

§341-H. Departmental rulemaking

Subject to Title 5, chapter 375, subchapter 2-A, the board may adopt, amend or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering as provided in this section. The board shall also adopt, amend and repeal rules as necessary for the conduct of the department's business, including the processing of applications, the conduct of hearings and other administrative matters. [PL 2019, c. 315, §5 (NEW).]

1. Rule-making authority of the board.

[PL 2019, c. 315, §5 (RP).]

2. Rule-making authority of the commissioner.

[PL 2019, c. 315, §5 (RP).]

3. Duties of department. The department shall:

A. Identify in its regulatory agenda under Title 5, section 8060, when feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than a federal standard, if an applicable federal standard exists; and [PL 2019, c. 315, §5 (AMD).]

B. During the consideration of any proposed rule, when feasible, and using information available to it, identify provisions of the proposed rule that the department believes would impose a regulatory burden more stringent than the burden imposed by the federal standard, if such a federal standard exists, and shall explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal standard. [PL 2019, c. 315, §5 (AMD).]

C. [PL 2019, c. 315, §5 (RP).]

[PL 2019, c. 315, §5 (AMD).]

3-A. Additional public comment. Notwithstanding Title 5, chapter 375, subchapter 2 or 2-A, the board shall accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period at a meeting that is not a public hearing only if the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule. Public notice of the meeting must comply with Title 1, section 406 and must state that the board will accept additional public comment on the proposed rule at that meeting.

[PL 2019, c. 315, §5 (NEW).]

4. Legislative review of a rule. If a rule adopted by the board is the subject of a request for legislative review of a rule under Title 5, chapter 377-A, the Executive Director of the Legislative Council shall immediately notify the board of that request and of the legislative committee's decision under that chapter on whether or not to review the rule.

[PL 2019, c. 315, §5 (AMD).]

SECTION HISTORY

PL 2011, c. 304, Pt. H, §14 (NEW). PL 2011, c. 538, §1 (AMD). PL 2019, c. 315, §5 (AMD).

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