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**Department of Agriculture, Conservation and Forestry**

**22 and 28 State House Stations  
Augusta, Maine 04333  
(207) 287-3200**

**2020-2021 Regulatory Agenda**

**Prepared:  
August 13, 2020**

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**01-001: Bureau of Agriculture, Food and Rural Resources  
01-015: Maine Milk Commission  
01-017: Maine State Harness Racing Commission  
01-026: Board of Pesticides Control  
01-303: Pull Events Commission  
01-669: Bureau of Forestry (Maine Forest Service)  
01-670: Bureau of Parks and Lands  
01-672: Maine Land Use Planning Commission  
01-683: Land for Maine's Future Program**

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**01-001**

AGENCY UMBRELLA-UNIT: **01-001**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry,  
Bureau of Agriculture, Food and Rural Resources**

**CONTACT PERSON:** Emily Horton, 22 SHS, Augusta, Maine 04333, (207) 287-4909,  
[emily.k.horton@maine.gov](mailto:emily.k.horton@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**NEW RULE CHAPTER (# to be assigned): Rules to implement the Salmonella enteritidis Risk Reduction and Surveillance Program for Commercial Egg-type Flocks**

STATUTORY AUTHORITY: 7 MRS §1758.

PURPOSE: Rules governing Maine Salmonella enteritidis Risk Reduction and Surveillance Program for Commercial Egg-Type Flocks.

SCHEDULE FOR ADOPTION: Prior to June, 2021.

AFFECTED PARTIES: Poultry Farmers with egg laying flocks over 3,00 birds

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,  
[michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**NEW RULE CHAPTER (# to be assigned): Rules for Expanding the Local Foods Economy by Promoting Local Foods Procurement**

STATUTORY AUTHORITY: 7 MRS Sec. 1. c. 8-A, sub-c. 3

PURPOSE: Establish and promote a local foods procurement program.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Farmers, food and seafood processors and public institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

CONTACT PERSON: Leigh Hallett, 28 SHS, Augusta, Maine 04333, (207) 287-3494,  
[leigh.hallett@maine.gov](mailto:leigh.hallett@maine.gov)

**CHAPTER 10: Rules for the Agricultural Compliance Program**

STATUTORY AUTHORITY: 7 MRS §12; 17 MRS §2701-B; 17 MRS §2805

PURPOSE: These rules establish procedures for conducting the Agricultural Compliance Program.

SCHEDULE FOR ADOPTION: Prior to June, 2021.

AFFECTED PARTIES: Farms/Farmers/Complainants

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

CONTACT PERSON: Matthew Randall, 28 SHS, Augusta, Maine 04333, (207) 287-7708,  
[matthew.randall@maine.gov](mailto:matthew.randall@maine.gov)

**CHAPTER 30: Quarantine (Potato)**

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May amend the quarantine against various potato pests to take into consideration recent survey results on the distribution of such pests in the U.S.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Potato farmers, dealers, buyers, and shippers of imported seed.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602,  
[ann.gibbs@maine.gov](mailto:ann.gibbs@maine.gov)

**CHAPTER 31: Rules for Operation of Potato Marketing Improvement Fund**

STATUTORY AUTHORITY: 7 MRS §12, 10 MRS §1023-N

PURPOSE: Make changes to the rules governing the operation of the Potato Marketing Improvement Fund.

SCHEDULE FOR ADOPTION: Prior to September, 2021.

AFFECTED PARTIES: Potato industry.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522,  
[nancy.mcbrady@maine.gov](mailto:nancy.mcbrady@maine.gov)

**CHAPTER 32: Rules for Operation of Agricultural Marketing Loan Fund**

STATUTORY AUTHORITY: 7 MRS §12, §435

PURPOSE: Make changes to the rules governing the operation of the Agricultural Marketing Loan Fund.

SCHEDULE FOR ADOPTION: Prior to September, 2021.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from an agricultural enterprise.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Stephanie Gilbert, 28 SHS, Augusta, Maine 04333, (207) 287-7520,  
[stephanie.gilbert@maine.gov](mailto:stephanie.gilbert@maine.gov)

**CHAPTER 33: Rules for Operation of Agricultural Development Grant Fund**

STATUTORY AUTHORITY: 7 MRS §§ 306-A - 309

PURPOSE: Make changes to the rules governing the operation of the Agricultural Development Grant Fund.

SCHEDULE FOR ADOPTION: Prior to December, 2021.

AFFECTED PARTIES: Individuals, firms or organizations interested in accelerating new market development, adoption of improved technology and promotion of agricultural products produced in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Leigh Hallett, 28 SHS, Augusta, Maine 04333, (207) 287-3494,  
[leigh.hallett@maine.gov](mailto:leigh.hallett@maine.gov)

**CHAPTER 34: Rules for Operation of Dairy Improvement Fund**

STATUTORY AUTHORITY: 7 MRS §2910-B; 10 M.R.S. §1023-P; 8 M.R.S. §1036  
sub-§2-A ¶M

PURPOSE: Make changes to the rules governing the operation of the Dairy Improvement Fund.

SCHEDULE FOR ADOPTION: Prior to September, 2021.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from an agricultural enterprise.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Yvette Meunier, 28 SHS, Augusta, Maine 04333, (207) 592-0640,  
[Yvette.Meunier@maine.gov](mailto:Yvette.Meunier@maine.gov)

**CHAPTER 122: Fee Schedule for Inspection of Agricultural Commodities**

STATUTORY AUTHORITY: 7 MRS, 12, 441, 446, 951-B, 1033A, 1034, 1034A

PURPOSE: These rules and authorizing fees should be updated to comply with the language and intent of Title §441 which states, “These fees must, as nearly as possible, cover the costs of the inspection services for the commodity inspected.” Currently the fees do not cover the inspection costs. The fees have remained static for ten years.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Commodities growers, producers and shippers

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste J. Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

#### **CHAPTER 201: Rules Governing Licensed Livestock Dealers**

STATUTORY AUTHORITY: 7 MRS §1303, §1307

PURPOSE: Rules governing livestock dealers

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Livestock owners and livestock dealers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, [michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

#### **CHAPTER 203: Rules for the Participation in the Maine Chronic Wasting Disease Surveillance Program**

STATUTORY AUTHORITY: 7 MRS §1821

PURPOSE: Rules governing the Maine Chronic Wasting Disease Surveillance Program

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Deer and Elk Industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, [michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

#### **CHAPTER 204: Rule for the Licensing Requirements for Farmed Cervids**

STATUTORY AUTHORITY: 7 MRS §1821

PURPOSE: Rules governing the licensing requirements for farmed cervids

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Deer and Elk Industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, [michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

#### **CHAPTER 205: Rules Governing the Poultry Disease Control Fund**

STATUTORY AUTHORITY: 7 MRS §1756 -§1757

PURPOSE: Rules governing the poultry disease control fund

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Poultry farmers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, [michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

#### **CHAPTER 206: Prevention and Control of Certain Diseases of Domestic Animals and Poultry**

STATUTORY AUTHORITY: 7 MRS §1752, §1812

PURPOSE: Rules governing the control of certain diseases of animals and poultry

SCHEDULE FOR ADOPTION: Prior to July 1, 2021.

AFFECTED PARTIES: Livestock and poultry industry  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated  
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,  
[michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**CHAPTER 207: Control of Equine Infectious Anemia**

STATUTORY AUTHORITY: 7 MRS §1820-A  
PURPOSE: Rules governing the management of equine infectious anemia  
SCHEDULE FOR ADOPTION: Prior to July, 2021.  
AFFECTED PARTIES: Equine owners  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated  
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,  
[michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**CHAPTER 208: Handling of Domestic Animal and Poultry Vaccines**

STATUTORY AUTHORITY: 7 MRS §1752  
PURPOSE: Rules governing animal and poultry vaccine use  
SCHEDULE FOR ADOPTION: Prior to July, 2021.  
AFFECTED PARTIES: Livestock and poultry industry  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated  
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,  
[michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**CHAPTER 209: Livestock Commission or Community Auctions**

STATUTORY AUTHORITY: 7 MRS §1453  
PURPOSE: Rules governing auctions  
SCHEDULE FOR ADOPTION: Prior to July, 2021.  
AFFECTED PARTIES: Livestock auctions  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated  
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,  
[michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**CHAPTER 216: RULES GOVERNING THE SALE OF DOGS AND CATS AND IMPORTATION OF DOGS AND CATS FOR RESALE OR ADOPTION**

STATUTORY AUTHORITY: 7 MRS §1809  
PURPOSE: Rules governing the sale of dogs and cat and importation of dogs and cats for resale or adoption  
SCHEDULE FOR ADOPTION: Prior to July, 2021  
AFFECTED PARTIES: Animal Shelters and Rescues  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated  
CONTACT PERSON: Rachael Fiske, 28 SHS, Augusta, Maine 04333, (207) 287-3846,  
[rachael.fiske@maine.gov](mailto:rachael.fiske@maine.gov)

**CHAPTER 220: Importation of Certain Deer into Maine**

STATUTORY AUTHORITY: 7 MRS §1331  
PURPOSE: Rules governing the importation of deer into Maine  
SCHEDULE FOR ADOPTION: Prior to July, 2021.  
AFFECTED PARTIES: Deer farmers and commercial large game shooting area operations  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated  
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,  
[michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**CHAPTER 226: Rules Governing the Administration of Certain Substances to Animals Entered in Pulling Competitions**

STATUTORY AUTHORITY: 7 MRS §97.5

PURPOSE: The Commissioner will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to Fall 2021.

AFFECTED PARTIES: Pulling teamsters, pull superintendents and the Pull Events Commission

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333 (207) 287-7535, [miles.greenleaf@maine.gov](mailto:miles.greenleaf@maine.gov)

**CHAPTER 250: Rules for Certifying American Ginseng**

STATUTORY AUTHORITY: 7 MRS §2225

PURPOSE: May amend the rules for licensing ginseng growers.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Ginseng farmers, dealers, buyers, and shippers of imported seed

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 252: Rules Governing the Certification of Seed Potatoes in the State of Maine**

STATUTORY AUTHORITY: 7 MRS §§ 2101-2105

PURPOSE: May amend the list of diseases included in the certification program based on survey.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Seed potato producers in Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Eric Hitchcock, 744 Main Street Suite 9, Presque Isle, Maine 04769, (207)764-2036, [eric.hitchcock@maine.gov](mailto:eric.hitchcock@maine.gov)

**CHAPTER 266: Hemlock Woolly Adelgid Quarantine**

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May amend the current quarantine against the Hemlock Woolly Adelgid to prevent its artificial spread in the State, to protect Maine's forest, timber and wildlife resources from this destructive pest.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Wood harvesters, nurseries, saw mills, paper mills, mulch dealers and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 267: License Fees to Sell Nursery Stock**

STATUTORY AUTHORITY: 7 MRS §2171

PURPOSE: May revise the rules for selling or dealing in nursery stock.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Nursery owners

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 268: Pine Shoot Beetle Quarantine**

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May amend the quarantine against the Pine Shoot Beetle to include additional areas under quarantine.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Saw mills, nurseries, and the general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 270: Maine Apiary Rules and Regulations**

STATUTORY AUTHORITY: 7 MRS §§ 2701-2872

PURPOSE: May amend the current apiary rules.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Beekeepers, blueberry and apple producers, and the general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 271: Gypsy Moth Quarantine**

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May repeal the Gypsy Moth quarantine.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Saw mills, nurseries, and the general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 272: European Larch Canker Quarantine**

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May amend a quarantine against the European Larch Canker to conform to the requirements of the federal European Larch Canker quarantine.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Saw mills, nurseries, and the general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 273: Criteria for Listing Invasive Terrestrial Plants**

STATUTORY AUTHORITY: 7MRS §§ Section 221, Chapter 405-A

PURPOSE: May amend the rules to add to the list of plants restricted from sale or import.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Nurseries, greenhouses and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

**CHAPTER 274: Rules for Growing Industrial Hemp**

STATUTORY AUTHORITY: 7MRS §§ 2231, Chapter 406-A

PURPOSE: May amend the rules to allow for indoor growing, fee changes and additional rules to license processors or manufacturers.

SCHEDULE FOR ADOPTION: Prior to July, 2021

AFFECTED PARTIES: Potential hemp growers

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

#### **CHAPTER 275: Emerald Ash Borer Quarantine**

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May amend the current quarantine against the Emerald Ash Borer to prevent its artificial spread in the State, to protect Maine's forest, timber and wildlife resources from this destructive pest.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Wood harvesters, firewood dealers, nurseries, saw mills, paper mills and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

#### **CHAPTER 329: Rules Governing Maine Milk and Milk Products**

STATUTORY AUTHORITY: 7 MRS §§ 2900-2910A., PL 1999

PURPOSE: Rules need revision to come into compliance with the 2017 U.S. FDA Pasteurized Milk Ordinance.

SCHEDULE FOR ADOPTION: Prior to July, 2021

AFFECTED PARTIES: Dairy farmers and milk processors

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

#### **CHAPTER 501: Weights and Measures Law**

STATUTORY AUTHORITY: 10 MRS §§ 2621-2631 Subchapter 7-A

PURPOSE: These rules and authorizing legislation should be updated to adopt Handbook 133 Checking the Net Contents of Packaged Goods now that it is no longer part of Handbook 130 and is in fact a stand-alone handbook.

SCHEDULE FOR ADOPTION: Prior to December 31, 2021

AFFECTED PARTIES: Weights and Measures

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

#### **CHAPTER 600: Rules regarding disposal of cull potato piles**

STATUTORY AUTHORITY: 7 MRS §1007-A

PURPOSE: To update the rules regarding disposal of cull potato piles

SCHEDULE FOR ADOPTION: Prior to July 2021.

AFFECTED PARTIES: Potato farmers, Department of Agriculture, Conservation & Forestry

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Mark Hedrich, 28 SHS, Augusta, Maine 04333, (207) 287-7608, [mark.hedrich@maine.gov](mailto:mark.hedrich@maine.gov)

#### **CHAPTER 701: Rules for Governing Animal Welfare**

STATUTORY AUTHORITY: 7 MRS §3906-B. Section 10

PURPOSE: To ensure that only healthy animals, including birds, are offered for sale or adoption and that all animals, within the scope of the Commissioner's authority, shall receive proper care, housing facilities, disease control, records of sales and purchases, euthanasia records and licenses will be monitored by Animal Welfare.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Pet Stores, Breeding Kennels; Boarding Kennels; Equine Owners, Animal Shelters, Animal Control Officers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Liam R. Hughes, 28 SHS, Augusta, Maine 04333, (207) 287-5531, [liam.hughes@maine.gov](mailto:liam.hughes@maine.gov)

#### **CHAPTER 702: Rules for the Low Income Spay/Neuter Program**

STATUTORY AUTHORITY: 7 MRS §3910-B

PURPOSE: To implement a low-income spay/neuter program for cats and dogs, to establish eligibility requirements, veterinarian reimbursement and program administration.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Low income pet owners and participating veterinarians

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Liam R. Hughes, 28 SHS, Augusta, Maine 04333, (207) 287-5531, [liam.hughes@maine.gov](mailto:liam.hughes@maine.gov)

#### **CHAPTER 751: Rules Governing Arborist Licensing, Testing and Enforcement in the State of Maine**

STATUTORY AUTHORITY: 7 MRS §404, §§ 2173-2191

PURPOSE: May need to amend the current requirements adopted in 2006 to clarify certain provisions relating to the licensing of arborists in the State of Maine.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Individuals currently licensed or wishing to become licensed as arborists in the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, [gary.fish@maine.gov](mailto:gary.fish@maine.gov)

#### **CHAPTER 802: Rules Governing Disbursal of Challenge Grant Funds**

STATUTORY AUTHORITY: 12 MRS §206

PURPOSE: Update and revise the rules governing the dispersal of challenge grant funds.

SCHEDULE FOR ADOPTION: Prior to December, 2021.

AFFECTED PARTIES: Maine state soil and water conservation districts.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Tom Gordon, 28 SHS, Augusta, Maine 04333, (207) 287-4986, [tom.gordon@maine.gov](mailto:tom.gordon@maine.gov).

#### **NEW RULE CHAPTER (# to be assigned): Rules Governing the Maine Cattle Health Assurance Program**

STATUTORY AUTHORITY: 7 MRS §1309

PURPOSE: Rules governing the Maine Cattle Health Assurance Program

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Livestock industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, [michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**NEW RULE CHAPTER (# to be assigned): Designation of Potato Pests and Diseases; Seizure, Destruction, Disinfection**

STATUTORY AUTHORITY: 7 MRS §§ 2351-2352

PURPOSE: May need to designate those potato pests and diseases which pose a threat to the Maine potato industry; provide for the control and eradication of such pests and diseases; and provide for the disinfection of any vehicles to prevent the spread of such pests and diseases.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Potato farmers in Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Eric Hitchcock, 28 SHS, Augusta, Maine 04333, (207) 764-2036, [eric.hitchcock@maine.gov](mailto:eric.hitchcock@maine.gov)

**NEW RULE CHAPTER (# to be assigned): Veterinarian/Animal Shelter Serving as Dog Licensing Agent**

STATUTORY AUTHORITY: 7 MRS §3923-F.

PURPOSE: rules providing a process for identifying animal shelters and veterinarians who are willing to serve as dog licensing agents, for distributing license blanks, tags and stickers, and for the collection, distribution and deposit of license fees into the appropriate state accounts.

SCHEDULE FOR ADOPTION: Prior to July, 2021.

AFFECTED PARTIES: Animal Shelters, Veterinarians, Municipal Offices

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Liam Hughes, 28 SHS, Augusta, Maine 04333, (207) 287-5531, [liam.hughes@maine.gov](mailto:liam.hughes@maine.gov)

**NEW RULE CHAPTER (# to be assigned) Exemption for processing fewer than 1000 birds annually**

Statutory Authority: 22 MRS §2517-C

Purpose: provides regulations for physical facilities and sanitary processes used by poultry producers whose products are exempt under §2517-C.1

Schedule for adoption: Prior to July 2021

Affected Parties: Poultry producers who operate under the 1K bird exemption

Consensus Based Rule Development: Contemplated

Contact Person: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

**NEW RULE CHAPTER (# to be assigned) Rules governing Sale of Commodities**

Statutory Authority: 10 §2621-2623

Purpose: provides regulations for the monitoring and enforcement of the sale of commodities.

Schedule for adoption: Prior to December 2021

Affected Parties: Retail establishments selling products or goods in commerce.

Consensus Based Rule Development: Not Contemplated

Contact Person: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

**NEW RULE CHAPTER (# to be assigned) Rules governing handling and delivery of fresh meats, seafood, and produce**

Statutory Authority: TBD

Purpose: provides regulations for the safe handling and temperature monitoring of fresh foods delivered to consumers.

Schedule for adoption: Prior to December 2021

Affected Parties: supermarkets, grocers, and retail establishments offering delivery of fresh food items.

Consensus Based Rule Development: Not Contemplated

Contact Person: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

#### **NEW RULE CHAPTER (# to be assigned) Rules governing bottling of beverages**

Statutory Authority: TBD

Purpose: provides regulations for the safe bottling of beverages to inhibit microbial growth

Schedule for adoption: Prior to December 2021

Affected Parties: Beverage bottlers

Consensus Based Rule Development: Not Contemplated

Contact Person: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

#### **NEW RULE CHAPTER (# to be assigned) Rules governing testing fees charged by the Milk Lab**

Statutory Authority: TBD

Purpose: provides authorization for the Milk Lab to charge fees adequate to cover the cost of testing provided

Schedule for adoption: Prior to December 2021

Affected Parties: Dairy farmers and cheese makers

Consensus Based Rule Development: Not Contemplated

Contact Person: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, [celeste.poulin@maine.gov](mailto:celeste.poulin@maine.gov)

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### **01-015**

AGENCY UMBRELLA - UNIT NUMBER: **01-015**

AGENCY NAME: Department of Agriculture, Conservation and Forestry, **Maine Milk Commission**

**CONTACT PERSON:** Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521, [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

#### **EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**Chapter 3**, Schedule of Minimum Prices monthly

#### **EXPECTED 2020-2021 RULE-MAKING ACTIVITIES:**

**CHAPTER 26:** Producer Cost

STATUTORY AUTHORITY: 7 MRS §2953-2954

PURPOSE: Set minimum producer price based on Federal order and actual cost of production.

