1	L.D. 543
2	Date: (Filing No. H-)
3	STATE AND LOCAL GOVERNMENT
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	125TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT " " to H.P. 426, L.D. 543, Bill, "An Act To Protect Legislative Intent in Rulemaking"
11 12	Amend the bill by striking out everything after the enacting clause and inserting the following:
13 14	'Sec. 1. 5 MRSA $\$8053$, sub- $\$1$, \PB , as amended by PL 2003, c. 207, $\$1$, is further amended to read:
15 16	B. Any person who has filed within the past year a written or electronic request with the agency for notice of rulemaking; and
17 18	Sec. 2. 5 MRSA §8053, sub-§1, \P C, as amended by PL 1995, c. 373, §4, is further amended to read:
19 20	C. Any trade, industry, professional, interest group or regional publication that the agency considers effective in reaching the persons affected—; and
21	Sec. 3. 5 MRSA §8053, sub-§1, ¶E is enacted to read:
22 23	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.
24	Sec. 4. 5 MRSA §8053-A, sub-§§5 and 6 are enacted to read:
25 26 27 28 29 30	5. Annual lists of rule-making activity. By February 1st of each year, an agency that was authorized to adopt rules in the previous calendar year shall provide a consolidated list of all rules that the agency adopted in the previous calendar year to the Executive Director of the Legislative Council, who shall refer each list to the appropriate joint standing committee or committees of the Legislature. The consolidated list must include for each rule the following information:
31	A. The statutory authority for the rule and the rule chapter number and title;
32	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 7 8	6. Authority to report out legislation. After each appropriate joint standing committee of the Legislature has received the consolidated list of rule-making activity pursuant to subsection 5, the committee may report out legislation in the same legislative
9	session in which the report is received to adjust rule-making authority related to the rules
10	adopted in the previous calendar year.'
11	SUMMARY
12	This amendment, which is the minority report of the committee, replaces the bill,
13	which was a concept draft. The amendment requires a state agency to notify the primary
14	sponsor of the legislation that authorized the rulemaking, as long as the rulemaking
15	occurs within 2 years of the enactment of the legislation. The amendment also requires
16	that by February 1st of each year an agency that was authorized to adopt rules in the
17 18	previous calendar year must provide a consolidated list of all rules adopted in that year to the Executive Director of the Legislative Council, who is required to refer the list to the
19	joint standing committee or committees of the Legislature having jurisdiction over those
20	rules. The consolidated list must include the statutory authority for the rule, the rule
21	chapter number and title, the principal reason or purpose for the rule, a written statement
22	explaining the factual and policy basis for the rule, whether the rule was major
23	substantive or routine technical, whether the rule was adopted as an emergency and the
24	fiscal impact of the rule. Each committee is authorized to report out legislation in the
25	same legislative session to adjust the rule-making authority of the agency if the
26	committee considers it necessary.
27	FISCAL NOTE REQUIRED

(See attached)