

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'Resolve, To Establish the Commission on Rulemaking Oversight'

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

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, some state agencies, boards and commissions may not have their rule-making authority overseen by a department; and

Whereas, the Commission on Rulemaking Oversight is tasked with reviewing rule-making authority for state agencies, boards and commissions; and

Whereas, the review must be initiated before the 90-day period expires in order that the review may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Commission established. Resolved: That the Commission on Rulemaking Oversight, referred to in this resolve as "the commission," is established to study rule-making authority for independent state agencies; and be it further

Sec. 2 Membership. Resolved: That the commission consists of 10 members as follows:

1. Four members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;
3. The Commissioner of Administrative and Financial Services, or the commissioner's designee; and
4. A representative from the Governor's office, appointed by the Governor; and be it further

Sec. 3 Commission chairs. Resolved: That the first-named Senator is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4 Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene

the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5 Duties. Resolved: That the commission shall review the rule-making authority for all independent state agencies. The review must: identify current rule-making authority and the statutory references that provide the authority for each independent state agency; categorize each independent state agency based on whether or not a department provides oversight of the independent state agency's rule-making process; and identify the department that provides oversight of the rule-making process of the independent state agency for those independent state agencies overseen by a department. The commission shall develop recommendations for any changes to routine technical rule-making authority of independent state agencies. For purposes of this section, "independent state agency" means any agency, board or commission with rule-making authority that is not a department with a cabinet-level commissioner; and be it further

Sec. 6 Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7 Report. Resolved: That, no later than December 2, 2015, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment, which is the minority report of the committee:

1. Strikes and replaces the bill with a resolve and changes the title;
2. Establishes the Commission on Rulemaking Oversight to study rule-making authority for independent state agencies;
3. Sets up the membership of the commission, which consists of 10 members, including 4 members of the Senate, 4 members of the House of Representatives, the Commissioner of Administrative and Financial Services or the commissioner's designee and a representative from the Governor's office appointed by the Governor;
4. Requires that the commission identify current rule-making authority and the statutory references that provide the authority for each independent state agency; categorize each independent state agency based on whether or not a department provides oversight of the independent state agency's rule-making process; and identify the department that provides oversight of the independent state agency's rule-making process for those independent state agencies overseen by a department;
5. Requires the commission to develop recommendations for any changes to routine technical rule-making authority of independent state agencies;

6. Requires the Legislative Council to provide necessary staffing services to the commission; and
7. Requires the commission to submit a report by December 2, 2015 with its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

FISCAL NOTE REQUIRED
(See attached)