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Resolve
124th Legislature
First Regular Session

Chapter 41
H.P. 350 - L.D. 495

**Resolve, Regarding Legislative Review of Portions of Chapter 10:
Definitions and Terms, a Major Substantive Rule of the Department of
Agriculture, Food and Rural Resources, Board of Pesticides Control**

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

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

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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, be it

Sec. 1 Adoption. Resolved: That final adoption of portions of Chapter 10: Definitions and Terms, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, but only if the definition of "sensitive area likely to be occupied" is amended to:

1. Remove explicit expansion of the definition to include areas other than the 4 areas delineated in the provisionally adopted definition; and

2. Clarify that structures other than buildings that are likely to be occupied by humans are also included in the definition.

The Board of Pesticides Control is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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