

**§7005. Special education****(REALLOCATED FROM TITLE 20-A, SECTION 7004)**

**1. Rulemaking.** The commissioner is authorized to adopt rules necessary for the administration of this chapter and chapters 303 and 305. These rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The department shall identify in its regulatory agenda, when feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than the federal statute or regulation, if an applicable federal statute or regulation exists.

During the consideration of any proposed rule, when feasible, and using information available to it, the department shall identify provisions of the proposed rule that the department believes would impose a regulatory burden more stringent than the burden imposed by the corresponding federal statute or regulation, if such a federal statute or regulation exists, and explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal statute or regulation.

[PL 2005, c. 662, Pt. A, §19 (AMD).]

**SECTION HISTORY**

RR 1997, c. 1, §20 (RAL). PL 2005, c. 662, §A19 (AMD).

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