

STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

## A Guide to Rulemaking for State of Maine Agencies Consolidated Checklist Sections

*(Last updated April 2, 2025)*

This list consolidates the checklist sections that appear in the “Guide to Rulemaking for State of Maine Agencies” (“Guide”) into one document. The numbers that appear correspond to the sections of the Guide from which the respective list sections are excerpted. Some numbers do not have a list section that appears after them and are therefore annotated as “Blank.”

This checklist is provided for informational purposes only. Information in the checklist is neither legal advice nor a legal opinion.

### RULEMAKING STAGE ONE: PRE-PROPOSAL STAGE

1

Has the statutory authority for the rule to be proposed been identified?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the statutory authority allow or require the promulgation of the rule to be proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

2

Is the rule to be proposed a routine technical (“RT”) rule or major substantive (“MS”) rule?	<input type="checkbox"/> RT	<input type="checkbox"/> MS
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3

Will the rule to be proposed be promulgated on an emergency basis?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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4

Was the rule to be proposed listed in the most recent agency annual regulatory agenda?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If not, has an amended regulatory agenda that lists the rule been prepared for submission to the Department of the Secretary of State and to the Legislature?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

5

Does the rule to be proposed duplicate or potentially conflict with any statutes or existing regulations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have up to three (3) primary sources of information been identified as having been relied upon by the agency in developing the rule to be proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

6

Is the rule to be proposed formatted and written in a manner consistent with the most recent edition of the <a href="#">Maine Legislative Drafting Manual</a> ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Would the rule result in a taking of private property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Would the rule result in an unfunded mandate for any county or municipal government?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Would the rule result in the creation of an equal protection or due process issue?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the rule include provisions specified by the Legislature?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

7

Has the DAG performed a legal pre-review of the draft rule pursuant to Executive Order 4-A FY 19/20 [sic] (March 29, 2023), Part I, Sec. B?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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8

Will there be a public hearing on the rule to be proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If a public hearing is to be held, have the date of the hearing and the comment deadline been determined in accordance with the timeframes stated in the MAPA?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If a public hearing is not to be held, has the comment deadline been determined in accordance with the timeframe stated in the MAPA?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

9

Has the head of the agency (or the authorized representative of the agency) proposing the rule approved the rulemaking proposal packet?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, has the paper copy of the rulemaking proposal packet been filed (or sent to be filed) with the Department of the Secretary of State?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## RULEMAKING STAGE 2: RULE PROPOSAL STAGE

10

[Blank]

11

Has an e-copy of the rulemaking proposal packet been provided to the Department of the Secretary of State?

☐ Yes

☐ No

12

Has notification of the proposed rule and any required accompanying documentation been provided to the Office of the Executive Director of the Legislative Council?

☐ Yes

☐ No

13

Have all persons and organizations that the agency must notify about the rulemaking proposal pursuant to the MAPA been sent notification?

☐ Yes

☐ No

Are copies of the proposed rule available to members of the public who request copies?

☐ Yes

☐ No

14

Has the proposed rule been posted on the agency's web page?

☐ Yes

☐ No

15

Was a hearing held on the proposed rule?

☐ Yes

☐ No

If so, on what date was the hearing held?:

16

Did the agency collect and compile written comments on the proposed rule?

☐ Yes

☐ No

Did the agency collect and compile all testimonial comments on the proposed rule?

☐ Yes

☐ No

17

[Blank]

18

Did the agency summarize and respond to all the comments on the rule that were received by the agency?

☐ Yes

☐ No

Has the agency created and is the agency maintaining a file of all "testimony, comments, the names of persons who commented and the organizations they represent and information relevant to the rule and considered by the agency in connection with the formulation, proposal [and] adoption of [the] rule"?

☐ Yes

☐ No

19

Did the agency revise the proposed rule in response to comments or at the agency's own discretion?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, are the revisions "consistent with the terms of the proposed rule"?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the revised rule "substantially different" from the proposed rule?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the rule is "substantially different" from the proposed rule, did the agency request comments from the public about the changes to the proposed rule that the agency made?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the agency requested comments from the public about the changes to the proposed rule that the agency made, on what date was the comment deadline?:		
If the agency held a public hearing to receive testimony about the changes to the proposed rule, on what date was the hearing?:		
Did the agency compile and respond to all additional comments about the changes to the proposed rule that were received?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

20

[Blank]

### RULEMAKING STAGE 3: RULE ADOPTION STAGE

21

Was the rule adopted within 120 days after the comment deadline for the rule?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the rulemaking adoption packet include all the documentation that must be filed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the head of the agency (or the authorized representative of the agency) adopting the rule approved the rulemaking adoption packet?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

22

Has the Department of the Attorney General reviewed and approved the adopted rule as to the rule's form and legality?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, did the Department of the Attorney General's review and approval occur within 150 days after the comment deadline for the rule?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

23

Has the paper copy of the rulemaking adoption packet been filed (or sent to be filed) with the Department of the Secretary of State?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the rule incorporates any codes or standards by reference, have those codes or standards also been filed with the Department of the Secretary of State? ☐ Yes ☐ No

24

Have e-copies of a “clean” copy of the adopted rule, the Basis Statement, the Rulemaking Fact Sheet, and the Notice of Agency Rulemaking Adoption form been provided to the Department of the Secretary of State? ☐ Yes ☐ No

25

[Blank]

If the rule being promulgated is a routine technical one, then STOP HERE.

If the rule being promulgated is a major substantive one, then GO TO Step 26.

26

Has the agency filed the required documentation with the Office of the Executive Director of the Legislative Council in accordance with the Legislature’s “Checklist for Major Substantive Rules Filings”? ☐ Yes ☐ No

Has the provisionally adopted rule been submitted to the Executive Director of the Legislative Council by or before the deadline identified in statute? ☐ Yes ☐ No

27

Did the Legislature authorize final adoption of the provisionally adopted rule through the enactment of a Resolve? ☐ Yes ☐ No

Was a paper copy of the rulemaking adoption packet presented to the head of the agency (or the authorized representative of the agency) to approve the final adoption of the rule? ☐ Yes ☐ No

Was the rule finally adopted by the agency within 60 days after the effective date of the authorizing Resolve? ☐ Yes ☐ No

28

Was the paper copy of the rulemaking adoption packet for the finally adopted rule filed (or sent to be filed) with the Department of the Secretary of State? ☐ Yes ☐ No

Were e-copies of the “clean” copy of the finally adopted rule and the MAPA-4 form provided to the Department of the Secretary of State? ☐ Yes ☐ No

*Reference:*

All [rulemaking forms](#) and the [Agency Designation of Rulemaking Liaison](#) are available here in Word format.