

## INFORMATION ABOUT PETITIONS TO REQUIRE AGENCY RULEMAKING

An individual does not have to wait until an agency proposes a rule to seek a change. 5 M.R.S. § 8055 establishes procedures for anyone to petition a department for the adoption, repeal, or modification of any rule.

The petitioner should first contact the department to make sure that such rulemaking change does not conflict with another state or federal law or that the rulemaking change does not extend beyond the authorization of the department to make the desired change.

The petitioner should try to obtain the petition forms from the department since the department is not required to adopt the standard petition form used by the Secretary of State. If there are any problems in obtaining the petition forms or if the department has not adopted a form of its own, the petition that follows can be duplicated by the petitioner to provide the number of copies needed. ..

If the Secretary of State's form is being used, the Petition Cover Sheet should be completely filled out and attached to the petition forms. The Cover Sheet should include the same summary of the new or proposed rule that appears on the petition.

**THE FULL TEXT OF THE PROPOSED RULE MUST BE ATTACHED TO EACH CIRCULATED PETITION AND MUST BE PRINTED IN AT LEAST 12-POINT FONT. IF THE PROPOSED RULE IS MORE THAN ONE PAGE, THEN THE COPY OF THE RULE ATTACHED TO THE PETITION MUST BE A TWO-SIDED COPY.**

**Individuals should not sign a petition if the full text of the rule is not attached to it.**

Whenever a petition to adopt or modify a rule is submitted by 150 or more Maine registered voters, the agency must initiate appropriate rulemaking proceedings within **60 days** after receipt of the petition.

To be counted toward the 150-signature threshold, each name on the petition must be verified and certified as follows:

- A. The circulator of a petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed all of the signatures to the petition and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be, and that each signature that was given by an authorized signer on behalf of another voter because the voter has a disability was made by the authorized signer in the presence and at the direction of the voter. *See* 21-A M.R.S. § 153-A, "Alternative registration procedure for voters with disabilities."
- B. The registrar of each municipality shall certify the names on a petition which appear on the voting list of that municipality as registered voters. If the petition contains signatures from more than one municipality, the petition must be submitted to each municipality for verification of the signatures of registered voters in the respective municipalities.

If a petition is signed by fewer than 150 Maine registered voters, the department is not required to begin rulemaking proceedings; however, it may choose to do so. Within **60 days** after the receipt of such petition, the agency must either notify the petitioner in writing of its denial, stating the reasons therefore, or initiate appropriate rulemaking proceedings.

It is the responsibility of the petitioner(s) to ensure that the requirements are met. An agency need not accept an incomplete or defective petition.

For further guidance in completing or submitting the petition, contact the department you are petitioning or the Secretary of State's Office at (207) 624-7650.