# 02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

# 322 STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS

# Chapter 6: ADVISORY RULINGS

**SUMMARY:** This chapter contains provisions relating to the issuance of advisory rulings by the Board.

SECTION 1: Advisory Rulings

1. **Authority and Scope:** The Board may issue advisory rulings pursuant to 5 MRSA, Section 9001, concerning the applicability of any statute or rule it administers to an existing factual situation. Advisory rulings will be issued at the Board’s discretion and only upon request. Each request will be individually reviewed to determine whether an advisory ruling is appropriate. The Board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient experience upon which to base a ruling, or for any other reason the Board deems proper.

2. **Submission:** Requests for advisory rulings must be in writing and must set forth in detail all facts pertinent to the question. The Board may require additional information to complete a factual background for its ruling.

3. **Consideration:** The Board will acknowledge all requests for advisory rulings within 60 days.

A. The acknowledgement will state whether a ruling will be given.

B. Alternatively, the acknowledgement may request additional information to determine whether an advisory ruling is appropriate.

C. All advisory rulings must be in writing and include a statement of the facts or assumptions or both upon which the rulings are based. The statement must be sufficiently detailed to allow understanding of the basis of the opinion without reference to other documents. Advisory rulings are signed by the chief officer of the Board and numbered in an appropriate serial manner.

4. **Disposition:** Each completed advisory ruling will be mailed to the requesting party and a copy will be kept by the Board. All completed advisory rulings are public documents and available for public inspection during the Board’s normal working hours. In addition, the Board may publish or circulate any advisory ruling as it deems appropriate.

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

EFFECTIVE DATE:

September 9, 2014 – filing 2014-219

REPOSTED:

September 23, 2014 as a separate chapter