

Maine Revised Statutes

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Chapter 375: MAINE ADMINISTRATIVE PROCEDURE ACT

§8057-A. PREPARATION AND ADOPTION OF RULES

In preparing and adopting rules, each agency shall strive to the greatest possible extent to follow the procedure defined in this section. [1989, c. 574, §7 (NEW).]

1. Preparation of rules. At the time that an agency is preparing a rule, the agency shall consider the goals and objectives for which the rule is being proposed, possible alternatives to achieve the goals and objectives and the estimated impact of the rule. The agency's estimation of the impact of the rule must be based on the information available to the agency and any analyses conducted by the agency or at the request of the agency. The agency shall establish a fact sheet that provides the citation of the statutory authority of the rule. In addition, the agency, to the best of its ability, shall also include in the fact sheet:

- A. The principal reasons for the rule; [1989, c. 574, §7 (NEW).]
- B. A comprehensive but concise description of the rule that accurately reflects the purpose and operation of the rule; [1989, c. 574, §7 (NEW).]
- C. An estimate of the fiscal impact of the rule; [2007, c. 581, §5 (AMD).]
- D. An analysis of the rule; and [2007, c. 581, §5 (AMD).]
- E. A brief summary of the relevant information considered during the development of the rule. [2007, c. 581, §5 (NEW).]

[2007, c. 581, §5 (AMD) .]

2. Additional information for existing rules. For existing rules having an estimated fiscal impact greater than \$1,000,000, the fact sheet shall also include the following:

- A. A description of the economic impact of the rule including effects that cannot be quantified in monetary terms; [1989, c. 574, §7 (NEW).]
- B. A description and examples of individuals, major interest groups and types of businesses that will be affected by the rule and how they will be affected; and [1989, c. 574, §7 (NEW).]
- C. A description of the benefits of the rule including those that cannot be quantified. [1989, c. 574, §7 (NEW).]

[1989, c. 574, §7 (NEW) .]

3. Public comment period. During the public comment period and prior to adoption of any rule, the agency shall strive to obtain and evaluate relevant information from the public and other information reasonably available to the agency with respect to relevant provisions in subsection 1.

[1989, c. 574, §7 (NEW) .]

4. Adoption of rules. At the time of adoption of any rule, the agency shall file with the Secretary of State the information developed by the agency pursuant to subsections 1 and 2 and, except for emergency rules, citations for up to 3 primary sources of information relied upon by the agency in adopting the rule. Professional judgment may be cited as one of those primary sources of information. Citations to primary sources of information are not subject to judicial review.

[2011, c. 304, Pt. E, §1 (AMD) .]

SECTION HISTORY

1989, c. 574, §7 (NEW). 2007, c. 181, §6 (AMD). 2007, c. 581, §5 (AMD).
2011, c. 304, Pt. E, §1 (AMD).

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