

§8055. Petition for adoption or modification of rules

1. Petition. Any person may petition an agency for the adoption or modification of any rule.
[PL 1977, c. 551, §3 (NEW).]

2. Form designated. Each agency shall designate the form for such petitions and the procedure for their submission, consideration and disposition.
[PL 1977, c. 551, §3 (NEW).]

3. Receipt of petition. Within 60 days after receipt of a petition, the agency shall either notify the petitioner in writing of its denial, stating the reasons therefor, or initiate appropriate rule-making proceedings. Whenever a petition to adopt or modify a rule is submitted by 150 or more registered voters of the State, the agency shall initiate appropriate rulemaking proceedings within 60 days after receipt of the petition. The petition must be verified and certified in the same manner provided in Title 21-A, section 354, subsection 7, prior to its presentation to the agency.
[PL 1985, c. 506, Pt. A, §4 (AMD).]

4. Petition submitted by persons incarcerated in Department of Corrections facility. Notwithstanding subsections 2 and 3, the Department of Corrections shall initiate appropriate rule-making proceedings within 60 days after receipt of a petition to adopt or modify a rule submitted by 150 or more persons incarcerated in a department correctional facility under Title 34-A or by 25% or more of the total number of males or females incarcerated in a department correctional facility under Title 34-A, whichever is fewer. The department is not required to initiate appropriate rule-making proceedings pursuant to this subsection if a petition to adopt or modify the same rule was received within the previous 12 months. The department may take reasonable steps to ensure that each signature on a petition submitted pursuant to this subsection is the signature of the person it purports to be and that the person was incarcerated in a department correctional facility under Title 34-A at the time of signing.
[PL 2021, c. 257, §1 (NEW).]

5. Petition submitted by persons incarcerated in county or municipal detention facility. Notwithstanding subsections 2 and 3, the Department of Corrections shall initiate appropriate rule-making proceedings with respect to standards adopted pursuant to Title 34-A, section 1208 or 1208-B within 60 days after receipt of a petition to adopt or modify a rule submitted by 150 or more persons incarcerated in a county or municipal detention facility or by 25% or more of the total number of males or females incarcerated in a county or municipal detention facility, whichever is fewer. The department is not required to initiate appropriate rule-making proceedings pursuant to this subsection if a petition to adopt or modify the same rule was received within the previous 12 months. The department may take reasonable steps to ensure that each signature on a petition submitted pursuant to this subsection is the signature of the person it purports to be and that the person was incarcerated in the facility at the time of signing.
[PL 2021, c. 257, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 551, §3 (NEW). PL 1979, c. 425, §7 (AMD). PL 1981, c. 280, §§1,2 (AMD). PL 1985, c. 506, §A4 (AMD). PL 2021, c. 257, §§1, 2 (AMD).

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