ANTICIPATED SCHEDULE: Prior to December 1, 2021

AFFECTED PARTIES: Producers, dealers, retailers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521, [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 61: Maine Milk Pool Cost of Administration**

STATUTORY AUTHORITY: 7 MRS §§ 2952-A through 2954 and 3154

PURPOSE: Set new cost of administration of Maine Milk Pool after public hearings and testimony.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

AFFECTED PARTIES: Processors and producers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521, [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

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**01-017**

AGENCY UMBRELLA-UNIT: **01-017**

AGENCY NAME: Maine Department of Agriculture, Conservation and Forestry, **Maine State Harness Racing Commission**

**CONTACT PERSON:** Emily Horton, 22 SHS, Augusta, Maine 04333, (207) 287-4909, [emily.k.horton@maine.gov](mailto:emily.k.horton@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTERS 1 through 21 and/or New Rule: Various Titles**

STATUTORY AUTHORITY: 8 MRS §§ 263-A; 268, 275-C, 279-A and B, 281

PURPOSE: The Maine State Harness Racing Commission will continue to update its rules to meet the needs of an ever-changing industry.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Harness horse licensees, track owners and operators, pari-mutuel wagering facilities and those affiliated with the harness racing industry

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Henry Jennings, 28 SHS Augusta, ME 04333, (207) 287-3221, [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

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AGENCY UMBRELLA-UNIT: **01-026**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**

**AGENCY CONTACT PERSON:** Emily Horton, 22 SHS, Augusta, Maine 04333, (207) 287-4909, [emily.k.horton@maine.gov](mailto:emily.k.horton@maine.gov)

**RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 10: Definitions and Terms**

STATUTORY AUTHORITY: 22 MRS §§1471A-X

PURPOSE: In 1996, the Board consolidated all rule definitions in this Chapter. This chapter must be updated each time a new definition is added or amended. It received a series of housekeeping amendments in January 2005 and in 2012. The rule was amended in 2019 to change the definition of aerial applicator to allow for the use of UAS by those with agricultural pesticide applicator licenses. Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021

AFFECTED PARTIES: All individuals and businesses affected by the Board's rules.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 20: Special Provisions**

STATUTORY AUTHORITY: 22 MRS §§1471A-X

PURPOSE: In 2007, the Board amended Chapter 20 to clarify that authorization from the property owner is required prior to applying a pesticide. The Board passed an amendment in 2013 to eliminate the need for individual homeowner permission in the event of a public health threat. In 2014, a requirement was added for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. The Board may develop specific duties that an employer must perform to protect their employees from occupational exposure to pesticides. These amendments may be modeled on the 2015 Federal Worker Protection Standard and the 2017 Federal Pesticide Applicator Certification Standard. In addition, Chapter 20 is a key chapter for the Board when it determines that additional regulation is in the public interest, so other amendments are also possible.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Applicators making outdoor treatments to residential properties; since this is already required by policy, there will be no real affect.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition**

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §1471A-X

PURPOSE: Aerial spraying is a very controversial issue and the Board completed a major overhaul of this chapter in 2009 to provide greater protection for area residents. In 2013 the Board passed amendments to exempt the sections concerning Identifying and Recording Sensitive Areas, Presence of Humans and Animals, and certain specifics of Site Plans in the event of a public health threat. In 2014, the requirement of identifying sensitive areas was eliminated for commercial applications conducted under categories 6A (rights-of-way vegetation management), 6B (general vegetation management) and 7E (biting fly & other arthropod vectors [ticks]). Further experience with the revised rule may reveal the need to make additional modifications.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All applicators making outdoor applications with powered application equipment.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 24: Pesticide Storage Facility Standards/Pesticide Distributors**

STATUTORY AUTHORITY: 22 MRS §1471-O and 7 MRSA §610(2)(B)

PURPOSE: The Board has received letters expressing concern that odors and spilled chemicals may represent a health risk for both employees and customers who enter the self-service display areas of general-use pesticide distributors. In addition, inequities have been noted between the requirements for agricultural distributors versus the requirements for warehouse-style retailers. Finally, a few provisions are somewhat vague and would benefit from additional clarity. Consequently, the Board may adjust these standards to address concerns.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Pesticide retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 26: Standards for Indoor Application of Pesticides**

STATUTORY AUTHORITY: 22 MRS §1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this chapter during 2006 and it became effective in January of 2007. An amendment was made during 2007 to address concerns raised by structural applicators. Concerns have arisen about the higher risk of indoor applications versus outdoor applications. Further refining may be necessary for this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All structural pest control applicators, owners or managers of businesses, institutions and apartment houses, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 27: Standards for Pesticide Applications and Public Notification in Schools**

STATUTORY AUTHORITY: 22 MRS §§ 1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this rule in 2003 and made some housekeeping amendments to it during 2005, 2007 and 2012. Several minor clarifications have been identified which should be addressed. Since use of pesticides on school grounds continues to garner legislative and public attention, further amendments may be necessary in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All public and private school systems as well as commercial applicators and all persons using school buildings and grounds.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 28: Notification Provisions for Outdoor Pesticide Applications**

STATUTORY AUTHORITY: 22 MRS §1471-M (2)(D)

PURPOSE: This rule was adopted in 1998 and slightly amended in 2000, 2007, 2011 and 2014. It contains all of the Board outdoor notification requirements. In 2014, it was amended to require posting for applications under categories 6B (general vegetation management) except when making applications to sidewalks and trails, power substations, and railroad sidings; and 7E (biting fly & other arthropod vectors [ticks]) and to require notice per Board policy for applications to sidewalks and trails under 6B

(general vegetation management). The Maine Legislature recently enacted and subsequently repealed a pesticide notification registry. There is some sentiment indicating that additional legislative initiatives may be forthcoming on this subject, which would likely necessitate rulemaking. This chapter also needs some updating to reflect the evolution of its usage.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Pesticide applicators and persons who live near sprayed sites. Persons who believe they are sensitive to pesticides. Regulated parties include all commercial pesticide applicators, the landowners who hire them and anyone who applies pesticides outdoors in the vicinity of persons on the registry.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 29. Standards for Water Quality Protection**

STATUTORY AUTHORITY: 22 MRS §1471-M(2)(D)

PURPOSE: A recent federal court decision now requires applicators to work under a Maine Pollution Discharge Elimination System permit for certain outdoor pesticide applications that have the potential for a portion of the spray to deposit in surface water, so Chapter 29 may need to be amended to address this change. In addition, the Board may look to exempt certain urgent applications from the 25-foot buffer requirement. Recently, concerns have arisen relative to pesticides and the marine environment. A current outbreak of browntail moth may necessitate amendments to this rule around products approved for use for control. Finally, water quality has emerged as one of the more significant environmental fate concerns with pesticides. All of these issues suggest a possible need to amend this chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Pesticide manufacturers, outdoor applicators, persons owning land next to surface water bodies and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 31: Certification and Licensing Provisions for Commercial Applicators**

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: The Board amended this chapter during 2007 and 2014, but may find it necessary to revise this regulation again to accommodate new licensing software, streamline processes or deregulate certain types of pesticide applications. Several amendments were adopted in 2015. Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 32: Certification and Licensing Provisions for Private Applicators**

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: The Board may amend any of its current regulations dealing with the examination, certification, licensing and relicensing of private applicators to accommodate new licensing software, streamline procedures and/or adjust the fees. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014.

Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

### **CHAPTER 33: Certification Provisions/Private Applicators of General Use Pesticides**

STATUTORY AUTHORITY: 2 MRS §§ 1471-D (2-D), 22 MRSA §1471-M (1) (C-1)

PURPOSE: This new rule was recently adopted to fulfill the requirements of Public Law 2011, Chapter 169 which requires pesticide applicator licensing for certain farmers who apply only general use pesticides. Since it is a newly adopted rule, experience may reveal some desirable upgrades. In addition, the potential for new licensing software may also necessitate changes. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014. Changes to the federal certification and training requirements will necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

### **CHAPTER 34: Certification and Licensing Provisions for Pesticide Dealers**

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: Amendments adopted in 2015 included shortening the wait time to re-take an exam after failing and changing both the license and certification periods to three years. Going forward, the Board may amend its current regulation to require pesticide dealers to have a company license in addition to having their employees licensed. Also, the license fee is outdated. Other changes may be necessary as the Board reviews all the licensing chapters with a view toward streamlining and simplifying procedures.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Pesticide distributors.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

### **CHAPTER 35: Certification and Licensing Provisions for Spray Contracting Firms**

STATUTORY AUTHORITY: 22 MRS §§ 1471-D and S

PURPOSE: In 2015 this chapter was amended to remove the requirements for spotters/monitors for forest insect aerial spray program. The license period was also changed in 2015 from two years to three. The Board may amend this chapter dealing with licensing and relicensing of firms to accommodate new licensing software, continue to streamline procedures and/or adjust fees.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

### **CHAPTER 40: State Restricted Pesticide List**

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §1471A-X

PURPOSE: The Board amended this chapter in 2007 and may update its Restricted Use List by deleting products that are no longer registered. Also, it may be necessary to modify the list as a result of the Board's registration review process which may necessitate adding any products which present a unique threat to Maine's public health or the environment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Pesticide manufacturers, pesticide applicators and environmental groups interested in pesticide issues.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

#### **CHAPTER 41: Special Restrictions**

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §1471A-X

PURPOSE: The Board amended this chapter in 2011 to relax some administrative burdens for the use of *Bt* corn seed, and in 2014 to reduce the restrictions on the use of hexazinone. This is a key chapter for the Board to implement appropriate restrictions associated with certain pesticides or classes of pesticides that pose unique risks to Maine. There have been significant changes to this chapter in the last ten years, and additional amendments are likely in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All applicators and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

#### **CHAPTER 50: Reporting Requirements for Applicators and Dealers**

STATUTORY AUTHORITY: 22 MRS §§ 1471-G and M

PURPOSE: The Board adopted several housekeeping amendments to this chapter in January 2005 and 2019. Changes to Chapters 22, 27 and 41 have created additional record keeping requirements that might be more appropriately incorporated in Chapter 50. Current rulemaking around the licensing chapters may also necessitate changes to record keeping requirements.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All private and commercial applicators, dealers and consumer or environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

#### **CHAPTER 51: Notice of Aerial Pesticide Applications**

STATUTORY AUTHORITY: 22 MRS §1471-R

PURPOSE: Legislative activity around pesticide notification may necessitate amendments to this chapter. The Board has expressed an interest in regulating unmanned aircraft systems, which may require amendments to this chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Aerial applicators, paper companies, utility officials, and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **CHAPTER 60. Designation of Critical Pesticide Control Area**

STATUTORY AUTHORITY: 22 MRS §1471 - M (4)

PURPOSE: Upon receipt of a petition, the Board would be required to consider rulemaking to restrict pesticide usage within a designated area to protect public health, threatened or endangered species or their habitat, surface or ground water, or other environmental resources. During 2011, the Board repealed one of the two designated critical control areas since the subject of protected area no longer existed.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: Persons living within the requested area and all applicators wishing to do business within the designated zone.

CONSENSUS-BASED RULE DEVELOPMENT: The Board engaged in consensus-based rule development the last time a request was received and would likely try it again.

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

## **NEW RULE CHAPTER (# to be assigned): Unmanned Aircraft Systems, Unmanned Ground Systems**

STATUTORY AUTHORITY: 22 MRS §§1471A-X and 7 MRSA §§601-625

PURPOSE: The Board is considering implementing rules around both unmanned aircraft systems (UAS) and unmanned ground systems (UGS) for use in pesticide applications.

SCHEDULE FOR ADOPTION: Prior to September 30, 2021.

AFFECTED PARTIES: All pesticide applicators and dealers, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731  
[Megan.L.Patterson@maine.gov](mailto:Megan.L.Patterson@maine.gov)

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## **01-303**

AGENCY UMBRELLA - UNIT NUMBER: **01-303**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry,  
Pull Events Commission**

**CONTACT PERSON:** Emily Horton, 22 SHS, Augusta, Maine 04333, (207) 287-4909,  
[emily.k.horton@maine.gov](mailto:emily.k.horton@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITIES:**

## **CHAPTER 15: Rules for Superintendents and Assistant Superintendents of Pull Events**

STATUTORY AUTHORITY: 7 MRS §97.5 and §98

PURPOSE: The Pull Events Commission will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to July 2021.

AFFECTED PARTIES: Pulling teamsters, pull superintendents, and licensed venues that conduct pulling competitions

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333, (207) 287-7535,  
[miles.greenleaf@maine.gov](mailto:miles.greenleaf@maine.gov)

**CHAPTER 226: Rules Governing the Administration of Certain Substances to Animals Entered in Pulling Competitions.**

STATUTORY AUTHORITY: 7 MRS §97.5 and §98

PURPOSE: The Pull Events Commission will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to October 2021.

AFFECTED PARTIES: Pulling teamsters, pull superintendents, and licensed venues that conduct pulling competitions

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333, (207) 287-7535, [miles.greenleaf@maine.gov](mailto:miles.greenleaf@maine.gov)

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**01-669**

AGENCY UMBRELLA-UNIT NUMBER: **01-669**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Bureau of Forestry (aka Maine Forest Service)**

**CONTACT PERSON FOR THE AGENCY:** Emily Horton, 22 State House Station, Augusta, ME 04333, 287-4909, [emily.k.horton@maine.gov](mailto:emily.k.horton@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 20: Forest Regeneration & Clearcutting Standards**

STATUTORY BASIS: 12 M.R.S. 12 M.R.S. c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; [donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

**CHAPTER 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas**

STATUTORY BASIS: 12 M.R.S. 12 M.R.S. c. 805, sub-c. 3-A.

PURPOSE: Clarify permitting procedures. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; [donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

**CHAPTER 23: Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting**

STATUTORY BASIS: 12 M.R.S. 12 M.R.S. c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

#### **CHAPTER 25: Standards for Placing Wood Into Stream Channels to Enhance Cold Water Fisheries Habitat**

STATUTORY BASIS: 12 M.R.S. 12 M.R.S. c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Make rule standards consistent with federal program standards. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

#### **CHAPTER 26: Forest Operations Notification Standards**

STATUTORY BASIS: 12 M.R.S. 12 M.R.S. c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

#### **CHAPTER 27: Standards for Timber Harvesting Activities within Unorganized and De-organized Areas of the State**

STATUTORY BASIS: 12 M.R.S. Chapter 206-A, Subchapter 2 and Chapter 805, Subchapter 3-A; Public Law 2011, Chapter 599.

PURPOSE: Amend current rule to establish streamlined permit procedures for proposed timber harvesting activities in certain protection sub-districts within the unorganized and de-organized areas of the state. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

#### **CHAPTER 28: Regulation of the Transportation of Firewood**

STATUTORY BASIS: 12 M.R.S. §8305; Public Law 2009, Chapter 585.

PURPOSE: Regulate the transportation and movement of firewood into and within the state to reduce the risk of spreading invasive insect species.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.  
AFFECTED PARTIES: Out-of-state visitors who use firewood, firewood dealers.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.  
CONTACT PERSON: Allison Kanoti, 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[allison.m.kanoti@maine.gov](mailto:allison.m.kanoti@maine.gov)

#### **CHAPTER 29: Fee Schedule**

STATUTORY BASIS: 12 M.R.S. 12 M.R.S. §8867-F.  
PURPOSE: Conform bureau fees to those collected by agencies with similar rules. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.  
SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.  
AFFECTED PARTIES: Forest managers.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.  
CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

#### **CHAPTER 30: Prior Approval Process and Stop Work Orders**

STATUTORY BASIS: 12 M.R.S. 12 M.R.S. c. 805, sub-c. 3-A.  
PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.  
SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.  
AFFECTED PARTIES: Forest managers.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.  
CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

#### **CHAPTER 32: Spruce Budworm Management**

STATUTORY BASIS: 12 M.R.S. §8002(2), 12 M.R.S. Chapter 803, Subchapter 4-A, and 12 M.R.S. Chapter 805, Subchapter 3-A.  
PURPOSE: To establish timber harvesting standards for forest areas that have significant risk of damage from spruce budworm and are subject to a credible threat of imminent spruce budworm damage.  
SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.  
AFFECTED PARTIES: Forest landowners  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.  
CONTACT PERSON: Donald Mansius, 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.manius@maine.gov](mailto:donald.j.manius@maine.gov)

#### **CHAPTER 33: Definitions**

STATUTORY BASIS: 12 M.R.S. Chapter 803, Subchapter 4-A, and 12 M.R.S. Chapter 805, Subchapter 3-A.  
PURPOSE: To establish a common set of definitions that apply to all rules administered by the bureau.  
SCHEDULE FOR ADOPTION: Final rules anticipated by late 2021.  
AFFECTED PARTIES: Forest landowners  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.  
CONTACT PERSON: Donald Mansius, 22 SHS, Augusta, ME 04333-0022, 287-2791;  
[donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

## **CHAPTER 34: Private Party Burn Permit Software Requirements**

STATUTORY BASIS: 12 M.R.S. §9327

PURPOSE: To establish requirements for private party burn permit software pursuant to Public Law 2017, Chapter 447, An Act to Amend the Laws Governing Issuance of Burn Permits.

SCHEDULE FOR ADOPTION: Final rules are anticipated by late 2021.

AFFECTED PARTIES: Municipalities, developers of private party burn permit software

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Bill Hamilton, 22 SHS, Augusta, ME 04333-0022, 287-4990;  
[bill.hamilton@maine.gov](mailto:bill.hamilton@maine.gov)

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### **01-670**

AGENCY UMBRELLA - UNIT NUMBER: **01-670**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

**CONTACT PERSON:** Emily Horton, 22 SHS, Augusta, Maine 04333, (207) 287-4909,  
[emily.k.horton@maine.gov](mailto:emily.k.horton@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

### **EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

AGENCY UMBRELLA – UNIT NUMBER: **01-670**

AGENCY NAME: Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands

**CONTACT PERSON:** Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717,  
[ron.hunt@maine.gov](mailto:ron.hunt@maine.gov) .

## **CHAPTER 2: Rules for Recreational Use of the Allagash Wilderness Waterway**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803, 2.15

PURPOSE: Various changes to correct minor spelling errors and typos.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 anticipated to be completed in the Spring of 2021.

AFFECTED PARTIES: Canoeists, fishermen, hikers, and the general public

CONCENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Matthew LaRoche, PO Box 1107, Greenville, ME 04441, (207) 695-3721 x3, [matt.laroche@maine.gov](mailto:matt.laroche@maine.gov)

## **CHAPTER 2: Rules for recreational use of the Allagash Wilderness Waterway**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803, 2.19 D.

PURPOSE: Add: The bureau may take action to protect AWW resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park superintendent or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Campers, Snowmobilers, fishermen, and the general public

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Matthew LaRoche, PO Box 1107, Greenville, ME 04441, (207) 695-3721 x3, [matt.laroche@maine.gov](mailto:matt.laroche@maine.gov)

## **CHAPTER 2: Rules for State Parks and Historic Sites**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803, 20, b.).

PURPOSE: Add: The bureau may take action to protect state park & historic site resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park manager or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Campers, Snowmobilers, fishermen, and the general public

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717, [ron.hunt@maine.gov](mailto:ron.hunt@maine.gov)

## **CHAPTER 3: Rules for Navigational Aids**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1894

PURPOSE: Modify Rules and Regulations for the Aids to Navigation System.

ANTICIPATED SCHEDULE: The rule making process will begin January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Boating public and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Thomas Linscott, 22 SHS Augusta, ME 04333, (207) 287-6830, [Thomas.Linscott@maine.gov](mailto:Thomas.Linscott@maine.gov)

## **CHAPTER 4: Rules and Regulations Governing Boating Facilities**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803

PURPOSE: Modify Rules of Conduct at Boat Launching Facilities.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Boating public and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Thomas Linscott, 22 SHS Augusta, ME 04333, (207) 287-6830, [Thomas.Linscott@maine.gov](mailto:Thomas.Linscott@maine.gov)

## **CHAPTER 5: Rules and Regulations for Lunch and Campsites in Penobscot Corridor, Lobster Lake and Chesuncook Lake.**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803, 20, b.).

PURPOSE: Add: The bureau may take action to protect state park resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park manager or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Campers, Snowmobilers, fishermen, and the general public

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717, [ron.hunt@maine.gov](mailto:ron.hunt@maine.gov)

## **CHAPTER 8: Rules for Snowmobile Club Trail Maintenance Grant-In-Aid Program**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 3

PURPOSE: Establish the Bureau's process that qualified snowmobile clubs use to apply for grants, and the terms and the conditions of these grants.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Lana LaPlant-Ellis, 22 SHS Augusta, ME 04333, (207) 287-5574, [Lana.LaPlant-Ellis@maine.gov](mailto:Lana.LaPlant-Ellis@maine.gov)

#### **CHAPTER 9: Rules for Snowmobile Capital Equipment Grant-In-Aid Program**

STATUTORY AUTHORITY: 12 MRS, Chapter 2937, 13104-4

PURPOSE: Establish the Bureau's Snowmobile Capital Equipment Grant in Aid Program and its associated Capital Equipment Fund, identify the application and scoring process for qualified snowmobile clubs or political subdivisions and to define the terms and the conditions of these Grants.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Lana LaPlant-Ellis, 22 SHS Augusta, ME 04333, (207) 287-5574, [Lana.LaPlant-Ellis@maine.gov](mailto:Lana.LaPlant-Ellis@maine.gov)

#### **CHAPTER 15: Rules for ATV Club Trail Application/Agreement. ATV Trail Program Insurance**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's process to provide for the wise and orderly management of ATVs and the funding allocated to individual clubs.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: ATV clubs, political subdivisions and landowners.

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958, [Brian.N.Bronson@maine.gov](mailto:Brian.N.Bronson@maine.gov)

#### **CHAPTER 18: Rules for ATV Municipal Grant-In-Aid Program**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's Grants-in-Aid Program, identify the procedures for making grants-in-aid to political subdivisions for the construction and/or maintenance of ATV trails.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: ATV clubs and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958, [Brian.N.Bronson@maine.gov](mailto:Brian.N.Bronson@maine.gov)

#### **CHAPTER 160: Rules for ATV Club Trail Maintenance Grant-In-Aid Program**

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's process that qualified ATV clubs use to apply for grants, and the terms and the conditions of these grants.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: ATV clubs and political subdivisions  
CONCENSUS –BASED RULE DEVELOPMENT: Contemplated  
CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958,  
[Brian.N.Bronson@maine.gov](mailto:Brian.N.Bronson@maine.gov)

#### **CHAPTER 53: Submerged Land Rules**

STATUTORY AUTHORITY: 12 MRS §§ 1801, 1803, and 1862

PURPOSE: These rules need to be amended to establish an annual rent fee schedule for renewable ocean energy projects located in state waters. Rule amendments will also update and clarify Submerged Lands Program definitions, procedures and user fees.

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Potential renewable ocean energy project developers and other users of publicly owned submerged lands.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: John Noll, 22 SHS Augusta, ME 04333, (207) 287-4919,  
[john.noll@maine.gov](mailto:john.noll@maine.gov)

#### **CHAPTER 54: Rules for Bear Baiting on Public Lands**

STATUTORY AUTHORITY: 12 MRS ss 1802

PURPOSE: May amend the rules to allow for a periodic review of permit fees and/or a standard price inflator; and may amend the rules regarding penalties to allow for an appeal process.

SCHEDULE FOR ADOPTION: The rule making process will begin in January of 2021 and is anticipated to be completed in the spring of 2021.

AFFECTED PARTIES: Individual and Commercial Bear Hunters

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Sarah Spencer, 650 State St., Bangor, ME, 04401, (207) 592-1039,  
[sarah.m.spencer@maine.gov](mailto:sarah.m.spencer@maine.gov)

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### **01-672**

AGENCY UMBRELLA - UNIT NUMBER: **01-672**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Land Use Planning Commission**

**CONTACT PERSON:** Emily Horton, 22 SHS, Augusta, ME 04333-0022; 207-287-4909.  
E-mail: [emily.k.horton@Maine.gov](mailto:emily.k.horton@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

#### **EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

##### **CHAPTER 1: General Provisions**

STATUTORY BASIS: 12 MRS §685-B(2) and §685-C(3)

PURPOSE: The Commission's fees have not been amended in some time and need to be changed to align with recent changes in permit and rezoning requirements.

