

Governance Manual

MainePERS Board of Trustees

Board Responsibilities – Investments and Administration

2.3 – Rulemaking

Date Adopted: December 13, 2012

Date Amended: October 8, 2015; November 18, 2021

Policy

The Board of Trustees shall promulgate agency rules when required by law, when required to clarify the intent of the law, and when appropriate to memorialize selected administrative decisions. Trustees shall rely on professional staff to inform and initiate the rule-making process when necessary and appropriate.

Statutory/Legal Provisions

- [5 M.R.S. § 17103\(4\)](#).
- [5 M.R.S. ch. 375](#) (Maine Administrative Procedure Act).

Rule Making Process

The System must follow the Maine Administrative Procedure Act rulemaking requirements and the “Guide to Rulemaking” published by the Office of the Secretary of State. Those requirements include:

- A determination by the System that the rule under consideration is within the rulemaking jurisdiction of the System;
- Notice of the proposed rule and public comment in accordance with the requirements set forth in 5 M.R.S. §§ 8052, 8053, 8053-A and 8054; and
- Filing of the adopted rule in accordance with the 5 M.R.S. § 8056.