

§7093. Rulemaking

1. Promulgation. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule promulgated by the commission is invalid and has no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope and purposes of the compact, or the powers granted under the compact, or based upon another applicable standard of review.

[PL 2023, c. 674, §1 (NEW).]

2. Conflict; laws in member states. The rules of the commission have the force of law in each member state, except that where the rules of the commission conflict with the laws of a member state that establish the member state's laws, regulations and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.

[PL 2023, c. 674, §1 (NEW).]

3. Powers. The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted under this section. Rules and amendments become binding on the day following adoption or on the date specified in each rule or amendment, whichever is later.

[PL 2023, c. 674, §1 (NEW).]

4. Rule rejection. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, that rule has no further force and effect in any member state.

[PL 2023, c. 674, §1 (NEW).]

5. Rule adoption procedure. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

[PL 2023, c. 674, §1 (NEW).]

6. Public hearing. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

A. All hearings must be recorded. A copy of the recording must be made available on request.

[PL 2023, c. 674, §1 (NEW).]

B. This section may not be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section. [PL 2023, c. 674, §1 (NEW).]

[PL 2023, c. 674, §1 (NEW).]

7. Notice of hearing. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

A. On the website of the commission or other publicly accessible platform; [PL 2023, c. 674, §1 (NEW).]

B. To persons who have requested notice of the commission's notices of proposed rulemaking; and [PL 2023, c. 674, §1 (NEW).]

C. In such other ways as the commission may specify by rule. [PL 2023, c. 674, §1 (NEW).]

[PL 2023, c. 674, §1 (NEW).]

8. Notice requirements. The notice of proposed rulemaking must include:

A. The proposed time, date and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting

at which the commission will consider and vote upon the proposed rule; [PL 2023, c. 674, §1 (NEW).]

B. If the hearing is held via telecommunication, videoconference or other electronic means, the commission shall publish the mechanism for access to the electronic hearing; [PL 2023, c. 674, §1 (NEW).]

C. The text of the proposed rule or amendment and the reason for the proposed rule; [PL 2023, c. 674, §1 (NEW).]

D. A request for comments on the proposed rule from any interested person; and [PL 2023, c. 674, §1 (NEW).]

E. The manner in which interested persons may submit written comments. [PL 2023, c. 674, §1 (NEW).]

[PL 2023, c. 674, §1 (NEW).]

9. Final action. The commission shall, by majority vote of all members, take final action on the proposed rule based on the rule-making record and the full text of the rule.

A. The commission may adopt changes to the proposed rule as long as the changes do not enlarge the original purpose of the proposed rule. [PL 2023, c. 674, §1 (NEW).]

B. The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters. [PL 2023, c. 674, §1 (NEW).]

C. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 10, the effective date of the rule may not be earlier than 30 days after issuing the notice that it adopted or amended the rule. [PL 2023, c. 674, §1 (NEW).]
[PL 2023, c. 674, §1 (NEW).]

10. Emergency rulemaking. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, as long as the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, "emergency rule" means a rule that must be adopted immediately in order to:

A. Meet an imminent threat to public health, safety or welfare; [PL 2023, c. 674, §1 (NEW).]

B. Prevent a loss of commission or member state funds; [PL 2023, c. 674, §1 (NEW).]

C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or regulation; or [PL 2023, c. 674, §1 (NEW).]

D. Protect public health and safety. [PL 2023, c. 674, §1 (NEW).]
[PL 2023, c. 674, §1 (NEW).]

11. Rule revisions. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the publicly accessible website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

[PL 2023, c. 674, §1 (NEW).]

12. Application of member state rules. A member state's rule-making requirements do not apply under this compact.

[PL 2023, c. 674, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 674, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--