SCHEDULE FOR ADOPTION: Proposed amendments issued by August 18, 2020; provisionally adopt amendments by November 2020; submit for legislative review during January 2021.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated  
CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-287-4894, [timothy.beaucage@maine.gov](mailto:timothy.beaucage@maine.gov)

#### **CHAPTER 4: Rules of Practice**

STATUTORY BASIS: 12 MRS §684 and §685-C(5)

PURPOSE: Chapter 4 rules need to be updated periodically to address issues that become obvious through experience gained from applying current rules, as well as to correct errors, update references as appropriate, and make other revisions to Chapter 4.  
SCHEDULE FOR ADOPTION: Issue proposed amendments by September 2020; adopt amendments by December 2020.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and deorganized areas of the state.

The proposed changes will affect all individuals proposing development in the unorganized and deorganized areas of the state and interested members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-287-4894, [timothy.beaucage@maine.gov](mailto:timothy.beaucage@maine.gov)

#### **CHAPTER 10: Land Use Districts and Standards, Regulatory Efficiency and Location of Development**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Chapter 10 rules establish land use standards for lands within the unorganized and de-organized areas of the state. Methods that increase efficiencies in the review and permitting of development and relate to the location of development will be considered, such as handling certain activities by permit-by-rule or its equivalent, establishing subdistricts and use listings within these subdistricts, updating development standards for noise and lighting, addressing small and medium-sized solar energy generation facilities, reviewing short-term rentals, and reviewing nonconforming use and other provisions.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2021; adopt amendments by July 2021; submit for legislative review during January 2022.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-287-4894, [timothy.beaucage@maine.gov](mailto:timothy.beaucage@maine.gov)

#### **CHAPTER 10: Land Use Districts and Standards, NRPA-related Changes**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to improve resource protection in LUPC jurisdiction consistent with that provided under the Natural Resource Protection Act in organized areas of the state, as required by the NRPA statute.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2021; adopt amendments by July 2021; submit for legislative review during January 2022.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Corinne Michaud-LeBlanc, 22 State House Station, Augusta, ME 04333-0022; 207-557-2535, [corinne.michaud-leblanc@maine.gov](mailto:corinne.michaud-leblanc@maine.gov)

## **CHAPTER 10: Land Use Districts and Standards, Miscellaneous Changes**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Chapter 10 rules establish land use standards for lands within the unorganized and de-organized areas of the state. They need to be updated periodically to address issues which become obvious through experience gained from applying current rules, as well as to correct errors, ensure consistency with recently enacted legislation, update references as appropriate, and make other changes to Chapter 10. Examples of changes to be considered include updating standards governing nonconformity, updating road and road crossing standards, updating clearing standards, updating water withdrawal standards, updating the recreational lodging rules as more experience is gained in applying them, updating language regarding mining, updating standards to address marijuana law changes, improving consistency in terminology, adding areas to the list of DACSS, and changing the terminology for bridge reconstruction and certain other development in flood prone areas.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2021; adopt amendments by July 2021; submit for legislative review during January 2022.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-287-4894, [timothy.beaucage@maine.gov](mailto:timothy.beaucage@maine.gov)

## **CHAPTER 10: Land Use Districts and Standards, Update of Standards for Activities in Flood Prone Areas**

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to revise standards for development in flood prone areas in accordance with the National Flood Insurance Program and consistent, where possible, with changes to standards adopted in the organized areas of the state.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2021; adopt amendments by July 2021; submit for legislative review during January 2022.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Carr, 22 State House Station, Augusta, ME 04333-0022; 207-287-4930, [Tim.Carr@maine.gov](mailto:Tim.Carr@maine.gov)

**02-029**  
**BUREAU OF FINANCIAL INSTITUTIONS, DPFR**  
Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda  
June 22, 2020

The following is the Bureau of Financial Institutions' 2020-2021 Regulatory Agenda prepared in accordance with Title 5 M.R.S. §8060.

AGENCY UMBRELLA-UNIT NUMBER: **02-029**

AGENCY NAME: Department Of Professional & Financial Regulation, **Bureau of Financial Institutions**

**CONTACT INFORMATION FOR THE AGENCY RULE MAKING LIASON:**

David Gordon Laurendeau, Attorney, 36 State House Station, Augusta, ME 04333-0036. Tel: (207) 624-8570. [David.G.Laurendeau@maine.gov](mailto:David.G.Laurendeau@maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020 - 2021 RULEMAKING ACTIVITY:**

**CHAPTER 101:** Retention Of Records - Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §225

PURPOSE: This rule sets forth the minimum time frames under which a financial institution must retain its customer transaction records. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions and their customers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 107:** Activities Permissible For Financial Institution Holding Companies

STATUTORY AUTHORITY: 9-B M.R.S. §1014

PURPOSE: This rule identifies permissible closely related activities in which a financial institution may engage either directly or through a subsidiary of a financial institution holding company. The Bureau may amend this rule to keep pace with changes in authorizing state statute, federal rules in this area, and the evolution of the financial services industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions and holding companies

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 108:** Loans Secured By A First Mortgage On Residential Real Estate Payable On Demand

STATUTORY AUTHORITY: 9-B M.R.S. §241

PURPOSE: This rule prohibits the use of demand mortgages for most consumer transactions. The Bureau may amend this rule to keep pace with changes in industry and secondary market standards for sale of mortgages.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 109:** Advertising By Financial Institutions, Financial Institution Holding Companies, And Subsidiaries Or Service Corporations

STATUTORY AUTHORITY: 9-B M.R.S. §§ 215, 241, and 242

PURPOSE: This rule provides guidance for advertising by financial institutions. The Bureau may amend this rule to keep pace with changes in state/federal rules governing this area.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 118:** Funds Availability And Truth-In-Savings

STATUTORY AUTHORITY: 9-B M.R.S. §§ 241-242

PURPOSE: This regulation sets forth minimum standards for funds availability and for disclosure of policies and fees charged to customers of financial institutions in conjunction with the maintenance and operation of deposit accounts. The Bureau may amend this rule to keep pace with changes in the industry and/or federal rules.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 119:** Alternative Mortgage Transactions (Bureau of Consumer Credit Protection Chapter 250).

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 241; 9-A M.R.S. §§ 1-102, 6-104, 8-504, 8-507, 8-508, and 9-302

PURPOSE: This joint rule sets forth the guidelines for regulating alternative mortgage transactions entered into by financial institutions and supervised lenders. The Bureau and the Bureau of Consumer Credit Protection may amend the rule in response to changes in federal law and in response to industry and secondary market standards for sale of mortgages.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers of financial services, state-chartered financial institutions and other licensed creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 122:** Securities Activities Of Subsidiaries Of Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 131, and 416

PURPOSE: This rule provides the regulatory framework for financial institutions to engage in certain securities brokerage activities. The Bureau may amend the rule to keep pace with changes in industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 123:** Insurance Activities In Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 241, and 416

PURPOSE: This rule provides the regulatory framework for financial institutions to enter into lease arrangements with an insurance producer for the distribution of

insurance products. The Bureau may amend rule to keep pace with changes in state law and the regulated industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 126:** Guaranty Association Lines Of Credit (Bureau of Insurance Chapter 570)

STATUTORY AUTHORITY: 9-B M.R.S. §215 and 24-A M.R.S. §§ 212, 4435 and 4605-A

PURPOSE: This joint rule was issued to establish the terms, conditions, standards, and form of any line of credit extended to the Maine Insurance Guaranty Association, Maine Life and Health Insurance Guaranty Association, or any of their member insurers, for purposes of facilitating the prompt payment of covered claims against insolvent insurers. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All financial institutions and Maine insurance company members of the Maine Insurance Guaranty Association

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 127:** Minimum Capital Standards

STATUTORY AUTHORITY: 9-B M.R.S. §412-A

PURPOSE: This regulation sets forth minimum capital requirements for Maine chartered financial institutions. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 128:** Loans To One Borrower Limitations

STATUTORY AUTHORITY: 9-B M.R.S. §§ 215 and 439-A

PURPOSE: This regulation establishes the basis for determining the legal lending limit for all Maine chartered financial institutions, including their subsidiaries, to an individual borrower. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions and their borrowers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 129:** Financial Institutions And Broker-Dealers Engaging In Third Party Brokerage Arrangements (Office of Securities Chapter 506)

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 241, and 416; 32 M.R.S. §16605

PURPOSE: This joint rule provides the regulatory framework for financial institutions and licensed broker-dealers to enter into arrangements for the sale of securities. The Bureau and the Office of Securities may amend this rule to keep pace with federal law and/or the regulated industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions and consumers of non-deposit products

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 130:** Distribution Of Annuities Through Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 241, and 443

PURPOSE: This regulation establishes the framework within which a financial institution may sell, or arrange for the sale of, annuities purchased from a licensed insurance company. The Bureau may amend this rule to keep pace with state or federal law.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions and consumers of non-deposit products

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 131:** Assessments – Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 214, 215

PURPOSE: This regulation establishes the assessment rate to be applied to Maine chartered financial institutions in order to provide for a reasonable flow of revenue to support Bureau operations. The Bureau may amend this rule to keep pace with changes in the regulated industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 132:** Mutual Holding Companies

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 416, and 1055

PURPOSE: This rule provides the regulatory framework to permit a mutual financial institution to reorganize into a subsidiary stock savings bank and form a mutual holding company. The Bureau may amend this rule to keep pace with state/federal law.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered mutual and cooperative financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 133:** Leasing Of Personal Property By State-Chartered Credit Unions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 828

PURPOSE: This rule provides the regulatory framework to permit state-chartered credit unions to lease personal property to their members. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered credit unions and their members

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 134:** Credit Union Service Corporations

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 131, 215, 828, and 864

PURPOSE: This rule authorizes state-chartered credit unions to invest in service corporations that may engage in any activity permissible for a service corporation owned by a federally chartered credit union. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered credit unions and their members

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 135:** Permissible Tie-In Arrangements

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 243

**PURPOSE:** This rule permits a financial institution authorized to do business in Maine to tie certain products/services to those of affiliates as permitted under federal law. The Bureau may amend this rule to keep pace with federal law.

**ANTICIPATED SCHEDULE:** 2020 - 2021

**AFFECTED PARTIES:** All state-chartered financial institutions

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 136:** Deposit Production Offices

**STATUTORY AUTHORITY:** 9-B M.R.S. §241

**PURPOSE:** This rule sets forth the factors that the Superintendent will consider in determining whether a financial institution or credit union authorized to do business in this State is operating a deposit production office. The Bureau may amend this rule to keep pace with changes on state/federal level.

**ANTICIPATED SCHEDULE:** 2020 - 2021

**AFFECTED PARTIES:** Maine consumers and businesses and all financial institutions authorized to do business in this state

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 137:** Interstate Branch Assessment

**STATUTORY AUTHORITY:** 9-B M.R.S.A §214

**PURPOSE:** This rule establishes a reasonable fee which must be paid to the Bureau by out of state, state chartered and foreign banks that operate interstate branches in Maine. The Bureau may amend this rule to keep pace with changes in the industry.

**ANTICIPATED SCHEDULE:** 2020 - 2021

**AFFECTED PARTIES:** Any financial institution operating an interstate branch

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 138.** Truth-In-Lending, Regulation Z-3 (Reg. 38) (Bureau of Consumer Credit Protection Chapter 240)

**STATUTORY AUTHORITY:** 9-A M.R.S. §§ 1-102, 6-104, 8-504, and 8-507

**PURPOSE:** In order to keep pace with federal regulatory changes, the Bureau may adopt or amend a rule substantially similar to, or that affords more protection for consumers than, the implementing regulations Z and M of the Federal Truth-in-Lending Act. The Bureau may engage in joint rulemaking with the Bureau of Consumer Credit Protection, consistent with Article 8-A of the Maine Consumer Credit Code.

**ANTICIPATED SCHEDULE:** 2020 - 2021

**AFFECTED PARTIES:** All state-chartered financial institutions, supervised lenders, and consumers

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 139:** Sale Of Insurance Products By Financial Institutions And Supervised Lenders. (Bureau of Consumer Credit Protection Chapter 400 and Bureau of Insurance Regulation Chapter 880)

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 416 and 448; 9-A M.R.S. §4-407; and 24-A M.R.S.A. §1443-A(3)

**PURPOSE:** This tripartite rule establishes the requirements with respect to signage, physical location and identification of insurance agencies, producers and consultants in connection with the sale of insurance products by financial institutions, etc. The Bureau may amend this rule with Bureau of Insurance and Bureau of Consumer Credit Protection to keep pace with changes in the industry and regulatory arena.

**ANTICIPATED SCHEDULE:** 2020 - 2021

AFFECTED PARTIES: Maine consumers and state-chartered financial institutions  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 140:** Student Loan Disclosures. (Bureau of Consumer Credit Protection Chapter 245)

STATUTORY AUTHORITY: 9-A M.R.S. §8-104; Title 10 M.R.S. §363

PURPOSE: This joint rule establishes disclosure and procedural requirements for student loan products offered by lenders and issuers and funded by an allocation of the state's bond ceiling. The Bureau may amend this joint rule with the Bureau of Consumer Credit Protection to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All lenders and issuers of student loan products and consumers borrowing under those programs

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 141:** Assessments – Nondepository Trust Companies, Uninsured Banks, and Merchant Banks

STATUTORY AUTHORITY: 9-B M.R.S. §§ 214 and 215

PURPOSE: This rule addresses assessments paid by state-chartered nondepository trust companies, uninsured banks, and merchant banks.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State chartered limited purpose financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 142:** Charges Permitted For Prepayment of Certain Consumer Loans

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, 241, 242; and 251; 9-A M.R.S. §2-509

PURPOSE: This rule addresses reasonable charges that a bank or credit union may assess for the prepayment of a consumer loan.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State chartered financial institutions and Maine consumers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER: 143:** Multiple Of The State Or Federal Minimum Wage (Bureau of Consumer Credit Protection Chapter 120)

STATUTORY AUTHORITY: 9-A M.R.S. §§1-301, 5-105, 6-103, and 6-104;  
9-B M.R.S. §215

PURPOSE: To establish a method for calculating the maximum earnings subject to garnishment when an individual debtor is not paid on a weekly basis.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 145:** Student Loans (Bureau of Consumer Credit Protection Chapter 600)

STATUTORY AUTHORITY: 9-A M.R.S. §§1-301 6-103, 6-104 and 8-504; 9-B M.R.S. §215

PURPOSE: Engage in joint rulemaking with the Bureau of Consumer Credit Protection to allow creditors to engage in nonguaranteed student lending.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers, financial institutions, and nonbank lenders

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111 and 1015

PURPOSE: If circumstances warrant, may propose new rule to address applications processing protocol.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §215

PURPOSE: If circumstances warrant, may propose new rule to address safety and soundness issues essential to the supervision of state-chartered financial institutions.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §367-A

PURPOSE: If circumstances warrant, may propose new rule to address the process for establishing and implementing a receivership or conservatorship in a Maine financial institution.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 416 and 828

PURPOSE: If circumstances warrant, may propose new rule to address safety and soundness and consumer protection issues relating to powers granted through parity.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Consumers of financial services and all state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §418

PURPOSE: If circumstances warrant, may propose new rule to expand the activities in which a financial institution may engage under agency agreement.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Consumers of financial services and any financial institution providing services through agency agreements

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 131(6-A), 446-A, and 1014

PURPOSE: If circumstances warrant, may propose new rule expanding the list of closely related activities to keep pace with changes in state/federal law and in the financial services industry.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers and businesses and state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §469

PURPOSE: If circumstances warrant, may propose new rule defining a change in the composition of all or substantially all of a financial institution's assets and setting forth the factors to consider in determining what constitutes a fundamental change in assets.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §468

PURPOSE: If circumstances warrant, may propose new rule to define or further define instructions on transactions with affiliates.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §475

PURPOSE: If circumstances warrant, may propose new rule to address trust activities of financial institutions.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §814

PURPOSE: If circumstances warrant, may propose new rule to address conversion of a credit union field of membership to a community based field of membership.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State chartered credit unions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 842 and 828

PURPOSE: If circumstances warrant, may propose new rule to address powers and duties of the Board of Directors of credit unions.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: All state-chartered credit unions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §831

PURPOSE: If circumstances warrant, may propose new relating to adequate levels of net worth for credit unions.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State chartered credit unions  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §843

PURPOSE: If circumstances warrant, may propose new rule to address employee benefits, including retirement benefits, for credit union employees and officers.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State chartered credit unions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §844

PURPOSE: If circumstances warrant, may propose new rule to address duties of a credit union Supervisory Committee.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State chartered credit unions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §854

PURPOSE: If circumstances warrant, may propose new rule to address credit union lending limitations.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: State chartered credit unions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 1213-A, 1223-A, and 1233-A

PURPOSE: If circumstances warrant, may propose new rule to implement the asset pledge requirement for Maine chartered limited purpose banks.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S.A §1216

PURPOSE: If circumstances warrant, may propose new rule to address activities of non-depository trust companies and implement provisions of Chapter 121.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Non-depository trust companies

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §1227

PURPOSE: If circumstances warrant, may propose new rule to address activities of merchant banks and implement provisions of Chapter 122.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Merchant banks

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §1238

PURPOSE: If circumstances warrant, may propose new rule to address activities of uninsured banks and implement provisions of Chapter 123.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Uninsured banks

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-A M.R.S. §2-501

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule addressing permissible charges for benefits conferred upon the consumer.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-A M.R.S. §2-510(3)

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule which authorizes the use of rate tables for calculating unearned interest on certain precomputed transactions and establishes certain standards that the tables must meet.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers in credit transactions and creditors offering consumer credit on a precomputed basis

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-A M.R.S. §§ 4-301(4) and 6-104

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule which prohibits dual coverage of insurance on items related to credit transactions.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-A M.R.S. §§ 6-104(1) (E) and 6-104(4) (A)

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule governing agency organization, administration and procedures.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-A M.R.S. §§ 6-104(1) (E) and 8-505

PURPOSE: If circumstances warrant, propose new rule to engage in rulemaking, as appropriate, to promulgate a rule that establishes the procedures the Bureau plans to follow upon discovery of certain violations of the Maine Consumer Credit Code or to carry out the purposes of the Consumer Credit Code. Rulemaking may occur as amendment to Bureau of Consumer Credit Protection Chapter 190, enforcement policy guidelines.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers and financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-A MRSA §8-508

PURPOSE: If circumstances warrant, engage in joint rulemaking with the Bureau of Consumer Credit Protection to promulgate a rule regarding unfair, deceptive or abusive mortgage lending.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 10 M.R.S. §1350-A

PURPOSE: If circumstances warrant, may propose new rule to address security breach notification requirements for financial institutions.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers and businesses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 10 M.R.S. §1495-F

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule regarding payroll processing companies.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers and businesses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 32 M.R.S. §6200

PURPOSE: If circumstances warrant, may adopt rules to carry out the purposes of 32 M.R.S. Chap. 80-B related to the Foreclosure Purchasers Act

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER:** New rule

STATUTORY AUTHORITY: 9-B M.R.S. §312

PURPOSE: If circumstances warrant, may propose a new rule that an application to charter an investor-owned financial institution must provide information about the city or town in Maine where the institution's principal office is to be located.

ANTICIPATED SCHEDULE: 2020 - 2021

AFFECTED PARTIES: Financial institutions charter applicants

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated

**02-031**  
**MAINE BUREAU OF INSURANCE**  
2020-2021 Rulemaking Agenda  
August 2020

AGENCY UMBRELLA-UNIT NUMBER: **02-031**

AGENCY NAME: Department of Professional and Financial Regulation (PFR),  
**Bureau of Insurance**

**CONTACT PERSON:** Benjamin Yardley, Senior Staff Attorney, 34 State House Station,  
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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**Health Insurance:**

**New Rule: Chapter 210, Standards for Prescription Benefit Managers**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 4348(8)

PURPOSE: to establish requirements applicable to pharmacy benefit managers consistent with legislation enacted as PL 2019 ch. 469, *An Act To Protect Consumers from Unfair Practices Related to Pharmacy Benefits Management*.

