**02** **DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**41** **OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

**BOILER AND PRESSURE VESSEL SAFETY PROGRAM**

**Chapter 72: ADVISORY RULINGS**

**Summary**: This Chapter establishes requirements and guidelines for the director’s discretionary issuance of advisory rulings.

**SECTION 1. Authority and Scope**

The director may issue an advisory ruling in accordance with 5 M.R.S. § 9001 concerning the applicability of a statute or rule to existing facts. The director shall review each request for an advisory ruling to determine whether the requested ruling is appropriate. The director may, at their discretion, decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling, or for any other reason the director deems proper.

**SECTION 2. Submission**

A request for an advisory ruling must be submitted to the director in writing and must set forth in detail all facts pertinent to the question. The director may require submission of additional information they deem necessary to provide a complete factual background.

**SECTION 3. Ruling**

The director shall issue advisory rulings in writing. The advisory ruling must include a statement of the facts or assumptions, or both, upon which the ruling is based. The statement must be sufficiently detailed to apprise the reader of the factual basis of the opinion without reference to other documents. The ruling must be signed by the director, identified specifically as an advisory ruling, and numbered serially.

**SECTION 4. Publication**

The director shall provide a copy of the advisory ruling to the requesting party and shall otherwise publish or circulate an advisory opinion as they deem appropriate.

AUTHORITY: 5 M.R.S. §§ 8051, 9001 and 32 M.R.S. § 15103-A

EFFECTIVE DATE: January 1, 2025 – filing 2024-299