

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 39

H.P. 40

House of Representatives, January 8, 2007

**Resolve, Regarding Legislative Review of Portions of Regulations
Governing the Licensing and Functioning of Intermediate Care
Facilities for Persons with Mental Retardation, a Major Substantive
Rule of the Department of Health and Human Services**

(EMERGENCY)

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

Reference to the Committee on Health and Human Services suggested and ordered printed under 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 for review; 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 Regulations
15 Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with
16 Mental Retardation, a provisionally adopted major substantive rule of the Department of
17 Health and Human Services that has been submitted to the Legislature for review
18 pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is
19 authorized.

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

22 **SUMMARY**

23 This resolve provides for legislative review of portions of Regulations Governing the
24 Licensing and Functioning of Intermediate Care Facilities for Persons with Mental
25 Retardation, a major substantive rule of the Department of Health and Human Services.