**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**041 Office of Professional and Occupational Regulation**

**ELEVATOR AND TRAMWAY SAFETY PROGRAM**

**Chapter 507: Advisory Rulings**

**Summary:** This Chapter establishes requirements and guidelines for the Director’s discretionary issuance of advisory rulings.

**1. Authority and Scope**

The Director may issue an advisory ruling in accordance with 5 MRS § 9001 concerning the applicability of a statute or rule to existing facts. The Director shall review each request for an advisory ruling to determine whether the requested ruling is appropriate. The Director may, at his or her discretion, decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling or for any other reason the Director deems proper.

**2. Submission**

A request for an advisory ruling must be submitted to the Director in writing and must set forth in detail all facts pertinent to the question. The Director may require submission of additional information the Director deems necessary to provide a complete factual background.

**3. Ruling**

The Director shall issue advisory rulings in writing. The advisory ruling must include a statement of the facts or assumptions, or both, upon which the ruling is based. The statement, without reference to other documents, must be sufficiently detailed to apprise the reader of the factual basis of the opinion. The ruling must be signed by the Director, must be identified specifically as an advisory ruling and must be numbered serially.

**4. Publication**

The Director shall mail the advisory ruling to the requesting party and the Program Administrator shall retain a copy. An advisory ruling is a public document and is available for public inspection during the normal working hours of the Program. In addition, the Director may otherwise publish or circulate an advisory opinion as the Director deems appropriate.

*(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)*

STATUTORY AUTHORITY: 5 MRS §9001; 32 MRS §15205-A

EFFECTIVE DATE:

January 1, 2003 – filing 2002-489

AMENDED:

December 1, 2015 – filing 2015-212