

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1569

H.P. 1139

House of Representatives, June 26, 2013

**Resolve, Regarding Legislative Review of Portions of Chapter 51:
Notice of Aerial Pesticide Application, a Late-filed Major
Substantive Rule of the Department of Agriculture, Conservation
and Forestry**

(EMERGENCY)

Reported by Representative DILL of Old Town for the Department of Agriculture,
Conservation and Forestry pursuant to the Maine Revised Statutes, Title 5, section 8072.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and
ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
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

3 **Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires
4 legislative authorization before major substantive agency rules may be finally adopted by
5 the agency; and

6 **Whereas,** the above-named major substantive rule has been submitted to the
7 Legislature outside the legislative rule acceptance period; 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 51:
15 Notice of Aerial Pesticide Application, a provisionally adopted major substantive rule of
16 the Department of Agriculture, Conservation and Forestry that has been submitted to the
17 Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375,
18 subchapter 2-A outside the legislative rule acceptance period, is authorized.

19 **Emergency clause.** In view of the emergency cited in the preamble, this
20 legislation takes effect when approved.

21 **SUMMARY**

22 This resolve provides for legislative review of portions of Chapter 51: Notice of
23 Aerial Pesticide Application, a major substantive rule of the Department of Agriculture,
24 Conservation and Forestry that was filed outside the legislative rule acceptance period.