5 to 10 (page 2, lines 3 to 38 and page 3, lines 1 to 10 in L.D.) and inserting the following:

'Sec. 5. 5 MRSA §8056, sub-§1-A is enacted to read:

1-A. Incorporation of subsequently adopted amendments. Notwithstanding subsection 1, paragraph B, an agency may specify through rulemaking that an incorporated code, standard, rule or regulation also incorporates any subsequently adopted amendment of the incorporated code, standard, rule or regulation. In order for the subsequently adopted amendment of the incorporated code, standard, rule or regulation to take effect as part of the rule, the agency must provide notice to the Legislature, the Secretary of State and the persons specified in section 8053 of any amendment incorporated pursuant to this subsection and shall include in the notice the exact title, edition or version and the date of publication containing the amendment and shall certify to the Secretary of State that the agency has provided the notice to the general public on the agency's publicly accessible website and indicated where copies of the amended material may be obtained at cost. The subsequently adopted amendment takes effect 5 days after the notice and certification required in this subsection is filed with the Secretary of State.'

Amend the bill by striking out all of section 12 (page 3, lines 24 to 30 in L.D.)

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, retains the provision in the bill that allows an agency to incorporate by reference subsequent amendments to a code, standard, rule or regulation and adds a requirement that the exact title, edition or

COMMITTEE AMENDMENT

1 version and date of publication containing the subsequently incorporated amendment are  
2 included in notification materials provided to required parties. The amendment also  
3 requires the agency to certify to the Secretary of State that the agency has provided notice  
4 to the general public on its publicly accessible website and indicated where copies of the  
5 amended material may be obtained at cost. It also specifies that the subsequently  
6 incorporated amendment will take effect 5 days after notice is filed with the Secretary of  
7 State. The amendment removes provisions in the bill that removed the Attorney  
8 General's authority in the rule-making process. The provisions in the bill that are retained  
9 in the amendment include provisions that change notice requirements to provide that  
10 notice and copies of proposed rules be provided electronically unless the requestor  
11 specifies they be provided by mail and allow for electronic submission of certain rule-  
12 making information.