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Date: (Filing No. H-)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 426, L.D. 543, Bill, “An Act To Protect Legislative Intent in Rulemaking”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 5 MRSA §8053, sub-§1, ¶B, as amended by PL 2003, c. 207, §1, is further amended to read:

B. Any person who has filed within the past year a written or electronic request with the agency for notice of rulemaking; ~~and~~

Sec. 2. 5 MRSA §8053, sub-§1, ¶C, as amended by PL 1995, c. 373, §4, is further amended to read:

C. Any trade, industry, professional, interest group or regional publication that the agency considers effective in reaching the persons affected; ~~and~~

Sec. 3. 5 MRSA §8053, sub-§1, ¶E is enacted to read:

E. The primary sponsor of the legislation that was enacted and authorized the rulemaking, as long as the legislation was enacted within the previous 2 years.

Sec. 4. 5 MRSA §8053-A, sub-§§5 and 6 are enacted to read:

5. Annual lists of rule-making activity. By February 1st of each year, the Secretary of State shall provide the Executive Director of the Legislative Council lists by agency of all rules adopted by each agency in the previous calendar year. The Executive Director of the Legislative Council shall refer each list to the appropriate joint standing committee or committees of the Legislature for review. Each list must include for each rule the following information, which must be submitted by each agency to the Secretary of State:

A. The statutory authority for the rule and the rule chapter number and title;

B. The principal reason or purpose for the rule;

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1 C. A written statement explaining the factual and policy basis for each rule adopted
2 pursuant to section 8052, subsection 5;

3 D. If the rule adopted was routine technical or major substantive;

4 E. If the rule was adopted as an emergency; and

5 F. The fiscal impact of the rule.

6 **6. Authority to report out legislation.** After each appropriate joint standing
7 committee of the Legislature has received a list of rule-making activity pursuant to
8 subsection 5, the committee may require an agency to appear before the committee, and
9 the committee may report out legislation in the same legislative session in which the
10 report is received to adjust rule-making authority related to the rules adopted in the
11 previous calendar year.'

12 **SUMMARY**

13 This amendment, which is the majority report of the committee, replaces the bill,
14 which was a concept draft. The amendment requires a state agency to notify the primary
15 sponsor of the legislation that authorized the rulemaking, as long as the rulemaking
16 occurs within 2 years of the enactment of the legislation. The amendment also requires
17 that by February 1st of each year the Secretary of State must provide the Executive
18 Director of the Legislative Council with a list of all rules adopted by each agency in the
19 previous calendar year. The Executive Director of the Legislative Council must forward
20 the list to the joint standing committee or committees of the Legislature having
21 jurisdiction over those rules. The list must include the statutory authority for the rule, the
22 rule chapter number and title, the principal reason or purpose for the rule, a written
23 statement explaining the factual and policy basis for the rule, whether the rule was major
24 substantive or routine technical, whether the rule was adopted as an emergency and the
25 fiscal impact of the rule. Each committee may require an agency to appear before it, and
26 the committee is authorized to report out legislation in the same legislative session to
27 adjust the rule-making authority of the agency if the committee considers it necessary.

28 **FISCAL NOTE REQUIRED**

29 **(See attached)**