

All rules adopted by the Department of Corrections are routine technical rules. Under Maine statute, Title 5, section 8071, all state agency rules which were authorized by the Legislature on or before January 1, 1996, are considered routine technical rules. Rules authorized by the Legislature after January 1, 1996 may be either routine technical rules or major substantive rules. With only three exceptions, all statutes authorizing the Department of Corrections to adopt rules were passed by the Legislature before January 1, 1996. While section 8071 describes the characteristics of routine technical rules versus major substantive rules, it is the Legislature itself which determines whether a particular rule authorized by it after January 1, 1996 is a routine technical rule or a major substantive rule. This determination is made right in the authorizing legislation. The three Department rules authorized by the Legislature since January 1, 1996, the prisoner religious services rule (Title 34-A, section 3048), the rule for certification of batterers' intervention programs (Title 19-A, section 4014), and the standards, policies, and procedures applicable to jails (Title 34-A, section 1208-B) have all been designated by the Legislature as routine technical rules.