

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 488 - L.D. 661

**An Act To Ensure Equity in Petitions for Rulemaking under the Maine
Administrative Procedure Act**

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

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 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.