ANTICIPATED SCHEDULE: Summer 2020

AFFECTED PARTIES: health insurers and prescription benefit managers

**New Rule: Chapter 365, Standards for Independent Dispute Resolution of Emergency Medical Service Bills**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 4303-E

PURPOSE: to implement the independent dispute resolution process established in PL 2019, ch. 668, *An Act To Protect Consumers from Surprise Emergency Medical Bills*.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: consumers, health care providers, health insurers, and others eligible to participate in the independent resolution process

**Amended Rule: Chapter 425, Long Term Care Insurance**

STATUTORY AUTHORITY: 24 M.R.S.A. §2316 and 24-A M.R.S.A. §§ 212 and 5078

PURPOSE: to increase the prior notice to policyholders of rate increases from 60 to 90 days prior to the approved rate increase, to amend reporting requirements and to reflect changes in rating standards consistent with June 2014 amendments to the National Association of Insurance Commissioners Model Regulation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: long term care insurers and policyholders

**New Rule: Chapter 820, Explanation of Benefits**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 4303(13)

PURPOSE: to establish the minimum information and standards for explanation of benefits forms used by carriers that offer health plans in Maine

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: health insurers

**New Rule: Ch. 851, Clear Choice Designs for Individual and Small Group Health Plans**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212, 2793

PURPOSE: to develop health plan designs for individual and small group health plans as set out in 24-A M.R.S. §2792, taking into consideration the ability of plans to conform to actuarial value ranges, consumer needs and promotion of benefits with high value and return on investment

ANTICIPATED SCHEDULE: late Fall 2020

AFFECTED PARTIES: individuals and small businesses buying health insurance, health insurance carriers

**New Rule: Ch. 856, Combination of the Individual and Small Business Health Insurance Risk Pools**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212, 2792(5)

PURPOSE: to establish the necessary conditions and procedures for implementation of the pooled individual and small group health insurance market, and the extension of Maine Guaranteed Access Reinsurance Association (MGARA) coverage to small group health insurance

ANTICIPATED SCHEDULE: late Fall 2020

AFFECTED PARTIES: individuals and small businesses buying health insurance, health insurance carriers, MGARA

**Amended Rule: Chapter 917, Suitability in Annuity Transactions**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2517

PURPOSE: to establish a best interest standard of conduct for producers and insurers when recommending annuity products for consumers and to comply with the Harkins-Meek amendment to the *Dodd-Frank Act* by adopting standards that meet or exceed the minimum requirements of the Suitability in Annuity Transactions Model Regulation adopted by the National Association of Insurance Commissioners

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: producers, insurers, and persons buying annuity products

**New Rule: Chapter 942, Rating Factors and Loss Ratio Requirements for Health Plans**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212, 2736-C(2)(D), 2808-B(2)(D), 4319(4)

PURPOSE: to establish standards for age rating and for compliance with medical loss ratio requirements for health plans

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: health insurers and policyholders

**Amended Rule: Chapter 945, Annual Report Supplement for Health Insurers**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 423-D

PURPOSE: to coordinate with the recently developed Supplemental Exhibit filed with Annual Statements as part of the *Affordable Care Act* data collection efforts

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: health insurers

**New Rule: Chapter 950, Navigator Certification and Training for Health Benefit Marketplaces**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2188

PURPOSE: sets standards and procedures for the certification of navigators to perform the activities and duties identified in 24-A M.R.S. §2188 and subsection 1311(i) of the federal *Affordable Care Act*.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: marketplace navigators

**Financial Regulation of Insurers:**

**New Rule: Chapter 735, Term and Universal Life Insurance Reserve Financing**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 731-B(2-B) and (7)

PURPOSE: to implement uniform national standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed nonlevel gross premiums, life insurance policies containing guaranteed nonlevel benefits, and universal life insurance policies with secondary guarantees; and to ensure that there is adequate security as to each such financing arrangement as set out in the rule

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Maine domestic life insurers

**New Rule: Requirements for Eligibility to Operate a Multiple Employer Welfare Arrangement**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 6616

PURPOSE: to establish standards and procedures for employers to follow to establish and maintain eligibility to operate a multiple employer welfare arrangement in Maine.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: self-insured employers and stop-loss insurers

**Property and Casualty Insurance:**

**New Rule: Chapter 175, “Private Passenger Motor Vehicle Definition” for Rental Vehicle Coverage**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2927

PURPOSE: to clarify the types of vehicles that a personal motor vehicle policy must cover when the vehicle is rented by an authorized driver under the policy.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: personal lines motor vehicle insurers and producers

**Amended Rule: Chapter 250, Requirements of Eligibility to Self-Insure Workers’ Compensation Benefits**

STATUTORY AUTHORITY: 24-A M.R.S. §212 and 39-A M.R.S. §403

PURPOSE: to update standards and procedures for employers to establish and maintain eligibility to self-insure their Maine workers’ compensation risks.

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: employers self-insured for workers’ compensation

**02-032**  
**OFFICE OF SECURITIES**  
2020-2021 Regulatory Agenda  
June 24, 2020

AGENCY UMBRELLA UNIT NUMBER: **02-032**

AGENCY NAME: Department of Professional and Financial Regulation, **Office of Securities**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Judith M. Shaw, Securities Administrator, 121 State House Station, Augusta, ME 04333-0121. Tel: (207) 624-8551. Email: [Judith.M.Shaw@Maine.gov](mailto:Judith.M.Shaw@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 504: Broker-Dealer and Agent Licensing**

STATUTORY BASIS: 32 M.R.S. §§ 16401, 16402, 16406, 16407, 16408, 16410, 16411, 16412, and 16605

PURPOSE: Revise and update to address policy, law, industry, or other changes.

SCHEDULE FOR ADOPTION: Prior to 10/2021

AFFECTED PARTIES: Broker-dealers and broker-dealer agents licensed in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 510: Broker-Dealers, Investment Advisers, and Others Using the Internet for General Dissemination of Information About Securities Products and Services**

STATUTORY BASIS: 32 M.R.S. §§ 16401-16404 and 16605

PURPOSE: To correct a textual error.

SCHEDULE FOR ADOPTION: Prior to 10/2021

AFFECTED PARTIES: Broker-dealers, broker-dealer agents, investment advisers, investment adviser representatives, and others using the internet to disseminate information about securities products and services.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**Chapter 511: Change of Ownership or Control of a Broker-Dealer or Investment Adviser**

STATUTORY BASIS: 32 M.R.S.A. §§ 16407(4) and 16605

PURPOSE: Revise and update to address policy, law, industry, or other changes.

SCHEDULE FOR ADOPTION: Prior to 10/2021

AFFECTED PARTIES: Investment advisers and broker-dealers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 515: Investment Adviser Licensing**

STATUTORY BASIS: 32 M.R.S. §§ 16403, 16404, 16405, 16406, 16407, 16408, 16409, 16410, 16411, 16412, and 16605

PURPOSE: Revise and update to address policy, law, industry, or other changes.

SCHEDULE FOR ADOPTION: Prior to 10/2021

AFFECTED PARTIES: Investment advisers and investment adviser representatives licensed in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 525: Rule Regarding Small Company Offering Registrations**

STATUTORY BASIS: 32 M.R.S.A. §§ 16304(6), 16305(7) and 16605

PURPOSE: To make consistent with NASAA program updates.

SCHEDULE FOR ADOPTION: Prior to 10/2021

AFFECTED PARTIES: Issuers who use the SCOR program.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 536: Securities Manuals**

STATUTORY BASIS: 32 M.R.S. §§ 16202(2)(D) and 16605

PURPOSE: To update the list of recognized securities manuals.

SCHEDULE FOR ADOPTION: Prior to 10/2021

AFFECTED PARTIES: Certain non-issuer and resale securities sellers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-039**  
**REAL ESTATE COMMISSION**  
2020 - 2021 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-039**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Real Estate Commission**

**CONTACT PERSON** FOR THIS AGENCY: Karen L. Bivins, Director of the Real Estate Commission, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** Chapter 360 Section 4(3)

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The emergency rule will be adopted as a permanent rule change in July 2020. In addition, the Commission is considering updating various sections of all chapters.

**CHAPTER 300:** General Information

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for meetings and maintenance of Commission records. It may be necessary to amend the "records" section to clarify access to electronic records or other issues resulting from changes in technology.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 310:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 340:** Complaints and Investigations

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for filing complaints and conducting investigations. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its complaint and/or investigative process. Commission complaints are not typically filed under oath and the reference to filing a complaint under oath may be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and complainants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 350:** Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S. § 13065

**PURPOSE:** This chapter establishes the guidelines for adjudicatory hearings. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its hearing process.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Real estate licensees and hearing participants.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 360:** Prerequisites to Licensure by Individuals

**STATUTORY AUTHORITY:** 32 M.R.S. § 13065

**PURPOSE:** This chapter establishes the educational qualifications for licensure.

Clarification of the educational options available to individuals at the different levels of licensure may be necessary.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Real estate license applicants and course providers.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 370:** Continuing Education

**STATUTORY AUTHORITY:** 32 M.R.S. § 13065

**PURPOSE:** This chapter sets forth the guidelines for review and approval of continuing education courses. Changes in approved course topics may be necessary to reflect changes in the industry. Changes may be necessary to ensure that course filing procedures for all types of educational programs are consistent and provide for reasonable standards to ensure the delivery of qualified educational programs, including distance education delivery formats.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Real estate licensees and continuing education providers.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 390:** Licensing Procedures and Requirements

**STATUTORY AUTHORITY:** 32 M.R.S. § 13065

**PURPOSE:** This chapter provides information regarding examinations and explains the procedure for filing various license applications. Changes may be needed to clarify a provision.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Real estate licensees, license applicants and course providers.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 400:** Agency/Designated Broker Responsibilities

**STATUTORY AUTHORITY:** 32 M.R.S. § 13065

**PURPOSE:** This chapter details requirements of maintaining a real estate brokerage agency and establishes the specific supervisory responsibilities of the designated broker. The Commission may need to amend this chapter to clarify supervisory responsibilities, record keeping requirements and schedules.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Real estate companies, designated brokers, licensee and the public.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not expected.

**CHAPTER 410:** Minimum Standards of Practice

**STATUTORY AUTHORITY:** 32 M.R.S. § 13065

PURPOSE: This chapter establishes and clarifies standards for practicing real estate brokerage. The Commission may need to amend this chapter to clarify brokerage practice standards, as necessary, in response to consumer complaints or industry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-041**  
**OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION (General)**  
Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, **Office of Professional and Occupational Regulation (OPOR)** - General Rules

**CONTACT PERSON:** Anne L. Head, Director, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8511, [anne.l.head@maine.gov](mailto:anne.l.head@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 10:** Establishment of License Fees (*amendment*)

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(D)

PURPOSE: Establishment of license and related fees for OPOR programs. OPOR amends license fee amounts contained in this rule, as needed.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, continuing education course providers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 11:** Late Renewals

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Amendment of rule, as necessary, in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 13:** Uniform Procedures for Substantiating Continuing Education Requirements

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Amendment of rule, as necessary, in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER XX:** Uniform Complaint Procedures

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Establishment of a uniform complaint procedure for all the OPOR programs.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Complainant, licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER XX:** Uniform Policy on Protested Checks

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Establishment of a uniform policy for all OPOR programs regarding bounced checks.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees whose license checks are returned unpaid for insufficient funds or other reasons, OPOR and board staff.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER XX:** No specific title – see description of purpose below

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: “To establish by rule, such processes and procedures necessary to administer the various boards, commissions and regulatory functions of the office...”

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-041**  
Office of Professional and Occupational Regulation  
**AMERICAN SIGN LANGUAGE INTERPRETERS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **American Sign Language Interpreters**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, [jennifer.m.hawk@maine.gov](mailto:jennifer.m.hawk@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rules will be established to implement 2019 Public Law Chapter 284, which includes licensing requirements for a new conditional licenses and discontinuance of initial limited licensure. Rules for this program were last adopted May 9, 2009 and included a complete rewrite and reorganization of the rules.

**CHAPTER 50:** Definitions

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1521

PURPOSE: This chapter defines certain terms used in these rules. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Applicants, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

**CHAPTER 51:** Requirements for Initial Licensure

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1524-B, 1524-C

PURPOSE: This chapter sets forth criteria for the initial licensure of interpreters and describes the application process. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

**CHAPTER 52:** License Renewal and Continuing Education

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1528, 1528-A

PURPOSE: This chapter sets forth continuing education requirements and describes the license renewal process. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

**CHAPTER 54:** Disclosure Statement

STATUTORY BASIS: 32 M.R.S. §§ 1522(1)

PURPOSE: This chapter describes the statutory disclosure to be furnished by interpreters to consumers and clients. Pursuant to legislation enacted through PL 2019, Chapter 284 which repealed 32 M.R.S. § 1531, this Chapter is obsolete and should be repealed.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

**CHAPTER 55:** Complaints and Investigations

STATUTORY BASIS: 32 M.R.S. § 1522(1)

PURPOSE: This chapter sets forth the rights of an applicant or licensee to appeal certain regulatory actions and identifies the enforcement and disciplinary procedure used by the director. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

**02-041**  
**ATHLETIC TRAINERS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Athletic Trainers**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, [jennifer.m.hawk@maine.gov](mailto:jennifer.m.hawk@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Currently, no rules exist for this program; however, national standards may emerge from future recommendations by the National Athletic Trainer Association's Board of Certification, which may be determined to be appropriate for adoption in Maine. Additional changes may ensue from future legislation.

**CHAPTER NUMBER AND TITLE:** N/A

STATUTORY BASIS: 32 M.R.S. § 14353(2)

PURPOSE: To adopt future national uniform standards, as these emerge.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-041**  
**BARBERING AND COSMETOLOGY LICENSING PROGRAM**  
2020 - 2021 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Barbering and Cosmetology Licensing Program**

**CONTACT PERSON** FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625,  
[Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rules will be established to implement 2019 Public Law Chapter 373, which includes course of study and licensing requirements for a new Hair Designer license, delete barber licensing and requirement references and replace limited barber licensing and requirements with barber hair stylist licensing and requirements, amend license title references for establishments and booth establishments and update and clarify reporting requirements, delete demonstrator licensing, delete age and secondary schooling requirement for all license types, update licensure by endorsement requirements, update trainee requirements, supervision and employment, address exemption of bond and financial audit reports for career technical education school if student tuition is not imposed or collected, update student enrollment age from 16 to 15, delete special events permit requirement, and review and update special events practice requirements. Rules were last adopted on December 11, 2016, for this program, which consisted of a complete rewrite and reorganization of the rules. Review of practice and physical plant safety, sanitation, disinfecting, and infection control standards will be conducted and updated as may be necessary. If necessary, review, update and address errors and omissions resulting from the recent rewrite and reorganization of the rules.

**CHAPTER 20: Definitions and References**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter defines specialized terms used in the Program's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 21: Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14231

PURPOSE: This chapter sets forth requirements for licensure as an aesthetician, barber, cosmetologist, limited barber, and nail technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 22: Licensure of Demonstrators**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14234

PURPOSE: This chapter sets forth requirements for licensure of demonstrators and the articles, machines and techniques performed outside a licensed establishment.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 23: Trainee Aesthetician, Barber, Cosmetologist, Limited Barber and Nail Technologist**

STATUTORY BASIS: 32 M.R.S. §§ 14202(13), 14212-A(2), 14228(3), 14232(3), 14233

PURPOSE: This chapter sets forth licensure, training and supervision requirements for practitioners.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 24: Licensure of Instructors**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for licensure as an instructor in aesthetics, barbering, cosmetology, limited barbering and nail technology to teach in a licensed school.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 25: Licensure of Establishments and Independent Booths**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth license requirements for a place, facility, salon, shop, establishment, mobile establishment or independent booth within an establishment in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 26: Establishment, Independent Booth and School Operation, Sanitation and Infection Control Standards, and Safe Practice Procedures**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth sanitization and infection control standards and safe practice procedures and requirements for the operation of an establishment, independent booth within an establishment, mobile establishment, and school in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 27: Rules for Licensure and Operation of Schools Offering One or More Courses of Study in Aesthetics, Barbering, Cosmetology, Limited Barbering, Nail Technology and Instructing**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14228(3), 14233, 14246(1)

PURPOSE: This chapter establishes the criteria to be met in order to obtain a license to operate a school and to offer and teach one or more courses of study in aesthetics, barbering, cosmetology, limited barbering, nail technology and instructing. This chapter also sets standards for the operation of an off-site [satellite] classroom.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

#### **CHAPTER 28: Special Event Services Permit**

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for issuance of a special event services permit pursuant to 32 M.R.S. § 14203(2)(J).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

#### **CHAPTER 29: Grounds for Discipline**

STATUTORY BASIS: 10 M.R.S. § 8001(5-A)(A); 32 M.R.S. §§ 14212-A(2), 14236-A

PURPOSE: This chapter references the statutory grounds for discipline against licensees and includes examples of prohibited conduct that may result in discipline.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

#### **CHAPTER 30: Citations**

STATUTORY BASIS: 10 M.R.S. § 8003-E; 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter lists the violations for which a citation may be issued pursuant to 10 M.R.S. § 8003-E, describes the licensee's right to request a hearing, and describes the time and manner in which the fine shall be paid or a hearing requested.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**02-041**  
Office of Professional and Occupational Regulation  
**BOILER AND PRESSURE VESSEL SAFETY PROGRAM**  
Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Boiler and Pressure Vessel Safety Program**

**CONTACT PERSON** FOR THIS AGENCY: Catherine M. Carroll, Program Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The rules are expected to be reviewed and revised for consistency with the provisions of Public Law 2013, Chapter 70, enacted by the 126th Maine State Legislature, which restructured the licensing and regulation of boilers and pressure vessels by eliminating the Board of Boilers and Pressure Vessels and creating the Boiler and Pressure Vessel Safety Program that is administered by the Director of the Office of Professional and Occupational Regulation. Amended rules will be relocated to the Office of Professional and Occupational Regulation rules, which will require new chapter numbers.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 15101, 15104-A, 15109

PURPOSE: This Chapter defines the terms that are used in the rules and terms used in statute not defined by statute. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** Variances

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15104-B

PURPOSE: This Chapter establishes the procedures for the filing of a petition for a variance. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** Board Meetings

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103, 15104-A

PURPOSE: This Chapter authorizes board meetings. This Chapter will be repealed to be consistent with the provisions of Public Law 2013, Chapter 70, as the statutory change eliminated the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 4:** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 15104-A  
PURPOSE: This Chapter establishes requirements and guidelines for the discretionary issuance of advisory rulings. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 11:** National Codes Applicable to Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A  
PURPOSE: This Chapter specifies the national safety codes and standards that apply to boilers and pressure vessels regulated in the State of Maine. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70, and also may be amended if a code update is necessary.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 12:** Power Boilers

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A(1)  
PURPOSE: This Chapter establishes requirements for the design, construction, installation, operation, and inspection of power boilers. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 13:** Low Pressure Boilers

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A(1)  
PURPOSE: This Chapter establishes specific requirements for the identification, construction, installation, inspection, and operation of low pressure boilers. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 14:** Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A(1), 15109(8)  
PURPOSE: This Chapter establishes requirements for the design, construction, installation, inspection, and operation of pressure vessels. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 15:** Repairs and Alterations

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104, 15109(8), 15110

PURPOSE: This Chapter establishes requirements for performing welded repairs, mechanical replacement of pressure parts, and alterations on boilers or pressure vessels. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 21:** Duties and Responsibilities of All Owners of Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15119, 15121

PURPOSE: This Chapter establishes general guidelines of all owners of boilers and pressure vessels. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 31:** Inspectors

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15108-A

PURPOSE: This Chapter establishes requirements for initial and renewal licensure of inspectors. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 32:** Boiler Operators and Stationary Steam Engineers

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15109

PURPOSE: This Chapter establishes requirements for licensure and responsibilities of boiler operators and stationary steam engineers. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-041**  
Office of Professional and Occupational Regulation  
**CHARITABLE SOLICITATIONS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Charitable Solicitations**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager,  
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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Director may consider repealing all rules chapters for the Charitable Solicitations Act in response to legislation passed during the 2<sup>nd</sup> Regular Session of the 126<sup>th</sup> Maine State Legislature.

**CHAPTER 1:** Registration Applications and Financial Statements

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter contains provisions relating to the submission of licensing applications and financial statements required to be filed with the Office of Professional and Occupational Regulation under the Maine Charitable Solicitations Act. The Director anticipates repealing this chapter due to PL 2013 Chapter 539 and Chapter 313.

SCHEDULE FOR REPEAL: Within the year.

AFFECTED PARTIES: Licensees, applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** Annual Fundraising Activity Reports

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter explains how charitable organizations and professional solicitors shall calculate their remittances and retentions from the prior year in order to comply with the requirement to file an annual report of the prior year's fund-raising activity. The Director anticipates repealing this chapter due to PL 2013 Chapter 539 and Chapter 313.

SCHEDULE FOR REPEAL: Within the year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** Enforcement and Disciplinary Procedures

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter sets forth the right of an applicant or a licensee to appeal certain regulatory actions. This chapter also specifies the enforcement and disciplinary procedures used by the Office of Professional and Occupational Regulation. The Director anticipates repealing this chapter due to PL 2013 Chapter 539 and Chapter 313.

SCHEDULE FOR REPEAL: Within the year.

AFFECTED PARTIES: Licensees, applicants and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-041**  
Office of Professional and Occupational Regulation  
**ELEVATOR AND TRAMWAY SAFETY PROGRAM**  
Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Elevator and Tramway Safety Program**

**CONTACT PERSON** FOR THIS AGENCY: Catherine M. Carroll, Program Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The program may review and make changes to adopt national codes.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §15202 and §15206

PURPOSE: This chapter defines specialized terms that are used in the program's rules.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 3:** Variances

STATUTORY AUTHORITY: 32 M.R.S.A. §15204 and §15206

PURPOSE: This chapter establishes procedures for the filing of a petition for a variance.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 7:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S.A. §15206

PURPOSE: This chapter establishes the procedures for issuing advisory rulings.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 11:** National Codes Applicable to Elevators and Tramways

STATUTORY AUTHORITY: 32 M.R.S.A. §15206

PURPOSE: This chapter allows the adoption of national codes and standards that apply to elevators and tramways installed in the State of Maine. This chapter will be amended in order to update the adopted code editions.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 13: Elevators**

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15221, §15224, §15227, §15228 and §15229

PURPOSE: This chapter establishes the specific requirements for elevators.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 15: Tramways**

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15221, §15224 and §15229

PURPOSE: This chapter establishes the specific requirements for tramways.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Tramway Owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 21: Elevator Owners' Duties and Responsibilities**

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15211, §15212, §15221 and §15229

PURPOSE: This chapter establishes standards for the general duties and responsibilities of owners of elevators. SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Elevator Owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 23: Tramways Owners' Duties and Responsibilities**

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15211, §15212, §15221 and §15229

PURPOSE: This chapter establishes standards for the general duties and responsibilities of owners of tramways.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Tramway Owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 31: Licensed Private Elevator Inspectors**

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15208, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and annual licensure of private elevator inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 33: Licensed Private Tramway Inspectors**

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15209, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of private tramway inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 35: Licensed Wire Rope Inspectors**

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15209-A, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of private wire rope inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 37:** Licensed Elevator Mechanics

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15213-15216 and §15216-C

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of elevator mechanics.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 39:** Licensed Lift Mechanics

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15213-15216 and §15216-C

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of lift mechanics.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 41:** Elevator Contractors

STATUTORY AUTHORITY: 32 M.R.S.A. §15206 and §15208-A

PURPOSE: This chapter establishes standard requirements for initial and renewal registration of elevator contractors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**02-041**  
**MESSAGE THERAPY LICENSURE PROGRAM**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Message Therapy Licensure Program**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager,  
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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 100:** Definitions

STATUTORY BASIS: 32 M.R.S. § 14302(2), 14301

PURPOSE: This chapter clarifies terms used throughout these rules. Additions may be made to the definitions, if needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 200:** General Information

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter establishes guidelines for the maintenance of records and display of licenses and registrations. In practice, the term “registration” has been replaced by the term “license”; consequently, some material contained in this chapter is obsolete and should be deleted.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 300:** Licensure/Registration Requirements

STATUTORY BASIS: 32 M.R.S. § 14302(2), 14306-D

PURPOSE: This chapter sets forth the procedures and requirements for individuals seeking licensure by application and for schools seeking approval of its massage therapy program. the term “registration” has been replaced by the term “license”; consequently, some material contained in this chapter is obsolete and should be deleted. In addition, pursuant to legislation enacted through PL 2007, Chapter 402 amending 32 M.R.S. § 14306-F, sub-§1, the renewal notification requirement will be deleted.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 400:** Complaints and Investigations

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter describes the procedure by which complaints and adjudicatory hearings are handled. Reference is made to the Advisory Council; however, the Advisory Council, as previously authorized in 32 M.R.S. § 14302(7), was repealed with the enactment of PL 2005, Chapter 294. Consequently, this reference is obsolete and should be deleted.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-041**  
**REGULATION OF TRANSIENT SALES**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Regulation of Transient Sales**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, [jennifer.m.hawk@maine.gov](mailto:jennifer.m.hawk@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Currently, no rules exist for this program; however, rules may become necessary in the future if statutory changes are enacted.

