

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1839

H.P. 1365

House of Representatives, January 30, 2004

**Resolve, To Provide for Legislative Review of Certain Agency Rules
and Submission of Certain Authorized Reports and Legislation**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative RICHARDSON of Brunswick.

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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6 **Whereas,** certain actions under the State Government
Evaluation Act required in the second regular session must be
authorized for a special session; and

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10 **Whereas,** in order for the Legislature to retain its
opportunity for meaningful review of certain agency rules, this
legislation must be enacted as an emergency measure; and

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14 **Whereas,** the authority or requirement that the Legislature
has extended to any entity within or outside the Legislature for
the duration of the Second Regular Session of the 121st
Legislature may be continued to a special session only by
emergency enactment of this legislation; and

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18 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

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22 **Sec. 1. State Government Evaluation Act. Resolved:** That,
notwithstanding the Maine Revised Statutes, Title 3, section 955,
any committee of jurisdiction that is required under the State
Government Evaluation Act to take action or submit a report in
the Second Regular Session of the 121st Legislature and has not
done so on the effective date of this resolve is subject to the
same requirement under that Act for a special session of the
121st Legislature that convenes before the statutory adjournment
date of April 21, 2004; and be it further

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26 **Sec. 2. Agency rules. Resolved:** That, notwithstanding the
Maine Revised Statutes, Title 5, section 8072, subsection 7, any
major substantive rule submitted for review to the Second Regular
Session of the 121st Legislature for legislative review and not
finally acted upon by the Second Regular Session of the 121st
Legislature prior to adjournment must be held over to any special
session of the 121st Legislature that convenes before the
statutory adjournment date of April 21, 2004 for review during
that session; and be it further

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30 **Sec. 3. Reports and legislation authorized. Resolved:** That,
notwithstanding any other law to the contrary, any action, report
or legislation that is required or authorized to be performed
during or submitted to the Second Regular Session of the 121st
Legislature that has not been performed or submitted on the
effective date of this resolve is by virtue of this resolve

2 required or authorized, as applicable, for performance during or
submission to any special session of the 121st Legislature that
convenes before the statutory adjournment date of April 21, 2004.

4 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

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SUMMARY

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12 This resolve provides for procedural issues that arise as a
result of a special session of the 121st Legislature that
convenes before the statutory adjournment date of April 21,
14 2004. Specifically the resolve does the following.

16 1. It authorizes committees of jurisdiction under the State
Government Evaluation Act to take actions under that Act in a
18 special session.

20 2. It provides that any major agency rules that have not
been acted upon may be held over to the special session.

22 3. It authorizes certain actions in the special session
24 that were authorized or required in the second regular session.