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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 488, L.D. 661, “An Act To Ensure Equity in Petitions for Rulemaking under the Maine Administrative Procedure Act”

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

'Sec. 1. 5 MRSA §8055, sub-§4 is enacted to read:

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.

Sec. 2. 5 MRSA §8055, sub-§5 is enacted to read:

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

COMMITTEE AMENDMENT

1 this subsection is the signature of the person it purports to be and that the person was
2 incarcerated in the facility at the time of signing.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
4 number to read consecutively.

5 **SUMMARY**

6 This amendment replaces the bill. The amendment provides a mechanism for petitions
7 for rulemaking submitted by persons incarcerated in a Department of Corrections facility
8 and persons incarcerated in a county or municipal detention facility. The amendment sets
9 the number of signatures at 150 or 25% or more of the total number of males or females
10 incarcerated in the facility, whichever is fewer, except that the department is not required
11 to initiate rulemaking if an earlier petition to adopt or modify the rule was received within
12 the previous 12 months. The amendment authorizes the department to take reasonable
13 steps to ensure the validity of each signature on the petition.