**CHAPTER AND TITLE:** N/ A

STATUTORY BASIS: None currently.

PURPOSE: N/ A

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-070**  
**STATE BOARD OF LICENSURE FOR GEOLOGISTS AND SOIL SCIENTISTS**  
Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-070**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **State Board of Certification for Geologists and Soil Scientists**

**CONTACT PERSON** FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rules will be established to implement 2019 Public Law Chapter 285, which allows a person to obtain a soil science license with an associate degree, and allows a person for geologist and soil scientist license to take certain examinations prior to completing all work experience requirements.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying wording of the law.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 2: General Information**

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to establish guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 3: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to promulgate a code of ethics to assist in the protection of the public welfare.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**CHAPTER 4: Certification Requirements**

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to describe the procedures to be followed in determining whether an applicant is eligible to be certified as a geologist or soil scientist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

#### CHAPTER 6: Complaints, Investigations and Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to describe the procedures by which complaints and adjudicatory hearings will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

**02-280**  
**BOARD OF ACCOUNTANCY**  
Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-280**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Accountancy**

**CONTACT PERSON** FOR THIS AGENCY: Catherine M. Carroll, Board Administrator,  
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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by adding, removing and amending definitions of specialized terms.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** Examination Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12228(4), 12240(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the examination requirement for certified public accountants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5:** Certified Public Accountant License Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12251(4)(b)(3), 12251(5)

PURPOSE: The Board may review and revise its rules to insure clarity and conformity with the enabling statute by amending the licensing requirements for certified public accountants and the continuing professional education requirements for maintaining licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6:** Accounting Firm License Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12252(2)

PURPOSE: The Board may review and revise its rules to insure clarity and conformity with the enabling statute by amending the licensing requirements for firms and the peer review requirements for maintaining licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 8:** Rules of Professional Conduct

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute and standards of practice by amending its code of professional conduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-285**  
**BOARD OF VETERINARY MEDICINE**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-285**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Veterinary Medicine**

**CONTACT PERSON** FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Board may review and amend for updates and compliance with current law the licensing requirements for veterinarians, veterinary technicians and veterinary relief service, continuing professional education, rules concerning misconduct and the treatment or care of animals, fraud, advertising, standards of competency, treatment records, recordkeeping, personal conduct, standards of sanitation for the operation of veterinary hospitals, associations with other veterinarians, and unprofessional conduct. Other rules affected by licensing and/or other continuing education changes may be subject to amendment.

**CHAPTER 1:** Definitions and Advisory Rulings

STATUTORY BASIS: 5 M.R.S. § 9001(4); 32 M.R.S. §§ 4859(1) and (3), 4861, 4871(2)

PURPOSE: This chapter defines terms used throughout the Board's rules and describes the Board's procedures for issuance of advisory rulings. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** Licensure Requirements for Veterinarians and Permit for Performance of Relief Veterinary Service

STATUTORY BASIS: 32 M.R.S. §§ 4859(1), 4861(4), 4871(2)

PURPOSE: This chapter sets forth requirements for issuance of a license to practice veterinary medicine and permits for the performance of relief veterinary service including: application, education, experience, and references. The Board may review this chapter for conformance with current statutes and make changes as needed. The section on temporary permits will be repealed to conform to newly enacted law.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** Registration Requirements for Veterinary Technicians

STATUTORY BASIS: 32 M.R.S. § 4859(6)

PURPOSE: This chapter establishes registration requirements and procedures for veterinary technicians. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 4: Continuing Professional Education for Veterinarians**

STATUTORY BASIS: 32 M.R.S. §§ 4871(2), 4878(3)

PURPOSE: This chapter establishes requirements for continuing professional education for license renewal and the manner in which sponsored continuing education courses and programs are considered for approval. The Board may amend this chapter to conform to rules adopted by the Office of Professional and Occupational Regulation on substantiation of continuing education by licensed practitioners. Rule amendment for implementation of 2017 Public Law Chapter 360 requiring a veterinarian to complete one hour of continuing education every two years on the administration, prescription and management of controlled substances, including benzodiazepine and opioid medications.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 5: Standards for Veterinary Practice Facilities and Record Keeping**

STATUTORY BASIS: 32 M.R.S. § 4859(3)

PURPOSE: This chapter establishes appropriate safety, sanitation, and procedural guidelines for veterinarians and veterinary clinic operations. The Board may review this chapter for conformance with current statutes and to improve the manner in which veterinary clinics operate within the Board's statutory authority and recordkeeping.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6: Enforcement and Disciplinary Procedures**

STATUTORY BASIS: 32 M.R.S. § 4859(3)

PURPOSE: This chapter sets forth enforcement and disciplinary procedures used by the Board. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 7: Code of Ethics**

STATUTORY BASIS: 32 M.R.S. §§ 4859(2) and (3), 4864(11)

PURPOSE: This chapter establishes professional practice standards for the practice of veterinary medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-288**  
**BOARD FOR LICENSURE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND**  
**INTERIOR DESIGNERS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-288**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board for Licensure of Architects, Landscape Architects and Interior Designers**

**CONTACT PERSON** FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 10:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter defines specialized terms used throughout the board's rules.

Changes may be necessary to define terms adopted for purposes related to other sections of the Board rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 11:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 12:** Licensure of Architects

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as an architect. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 13:** Licensure of Landscape Architects

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a landscape architect. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.  
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 14:** Licensure of Certified Interior Designers

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a certified interior designer. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 15:** Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth the license application process and references the license fees established by the Office of Professional & Occupational Regulation. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 16:** License Denials and Disciplinary Procedure

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth a licensee's right to appeal certain Board actions and specifies the enforcement and disciplinary procedures used by the Board. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 17:** Grounds for Disciplinary Action

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial of nonrenewal of a license. Information from complaint investigations may identify conduct that is not currently set out in this section of the rules or is needed to clarify professional standards.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 18:** Documentation

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five years. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 19:** Incorporation by Reference

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter incorporates by reference codes and standards into the board's rules. Changes are may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-297**  
**BOARD OF CHIROPRACTIC LICENSURE**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-297**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Chiropractic Licensure**

**CONTACT PERSON** FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, [Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Board will develop new rules for implementing 2019 Public Law Chapter 187 for licensing temporary chiropractic interns. The rule will include licensing requirements, supervision of chiropractic interns, level of professional liability insurance required. The Board may review, and update rules as needed, which may include, but is not limited to, updating the licensing requirements and procedures for chiropractors and chiropractic acupuncture, certification and training of chiropractic assistants, and licensure and training of temporary chiropractic assistant. Continuing education requirements and course approvals will be reviewed and updated as may be necessary, including national program and sponsor approval systems currently available. The Board may establish patient record standards and record keeping requirements, and may update the code of ethics in the practice of chiropractic services. Amendment of these requirements may affect several rule chapters and therefore may require updating those chapters. Review rules throughout for updates to the term “habitual substance abuse” to “habitual substance use” pursuant to Public Law 2017 Chapter 407.

**CHAPTER 1:** Definitions

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter defines and clarifies terms used throughout the Board’s rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** General Provisions

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 3-A:** Licensure Requirement for Chiropractic Doctors and Temporary Chiropractic Interns

STATUTORY BASIS: 32 M.R.S. §§ 502, 551, 552, and 564

PURPOSE: This chapter states the requirements for a chiropractor license and the professional liability insurance coverage for a temporary chiropractic intern.

The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License chiropractor applicants and temporary chiropractic interns applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 4:** Requirements for Certifying Chiropractors to Practice Chiropractic Acupuncture

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: The chapter establishes acceptable qualifications, procedures and continuing education requirements for certifying licensed chiropractors in the practice of chiropractic acupuncture. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants and licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5:** Certification Requirements for Chiropractic Assistants and the Issuance of Temporary Certificates for Chiropractic Assistants

STATUTORY BASIS: 32 M.R.S. §§ 502, 555, 556

PURPOSE: This chapter establishes requirements for issuance of a certificate to function as a certified chiropractic assistant, and the issuance of a temporary certificate to function as a certified chiropractic assistant. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6:** Continuing Professional Education

STATUTORY BASIS: 32 M.R.S. §§ 502, 553-A(2)

PURPOSE: This chapter establishes requirements for continuing professional education to be completed by licensees for licensing renewal and approval for sponsored continuing education courses or programs. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 7:** Enforcement and Disciplinary Procedures

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter establishes enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 8:** Code of Ethics

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter establishes standards of professional practice in the practice of chiropractic services. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-298**  
**BOARD OF REAL ESTATE APPRAISERS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-298**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Real Estate Appraisers**

**CONTACT PERSON** FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The board likely will need to adopt new rules to implement the statutory provisions of Public Law Chapter 270 pertaining to the regulation of Appraisal Management Companies ("AMCs"). Currently, no rules exist regarding AMCs. In addition, Public Law Chapter 503 aligned Maine licensing qualifications for appraisers to meet the requirements set by the federal Appraisal Qualification Board ("AQB"). Rule changes may be adopted to detail the new requirements.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: To adopt standards to implement statutory requirements for regulation of Appraisal Management Companies.

SCHEDULE FOR ADOPTION: Within one year if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: To adopt standards for appraiser license qualifications that comply with the Appraisal Qualification Board standards.

SCHEDULE FOR ADOPTION: Within one year if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 150:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter establishes the procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 220:** Educational Course Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter requires that qualifying education and continuing education be approved by the Appraiser Qualifications Board. Changes to the course approval

process established by the Appraiser Qualifications Board may require the Board to amend the chapter to comply with any procedural change.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 230: Supervising Appraiser Duties**

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter establishes the supervisory responsibilities for a certified residential or certified general real property appraiser who supervises a trainee real property appraiser. This chapter may need to be amended to comply with federal changes.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 240: Standards of Professional Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter references the edition of the standards of professional practice. The Board will need to amend this chapter to reference the most recent edition and effective date of the Uniform Standards of Professional Practice ("USPAP"). USPAP is amended on a two-year cycle.

SCHEDULE FOR ADOPTION: December 2019

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 250: Denial Appeals; Member Communications**

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter sets forth a licensee's right to appeal Board license denials. It provides procedures for Board members to file complaints. It includes prohibitions for certain Board member communication about any specific case under investigation or review. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-302**  
**BOARD OF LICENSURE OF AUCTIONEERS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-302**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Auctioneers**

**CONTACT PERSON** FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 10:** General Information

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter establishes guidelines relating to meetings and agendas. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 20:** Fees

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter will need to be repealed when rulemaking is required for another rule chapter. The Office of Professional & Occupational Regulation amended its fee chapter to include fees for purposes related to the Auctioneers Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 30:** Qualifications for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter establishes the qualifications for licensure. The Board may need to amend the chapter to increase the amount of the required bond.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 40:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 50:** Minimum Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter establishes the standards of practice. The Board may need to make amendments to the standards of practice in response to changes in business practices that impact the public or complaints filed with the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-313**  
**BOARD OF DENTAL PRACTICE**  
Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda  
Prepared: June 16, 2020

AGENCY UMBRELLA-UNIT NUMBER: **02-313**

AGENCY NAME: **Board of Dental Practice** (Affiliated with the Department of Professional and Financial Regulation)

CONTACT PERSON: **Penny Vaillancourt, Executive Director**, 143 State House Station, Augusta, ME 04333-0143, Tel (207) 287-3333/Fax (207) 287-8140. Email – [Penny.Vaillancourt@Maine.gov](mailto:Penny.Vaillancourt@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2020 - 2021 RULEMAKING ACTIVITY:** The board may undergo a review of existing chapters that identifies the education and examination requirements for initial licensure and renewal of licensure; continuing education requirements for renewal of licensure, practice standards, and sedation practice requirements. Additional rulemaking on the establishment of fees may be required, as well as anticipated rulemaking as a result of legislation enacted as part of the 129<sup>th</sup> Second Regular Session and the 130<sup>th</sup> First Regular Session. In addition, outdated or duplicative regulations that may exist in 10 MRSA, Part 9, Chapter 901 and other statutes governing dental practice will be updated or repealed.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The Board is expected to review this chapter to ensure compliance with current laws and clarify existing rules.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18345; 10 M.R.S. §8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure and practice authorities as a dental hygienist. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Qualifications for Expanded Function Dental Assistant Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18344

PURPOSE: This chapter outlines the qualifications for licensure as an expanded function dental assistant. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Qualifications for Dental Radiography Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18343

PURPOSE: This chapter outlines the qualifications for licensure as a dental radiographer. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Qualifications for Denturist Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18346; 10 M.R.S.

§8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a denturist. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Qualifications for Dentist Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18342; 10 M.R.S.

§8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Establishment of Fees**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18323(3), 18324

PURPOSE: This chapter establishes fees for licenses, registrations and related fees. The Board is expected to review this chapter as part of its fiscal responsibilities.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees, applicants, and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

## **CHAPTER 8: Qualifications for Initial and Renewal Registrations**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18348

PURPOSE: This chapter identifies the requirements for initial and renewal registrations in the following categories: sedation, general anesthesia, local anesthesia, nitrous oxide analgesia and denturist trainee for the purpose of completing supervised, clinical experience. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

## **CHAPTER 9: Unprofessional Conduct**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This chapter sets forth unprofessional conduct subject to disciplinary action pursuant to 32 M.R.S. §18325(1)(E). The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

## **CHAPTER 10: Sexual Misconduct**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This rule sets for unprofessional conduct by defining sexual misconduct and setting the range of sanctions and factors the Board should consider in imposing sanctions. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

## **CHAPTER 11: Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18347, 18349, 18350

PURPOSE: This chapter establishes the qualifications for licensure by endorsement and the requirements for renewal, late renewal and reinstatement for licenses and authorities. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

## **CHAPTER 12: Practice Requirements**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325, 18371, 18372, 18373, 18374, 18375, 18376, 18377, 18378, 18393

PURPOSE: This chapter establishes the practice requirements for individuals licensed or authorized to practice under the Dental Practice Act. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 13: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18308(4), 18324, 18350, 18351

PURPOSE: This chapter establishes the continuing education required for licensees of the board, including provisions for inactive status. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 14: Rules for Use of Sedation and General Anesthesia by Dentists**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter outlines the requirements under which dentists may administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 17: Requirements for Establishing a Board Approved Dental Hygiene Therapy Program**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345(2)(C)(2)

PURPOSE: This chapter establishes the requirements for dental hygiene therapy programs to be approved by the Board. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 21: Use of Controlled Substances for Treatment of Pain**

STATUTORY AUTHORITY: 32 M.R.S.A. §18324

PURPOSE: This chapter is a joint rule to ensure adequate relief of pain to the citizens of Maine. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-318**  
**ELECTRICIANS' EXAMINING BOARD**  
Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda  
*As amended 11-20-2020 and 4-20-2021.*

AGENCY UMBRELLA-UNIT NUMBER: **02-318**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Electricians' Examining Board**

**CONTACT PERSON** FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8605. Email: [Catherine.M.Carroll@Maine.gov](mailto:Catherine.M.Carroll@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The rules are expected to be reviewed and revised for consistency with the provisions of Public Law 2017, Chapter 198, enacted by the 128th Maine State Legislature, which updated the board's terminology to more accurately describe license requirements, scopes of practice and supervision requirements; reorganized sections; and added a provision to allow persons with comparable education and/or work experience in other jurisdictions to qualify for licensure. Additional rules may be adopted to establish definitions, explain terms as defined in statute, as well as set standards for providing continuing education and to maintain licensure and other education courses for licensure.

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**CHAPTER 100:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 1101, 1153

PURPOSE: This chapter is presently titled "Advisory Rulings." The Board may repeal and replace with a new chapter setting forth definitions to be used to further explain terms used in statute, including but not limited to a definition of a "photovoltaic racking system" clarifying that the construction or installation of the supporting structure of a photovoltaic system is not an electrical installation.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 110:** Conflict of Interest

STATUTORY AUTHORITY: 32 M.R.S. §1153

PURPOSE: This chapter may be repealed, in part. 10 M.R.S. §8007 addresses most of the provisions of this chapter.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 115:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. §1153; 5 M.R.S. §9001(4)

PURPOSE: The Board may relocate and renumber its rule chapter for “Advisory Rulings”, formerly located at Chapter 100.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 120:** Electrical Installation Standards

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1153-A

PURPOSE: The board may review and revise its rules to adopt, by reference, the 2020 edition of the *National Electrical Code*.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 125:** Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153 and 1202-A

PURPOSE: This chapter may be repealed in its entirety. 32 M.R.S. §1202-A enacted in 2017 addresses scope of practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 130:** Examination and Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1202-A, 1204

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the examination and licensing requirements for electricians.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 135:** Electrical Permits

STATUTORY AUTHORITY: 32 M.R.S. §§ 1102-C, 1153, 1153-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending requirements relating to the issuance of electrical permits.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASES RULE DEVELOPMENT: Not contemplated.

**CHAPTER 140:** Board Fees

STATUTORY AUTHORITY: 32 M.R.S. §1203-A

PURPOSE: The Board may repeal this chapter. The Office of Professional and Occupational Regulation has established fees for the Board pursuant to 10 M.R.S. §8003(2-A)(D) and Chapter 10.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASES RULE DEVELOPMENT: Not contemplated.

**CHAPTER 150:** Reciprocity

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*Added April 20, 2021*

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**CHAPTER 160:** Power Generation Systems as Electrical Installations

STATUTORY AUTHORITY: 32 M.R.S. §§ 1101, 1153, 1153-A

PURPOSE: The rulemaking proposes a new chapter that will explain when installations of power generation systems are, and are not considered, “electrical installations” as that term is defined in statute. The proposed rule provides that a complete installation of a photovoltaic, fuel cell, or wind power generations system is an “electrical installation” as that term is defined by statute, and describes when installing portions of a photovoltaic power generation system that constitute less than a complete installations are not “electrical installations” as that term is defined by statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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**CHAPTER 170:** Denial Appeals

STATUTORY AUTHORITY: 10 M.R.S. §8003(5-A)

PURPOSE: The Board may repeal this chapter. 10 M.R.S. §8003(5-A) addresses the applicant’s or licensee’s right to appeal a license denial.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-322**  
**STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS**

Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda Filing  
July 9, 2020

AGENCY UMBRELLA-UNIT NUMBER: **02-322**

AGENCY NAME: **State Board of Licensure for Professional Engineers**  
(Affiliated with the Department of Professional and Financial Regulation)

**RULE-MAKING LIAISON:** David Jackson, Executive Director, 92 State House Station,  
Augusta, ME 04333-0092. Telephone: (207) 287-3236. E-mail: [david.jackson@maine.gov](mailto:david.jackson@maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** General Provisions

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update and clarify language, and to conform the rule to Model Law, Model Rule, Maine statute, and board practice, as needed.

SCHEDULE FOR ADOPTION: June 2021

AFFECTED PARTIES: Licensed professional engineers, certified engineer interns, and applicants for licensure or certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2:** Licensure

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update and clarify language, and to conform the rule to Model Law, Model Rule, Maine statute, and board practice, as needed.

SCHEDULE FOR ADOPTION: June 2021

AFFECTED PARTIES: Licensed professional engineers, certified engineer interns, and applicants for licensure or certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3:** Professional Development Hours

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update and clarify language, and to conform the rule to Model Law, Model Rule, Maine statute, and board practice, as needed.

SCHEDULE FOR ADOPTION: June 2021

AFFECTED PARTIES: Licensed professional engineers, certified engineer interns, and applicants for licensure or certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4:** Code of Ethics

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update and clarify language, and to conform the rule to Model Law, Model Rule, Maine statute, and board practice, as needed.

SCHEDULE FOR ADOPTION: June 2021

AFFECTED PARTIES: Licensed professional engineers, certified engineer interns, and applicants for licensure or certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5:** Application and Licensure Fees

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update and clarify language, and to conform the rule to Model Law, Model Rule, Maine statute, and board practice, as needed.

SCHEDULE FOR ADOPTION: June 2021

AFFECTED PARTIES: Licensed professional engineers, certified engineer interns, and applicants for licensure or certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6:** Advisory Rulings

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update and clarify language, and to conform the rule to Model Law, Model Rule, Maine statute, and board practice, as needed.

SCHEDULE FOR ADOPTION: June 2021

AFFECTED PARTIES: Licensed professional engineers, certified engineer interns, and applicants for licensure or certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-331**  
**BOARD OF FUNERAL SERVICE**  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-331**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Funeral Service**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, [jennifer.m.hawk@maine.gov](mailto:jennifer.m.hawk@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rules will be established to implement 2019 Public Law Chapter 101, which includes changes to the licensing requirements for out of state applicants and changes to the continuing education requirements, including the continuing education program approval process. Rules for this program were last adopted December 26, 2009 and included a complete rewrite and reorganization of the rules.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules that define terms related to the practice of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2-A: Advisory Rulings**

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise its rules that provide for the discretionary issuance of advisory rulings by the board.

