OFFICE OF
THE GOVERNOR

NO. 09 FY 11/12
DATE January 10, 2011

AN ORDER TO IMPROVE REVIEW OF THE RULEMAKING PROCESS

WHEREAS, this Administration has embarked upon a program of regulatory reform;

WHEREAS, effective regulatory reform requires enhanced scrutiny of rules proposed by state agencies, so that Mainers do not suffer as a result of unnecessary or oppressive rules;

NOW, THEREFORE, I, Paul R. LePage, Governor of the State of Maine, hereby order as follows:

1. With respect to all proposed state agency rules, as defined by 5 M.R.S. § 8002(9), except for emergency rules which meet the conditions and durational limits of 5 M.R.S. § 8054, and except for rules the promulgation of which by a specific deadline is mandated by federal law or by a Maine statute other than the Maine Administrative Procedure Act, no proposed rule will be published for public review and comment until: a) the proposed rule has been submitted to the Governor's Office for review; and b) the Governor's Office has advised the agency proposing the rule that it may proceed to publish the proposed rule for public review and comment.

2. With respect to those proposed state agency rules which already have been published for public review and comment, but which have not taken effect pursuant to 5 M.R.S. § 8056, the agency proposing the rule shall extend the period for receipt of public comment on the proposed rule, if an extension of the public comment period can be made pursuant to 5 M.R.S. § 8052(7), for at least 90 days, and shall submit the proposed rule to the Governor's Office for review. If the public comment period has expired and too much time has elapsed to extend the public comment period pursuant to 5 M.R.S. § 8052(7), the agency shall not proceed to formal adoption of the rule until and unless the Governor's Office advises the agency that it may proceed.

3. The foregoing review process will be in effect for the next six months, after which time it may be modified, eliminated or extended based on an evaluation of its effectiveness in reducing unnecessary regulation.

The effective date of this Executive Order is January 10, 2011.

Paul R. LePage

Paul R. LePage, Governor