

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

An Act To Generate Savings by Changing Public Notice Requirements

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §8053, sub-§3, as amended by PL 2007, c. 181, §§2 to 4, is further amended to read:

3. Contents of notice.~~The notice shall~~Except for notices governed by subsections 5 and 7, a notice under this section must:

- A. Refer to the statutory authority under which the adoption of the rule is proposed;
- B. State the time and place of any scheduled public hearing or state the manner in which a hearing may be requested;
- C. State the manner and time within which data, views or arguments may be submitted to the agency for consideration, whether or not a hearing is held;
- C-1. State the name, address and phone number of the staff person responsible for providing additional information or a printed version of the proposed rule;
- D. If possible, contain the express terms of the proposed rule or otherwise describe the substance of the proposed rule, stating the subjects and issues involved and indicate where a copy of the proposed rule may be obtained;
- E. Refer to the substantive state or federal law to be implemented by the rules; and
- F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained.

Sec. 2. 5 MRSA §8053, sub-§5, as amended by PL 1991, c. 837, Pt. A, §11, is further amended to read:

5. Publication.~~The~~Using the format of notice pursuant to subsection 7, the Secretary of State shall:

- A. Arrange for the weekly publication of a consolidated notice of rule making of all state agencies, which shall also include a brief explanation to assist the public in participating in the rule-making process. Notice of each rule-making proceeding shall be published once 17 to 24 days prior to the public hearing on the proposed rule or at least 30 days prior to the last date on which views and arguments may be submitted to the agency for consideration if no public hearing is scheduled;
- B. Designate certain newspapers, which together have general circulation throughout the State, as papers of record for the purpose of publishing notice under paragraph A. Notice of proposed rules affecting only a particular locality or region need only be published in the designated newspapers having general circulation in the area affected;

Subsection 5, paragraph B should end with a semicolon.

C. Designate one day as rules day for publication of notices on rulemaking as set forth in this subsection; and

D. Be reimbursed for the cost of publication of rule-making notice by the agencies proposing the rulemaking. The total costs of each consolidated publication will be prorated by the Secretary of State among all agencies submitting notice for a particular week.

Sec. 3. 5 MRSA §8053, sub-§6, as enacted by PL 2007, c. 581, §3, is amended to read:

6. Electronic publication. In addition to the printed publication required in subsection 5, the Secretary of State shall maintain a publicly accessible website for posting the notices of all proposed and adopted rules. ~~The notice must include a brief explanation of the proposed or adopted rule and an e-mail link to the agency liaison. Departments and agencies shall either post proposed and adopted rules in their jurisdictions on publicly accessible agency websites or link to the rules posted on the Secretary of State's website.~~ The contents of the notice for electronic publication are pursuant to subsection 3. Notice of each rule-making proceeding must be published on the Secretary of State's website 17 to 24 days prior to the public hearing on the proposed rule or at least 30 days prior to the last date on which views and arguments may be submitted to the agency for consideration if no public hearing was scheduled.

Sec. 4. 5 MRSA §8053, sub-§7 is enacted to read:

7. Contents of notice for newspaper publication. The notice for publication in the newspaper under subsection 5 is shorter than the notice provided for all other purposes pursuant to subsection 3. The notice for newspaper publication must:

A. State the time and place of any scheduled public hearing or state the manner in which a hearing may be requested;

B. State the manner and time within which data, views or arguments may be submitted to the agency for consideration, whether or not a hearing is held;

C. State the name, address and phone number of the staff person responsible for providing additional information or a printed version of the proposed rule;

D. Include a brief and general summary of the substance of the proposed rule;

E. Provide the website address where the long notice pursuant to subsection 3 is posted;

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained; and

G. Indicate the impact on municipalities or counties only if there is an expected financial impact on municipalities identified under section 8063.

Sec. 5. 5 MRSA §8056, sub-§1-A is enacted to read:

1-A. Newspaper publication. With respect to every rule adopted, the agency itself may publish a notice in the newspaper. That notice must include the information outlined in section 8053, subsection 7, paragraphs C, D, F and G.

SUMMARY

This bill requires the Secretary of State to maintain a publicly accessible website for the posting of notices of all proposed and adopted rules. The bill also changes the requirements for public notice of proposed rules in the newspaper with the intention of making the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notices posted on the publicly accessible website must meet the original requirements for the notice.