

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2279

H.P. 1649

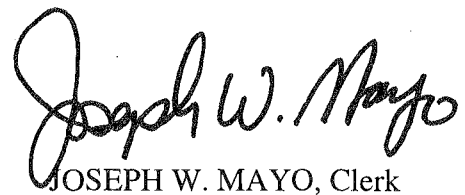
House of Representatives, March 19, 1998

Resolve, Regarding Legislative Review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services.

(EMERGENCY)

Reported by Representative MITCHELL for the Department of Human Services pursuant to the Maine Revised Statutes, Title 5, section 8072.

Reference to the Joint Standing Committee on Health and Human Services suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

4
6 **Whereas**, the Maine Administrative Procedure Act, Title 5,
chapter 375, subchapter II-A, requires legislative authorization
before major substantive agency rules may be finally adopted by
8 the agency; and

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

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

16
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
20 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

22
24 **Sec. 1. Adoption. Resolved:** That final adoption of Section
7105: Application Process; Certificate of Need for Nursing
Facility Level of Care (Policy Manual), a provisionally adopted
26 major substantive rule of the Department of Human Services,
Bureau of Elder and Adult Services, and submitted to the
28 Legislature for review pursuant to the Maine Administrative
Procedure Act, is authorized.

30
32 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

34
36

SUMMARY

38 This resolve provides for legislative review of Section
7105: Application Process; Certificate of Need for Nursing
Facility Level of Care (Policy Manual), a major substantive rule
40 of the Department of Human Services, Bureau of Elder and Adult
Services.