**§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. [PL 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; [PL 1989, c. 574, §7 (NEW).]

B. A comprehensive but concise description of the rule that accurately reflects the purpose and operation of the rule; [PL 1989, c. 574, §7 (NEW).]

C. An estimate of the fiscal impact of the rule; [PL 2007, c. 581, §5 (AMD).]

D. An analysis of the rule; and [PL 2007, c. 581, §5 (AMD).]

E. A brief summary of the relevant information considered during the development of the rule. [PL 2007, c. 581, §5 (NEW).]

[PL 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; [PL 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 [PL 1989, c. 574, §7 (NEW).]

C. A description of the benefits of the rule including those that cannot be quantified. [PL 1989, c. 574, §7 (NEW).]

[PL 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.

[PL 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.

[PL 2011, c. 304, Pt. E, §1 (AMD).]

SECTION HISTORY

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

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.