



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 393

H.P. 244

House of Representatives, February 2, 2023

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a Major Substantive Rule of the Department of Education

(EMERGENCY)

Reported by Representative BRENNAN of Portland for the Department of Education pursuant to the Maine Revised Statutes, Title 5, section 8072.

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

R(+ B. Hunt

ROBERT B. HUNT 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, a major substantive rule has been submitted to the Legislature for review;
 7 and
- 8 **Whereas,** immediate enactment of this resolve is necessary to record the Legislature's 9 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

- Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.
- 18 Emergency clause. In view of the emergency cited in the preamble, this legislation
 19 takes effect when approved.

SUMMARY

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This resolve provides for legislative review of portions of Chapter 33: Rules
 Governing Physical Restraint and Seclusion, a major substantive rule of the Department of
 Education.