

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2010

**CHAPTER 207
H.P. 1272 - L.D. 1784**

**Resolve, Directing the Joint
Standing Committee on State
and Local Government To
Study the Rule-making Process
under the Maine
Administrative Procedure Act**

Sec. 1. Interim committee study. Resolved: That the Joint Standing Committee on State and Local Government is authorized to hold up to 3 interim meetings to study the rule-making process under the Maine Administrative Procedure Act. In conducting the study, the committee shall examine:

1. The circumstances surrounding the adoption of emergency rules, in particular major substantive rules, to ensure that the process of adopting an emergency rule is applied only when there is truly an emergency;
2. The Legislature's role in reviewing major substantive rules, including whether sufficient information is being provided by agencies, oversight functions are adequate and appropriate notice is being provided to the public, and the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature; and
3. The relationship between the intention of the Legislature in adopting specific content in a major substantive rule and the rule as drafted by the department; and be it further

Sec. 2. Report. Resolved: That the Joint Standing Committee on State and Local Government shall, by November 3, 2010, submit a report that includes its findings and recommendations on matters relating to the issues identified in section 1, along with any suggested legislation, to the First Regular Session of the 125th Legislature for presentation to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

See title page for effective date.

**CHAPTER 208
H.P. 1224 - L.D. 1725**

**Resolve, Regarding Legislative
Review of Portions of Section
10: Stream Crossings within
Chapter 305 Permit by Rule**

**Standards, a Major
Substantive Rule of the
Department of Environmental
Protection**

Sec. 1. Adoption. Resolved: That final adoption of portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only as it applies to the construction of new stream crossings undertaken on or after the effective date of this resolve; and be it further

Sec. 2. Department review and report; rulemaking. Resolved: That the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, referred to in this section as "the departments," shall conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings subject to the requirements of the rule approved pursuant to section 1 and stream crossings in existence on the effective date of this resolve that may be subject to rules adopted pursuant to this section. The meetings must be held in locations around the State sufficient to provide for widespread participation by municipal officials and must provide opportunities for field work for the departments and municipal officials to examine specific crossing examples. The Department of Environmental Protection shall adopt major substantive rules in accordance with Public Law 2009, chapter 460, sections 3 and 4 regarding stream crossings in existence on the effective date of this resolve and shall submit the provisionally adopted rules to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. By January 5, 2011, the Department of Environmental Protection and the Department of Transportation shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule.

See title page for effective date.