ANTICIPATED SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 3: Educational Requirements for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise, in conjunction with 32 M.R.S. § 1501, the educational requirements for a person seeking licensure as a practitioner of funeral service in the State of Maine.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5: Practitioner Trainees**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the 2,000-hour apprenticeship to be completed by practitioner trainees prior to application for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for trainee status, practitioner trainees, and applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

#### **CHAPTER 6-A: Pathways to Licensure as a Practitioner of Funeral Service**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the procedures and requirements for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure as a practitioner of funeral service.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

#### **CHAPTER 7: Funeral Establishments**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the licensing requirements for funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Funeral homes.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

#### **CHAPTER 8: Safety and Health Standards**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the protection of the safety and health of the general public by setting forth the equipment and health-related requirements applicable to licensed funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

#### **CHAPTER 10: General Rules / Scope of Practice**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding: (1) hairdressing and cosmetology; (2) the scope of practice of funeral practitioners and funeral attendants; (3) the referral of inquiries to a licensed practitioner; (4) mandatory disclosures; and other topics.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

#### **CHAPTER 11: Annual Renewal; Continuing Education; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. § 1506

PURPOSE: The board may review and revise its rules, in conjunction with 32 M.R.S. § 1506, regarding continuing education requirements for license renewal.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 12: Transportation of Human Remains**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the transportation of human remains.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 13: Disinterment**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the disinterment of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 14: Temporary Storage**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the storage of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 15: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the established code of ethics for licensees of the Board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 16: Prearranged Funerals - Mortuary Trust Agreements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1401(2), 1451, 1501

PURPOSE: The board may review and revise the forms of mortuary trust agreements for use in Maine. The Board may further address the question of funding Mortuary Trust Accounts with proceeds of Life Insurance policies.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-333**  
**BOARD OF LICENSURE OF PROFESSIONAL FORESTERS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-333**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Professional Foresters**

**CONTACT PERSON** FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 20:** General Information

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter provides for the election of Board officers. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 30:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 40:** Qualifications for Intern Forester License

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter sets forth the education and experience requirements necessary for licensure as an intern forester. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 70:** Qualifications for Forester License

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter sets forth the education, experience, and examination requirements for licensure as a forester. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 80:** Continuing Forestry Education

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter establishes the minimum continuing education required for license renewal. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 90:** Registration of Foresters for the Supervision of Unlicensed Personnel

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter implements a registration system for foresters who supervise unlicensed individuals in the practice of forestry. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 100:** Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter defines unprofessional practice as failure to comply with the Code of Ethics adopted by the Board in this chapter. This chapter may be amended as necessary to address unprofessional conduct resulting from Board complaints and changes in forestry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-343**  
**BOARD OF RESPIRATORY CARE PRACTITIONERS**  
Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-343**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Respiratory Care Practitioners**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, [Kristina.m.halvorsen@maine.gov](mailto:Kristina.m.halvorsen@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Board last amended its rules in 2011, and the Board may consider adjustments to rule chapters noted below if errors and omissions are discovered as a result of the rule amendments. Rules also may be updated to reflect current practice expectations.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 9704

PURPOSE: This chapter defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 9704

PURPOSE: This chapter sets forth procedures for the issuance of advisory rulings by the board. This chapter may be subject to review for updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** License Requirements for Respiratory Care Practitioners

STATUTORY AUTHORITY: 32 M.R.S. §§ 9702(6) and (7), 9704(1) and (2), 9705, 9706-A, 9707-A, 9711

PURPOSE: This chapter defines and describes eligibility requirements for Respiratory Therapists, Respiratory Care Technicians, temporary licensees and trainees. This chapter also sets forth license renewal procedures for Respiratory Therapists and Respiratory Care Technicians. This chapter may be subject to review for updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 9704(2)

PURPOSE: This chapter specifies the manner in which respiratory care practitioners shall practice respiratory care. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 7: Misconduct**

STATUTORY AUTHORITY: 32 M.R.S. §§ 9704(2)

PURPOSE: This chapter provides examples of inappropriate behaviors that would constitute unprofessional conduct. The Board may review this for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-344**  
**BOARD OF LICENSING OF DIETETIC PRACTICE**  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-344**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensing of Dietetic Practice**

**CONTACT PERSON** FOR THIS AGENCY: Kristina M. Halvorsen, Board Administrator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8420, [Kristina.m.halvorsen@maine.gov](mailto:Kristina.m.halvorsen@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1:** General Information

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules outlining the guidelines relating to meetings, records and advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers, applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2:** Rules for Licensing of Dietetic Practice

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2); 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may review and revise its rules regarding licensure in dietetic practice, including educational requirements, examination requirements, application and licensing procedures, fees, and continuing education requirements. Provisions may be added pertinent to the staff review of applications. The Board may repeal fee provisions contained in its existing rules because the Office has established fees for this board pursuant to 10 M.R.S. § 8003(2-A)(D) and Rule 02-041 Chapter 10.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3:** Complaints and Investigations

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules describing the procedure by which complaints and investigations will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers, applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 4:** Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules regarding codes of ethics for licensed dietitians and dietetic technicians.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expect

**02-360**  
**BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-360**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure for Professional Land Surveyors**

**CONTACT PERSON** FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Board is in the process of adopting several changes to existing rules. Final adoption and approval is expected in 2018.

**CHAPTER 10:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter defines terms used in the Board's rules. The Board has proposed updating of references to national organizations currently in this chapter. The Board may need to amend further the rule to define new terms or clarify existing terms.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 20:** General Information

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter establishes guidelines for meeting agendas and election of Board officers. The Board has proposed a change that clarifies how agendas are sent to Board members. Additional changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 30:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 40:** Qualification for Licensure as Land Surveyor-In-Training

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter sets forth the requirements for licensure as a land surveyor-in-training. The Board has proposed amendments to the chapter to clarify changes in

the licensing examination and review process. Additional changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 50: Qualification for Licensure as Professional Land Surveyor**

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter establishes the licensing qualifications for professional land surveyors. The Board has proposed amendments to the chapter to clarify changes in the licensing examination and review process. Additional changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 60: Licensure by Comity**

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter sets forth the conditions under which a licensee from another jurisdiction may be licensed as a land surveyor-in-training or professional land surveyor in Maine. The Board has proposed an amendment to the chapter to clarify an examination provision. Additional changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 70: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212 & 18225

PURPOSE: This chapter establishes the continuing education requirements for license renewal. The Board has proposed amendments to the chapter to clarify delivery methods of continuing education. Additional changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 90: Standards of Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter sets forth the standards of practice for licensees. The Board may amend this chapter in response to changes in technical standards or in response to issues resulting from consumer complaints. In addition, the Board may amend this chapter to clarify the purpose and content of the written confirmation provided to clients.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 100: Enforcement and Disciplinary Procedures**

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter describes the procedures by which complaints and investigations will be handled by the Board. The Board has proposed repeal of the chapter as the provisions are addressed by other Department rules and procedures.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-371**  
**NURSING HOME ADMINISTRATORS LICENSING BOARD**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-371**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Nursing Home Administrators Licensing Board**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8420, Kristina.m.halvorsen@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** The board intends to repeal and replace all existing rules in their entirety.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise its definitions for applicable terms contained in the rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2:** Nursing Home Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: This chapter sets forth the general requirements for licensure as a Nursing Home Administrator and the continuing education requirements for license renewal. The board will propose that no new nursing home administrator licenses be issued but that those licensees who hold current, valid nursing home administrator licenses may continue to renew that license or may transition to the multi-level facility administrator license by passing a board-approved exam. The board will also propose to update and revise provisions pertaining to the administrator-in-training program for nursing home and multi-level facility administrators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3:** Residential Care Facility Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will revise and update the general requirements for licensure as a Residential Care Facility Administrator and the continuing education requirements for license renewal. The board will propose a new requirement that applicants complete an administrator-in-training program to qualify for licensure, similar to the program already required for nursing home and multi-level facility administrators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure and existing licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 4: Multi-Level Long Term Care Facility Administrators**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the general requirements for licensure as a Multi-Level Long Term Care Facility Administrator and the continuing education requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5: Licensing**

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 64-A, 66; 10 M.R.S. § 8003(5-A)(D)(5); Title 5, Chapter 375

PURPOSE: The board will update and revise the guidelines for license issuance, renewal, and reinstatement, and for the disciplining of licensees. The board will also propose to add new provisions on inactive status licensure, as authorized by 10 M.R.S. § 8003(5-A)(D)(5).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 6: Endorsement**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the requirements for licensure by endorsement for licensees who hold licenses from another jurisdiction.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants currently licensed in other jurisdictions who will seek licensure in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7: Temporary Licenses**

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 64-A, 66; Title 5, Chapter 375

PURPOSE: The board will update and revise the requirements for temporary licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the continuing professional education requirements for administrators licensed by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 9: Advisory Rulings**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2); 5 M.R.S. § 9001

PURPOSE: The board will update and revise the process for obtaining advisory rulings with regard to interpretation of these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees, and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 10: Fees**

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: This chapter has been superseded by 10 M.R.S. § 8003(2-A)(D) and rulemaking pursuant to Chapter 10 of the rules of the Office of Professional & Occupational Regulation, and therefore should be repealed entirely.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 11: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise its code of ethics by adopting nearly verbatim the most recent version of the American College of Health Care Administrators Code of Ethics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-380**  
**MAINE STATE BOARD OF NURSING**  
2020 - 2021 Regulatory Agenda  
June 15, 2020

AGENCY UMBRELLA-UNIT NUMBER: **02-380**  
AGENCY NAME: **Maine State Board of Nursing**

**RULEMAKING LIASION:** Virginia deLorimier, MSN, RN, Assistant Executive Director, 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: [Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov)

**CONTACT PERSON:** Kim Esquibel, PhD, MSN, RN, Executive Director, 158 State House Station, Augusta, ME 04333-0158. Tel: (207) 287-1148. Email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**CHAPTER 5:** Regulations Relating to Training Programs and Delegation by Registered Professional Nurses of Selected Nursing Tasks to Certified Nursing Assistants – Adopted April 16, 2020

**CHAPTER 10:** Regulations Relating to Administration of Intravenous Therapy by Licensed Practical Nurses and Registered Professional Nurses – Adopted April 16, 2020

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 1: COLLABORATIVE DRUG THERAPY MANAGEMENT**

STATUTORY BASIS: 32 M.R.S. §

PURPOSE: This is a joint rule of the Maine State Board of Nursing and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a nurse practitioner.

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Advanced Practice Registered Nurses with prescriptive authority and patients.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Virginia deLorimier, Assistant Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1147; [Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov)

**CHAPTER 3: Rules Relating to General Requirements Relating to Licensure**

STATUTORY AUTHORITY: 32 M.R.S. §2153-A(1)

PURPOSE: This chapter explains the procedure for change of name and/or address; policy and procedure in regard to a lost license; and verification of Maine licensure to another state or country. Proposed revisions to this chapter include ensuring rules conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2021

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Virginia deLorimier, Assistant Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1147; [Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov)

**CHAPTER 4:** Rules Relating to Disciplinary Action and Violations of Law

STATUTORY AUTHORITY: 32 M.R.S. §§ 2105-A, 2153-A(1)

PURPOSE: This chapter lists the legal grounds for action against a license; explains the procedure for initiating disciplinary action; describes disciplinary proceedings and sanctions; states the authority of the Administrative Court, following a formal hearing, to revoke or suspend a licensee; lists the violations of law over which the District Court and the Superior Court shall have jurisdiction for prosecution; and defines unprofessional conduct. Proposed revisions to this chapter include amending disciplinary process by further defining Fraud and Deceit and addressing multi-state licensure.

SCHEDULE FOR ADOPTION: Anticipated completion 2021

AFFECTED PARTIES: Licensed Nurses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

**CHAPTER 5:** Regulations Relating to Training Programs and Delegation by Registered Professional Nurses of Selected Nursing Tasks to Certified Nursing Assistants

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102, 2104 and 2153-A(1)

PURPOSE: This chapter defines delegation; states the responsibilities of a registered professional nurse in delegating selected nursing tasks to certified nursing assistants; sets forth the requirements relating to training programs; and states the criteria for listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS. Proposed changes to this chapter include updating regulations relating to training programs and delegation of selected nursing tasks. Specifically, it reduces the number of hours of the Certified Nursing Assistant (CNA) Prescribed Curriculum to coincide with changes in the CNA curriculum, provides for more flexibility with additional CNA skills training, quantifies the meaning of the ability to read and write English, and clarifies what recently graduated means in the section for certified nursing assistants from out of state. Provides the individual with a shorter nurse's aide generalist course and allows for more flexibility for the facility in training the individual with additional skills as needed. Changes will also include revisions to the medication administration section for certified nursing assistants.

SCHEDULE FOR ADOPTION: In process, anticipated completion 2020-2021

AFFECTED PARTIES: Licensed Nurses, Certified Nursing Assistants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Virginia deLorimier, Assistant Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1147; [Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov)

**CHAPTER 6:** Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102(2)(H), 2153-A(1)

**PURPOSE:** This chapter sets forth regulations governing coordination and oversight by registered professional nurses of patient care services provided by unlicensed health care assistive personnel. Proposed changes to this chapter include clarifying coordination and oversight.

**SCHEDULE FOR ADOPTION:** Anticipated completion 2021

**AFFECTED PARTIES:** Licensed Nurses, Unlicensed Assistive Personnel

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CONTACT PERSON FOR THIS CHAPTER:** Virginia deLorimier, Assistant Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1147;  
[Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov)

## **CHAPTER 7: Standards for Educational Programs in Nursing**

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 2104(1)(B), 2153-A(1)

**PURPOSE:** This chapter serves as a basic guide to the minimum legal requirements for approval of educational programs in nursing by the Board of Nursing; provides information and guidance for administrators and faculty, and for all persons concerned with the establishment, development and implementation of educational programs in nursing; and provides criteria for self-appraisal by faculty and serves as a basis for continued program improvement. The Board may propose revisions to the rule to create exemptions for applicability of certain portions of the rule related to preceptor - student ratios.

**SCHEDULE FOR ADOPTION:** Anticipated completion 2021

**AFFECTED PARTIES:** Nursing Education Programs

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CONTACT PERSON FOR THIS CHAPTER:** Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email:  
[Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

## **CHAPTER 8: Rules Relating to Advanced Practice Registered Nursing**

**STATUTORY AUTHORITY:** 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210, 2211(4)

**PURPOSE:** This chapter identifies the role of a registered professional nurse in advanced practice registered nursing; implements the Board's authority to approve the credentials for practice as a certified nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, and certified clinical nurse specialist; delineates the scope of practice; implements the Board's authority to grant prescriptive authority, clarifies the 24 months supervision requirement for new nurse practitioners, outlines the continuing education requirement for advanced practice registered nurses, and clarifies the treatment and prescribing of medications to family members. Proposed revisions to this chapter are to ensure rules conform to the requirements as set in statute.

**SCHEDULE FOR ADOPTION:** Anticipated completion 2021

**AFFECTED PARTIES:** Advanced Practice Registered Nurses

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CONTACT PERSON FOR THIS CHAPTER:** Virginia deLorimier, Assistant Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1147;  
[Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov)

## **CHAPTER 10: Regulations Relating to Administration of Intravenous Therapy by Licensed Nurses**

**STATUTORY AUTHORITY:** 32 M.R.S. §2153-A(1); 32 M.R.S. §2102(2)(C)

**PURPOSE:** This chapter identifies the roles of licensed nurses in the administration of intravenous therapy. It also includes the approved course outlines for the administration of intravenous therapy by the licensed practical nurse, who works with the adult and/or pediatric patient. Proposed changes to this chapter include clarifying and updating standards of current practice in intravenous therapy and clarifying requirements for course approval. These changes will reduce the barriers for facilities to utilize licensed practical nurses to provide intravenous therapy by allowing facilities to train licensed practical nurses in intravenous therapy skills specifically related to the needs of the facility. Proposed revisions to this chapter are to ensure rules conform to the requirements as set in statute.

**SCHEDULE FOR ADOPTION:** Anticipated completion 2019

**AFFECTED PARTIES:** Licensed Nurses; Facilities hiring licensed practical nurses

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CONTACT PERSON FOR THIS CHAPTER:** Virginia deLorimier, Assistant Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1147; [Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov)

**CHAPTER 12:** Joint Rule Regarding Office Based Medication-Assisted Treatment of Opioid Addiction with Buprenorphine

**STATUTORY BASIS:** 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210

**PURPOSE:** The proposed joint rule with the Board of Osteopathic Licensure and the Board of Licensure in Medicine will establish standards to ensure safe and adequate medication-assisted treatment of opioid addiction with buprenorphine in an office-based setting. Proposed revisions to this chapter are to ensure rules conform to the requirements as set in statute.

**SCHEDULE FOR ADOPTION:** Anticipated completion 2021

**AFFECTED PARTIES:** Advanced Practice Registered Nurses with prescriptive authority and patients

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CONTACT PERSON FOR THIS CHAPTER:** Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

**CHAPTER 21:** Use of Controlled Substances for Treatment of Pain

**STATUTORY BASIS:** 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210

**PURPOSE:** This chapter is a joint rule with the Board of Osteopathic Licensure, the Board of Licensure in Medicine, the Board of Podiatric Medicine and the Board of Nursing to insure adequate relief of pain to the citizens of Maine. This chapter outlines exemptions for applicability of certain portions of the rule for inpatients of medical facilities or custodial care facilities where controlled substances are dispensed or administered to the patient and exemptions for applicability of certain portions of the rule for patients who are terminally ill and who are receiving hospice services as defined in the rule. Proposed revisions to this chapter are to ensure rules conform to the requirements as set in statute.

**SCHEDULE FOR ADOPTION:** 2021.

**AFFECTED PARTIES:** Advanced Practice Registered Nurses with prescriptive authority and patients

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CONTACT PERSON FOR THIS CHAPTER:** Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

**02-383**  
**BOARD OF OSTEOPATHIC LICENSURE**  
2020 - 2021 Regulatory Agenda  
June 25, 2020

AGENCY UMBRELLA-UNIT NUMBER: **02-383**  
AGENCY NAME: **Board of Osteopathic Licensure**

**RULEMAKING LIAISON:** Susan E. Strout, Executive Secretary, 142 State House Station, Augusta, ME 04333-0142. Telephone: (207) 287-2480. Email: [osteopfr@maine.gov](mailto:osteopfr@maine.gov) or [Susan.E.Strout@Maine.gov](mailto:Susan.E.Strout@Maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020 – 2021 RULE-MAKING ACTIVITY:**

**NEW RULE CHAPTER 1: Definitions**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581  
PURPOSE: To define certain terms/words frequently used.  
ANTICIPATED SCHEDULE: Winter/Spring 2021  
AFFECTED PARTIES: Citizens and licensees  
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**AMEND EXISTING CHAPTER 2: Joint Rule Regarding Physician Assistants**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581  
PURPOSE: This rule, joint with the Board of Licensure in Medicine sets forth (including but not limited to) the terms for licensure, scope of practice, notification & continuing medical education (CME) requirements for physician assistants pursuant to Public Law Chapter 627 (March 18, 2020).  
SCHEDULE FOR ADOPTION: Summer 2020  
AFFECTED PARTIES: Citizens and licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 7: Complaints, Investigations & Unprofessional Conduct, Disciplinary Actions**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581  
PURPOSE: To protect the citizens of Maine, this rule will describe the procedure used by the Board when processing complaints and/or initiating its own complaints & investigations and will define (including but not limited to) those acts and/or omissions that constitute unprofessional conduct and unethical behavior.  
ANTICIPATED SCHEDULE: Fall/Winter 2020  
AFFECTED PARTIES: Citizens and licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**NEW RULE CHAPTER 8: Licensure & Renewal of Osteopathic Physicians**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581  
PURPOSE: To protect the citizens of Maine, this chapter will clarify the statute for licensure and will describe requirements established by the Board for the licensing and renewal of osteopathic physicians.  
ANTICIPATED SCHEDULE: Fall/Winter 2020

AFFECTED PARTIES: Citizens and licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**NEW RULE CHAPTER 9: Citing Costs/Issuing Citations & Fines**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581

PURPOSE: This chapter lists violations for which the Board may cite costs, issue a citation or administrative fine and describes the licensee's right to request a hearing and describes the time and manner in which the fine must be paid.

ANTICIPATED SCHEDULE: Fall/Winter 2020

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**AMEND EXISTING RULE CHAPTER 10: Sexual Misconduct**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581

PURPOSE: This rule, joint with the Board of Licensure in Medicine, defines sexual misconduct by physicians and physician assistants and sets forth the range of sanctions which are applicable to rule violations. The Boards hope to propose revisions to this chapter including identifying the factors to be considered by the Boards when contemplating action against a licensee.

ANTICIPATED SCHEDULE: Winter/Spring 2021

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 11: Offer, Sale, Rental or Lease of Health-Related or Non-Health Related Goods**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581

PURPOSE: To establish policy and guidelines regarding the offer, sale, rental or lease of health-related or non-health related goods by a physician or physician assistant.

ANTICIPATED SCHEDULE: Fall/Winter 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**AMEND EXISTING RULE CHAPTER 14: Continuing Medical Education**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581

PURPOSE: To update and clarify the continuing medical education (CME) requirements for osteopathic physicians.

ANTICIPATED SCHEDULE: Fall/Winter 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 15: Alternative Therapies**

STATUTORY BASIS: 32 M.R.S. §§ 2562 & 2581

PURPOSE: To clarify the professional responsibilities of those osteopathic physicians who utilize alternative therapies in their treatment of patients.

ANTICIPATED SCHEDULE: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**02-384**  
**BOARD OF ALCOHOL AND DRUG COUNSELORS**

Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-384**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Alcohol and Drug Counselors**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, [Kristina.m.halvorsen@maine.gov](mailto:Kristina.m.halvorsen@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rule-making activity is currently under consideration for purposes of implementing Public Law 2019, Chapter 83 to amend its rules regarding licensing of certified clinical supervisors. In addition, the Board is expected to review rules overall to ensure compliance with current laws and to update rules by addressing outdated references, and providing clarification of certain rules as necessary.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 6212

PURPOSE: This chapter defines certain specialized terms used in the board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** Requirements for Registration as an Alcohol and Drug Counseling Aide (ADCA)

STATUTORY AUTHORITY: 32 M.R.S. § 6212

PURPOSE: This chapter states the eligibility requirements for registration to practice as an alcohol and drug counseling aide. This chapter also requires ADCAs to provide prompt notice of change of employment. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 4:** Requirements for Licensure as a Certified Alcohol and Drug Counselor (CADC)

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212(1), 6214-C, 6216

PURPOSE: This chapter states the eligibility requirements for a certificate to practice as a certified alcohol and drug counselor, including application, education, experience and examination. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5:** Requirements for Licensure as a Licensed Alcohol and Drug Counselor (LADC)

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6214-D, 6216

PURPOSE: This chapter states the eligibility requirements for issuance of a license to practice as a licensed alcohol and drug counselor, including application, education, experience and examination. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6:** Standards for Certification of Clinical Supervisors

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6216

PURPOSE: This chapter states the eligibility requirements for certification of clinical supervision to alcohol and drug counseling aides, certified alcohol and drug counselors and licensed alcohol and drug counselors. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 7:** Continuing Professional Education for Alcohol and Drug Counselors, Alcohol and Drug Counseling Aides and Certified Clinical Supervisors

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6219, 6219-A, 6219-B

PURPOSE: This chapter describes the continuing education required for renewal of licenses, registrations and certificates. The Board may review this chapter for conformance with statutes and make updates to continuing education requirements for purposes of implementing Public Law 2017, Chapter 265.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 8:** Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6217-A(7)

PURPOSE: This chapter sets forth the right of an applicant or an alcohol and drug counselor, alcohol and drug counseling aide, or certified clinical supervisor to appeal certain board actions. This chapter also specifies the enforcement and disciplinary procedures used by the board and sets forth as standards of practice the board's

interpretation of certain grounds for discipline contained in 32 M.R.S. § 6217-A. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 9: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 6212(9)

PURPOSE: This chapter contains the Code of Ethics for the performance of alcohol and drug counseling services. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-385**  
**MANUFACTURED HOUSING BOARD**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-385**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Manufactured Housing Board**

**CONTACT PERSON** FOR THIS AGENCY: Robert V. LeClair, Executive Director, 35 State House Station, Augusta, ME 04333, (207) 624-8678, Robert.v.leclair@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 110** Rules for State Certification of Manufactured Homes

STATUTORY AUTHORITY: 10 M.R.S. §§ 9005A, 9084, and 9085.

