

§2103-A. Adoption of rules

The Commissioner of Public Safety shall adopt state rules to adopt by reference the federal regulations as found in 49 Code of Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178, 179, 180, 387 and 397, as amended, and subsequently shall adopt state rules to adopt by reference every subsequent amendment to those federal regulations. Except as provided in this section, the Maine Administrative Procedure Act, Title 5, chapter 375, does not apply to those adoptions. [PL 1997, c. 653, §1 (AMD).]

1. Content of state rules. Any state rule adopted under this section must contain instructions for obtaining a copy or a certified copy of referenced federal regulations or amendments from the appropriate federal agency. [PL 2003, c. 633, §1 (AMD).]

2. Filing, publication and availability of rules. For every state rule adopted under this section:

A. The commissioner shall file with the Secretary of State:

- (1) A certified copy of the state rule adopting by reference that federal regulation or a subsequent amendment;
- (2) A published copy of the federal regulation or amendment as printed in the Federal Register; and
- (3) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulations in question; [PL 1989, c. 754, Pt. C, §1 (NEW).]

B. The commissioner shall supply, without cost or at actual cost, copies of each state rule to any person who has filed with the agency within the past year a written request to be supplied with all copies of the agency's rules, and to any other person on request. The commissioner shall also make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations, but requests for purchase of copies or certified copies of the federal regulations may be directed to the appropriate federal agency; [PL 1989, c. 754, Pt. C, §1 (NEW).]

C. The Secretary of State shall publish, pursuant to the procedures set forth in Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the state rule has been adopted and its effective date;
- (2) A brief description of the substance of the state rule and the referenced federal regulations or amendments; and
- (3) The addresses where copies of the state rule and the federal regulations and amendments may be obtained; and [PL 1989, c. 754, Pt. C, §1 (NEW).]

D. The Secretary of State shall maintain and make available at the Secretary of State's office, for inspection at no charge and for copying or purchase at actual cost, current copies of those state rules as filed in accordance with paragraph A and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available at the Secretary of State's office, for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations and amendments, but requests for purchase of copies or certified copies of the federal regulations or amendments may be directed to the appropriate federal agency. [PL 1989, c. 754, Pt. C, §1 (NEW).]

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3. Effective date; emergency rules. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State under subsection 2, paragraph A, except that, if the commissioner finds that immediate adoption of the rule is necessary to avoid an immediate threat

to public health, safety or general welfare, the commissioner may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

[PL 1989, c. 754, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 736, §4 (NEW). PL 1987, c. 789, §1 (AMD). PL 1989, c. 754, §C1 (AMD). PL 1997, c. 653, §1 (AMD). PL 2003, c. 633, §1 (AMD).

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