

§6192. Emergency rulemaking

1. Procedures. In an emergency adoption of a rule or amendment to a rule, the commissioner may modify the procedures required under the Maine Administrative Procedure Act and section 6191 in the following manner.

A. In an emergency adoption of a rule or amendment to a rule relating to the public health and safety, including rules authorized under section 6171-A, prior public notice and hearing is not required. [PL 2011, c. 527, §5 (AMD).]

B. In an emergency adoption of a rule or amendment to a rule authorized by section 6171 or 6171-A, the rule is effective immediately, as provided in subsection 4. A public hearing must be held in the affected area after the rule takes effect if requested of the commissioner in writing by 5 persons. The hearing must be held within 30 days of the commissioner receiving the written request. Notice of that hearing must be published once, not less than 5 days prior to the hearing, in a newspaper of general circulation in the affected area. In an emergency adoption of a rule or amendment to a rule relating to gear conflicts, as authorized by section 6171-A, the commissioner shall decide within 5 business days after the hearing whether to continue or repeal an emergency closure. The commissioner's findings of fact must include the justification for the repeal or continuance of the closure, an analysis of the objections expressed at the public hearing and the date for the end of the closure. Emergency rules under this paragraph may be repealed by the Marine Resources Advisory Council. [PL 2009, c. 528, §4 (AMD).]

C. [PL 2009, c. 528, §4 (RP).]

D. Within 48 hours after the adoption of an emergency rule or an emergency amendment to a rule authorized under section 6171-A, subsection 1, paragraph B or C, the commissioner shall hold a public meeting in the area affected by the emergency rule. A public meeting convened pursuant to this paragraph is not a public hearing for purposes of the Maine Administrative Procedure Act. [PL 2009, c. 528, §4 (NEW).]
[PL 2011, c. 527, §5 (AMD).]

2. Advisory council. The advice and consent of the advisory council is not required prior to an emergency adoption of a rule or amendment to a rule.
[PL 2003, c. 248, §5 (AMD).]

3. Effective period. Any emergency rule is effective only for 90 days, or any lesser period of time specified in the rule. After the expiration of the emergency period, the rule may be adopted only as provided by section 6191.
[PL 2011, c. 527, §6 (AMD).]

4. Effective date. Except as provided in this subsection, emergency rules become effective immediately upon publication in a newspaper of general circulation in the area of the State affected, as long as those rules are submitted to the Attorney General and filed with the Secretary of State as required under the Maine Administrative Procedure Act within the next business day following publication.
[PL 2011, c. 527, §7 (AMD).]

5. Repeal. Emergency rules may be repealed in the same manner as they are adopted.
[PL 2003, c. 248, §5 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 649, §2 (AMD). PL 1983, c. 645, §2 (AMD). PL 1987, c. 100, §4 (AMD). PL 1993, c. 42, §1 (AMD). PL 2003, c. 248, §5 (AMD). PL 2005, c. 44, §3 (AMD). PL 2009, c. 528, §4 (AMD). PL 2011, c. 527, §§5-7 (AMD).

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