# **29-250 DEPARTMENT OF THE SECRETARY OF STATE**

**BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS**

**DIVISION OF ELECTIONS AND COMMISSIONS**

**Chapter 800: PROCEDURES FOR THE ELECTRONIC FILING OF RULES**

**SUMMARY**: Through Public Law 1991 chapter 554, the Maine Legislature mandated the Secretary of State to establish procedures and criteria for the filing of rules in electronic text format. A massive conversion project was undertaken throughout state government in the Fall of 1995. This rule establishes procedures and criteria for the electronic filing of rules.

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**SECTION 1. ELECTRONIC FILING**

Agencies promulgating rules under the Maine Administrative Procedure Act (APA) must file new and amended rules in electronic text format with the APA Office of the Secretary of State.

**SECTION 2. RULE-MAKING PROCEDURES**

1. Principles

A. Repeal and replace

Rather than amend small parts of a chapter, agencies are encouraged to repeal and replace the entire chapter. Many potential errors are avoided by working with the entire chapter.

B. Non-substantive changes

If the only changes to a rule already on file in electronic text format involve renumbering and minor corrections -- that is, there are no substantive changes to the rule's text ‑‑ the corrections can be accomplished administratively at any time by the APA Office without engaging in the proposal and adoption process. Non-substantive changes include, but are not limited to: headnotes and the correction of spelling, format, and numbering; and the updating of agency names, addresses and phone numbers, and statutory and other legal references.

2. Rule proposals

A. Submissions to the Executive Director

The submissions of 20 copies of the rule-making Fact Sheet to the Executive Director of the Legislative Council, as described in the Administrative Procedure Act, is a separate activity performed by the agency and not the APA Office.

B. Filing with the Secretary of State: The proposal package

The proposal package must contain:

(1) Electronic file

The proposal submission will consist of a single file in electronic text format, containing the text of the proposal.

Complete repeal and replace of the entire chapter is preferred, but if the agency wants to restrict its action to only part of a rule, it may submit only the full section or sections of the rule that are being amended, with changes clearly marked using underlines for added language, and strikeouts for language to be deleted.

If submitted on diskette, the diskette should be clearly labeled with the agency's name, rule chapter number and title, and date.

(2) Paper forms

(a) The Fact Sheet.

(b) A signed MAPA-3 form, Notice of Rulemaking Proposal. This signed copy is used for billing, through the state's MFASIS system, the agency's pro-rated cost of the newspaper ad.

C. Public comment

The agency must follow all the provisions of the Administrative Procedure Act regarding a public comment period and hearing provisions. In addition, the APA Office may post the rule proposal for public access through electronic means at its discretion.

3. Rule adoptions

Rule adoptions are processed in the following manner:

A. Certification statement

The certification statement, signed by the rule-making authority on the MAPA-1 form, will read: "I, (name of official empowered to adopt rules), hereby certify that the electronic text identified as follows:

Filename.Extension Size Date Time

(the appropriate information)

is a true copy of the rule(s) described above. I further certify that all portions of this rule are adopted in compliance with the requirements of the Maine Administrative Procedure Act. (Name of agency, official's signature, date of signature)."

B. Filing with the Secretary of State: The adoption package

In submitting the final version of an amended rule, the agency must submit an electronic copy of the chapter or section as it existed before the proposal, annotated with changes surviving from the original proposal, from public comment, and from legislative action if any. Deleted language is indicated by strikeout. Added language is indicated by underlines.

There follows a description of the entire adoption package, both paper and electronic items that must be filed.

(1) Electronic file

The adopted rule, a single file containing the text of the rule or amended portion of the rule. A copy goes directly into the read-only Historical File.

(2) Paper forms

(a) One signed paper copy of the MAPA-4 form, Notice of Rulemaking Adoption. This signed copy is used for billing through the state's MFASIS system, the agency's pro-rated cost of the newspaper ad.

(b) Two signed paper copies of the MAPA‑1 cover sheet form. One is returned to the agency with a copy of the filed rule.

(c) The Basis Statement.

(d) Comments and Responses -- comments from the public, whether through a hearing or mail, FAX, e-mail, phone, or personal contact, and responses by the agency.

(e) The Fact Sheet.

(f) The Checklist.

C. Duties of the Secretary of State

The APA Office must return an electronic copy of the adopted chapter, incorporating any amendments, to the agency as its officially adopted rule identified by filename, file size, and file date. The APA Office must also return one of the signed paper MAPA-1 adoption forms stamped and dated "Accepted for Filing." Any non-substantive change by the Secretary of State affecting the size, date and time of the file will be described for the agency's information.

D. Duties of the agency

The agency must carefully proofread the printed copy and, within thirty (30) working days of the date "Accepted for Filing" on the MAPA-1 form returned to the agency, notify the APA Office of any errors or omissions in the text.

**SECTION 3. FORMAT AND STRUCTURE**

Agencies must use consistent formats and a consistent structure throughout the text of a rule.

1. Electronic submission

A. Delivery

The delivery of electronic text information to the Secretary of State must be in a manner approved by the APA Office.

B. File (word processing) format

Agencies must use a word processing file format approved by the APA Office. This may be ASCII if no other compatibility can be found.

C. Filename conventions

Each file submitted under this chapter must have a filename that consists of the agency's unit number and the chapter number of the rule being submitted, separated by the letter "C." For example, the Secretary of State is Unit 250, and its chapter 11 would be: 250C011.DOC.

D. Preferred text format

(1) Chapters not yet in preferred format

When existing rules do not meet all the formatting requirements described below, the agency should comply with them when next repealing and replacing the chapter. When amending a chapter that is not in the preferred format, the agency should either place the entire chapter into the preferred format and repeal and replace it, or submit the amendment in the chapter's existing format and numbering conventions and make the complete replacement at a later time, as soon as it can. The APA Office may, at any time, rearrange a rule's formatting through its power to make non-substantive changes with agency notification.

