

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1136

H.P. 831

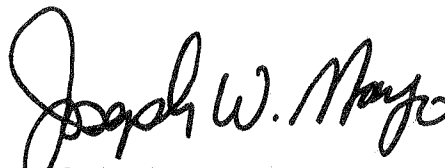
House of Representatives, February 20, 1997

Resolve, Regarding Legislative Review 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, Bureau of Land and Water Quality.

(EMERGENCY)

Submitted by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 5, section 8072.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered.


JOSEPH W. MAYO, Clerk

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

5 **Whereas,** the Maine Administrative Procedure Act, Title 5,
6 chapter 375, subchapter II-A, requires legislative authorization
7 before major substantive agency rules may be finally adopted by
8 the agency; and

10 **Whereas,** the above named major substantive rule has been
11 submitted to the Legislature for review; and

12 **Whereas,** immediate enactment of this resolve is necessary to
13 record the Legislature's position on final adoption of the rule;
14 and

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

20 **Sec. 1. Adoption. Resolved:** That final adoption of Chapter
21 378, Variance Criteria for the Excavation of Rock, Borrow,
22 Topsoil, Clay or Silt and Performance Standards for the Storage
23 of Petroleum Products, a provisionally adopted major substantive
24 rule of the Department of Environmental Protection, Bureau of
25 Land and Water Quality, and submitted to the Legislature for
26 review pursuant to the Maine Administrative Procedure Act, is
27 authorized.

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

30
31
32 **SUMMARY**

33 This resolve provides for legislative review of Chapter 378,
34 Variance Criteria for the Excavation of Rock, Borrow, Topsoil,
35 Clay or Silt and Performance Standards for the Storage of
36 Petroleum Products, a major substantive rule of the Department of
37 Environmental Protection, Bureau of Land and Water Quality.