

125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1794

H.P. 1320

House of Representatives, January 23, 2012

Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection

(EMERGENCY)

Reported by Representative HAMPER of Oxford for the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 5, section 8072.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed pursuant to Joint Rule 218.

Heath & Print

HEATHER J.R. PRIEST Clerk

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires
 legislative authorization before major substantive agency rules may be finally adopted by
 the agency; and
- 6 **Whereas,** the above-named major substantive rule has been submitted to the 7 Legislature for review; and
- 8 **Whereas,** immediate enactment of this resolve is necessary to record the 9 Legislature's position on final adoption of the rule; and
- 10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 11 the meaning of the Constitution of Maine and require the following legislation as 12 immediately necessary for the preservation of the public peace, health and safety; now, 13 therefore, be it
- 14 **Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 378: 15 Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and 16 Performance Standards for the Storage of Petroleum Products, a provisionally adopted 17 major substantive rule of the Department of Environmental Protection that has been 18 submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, 19 chapter 375, subchapter 2-A, is authorized.
- 20 **Emergency clause.** In view of the emergency cited in the preamble, this 21 legislation takes effect when approved.

SUMMARY

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This resolve provides for legislative review of portions of Chapter 378: Variance
Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance
Standards for the Storage of Petroleum Products, a major substantive rule of the
Department of Environmental Protection.