MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 683

H.P. 464

House of Representatives, March 3, 2015

Resolve, Regarding Legislative Review of the Final Repeal of Chapter 60: New School Siting Approval, a Late-filed Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education, State Board of Education

(EMERGENCY)

Reported by Representative KORNFIELD of Bangor for the Department of Education pursuant to the Maine Revised Statutes, Title 5, section 8072 and approved for introduction by a majority of the Legislative Council.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed pursuant to Joint Rule 218.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

1 2	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4 5	Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted, amended, suspended or repealed by the agency; and
6 7	Whereas, the final repeal of the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and
8 9	Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final repeal of the rule; and
10 11 12 13	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, be it
14 15 16 17 18	Sec. 1. Repeal. Resolved: That final repeal of Chapter 60: New School Siting Approval, a provisionally repealed major substantive rule of the Department of Education, State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized. Emergency clause. In view of the emergency cited in the preamble, this
20	legislation takes effect when approved.
21	SUMMARY
22 23 24	This resolve provides for legislative review of Chapter 60: New School Siting Approval, a major substantive rule of the Department of Education, State Board of Education that was filed outside the legislative rule acceptance period.