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**Resolve, Regarding Legislative Review of Portions of Chapter
17: Rules Regarding Proof of Ownership by Employers
Employing Foreign Laborers To Operate Logging Equipment,
a Major Substantive Rule of the Department of Labor**

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 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule of the Department of Labor that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if:

1. In section I(G) it is clarified that "logging equipment" means harvesting equipment used directly in the cutting and transporting to roadside of logs and the production of wood chips in the field and that equipment used for construction of logging roads or for transporting logs or other wood products off-site or on roadways or in ancillary activities such as recordkeeping and equipment repair is not "logging equipment" as used in the rule;

2. In section III(C) it is clarified that the form requires that the employer or a representative of the employer certify that any information provided on the form and any additional documents provided are true and accurate; that failure to provide full and accurate disclosure constitutes a civil violation pursuant to the Maine Revised Statutes, Title 26, section 872; and that a false statement may also be subject to criminal prosecution under applicable statutes, including but not limited to Title 17-A, section 453, which governs unsworn falsification;

3. In section IV(B) it is clarified that if, at the time the notice outlined in section III is filed, the employer has not paid the tax for the current tax year because the tax has not been assessed or is not yet due, the employer shall provide documentation that demonstrates that the employer has paid the tax in the past and will pay any taxes due on the subject equipment; that this documentation may include proof of taxes paid in a prior period, reports filed with the taxing authority and assessments received for the current period; and that the employer shall provide proof of payment of the taxes when the taxes are paid;

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4. Section IV(B)(1) is deleted from the rule; and

5. Any technical changes to the rule necessary to accomplish the changes described in this resolve are made.

The Department of Labor is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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