(2) Page orientation

All submissions should be designed for printing on 8 1/2 x 11 inch pages, portrait orientation.

(3) Fonts

The basic text font may be any 12 point font or a 10 character per inch fixed font such as Courier 10.

(4) Margins

Margins must be 1 inch all around or more.

(5) TAB's and INDENT's

Rules use an indented block format. [Indent]s rather than [Tab]s should be used. Stops for the [Indent]s using the Courier 10 font are 1.6, 2.2, 2.8, 3.4, 4.0, 4.7 -- every .6 of an inch except for the last one (which allows (viii), the longest subdivision we consider likely). This rule uses those settings. Sub-section 1, for example, would involve the following keystrokes from the margin (using WordPerfect for this and other examples):

[Indent]1.[Indent]text.

Note that the text itself is indented beyond its numbered heading.

(6) Underlines and strikeouts

Underlines and strikeouts must only be used to show changes in text between the rule currently on file, and the amended rule. If the agency's word processor is incapable of generating underlines or strikeouts, the agency must use another clearly visible technique on the paper copy, such as highlighting, with the approval of the APA Office.

(7) Special features

Other character-related features, such as changes in font, redlining, double underlining, bold and italics, may be used for the cosmetic appearance of the printed version of a rule, but only if their removal through a conversion process would not damage the logic and meaning of the rule. Superscript and subscript should be used only if absolutely necessary.

(8) Cross-references

References by numbered citation to statute or other rules within the text of a particular rule should be avoided. This is because an amendment or repeal of the outlying law or rule would interfere with the citation's accuracy. Instead, the rule might refer to the general area of law or regulatory function.

(9) Page numbers

References to page numbers should be avoided, because electronic reformatting often changes page numbering. Page numbers should exist only for the short-term convenience of the user. Tables of contents and indices are better written as citing sections, sub-sections, etc., rather than page numbers.

(10) Graphics

If graphical attachments are absolutely necessary, they should come with the rule as attendant files in TIFF format, or another format by mutual agreement of the agency and the APA Office.

E. Virus checking

The agency must scan outgoing diskettes and files for viruses and eliminate any found.

2. Rule structure

When people think of a "rule," they generally are thinking of a chapter. Chapter numbers are assigned by the APA Office in consultation with the agency. A chapter should be a relatively small body of regulation on a specific topic. Agencies are better served by adopting a number of smaller chapters, than by adopting one massive chapter which attempts to cover all areas of agency responsibility. Smaller chapters are more easily amended, processed, and replaced without affecting other ones; they also lend themselves to more cost-effective distribution.

Rule structure must follow *A Guide of the Rulemaking Process for State Agencies*, published by the APA Office. The next authoritative source is the *Maine Legislative Drafting Manual*, published by the Revisor of Statutes. The hierarchy of headings should follow this pattern:

CHAPTER (1,2...) A "rule" is a complete chapter; this is the overall title of your rule.

(SUB-CHAPTERS or PARTS might be allowed in exceptional cases; please consult the APA Officer.)

SECTION (1, 2...) Spell out "SECTION" in caps.; don't use §.

Sub-section (1, 2...) Numbers and letters stand alone from here.

Paragraph (A, B...)

Subparagraph ((1), (2)...)

Division ((a), (b)...)

Subdivision ((i)...)

Within a rule (chapter), this number scheme would be used like this, from the margin:

SECTION 1.

1.

A.

(1)

(a)

(i)

Hybrid numbering such as SECTION 1-A (which would fall between 1 and 2) or paragraph A-1 should be avoided; it would be better to renumber the entire chapter.

Section numbers are sequential throughout the rule. All other numbers revert to the first number in their sequence when the next higher number (heading) changes. For example:

SECTION 1.

1.

2.

3.

SECTION 2.

1.

A.

B.

C.

2.

A.

B.

SECTION 3.

1.

2.

If any rule existing at the time that this chapter takes effect does not conform to the standard structure, the agency should adopt this structure when the rule is next repealed and replaced.

A separate paragraph or note must be indented the same as the section, etc. under which it falls. Agencies should avoid the placing of finer subdivisions between unnumbered paragraphs of a larger subdivision.

**SECTION 4. ONGOING CLEAN-UP OF RULES**

The APA Office will examine electronic text copies of rules in its Current File as time permits. If it makes non-substantive changes as a result of that examination, the APA Office will send the corrected version of the rule to the agency and note its action in the Historical File.

**SECTION 5. TRANSITION**

Although the intent is full conversion of all rules into electronic text format, rules may be accepted by the APA Office, at its discretion, in either paper or electronic formats as long as the rules are otherwise in compliance with the Administrative Procedure Act.

**SECTION 6. DISTRIBUTION OF MACHINE READABLE RULES BY THE SECRETARY OF STATE**

The Secretary of State may not make available to the public any rule in machine readable form prior to its formal adoption under the procedures established in this chapter.

The Secretary of State may make available to the public any rule or group of rules through the World-Wide Web or other publicly-accessible medium.

STATUTORY AUTHORITY:

5 MRSA Section 8056 Sub-section 8

EFFECTIVE DATE (EMERGENCY VERSION):

October 20, 1995

EFFECTIVE DATE:

April 23, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

April 28, 1996

NON-SUBSTANTIVE CORRECTIONS:

October 27, 1997 - Divisional name in heading corrected

December 20, 2000 - converted to MS Word, divisional name in heading again corrected, a stray "of" removed in Section 3(1)(D)(7), a stray "to" removed in Section 3(2), formatting, punctuation

APAO WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK: July 19, 2025