PURPOSE: The purpose of this rule is to update the adopted edition of the International Residential Code, Uniform Plumbing Code and National Electrical Code for modular home construction.

SCHEDULE FOR ADOPTION: Looking to have new rule in place by June, 2021.

AFFECTED PARTIES: Licensees and the public

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 890** Manufactured Home Installation Standard

STATUTORY AUTHORITY: 10 M.R.S. §§ 1404-A, 8003 (2-A)(D), 9005, and 9006-C.

PURPOSE: The purpose of this rule is to add a form for notification of the pre-occupancy inspection program.

SCHEDULE FOR ADOPTION: Looking to have new rule in place by January 1, 2021.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 850:** Community Licensing - Standards

STATUTORY AUTHORITY: 10 M.R.S. §§ 9085 and 9086.

PURPOSE: The purpose of this rule is to move a section from Chapter 850 to Chapter 840 to correct the error made last time these rules were changed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 840:** Rules Relating to Drinking Water Systems of Manufactured Housing Communities.

STATUTORY AUTHORITY: 10 M.R.S. §§ 9085 and 9086

PURPOSE: The purpose of this rule is to receive a section from chapter 850 regarding a mistake at last rulemaking session.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-392**  
**MAINE BOARD OF PHARMACY**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-392**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Maine Board of Pharmacy**

**CONTACT PERSON** FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rulemaking is currently in well progress. Joint rulemaking is also in progress to establish collaborative drug therapy management between the Board of Pharmacy and the Board of Nursing similar to the collaborative drug therapy management joint rule between the Board and the Board of Licensure in Medicine. Rules will be updated, streamlined, and eliminate unnecessary rules for individuals applying for pharmacist, pharmacy intern and pharmacy technician licensure and practice requirements, the licensing and operation of entities and to ensure that rules are compliant with current laws and practice standards, and provide clarification of certain rules as necessary. As part of this major rules overhaul, the Board will consider remote pharmacy practice to the extent that current law allows methods of prescription delivery systems to the extent permitted by law. The Board will review all current federal regulations and good practice guidelines adopted by reference for updates and may consider others based on practice need determination, including sterile and nonsterile compounding. Review rules throughout for updates to the term “habitual substance abuse” to “habitual substance use” pursuant to Public Law 2018 Chapter 407. The Board will also develop rules to implement 2019 Public Law Chapter 454 for the sale of nonprescription drugs through vending machines. If necessary, the Board may consider rules for purposes of registration of manufacturers that produce opioids and opioid product registration and may be necessary for requirements under Public Law 2020 Chapter 536 to improve accountability of opioid manufacturers. Board may consider recommendations to pharmacies on use of 2-dimensional machine-scannable barcode that can be read by use of electronic devices for storing information or directing or leading a user to additional prescription drug use and information.

**CHAPTER 1:** Definitions

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 2:** Advisory Rulings

STATUTORY BASIS: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 3:** Applicability of Rules to Unregistered Facilities

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(D), 13723

PURPOSE: This chapter provides for the applicability of the board's rules to the facilities identified in 32 MRS §13721(1)(D). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 4:** Licensure of Pharmacists

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13723, 13732, 13733, 13734

PURPOSE: This chapter sets forth the application procedure for persons applying for licensure as a pharmacist. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 4-A:** Administration of Drugs and Immunizations

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13831, 13832, 13833, 13834(1), 13835

PURPOSE: This chapter sets forth minimum requirements for treatment protocols, administration and recordkeeping requirements, and standards for the operation of drug administration clinics. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 5:** Continuing Pharmacy Education

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13735

PURPOSE: This chapter implements the requirement in 32 M.R.S. § 13735 that each pharmacist complete 15 hours of continuing pharmacy education annually as a condition of license renewal. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 6-A:** Pharmacy Student Internship Programs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(G), 13723, 13732(3), 13834(1)

PURPOSE: This chapter sets forth requirements of the pharmacy student internship required for licensure by Chapter 4, Section 1(4)(B) of the board's rules. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 7:** Licensure and Employment of Pharmacy Technicians

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(I)(H), 13723

PURPOSE: This chapter sets forth the qualifications, permissible duties and supervision responsibilities of the pharmacist in charge with respect to licensed pharmacy technicians. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 8:** Licensure of Retail Drug Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth licensure requirements for retail drug outlets. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 9:** Registration of Rural Health Centers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13762, 13763, 13764

PURPOSE: This chapter sets forth registration requirements for rural health centers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 10:** Registration of Free Clinics

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for free clinics. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 11:** Registration of Mail Order Prescription Pharmacies and Licensure of Mail Order Contact Lens Suppliers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13721(2), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for mail order prescription pharmacies and license requirements for mail order contact lens suppliers. This chapter also contains enforcement provisions unique to these two types of drug outlet.

The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 12:** Licensure of Manufacturers and Wholesalers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13758

PURPOSE: This chapter sets forth license requirements for wholesalers, also known as wholesale pharmacies or wholesale drug distributors, and manufacturers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 13:** Operation of Retail Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751

PURPOSE: This chapter sets forth operation requirements for retail pharmacies licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 14:** Pharmacy Services at Rural Health Centers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13762, 13763, 13764

PURPOSE: This chapter sets forth requirements for the pharmacy services provided by rural health centers licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 15:** Operation of Free Clinics

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements for the operation of free clinics licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 16:** Operation of Wholesalers and Manufacturers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751(3), 13758

PURPOSE: This chapter sets forth operational requirements for wholesale drug distributors, including wholesalers and manufacturers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 17:** Operation of Nuclear Drug Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter incorporates by reference rules of the Maine Radiation Control Program applicable to nuclear drug outlets. The board may review this chapter for conformance with statutes and rules and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 19:** Receipt and Handling of Prescription Drug Orders

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781, 13785, 13786-A, 13794, 13795

PURPOSE: This chapter sets forth requirements for creating, transmitting, filling and transferring prescription drug orders. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 20:** Automated Pharmacy Systems

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for automated pharmacy systems. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 20-A:** Self-Service Customer Kiosks

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for self-service customer kiosks. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Retail pharmacists, retail pharmacies, the general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 21:** Central Prescription Processing

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784, 13785, 13794

PURPOSE: This chapter sets forth requirements for central prescription processing. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 22:** Sale of Schedule V Controlled Substances

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(E), 13723

PURPOSE: This chapter sets forth requirements for the sale of Schedule V controlled substances. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 23: Accounting for Prescription Drugs**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements relating to maintenance of a perpetual inventory, disposal of drugs, and reporting the loss of controlled substances. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 24: Retention of Records by Pharmacies**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723(7), 13785

PURPOSE: This chapter sets forth record retention requirements for pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 25: Patient Counseling**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784

PURPOSE: This chapter sets forth the pharmacist's obligation to counsel patients. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 26: Generic Substitutions**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781

PURPOSE: This chapter defines and outlines the use of generic and therapeutically equivalent drugs by pharmacists. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 27: Possession and Administration of Noncontrolled Prescription Drugs by Nurses**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13810

PURPOSE: This chapter defines the conditions under which nurses can possess and administer noncontrolled prescription drugs. This chapter, including the chapter title, will be amended to include new rules on the possession, dispensing and administration of certain noncontrolled drugs and substances to certified midwives.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 28: Enforcement and Disciplinary Procedures**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741

PURPOSE: This chapter sets forth a licensee's right to appeal certain board actions and specifies the enforcement and disciplinary procedures used by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 29: Violations of State or Federal Law or Rule; Other Standards**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)

PURPOSE: This chapter recognizes certain state and federal statutes and rules and certain chapters of the U.S. Pharmacopeia as having established standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 30: Unprofessional Conduct**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)

PURPOSE: This chapter establishes standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 31: Practice of Fraud or Deceit**

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741, 13742(2)(A)

PURPOSE: For purposes of 32 M.R.S. § 13742(2)(A), the practice of fraud or deceit includes, but is not limited to, the conduct described in this chapter. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 32: Issuance of Citations**

STATUTORY BASIS: 10 M.R.S. §8003-E; 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723

PURPOSE: This chapter lists the violations for which a citation may be issued, describes the licensee's right to request a hearing, and describes the time and manner

in which the fine must be paid or a hearing requested. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 33:** Access to Certain Medications by Certified Midwives

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13722, 13723, 13811, 13812

PURPOSE: This chapter implements P.L. 2007, c. 669 by: (a) regulating the sale of certain noncontrolled drugs and substances to certified midwives, (b) regulating the purchase and administration of certain noncontrolled drugs and substances by certified midwives, and (c) requiring certified midwives to record and report their purchase and administration of certain noncontrolled drugs and substances.

This chapter will be repealed as a result of Public Law 2015, Chapter 502, which repealed 32 M.R.S. §§ 13811 and 13812, the statutory references for this rule.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 34:** Licensure of Retail Suppliers of Medical Oxygen

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter establishes a limited type of retail pharmacy license for retail suppliers of medical oxygen. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Retail suppliers of medical oxygen and prescription devices

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 35:** Licensure of Extended Hospital Pharmacies

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of extended hospital pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, residents of long-term care facilities that are wholly owned by the hospital in which the extended hospital pharmacy is located.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 36:** Licensure of Opioid Treatment Programs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of opioid treatment programs. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 37:** Licensure of Sterile Compounding Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723,

13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of sterile compounding pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 38:** Licensure of Closed-Shop Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of closed-shop pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, residents of long-term care facilities and other institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 39:** Collaborative Drug Therapy Management

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13846

PURPOSE: This chapter is a joint rule between the Board of Licensure in Medicine and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a practitioner. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees of the Maine Boards of Pharmacy and Medicine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**(New Tentatively) CHAPTER 39-A:** Collaborative Drug Therapy Management

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13846

PURPOSE: This chapter is a joint rule between the Board of Nursing and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a nurse practitioner.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees of the Maine Boards of Pharmacy and Nursing.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**Chapter 40:** Authorization, Training and Procedures for Prescribing and Dispensing Naloxone Hydrochloride

STATUTORY BASIS: 32 MRS §§13720 and 13815

PURPOSE: This chapter establishes procedures and standards for authorizing pharmacists to prescribe and dispense naloxone hydrochloride ("Naloxone HCl") and training requirements and protocols for prescribing and dispensing naloxone hydrochloride.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated



**02-393**  
**BOARD OF EXAMINERS IN PHYSICAL THERAPY**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-393**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners in Physical Therapy**

**CONTACT PERSON** FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Board may review and amend for updates and compliance with current law the licensure requirements and procedures for physical therapists, physical therapist assistants, and physical therapy aids. Pursuant to 2019 Public Law Chapter 503, the Board will delete the character references for initial licensing. The code of professional practice also may be reviewed and updated as may be necessary.

**CHAPTER 1:** Definitions

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C)

PURPOSE: The chapter defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 2:** General Provisions

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C)

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 3:** Licensure Requirement for Physical Therapists and Physical Therapist Assistants

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(A), (B), and (C), 3114-A, 3116

PURPOSE: The chapter states the requirements for issuance of a license to practice physical therapy, including application, education, experience, and references. The Board may review this chapter for conformance with law and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 4:** Standards for Supervision of Physical Therapist Assistants and Physical Therapy Aids

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(C), 3113-B(6)

PURPOSE: The chapter establishes standards by which physical therapist assistants and physical therapy aids will be supervised. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 5:** Enforcement and Disciplinary Procedures

STATUTORY BASIS: 32 M.R.S. § 3112(5)

PURPOSE: The chapter outlines enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 6:** Code of Ethics

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(C), (E), (F), and (G), 3117-A

PURPOSE: The chapter sets the standards of professional practice of physical therapy. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 7:** Fees

STATUTORY AUTHORITY: 32 M.R.S. §§ 3112(5)(C) and (D), 3114-A(2)(B)

PURPOSE: The chapter establishes fees and is subject to repeal because fees for this program are now established by the Director of the Office of Professional and Occupational Regulation (OPOR) in Chapter 10 of OPOR's rules, as authorized by 10 M.R.S. § 8003(2-A)(D).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**02-395**  
**PLUMBERS' EXAMINING BOARD**  
Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-395**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Plumbers' Examining Board**

**CONTACT PERSON** FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the requirements for licensure as a Trainee Plumber, Journeyman-in-Training, Journeyman Plumber, and Master Plumber.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 4:** Installation Standards

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by adopting and amending standards for plumbing installations in the State of Maine.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6:** Reciprocity

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-396**  
**BOARD OF LICENSURE OF PODIATRIC MEDICINE**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-396**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Podiatric Medicine**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333-0035, (207) 624-8420  
kristina.m.halvorsen@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1:** Licensing of Podiatrists

STATUTORY AUTHORITY: 32 M.R.S. §§ 3605-B(3), 3651-A, 3652, 3654

PURPOSE: The board may review and revise the application procedure and qualifications for licensure. Provisions may be added pertinent to the staff review of applications.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2:** Fees

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may repeal existing fee provisions now that the Office of Professional & Occupational Regulation has established fees for this board pursuant to 10 M.R.S. § 8003(2-A)(D) and Rule 02-041 Chapter 10.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3:** Continuing Education of Podiatrists

STATUTORY AUTHORITY: 32 M.R.S. §§ 3605-B(2), (3) and 3652

PURPOSE: The board may review and revise the academic requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 21:** Use of Controlled Substances for Treatment of Pain

STATUTORY AUTHORITY: 32 M.R.S. §§ 3657

PURPOSE: The board may review and revise the principles of proper pain management and the treatment of pain.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-415**  
**BOARD OF EXAMINERS OF PSYCHOLOGISTS**

Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-415**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners of Psychologists**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, [Kristina.m.halvorsen@maine.gov](mailto:Kristina.m.halvorsen@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The board may review current rules and make adjustments or corrections to the extensive 2008 recodification of the rules. Also, the board may review the pre- and postdoctoral supervision requirement for initial licensure for psychologists, and may review and amend the rules relating to supervision of conditional and temporary licensees and the rules relating to licensure mobility and telepsychology to address current practice standards and patient needs.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter defines terms used throughout the board's rules. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2:** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3:** Application, Examination and the Licensure Process

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2), (5)

PURPOSE: This chapter sets forth the application and examination sequence for persons applying for licensure as a psychologist or psychological examiner, including authorization for acceptance of the ASPPB Certificate of Professional Qualification in Psychology (CPQ), ASPPB Psychology Licensure Universal System (PLUS) and the National Register (NR). This chapter also contains limitations on the conditional and temporary licenses, and provisions relating to licensure generally and supervision.

The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 4: Licensure of Psychologists**

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter establishes standards for the education and pre- and post-doctoral supervised experience of psychologists, supervision program requirements and supervisor responsibilities. The board may review this chapter to amend pre- and post-doctoral supervised experience requirements and review the rules for clarity and conformance with current statutes and make updates as may be necessary. The board may consider establishing procedures for licensees in another state to be licensed in this State by written agreement with another jurisdiction under a written licensing compact or any other method of license recognition.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5: Licensure of Psychological Examiners**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3811(1), 3824(2)

PURPOSE: This chapter establishes standards for the education and supervised experience of psychological examiners. This chapter also addresses the provision of intervention services by psychological examiners. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6: Supervision of Unlicensed Personnel**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3812-A(1), 3824(2)

PURPOSE: This chapter establishes standards for the supervision of unlicensed persons who participate in the provision of psychological services. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 7: Qualifications of Supervisors**

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter sets forth qualification standards for supervising psychologists. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 8: Continuing Professional Education**

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2), (6)

PURPOSE: This chapter requires licensees to update and advance their skills through continuing professional education so that the public may benefit from the most current and effective standards of professional practice. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 9: Ethical Standards and Practice Requirements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3816, 3824(2)

PURPOSE: This chapter establishes ethical standards for psychologists and psychological examiners. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 10: Enforcement and Disciplinary Procedures**

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter specifies the enforcement and disciplinary procedures used by the board, sets forth grounds for discipline that interpret or supplement the statutory grounds for discipline contained in 10 M.R.S. § 8003(5-A) and 32 M.R.S. § 3837-A, and provides for the psychological evaluation of psychologists who may be impaired. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**02-416**  
**BOARD OF SOCIAL WORKER LICENSURE**  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: 02-416

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Social Worker Licensure**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 10:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 7001-A, 7030(2)

PURPOSE: The board may review and revise the terms used in these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 11:** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise the provision that allows for the Board's discretionary issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 12:** Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(1) and (2), 7051, 7053, 7054-A, 7056, 7060; 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may review and revise the application process for social work licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 13:** Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(1) and (2), 7051, 7053, 7054-A, 7056, 7060

PURPOSE: The board may review and revise the requirements for the various types of social work licenses.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 14:** Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. § 7030(5)

PURPOSE: The board may review and revise the continuing professional education requirements for social workers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 15:** Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 7001-A(11), 7053-A

PURPOSE: The board may review and revise the permissible scope-of-practice provisions applicable to the various licensure types issued by the board, and related provisions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 16:** Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(1) and (2), 7051, 7059

PURPOSE: The board may review and revise its rules regarding enforcement and disciplinary procedures and the board's interpretation of certain grounds for discipline contained in 32 MRSA § 7059.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 17:** Record Retention Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 7030(2)

PURPOSE: The board may review and revise its existing rules with regard to retaining client records by licensees.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-465**  
**RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS**  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-465**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Radiologic Technology Board of Examiners**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8420, [Kristina.m.halvorsen@maine.gov](mailto:Kristina.m.halvorsen@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1:** Application and Scope

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise this chapter, which describes the scope of the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise the terms used in these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3:** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise this chapter, which provides for its discretionary issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 4:** Licensure of Radiographers, Nuclear Medicine Technologists and Radiation Therapists

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise qualifications for the initial licensure of radiographers, nuclear medicine technologists and radiation therapists. The issuance of limited licenses, temporary licenses and special permits is described in Chapters 5 and 7 of the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5: Temporary Licenses and Special Permits**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise qualifications and application procedures for the issuance of temporary licenses to practice as a radiographer, nuclear medicine technologist or radiation therapist, and special permits to practice as a nuclear medicine technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 6: Trainees for Limited Radiographer License**

STATUTORY AUTHORITY: 32 M.R.S. §§ 9853(6)(C), 9854(3)(C), 9855(4)

PURPOSE: The board may review and revise the education and training to be completed by trainees in preparation for the limited radiographer license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7: Limited Radiographer License**

STATUTORY AUTHORITY: 32 M.R.S. § 9855(4)

PURPOSE: The board may review and revise the application and examination procedure leading to issuance of the limited radiographer license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8: Scope of Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise the permissible scope of practice of radiographers, nuclear medicine technologists, radiation therapists and limited radiographers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 9: Initial Application; License Renewal and Continuing Education; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)(D)(5)

PURPOSE: The board may review and revise the license renewal, continuing education requirements and procedures relating to inactive status licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 10: Denial Appeals**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)

PURPOSE: The board may review and revise this chapter, which sets forth a licensee's right to appeal a license denial.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 11:** Grounds for Disciplinary Action

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)(A)(5)

PURPOSE: The board may review and revise this chapter, which sets forth the grounds for disciplinary action against licensees.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-477**  
**BOARD OF OCCUPATIONAL THERAPY PRACTICE**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-477**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Occupational Therapy Practice**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, [jennifer.m.hawk@maine.gov](mailto:jennifer.m.hawk@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** Rulemaking is currently under consideration to update Chapter 7 of the Board's rules.

**CHAPTER 2:** Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2278, 2279, 2284

PURPOSE: The board may revise its rules regarding the discretionary issuance of advisory rulings by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3-A:** Licensure as a Temporary Licensee, Occupational Therapist or Occupational Therapy Assistant

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2278, 2279, 2284

PURPOSE: The board may review and revise the requirements and procedures governing the issuance of permanent and temporary licenses for the practice of occupational therapy.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5:** Role of the Occupational Therapy Assistant; Supervision of Occupational Therapy Assistants and Temporary Licensees

STATUTORY AUTHORITY: 32 M.R.S. §§ 2272(12), 2274(2)

PURPOSE: The board may review and revise the permissible duties of the Occupational Therapy Assistants and the duties of Occupational Therapists in the supervision of their Assistants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 6-A:** License Renewal; Reinstatement

STATUTORY AUTHORITY: 32 M.R.S. § 2274(2), 2283(1)

PURPOSE: The board may review and revise the requirements for license renewal and reinstatement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7: Code of Ethics and Ethics Standards**

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2)

PURPOSE: The board may review and revise the rules regarding the code of ethics for licensed Occupational Therapists and Occupational Therapy Assistants by adopting the Occupational Therapy Code of Ethics published by the American Occupational Therapy Association.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 9: Professional Misconduct**

STATUTORY AUTHORITY: 32 M.R.S. § 2274(2), 2286

PURPOSE: The board may review and revise the rules describing professional misconduct that may result in disciplinary action against a licensee, including denial or nonrenewal of a license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-502**  
**BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS**  
2020 – 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-502**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Complementary Health Care Providers**

**CONTACT PERSON** FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, [Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Board last adopted rules in 2013. The Board may consider overall rule updates, errors, and omissions as may be necessary. The Board may also consider updating the rule on prescribing noncontrolled legend drugs by naturopathic doctors in accordance with 32 M.R.S. § 12522 and standards for collaborative relationships between a licensed allopathic or osteopathic physician and a naturopathic doctor. The Board is expected to adopt rules to implement 2016 Public Law Chapter 502 for the licensing of professional midwives and to adopt rules, including but not limited to, establishing requirements for initial and renewal licensure, continuing professional education, standards for the practice of midwives and jointly with the Maine Board of Licensure in Medicine rules on the drug formulary, informed consent documentation, preexisting conditions that render a pregnancy ineligible for out-of-hospital birth and data collection and reporting, and rules on data collection. The Board is expected to adopt rules to implement 2019 Public Law Chapter 269 for licensing auricular acupuncture detoxification specialists, which will include at a minimum, requirements for licensure and approved training.

