

Chapter 115: ADVISORY RULINGS

SUMMARY: This rule establishes guidelines relating to advisory rulings.

1. ADVISORY RULINGS**A. Authority and Scope**

The Board may issue an advisory ruling in accordance with 5 M.R.S. § 9001 concerning the applicability of a statute or rule to existing facts. The Board shall review each request for an advisory ruling to determine whether the requested ruling is appropriate. The Board may, at its 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 Board deems proper.

B. Submission

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

C. Ruling

The Board shall issue advisory rulings in writing. The advisory ruling shall include a statement of facts or assumptions, or both, upon which the ruling is based. The statement, without reference to other documents, shall be sufficiently detailed to apprise the reader of the basis of the opinion. The assent of four members of the Board is required for the issuance of an advisory ruling. The ruling must be signed by the Board's Chair, shall be identified specifically as an advisory ruling and shall be numbered serially.

D. Publication

The Department shall mail the advisory ruling to the requesting party and the Board 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 Board. In addition, the Board may otherwise publish or circulate an advisory ruling as it deems appropriate.

STATUTORY AUTHORITY: 32 M.R.S. § 1153 and 5 M.R.S. § 9001(4)

EFFECTIVE DATE :