

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
THIRD SPECIAL SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2691

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H.P. 1987 House of Representatives, September 15, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.  
EDWIN H. PERT, Clerk  
Presented by Representative MICHAUD of East Millinocket.  
Cosponsored by Representative DEXTER of Kingfield.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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AN ACT to Correct a Technical Error in the Air  
Quality Law.

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

7 Whereas, existing air quality laws refer to  
8 special sessions in a context which became  
9 inappropriate following the revisions to the  
10 Constitution of Maine in 1975; and

1       Whereas, these references will have the effect of  
2 voiding recent crucial revisions to the air quality  
3 regulations before the Legislature is able to review  
4 these regulations in a considered manner; and

5       Whereas, the premature voiding of these  
6 regulations will create great confusion in the  
7 regulated community and may potentially jeopardize the  
8 State's standing with the federal air quality program;  
9 and

10       Whereas, in the judgment of the Legislature, these  
11 facts create an emergency within the meaning of the  
12 Constitution of Maine and require the following  
13 legislation as immediately necessary for the  
14 preservation of the public peace, health and safety;  
15 now, therefore,

16 Be it enacted by the People of the State of Maine as  
17 follows:

18       Sec. 1. 38 MRSA §584, 4th ¶, as amended by PL  
19 1983, c. 566, §36, is further amended to read:

20       The board shall by order establish or may amend  
21 reasonable ambient air quality standards for the  
22 region, regulating and limiting the amount and type of  
23 air contaminants which may exist in the ambient air of  
24 that region, which standards shall be designed to  
25 achieve the purposes set forth in this section. The  
26 order shall state the date upon which the standards,  
27 or any of them, become effective, and such regions and  
28 standards shall thereafter be in effect until 90 days  
29 after the date of adjournment of the next regular or  
30 special session of the Legislature unless the next  
31 regular or special session shall adopt by  
32 legislative enactment the air quality regions and  
33 standards.

34       Sec. 2. 38 MRSA §585, 4th ¶, as amended by PL  
35 1971, c. 462, §2, is further amended to read:

1 Any emission standard or amendment thereto  
2 established by the board shall thereafter be in effect  
3 until 90 days after the date of adjournment of the  
4 next regular or special session of the Legislature  
5 unless such next regular or special session shall  
6 adopt by legislative enactment such emission standard  
7 or amendment thereto.

8 Sec. 3. 38 MRSA §585-A, 3rd ¶, as amended by PL  
9 1983, c. 566, §40, is further amended to read:

10 The board shall by order establish or amend  
11 reasonable standards and rules which shall be designed  
12 to achieve the purposes set forth in this section. The  
13 order shall state the date upon which the standards  
14 and rules or any of them, become effective, and the  
15 standards shall thereafter be in effect until 90 days  
16 after the date of adjournment of the next regular or  
17 special session of the Legislature unless the next  
18 regular or special session shall adopt by  
19 legislative enactment the standards.

20 Emergency clause. In view of the emergency  
21 cited in the preamble, this Act shall take effect when  
22 approved.

23 STATEMENT OF FACT

24 The purpose of this bill is to allow the  
25 Legislature ample opportunity to examine recent  
26 regulatory changes in the air quality rules adopted by  
27 the Department of Environmental Protection on July 13,  
28 1988, and on August 10, 1988.

29 Existing air quality laws, enacted before the  
30 constitutional establishment of the second regular  
31 session, call for legislative approval of changes in  
32 air quality regulations at regular and special  
33 sessions. At the time, the term "special session"  
34 generally referred to the session held in the 2nd year  
35 of each biennium. Now that this session has become  
36 the second regular session following a constitutional  
37 amendment in 1975, this provision can be read to  
38 require legislative review of such rules even in very  
39 short one and 2 day sessions called for very specific  
40 and narrow purposes. These short special sessions

1 clearly do not provide the necessary opportunity for  
2 deliberate consideration of the very complex issues  
3 raised by changes in air quality regulations.

4 The failure by the Legislature to act would  
5 result, inadvertently, in the repeal of the existing  
6 air quality regulations prior to the start-up of  
7 legislative committee operations in January of 1989.  
8 This bill removes the anachronistic reference to  
9 special sessions while maintaining the original intent  
10 of the law. It is the intent of the Legislature that  
11 the air quality regulations authorized by the Maine  
12 Revised Statutes, Title 38, sections 584, 585 and  
13 585-A and adopted by the Department of Environmental  
14 Protection on July 13, 1988, and on August 10, 1988  
15 remain in effect until 90 days after the end of the  
16 First Regular Session of the 114th Legislature.

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