

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 3-8-10

(Filing No. S-403)

NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 698, L.D. 1787, Bill, "An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws"

Amend the bill by striking out the title and substituting the following:

'An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws and the Storm Water Management Laws'

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, rulemaking relating to the site location of development laws and the storm water management laws is currently in progress and could be complete before this legislation goes into effect unless this legislation is enacted as an emergency; and

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 necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 38 MRSA §420-D, sub-§9, as amended by PL 2005, c. 602, §4, is further amended to read:

9. Rules. Rules adopted pursuant to this section after January 1, 2010 and before January 1, 2012 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Any rules adopted by the department pursuant to this section on or after January 1, 2012 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that those rules that qualify as state mandates pursuant to the Constitution of Maine,

COMMITTEE AMENDMENT

R. 0. 4

COMMITTEE AMENDMENT "A" to S.P. 698. L.D. 1787

1 Article IX, Section 21 are major substantive rules as defined in Title 5, chapter 375,
2 subchapter 2-A.'

3 Amend the bill in section 2 in §489-E in the first paragraph in the first and 2nd lines
4 (page 2, lines 10 and 11 in L.D.) by striking out the following: "regarding storm water
5 management pursuant to section 484, subsection 4-A and" and inserting the following:
6 'adopted pursuant to'

7 Amend the bill by adding before the summary the following:

8 '**Emergency clause.** In view of the emergency cited in the preamble, this
9 legislation takes effect when approved.'

10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
11 section number to read consecutively.

12 **SUMMARY**

13 This amendment adds an emergency preamble and emergency clause to the bill. The
14 amendment requires that rules adopted by the Department of Environmental Protection
15 regarding storm water management after January 1, 2010 and before January 1, 2012 are
16 major substantive rules. Rules adopted after January 1, 2012 are routine technical rules.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 1787

LR 2583(02)

An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

This bill makes rules adopted by the Department of Environmental Protection (DEP) pursuant to site location of development laws and the storm water management laws after January 1, 2010 and before January 1, 2012 major substantive rules. Any such rules adopted after January 1, 2012 shall be routine technical rules, except for rules that qualify as state mandates. Any additional costs to DEP can be absorbed within existing budgeted resources.