**CHAPTER 1:** Definitions

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter defines and clarifies terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 2:** Advisory Rulings

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter sets forth procedures for the issuance of advisory rulings by the Board. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 3:** Licensure Requirement for Acupuncturists

STATUTORY BASIS: 32 M.R.S. §§ 12503 (B) and (D), 12512

PURPOSE: The chapter establishes requirements for issuance of a license to practice acupuncture, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 3-A:** Certification for the Formulation and Dispensing of Custom-Made Chinese Herbal Formulations

STATUTORY BASIS: 32 M.R.S. § 12513-A(3)

PURPOSE: The chapter establishes requirements for the certification of licensed acupuncturists to formulate and dispense custom-made Chinese herbal formulations. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 4:** Licensure Requirement for Naturopathic Doctors

STATUTORY BASIS: 32 M.R.S. § 12525

PURPOSE: The chapter establishes requirements for issuance of a license to practice naturopathy, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 5:** Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors

STATUTORY BASIS: 32 M.R.S. § 12526

PURPOSE: The chapter states the requirements for continuing education as required for acupuncturists and naturopathic doctors. The Board may need to amend this chapter to conform to rules adopted by the Office of Professional and Occupational Regulation on substantiation of continuing education by licensed practitioners.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 6:** Standards Relating to Prescriptive Authorities and Collaborative Relationships

STATUTORY BASIS: 32 M.R.S. §§ 12503(1)(A) and (B), 12506

PURPOSE: The formulary listing in this chapter may be subject to updates and/or revisions based on federal or state standards with regard to noncontrolled legend drugs, which may be prescribed according to 32 M.R.S. § 12522. Rules adopted pursuant to 32 M.R.S. § 12522(4) are major substantive rules. See 32 M.R.S. § 12506.

SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees  
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 7: Grounds for Discipline**

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter references the statutory grounds for discipline and includes examples of prohibited conduct. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 8: Code of Ethics**

STATUTORY BASIS: 32 M.R.S. § 12503(B)

PURPOSE: The chapter establishes standards of professional practice in the practice of acupuncture and naturopathic medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 9: Fees**

STATUTORY BASIS: 32 M.R.S. §§ 12514(2), 12526(1)

PURPOSE: The chapter establishes fees and is subject to repeal because fees for this program are now established by the Director of the Office of Professional and Occupational Regulation (OPOR) in Chapter 10 of OPOR's rules, as authorized by 10 M.R.S. § 8003(2-A)(D).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**02-514**  
**BOARD OF COUNSELING PROFESSIONALS LICENSURE**  
2020-21 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-514**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Counseling Professionals Licensure**

**CONTACT PERSON** FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-21 RULEMAKING ACTIVITY:**

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines terms used in the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 1-A,** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4).

PURPOSE: The board may review and revise this chapter, which describes a procedure for the issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2:** Licensed Professional Counselors

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853(2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the professional counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3:** Licensed Clinical Professional Counselors

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the professional clinical counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 4: Licensed Marriage and Family Therapists**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the marriage and family therapist license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5: Licensed Pastoral Counselors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the pastoral counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5-A: Registered Counselors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which sets forth provisions relating to the scope of practice and obligations of registered counselors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 6: Applications / Applicants Licensed in Another Jurisdiction**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which sets forth general requirements relating to applications for licensure, applicants trained in foreign countries, and applicants licensed in other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7: License Renewal; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13864; 10 M.R.S. § 8003(5-A)(D).

PURPOSE: The board may review and revise this chapter, which describes the board's application and renewal process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7-A: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13860(2).

PURPOSE: The board may review and revise this chapter, which makes peer consultation an optional, as opposed to mandatory, component of continuing

education, and also requires continuing education in domestic violence, substance abuse or emotional trauma.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8-A: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the code of ethics to be followed by licensed and registered counselors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8-B: Client Bill of Rights; Disclosure Statements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the client bill of rights and counselor disclosure statements adopted by the board and requires counselors to distribute these documents to clients in hand at the commencement of the counseling relationship.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-643**  
**BOARD OF SPEECH, AUDIOLOGY AND HEARING**  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-643**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Speech, Audiology and Hearing**

**CONTACT PERSON** FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, [jennifer.m.hawk@maine.gov](mailto:jennifer.m.hawk@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** The Board is currently in rulemaking to implement 2019 Public Law Chapter 503, which includes issuance of licenses to speech-language pathology assistants and changes to the licensure requirements for speech-language pathology assistants. Rules for this program were last adopted December 24, 2011 and included a complete rewrite and reorganization of the rules.

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise this chapter, which defines terms used in the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 2:** Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise this chapter, which provides for the discretionary issuance of advisory rulings by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 3:** Pathways to Licensure as a Speech-Language Pathologist, Audiologist or Hearing Aid Dealer and Fitter

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(1), (3) and (4), 17302(1)

PURPOSE: The board may review and revise the criteria for the initial licensure of speech-language pathologists, audiologists and hearing aid dealers and fitters.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 4:** Licensure of Temporary Speech-Language Pathologists and Audiologists

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(6)

PURPOSE: The board may review and revise the provisions for initial and renewal licensure of temporary speech-language pathologists and audiologists.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5: Permitting and Licensing of Hearing Aid Dealers and Fitters**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(2), 17302(2)

PURPOSE: The board may review and revise the criteria for the permitting, renewal, examination and supervision requirements for trainee hearing aid dealers and fitters.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 6: Application for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise the application procedures for licenses, registrations and permits issued by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 7: License Renewal; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17310

PURPOSE: The board may review and revise the procedures for: (a) license renewal by speech-language pathologists, audiologists and hearing aid dealers and fitters; (b) application for and renewal of inactive status licensure; and (c) reinstatement from inactive to active status licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 8: Continuing Professional Education**

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise the continuing education requirements for licensees of the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 9: Speech-Language Pathology Assistants**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(5)

PURPOSE: The board may review and revise the qualifications, supervision requirements, and other responsibilities of speech-language pathologists for the assistants they supervise, and the scope of practice of speech-language pathology assistants.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 10:** Practice of Hearing Aid Dealing and Fitting

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17305(5) and (6)

PURPOSE: The board may review and revise the practice requirements relating to the calibration of audiometers and minimum testing requirements for hearing and the model notice that the board is required to prepare pursuant to 32 MRSA §17305)(6) in the form of a Sample Hearing Aid Purchase Agreement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 11:** Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise its code of ethics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 12:** Professional Misconduct

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2), 17307(1)

PURPOSE: The board may review and revise this chapter, which describes professional misconduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**02-658**  
**Maine Fuel Board**  
Maine Administrative Procedure Act  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-658**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Maine Fuel Board**

**CONTACT PERSON** FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The board may review and make changes for consistency with the provisions of Public Law 2015, Chapter 169. Some of the changes would distinguish between an oil burner technician and a solid fuel technician and would also add a pellet-fired authority to the oil burner technician license. The board will review the requirements for qualifying for examination for a journeyman and master oil burner technician license, and a gas technician license. The board will also review and may adopt and incorporate technical codes and standards that apply to the installation of fuel burning equipment, chimneys, fireplaces and vents. The board will update terminology

**CHAPTER 1: Definitions**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter clarifies terms in the law and these rules. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 2: Advisory Rulings**

STATUTORY BASIS: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE (of the rule): This chapter establishes guidelines relating to advisory rulings. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 3: Categories and Responsibilities of Licensure**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter describes the duties and responsibilities for licensure.

The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 4: Qualifications for Licensure**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the qualifications for licensure and describes the application and examination process. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 5: Use of Other License Authorities**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the requirements for licensed master and journeyman oil and solid fuel technicians to gain licensed experience as an apprentice to qualify for an additional license authority. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 6: Adoption of Standards and Rules**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the standards for installation of any oil and solid fuel burning equipment, propane and natural gas equipment, chimneys, fireplaces and vents. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute, and may update standards as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 7: Modification of Standards**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter allows the board to authorize modifications to installation standards under unusual circumstances. This chapter provides the board with the discretion to alter installation standards after appropriate technical consideration. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 8: Installation of Oil Burning Equipment**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the guidelines for the installation of oil burning equipment with necessary safety controls, devices and standards for the reduction of fire hazards associated with oil fired equipment used in residential, commercial and industrial applications. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 9: Installation of Solid Fuel Burning Equipment**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): The purpose of this chapter is to specify the proper installation of solid fuel burning equipment in accordance with NFPA # 211. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 10: Chimneys**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): The primary purpose of this chapter is to set forth the rules governing the removal of waste gases. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 11: Installation of Waste Oil Appliances and Waste Oil Supply Tanks**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter provides requirements for the use of waste oil burning equipment and accessory equipment installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 12: Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the requirements for permitting aboveground and underground propane and natural gas storage facilities and rooftop installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 13:** Installation of Propane and Natural Gas Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the guidelines for the installation of propane and natural gas burning equipment with necessary safety controls. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**03**  
**DEPARTMENT OF CORRECTIONS**  
2020-2021 Regulatory Agenda  
June 22, 2020  
*(amended November 23, 2020 – Chapter 15 added)*  
*(amended June 11, 2021 – Chapter 5 added)*

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**03-201: Department of Corrections**  
**03-208: State Parole Board**

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AGENCY UMBRELLA-UNIT NUMBER: **03-201**  
AGENCY NAME: **Department of Corrections**

**RULEMAKING LIAISON:** Mary Lucia, Policy Development Coordinator, State House Station 111, Augusta, Maine 04333. Telephone: (207) 287-4681. E-mail: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:** None

**EXPECTED 2020 – 2021 RULEMAKING ACTIVITY:**

**CHAPTER 1:** Detention and Correctional Standards for Counties and Municipalities and Additional Accommodations

STATUTORY AUTHORITY: 34-A MRSA §§ 1208, 1208-A, 1208-B and 30-A § 1583

PURPOSE: This rule sets forth standards for county and municipal detention facilities. A repeal and replacement or an amendment to the rule may be needed for conformance with statutes and to make updates in accordance with professional practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: Confined persons & staff. Regulated parties: municipal and county detention and correctional facilities and additional accommodations.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2:** Change of Use, Downsizing, or Closure of Correctional Facilities

STATUTORY AUTHORITY: 34-A MRSA §1803, sub-§2

PURPOSE: A repeal is needed because the Board and its statutory authority no longer exists.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

*Chapter 5 added June 11, 2021*

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**CHAPTER 5, Sec. 5.1:** Advisory Rulings

STATUTORY AUTHORITY: 5 MRSA §9001

PURPOSE: This rule establishes the procedures for the submission, consideration, and disposition of requests for advisory rulings.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER 10: (ADULT), Sec. 6.6:** Payment of Restitution or Fines

STATUTORY AUTHORITY: 34-A MRSA §§ 3035, 3809-A and 4111

PURPOSE: This rule sets forth procedures for the collection of court ordered restitution, whether as a separate sentence or disposition, or as a condition of probation. It also applies to all prisoners and juvenile clients who have a court ordered fine. A repeal and replacement or an amendment to the rule is needed for anticipated modifications to the payment of restitution fines process.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody or under the supervision of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10, Sec. 2.15:** Agreements with Community Agencies - Fiscal Management

STATUTORY AUTHORITY: 34-A MRSA §1206

PURPOSE: This rule will be repealed, as the statutory authority for the rule has been repealed.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Community agencies having fiscal agreements with the Department

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10 (ADULT), Sec. 14.8:** Section 504 Grievance Procedure

STATUTORY AUTHORITY: 34-A MRSA 1402

PURPOSE: This rule will be repealed as the Department has comprehensive grievance procedures that address this subject.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Clients of the Department of Corrections

CONSENSUS –BASED RULE DEVELOPMENT: N/A

**CHAPTER 10 (ADULT), Sec. 27.2:** Supervised Community Confinement

STATUTORY AUTHORITY: 34-A MRSA §3036-A

PURPOSE: This rule provides for a supervised community confinement program for certain prisoners committed to the Department. This rule will be repealed and replaced to conform to a change in the statute effecting eligibility standards for prisoner participation.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10 (ADULT), Sec. 27.3:** Community Transition Program

STATUTORY AUTHORITY: 34-A, MRSA §3035

PURPOSE: This rule provides for certain prisoners committed to the Department to participate in Community Transition Program prior to release from confinement. A repeal and replacement or an amendment to the rule may be needed for updates regarding prisoner participation in the Community Transition Program.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTERS 10 (ADULT), Sec. 27.4:** Furlough Pass/Furlough Leave Program

STATUTORY AUTHORITY: 34-A MRSA §3035

PURPOSE: This rule sets forth procedures on eligibility, requirements, and conditions for clients under sentence to the Department to participate in a furlough. A repeal and

replacement or an amendment to the rule may be needed for updates regarding prisoner participation in furloughs.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTERS 10 (ADULT) and 12 (JUVENILE), Sec. 29.1:** Grievance Process, General

STATUTORY AUTHORITY: 34-A MRSA §1402

PURPOSE: This rule establishes procedures for hearing grievances of clients. A repeal and replacement or an amendment to the rule may be needed for addressing the grievance process.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles and adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTERS 10 (ADULT) and 12 (JUVENILE), Sec. 29.2:** Grievance Process, Medical and Mental Health Care

STATUTORY AUTHORITY: 34-A MRSA §1402

PURPOSE: This rule establishes procedures for hearing medical grievances of clients. A repeal and replacement or an amendment to the rule may be needed for addressing the medical grievance process.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles and adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10, Sec. 30.7:** Variances

STATUTORY AUTHORITY: 34-A MRSA §§ 1208 & 1208-A

PURPOSE: This rule establishes procedures to govern the submission and consideration of requests for variances from county or municipal detention facility from established Departmental standards, including provisions for Department consideration of appeals of decisions. An amendment of the rule is needed to clarify and add new information regulating municipal and county variances.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: Confined persons & staff. Regulated parties: municipal and county detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12 (JUVENILE), Sec. 15.3:** Resident Discipline System

STATUTORY AUTHORITY: 34-A MRSA §3032

PURPOSE: This rule describes disciplinary offenses and punishments for juveniles in Departmental facilities and establishes a fair and orderly procedure for processing disciplinary complaints. A repeal and replacement is needed to make updates in accordance with professional practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12 (JUVENILE), Sec. 15.4:** Drug and Alcohol Testing of Juvenile Clients

STATUTORY AUTHORITY: 34-A MRSA §§ 1402 and 3032

PURPOSE: This rule sets forth procedures for drug and alcohol testing of juvenile clients. This rule will be repealed and replaced to modify the procedures for juvenile client drug and alcohol testing.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles in the custody or under the supervision of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTERS 12 (JUVENILE), Sec. 20.1:** Furlough Pass/Furlough Leave Program

STATUTORY AUTHORITY: 34-A MRSA §3035

PURPOSE: These rules sets forth procedures on eligibility, requirements, and conditions for clients under sentence to the Department to participate in a furlough. This rule will be repealed and replaced to clarify when a resident of a juvenile facility may be eligible for or removed from furlough and to add an appeal provision.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles committed to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12 (JUVENILE), Sec. 20.4:** Community Transition Program

STATUTORY AUTHORITY: 34-A, MRSA §3035

PURPOSE: To propose a policy governing the transitioning of juveniles into the community through work release and other programs.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles committed to the Department.

CONSENSUS BASED RULE DEVELOPMENT: N/A

*Chapter 15 added November 23, 2020*

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**CHAPTER 15:** Batterer Intervention Program Certification

STATUTORY AUTHORITY: 19-A MRSA §4014

PURPOSE: This rule sets forth standards and procedures for the certification of batterer intervention programs. An amendment to the rule is needed to revise the standards for the batterer intervention programs in light of the challenges presented by the COVID emergency.

ANTICIPATED SCHEDULE: Prior to February 1, 2021

AFFECTED PARTIES: Benefited parties: Program staff and participants. Regulated parties: Batterer intervention programs.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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AGENCY UMBRELLA-UNIT NUMBER: **03-208**

AGENCY: **State Parole Board**

**RULEMAKING LIAISON:** Mary Lucia, Policy Development Coordinator, State House Station 111, Augusta, Maine 04333. Telephone: (207) 287-4681. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:** None

**EXPECTED 2020 - 2021 RULEMAKING ACTIVITY:** None

**05**  
**DEPARTMENT OF EDUCATION**  
Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda  
June 15, 2020 (*amended August 27, 2020*)

AGENCY UMBRELLA-UNIT NUMBER: **05-071**

AGENCY NAME: **Department of Education**, Office of the Commissioner

**RULEMAKING LIAISON:** Jaci Holmes, Rules Contact, Maine Department of Education, 23 State House Station, Augusta, ME 04333-0023, Telephone: (207) 624-6669. Email: [Jaci.Holmes@Maine.gov](mailto:Jaci.Holmes@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None, because the Department did an amended Regulatory Agenda in March for the emergency rule Chapter 115.

**CONSENSUS-BASED RULE DEVELOPMENT:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 13:** Qualifying Examinations for Teachers, Educational Specialists and Administrators - **REPEAL**

STATUTORY AUTHORITY: 20-A, M.R.S.A. §13038

PURPOSE: Repeal rules regarding the qualifying examination test codes and/or required scores for educators since the cut scores change every year, there needs to be a more efficient way to post the scores.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: School personnel seeking certification under the qualifying exam.

**CHAPTER 14:** Education of Homeless Students

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§ 261 and 5205(7)

PURPOSE: Review/Revise rules to ensure consistency with federal law and regulations.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units, homeless students and their families.

**CHAPTER 26:** Rules Relating to Reorganization of School Administrative Districts

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§ 1511-1512

PURPOSE: Review/Revise rules regarding school closing issues since referenced statutory provisions have been repealed.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units.

**CHAPTER 40:** Rule for Medication Administration in Maine Schools – **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A, M.R.S.A. §254(5)

PURPOSE: Review/Revise rules regarding use of sunscreen in schools as the result of LD 441. However the Joint Committee did not submit the regulation to the Legislature, so it needs to be promulgated

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units.

**CHAPTER 84: School Bus Refurbishment Program**

STATUTORY AUTHORITY: 20-A MRS §5401(17)

PURPOSE: Repeal as the State Maine Military Authority no longer refurbishes school buses.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units

**CHAPTER 85: School Bus Purchase Program**

STATUTORY AUTHORITY: 20-A MRS §5401(17)

PURPOSE: Need to strike Section 1 of this chapter where the School Bus Refurbishment Program is mentioned.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units

**CHAPTER 101: Maine Unified Special Education Regulation – Major Substantive Rule**

STATUTORY AUTHORITY: 20-A, M.R.S.A., §7005 (1); Resolve 2013, chapter 70

PURPOSE: Revise rule

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 8, 2021.

AFFECTED PARTIES: Special education programs and services for eligible infants, toddlers, and children from birth through age 20, school administrative units, and private schools.

**CHAPTER 104: Educational Programs for Gifted and Talented Children**

STATUTORY AUTHORITY: 20-A MRS Section 8108 *et seq.* and Section 15603, subsection 22©

PURPOSE: Review and revise rules establishes the gifted and talented education program standards governing each school administrative unit in the state.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units

**CHAPTER 114: Purpose, Standards and Procedures for the Review and Approval of Preparation Programs for Education Personnel**

STATUTORY AUTHORITY: 20-A, M.R.S.A. Sections 8, 402(4), 405(3)(F) and 406

PURPOSE: Review/Revise rules regarding teacher education program approval.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Educational personnel preparation programs, educational personnel in training.

**CHAPTER 115: Certification, Authorization and Approval of Education Personnel - Major Substantive Rule**

STATUTORY AUTHORITY: 20-A, M.R.S.A., Chapter 502

PURPOSE: Review/Revise rules regarding the certification of educational personnel  
Part I: Standards and Procedures for Certification, Authorization, and Approval and  
Part II: Requirements for Specific Certificates and Endorsements as needed, to reflect  
statutory changes. *When proposing any revisions consideration should be given to  
provisions of LD 1858, now PL.2019, Chapter 584.*

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by  
January 8, 2021.

AFFECTED PARTIES: Educational Personnel seeking certification, authorization and  
approval or re-certification, re-authorization, and re-approval.

**CHAPTER 119:** Adjudicatory Proceedings on Certification Issues

STATUTORY AUTHORITY: 20-A MRS §13011(4); 5 MRS §8051

PURPOSE: Review and revise rules regarding the procedures for the conduct of formal  
adjudicatory hearings pertaining to applications for the issuance or renewal of any  
certificate or endorsement which has been tentatively denied by the Commissioner.

ANTICIPATED SCHEDULE: by July 2021

AFFECTED PARTIES: School personnel seeking certification

**CHAPTER 122:** Grant Application and Award Procedure: Fund for the Efficient  
Delivery of Educational Services – **Major Substantive Rule**

STATUTORY AUTHORITY: 20-A M.R.S.A. §2651(5)

PURPOSE: Review/Revise rules

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by  
January 8, 2021.

AFFECTED PARTIES: All local school administrative units and students.

**CHAPTER 122:** Basic School Approval: Public Preschool Programs

STATUTORY AUTHORITY: 20-A M.R.S.A. §4271(4)

PURPOSE: Review/Revise rules

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by  
January 8, 2021.

AFFECTED PARTIES: All local school administrative units and students.

*Added August 27, 2020*

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**CHAPTER 125:** Basic Approval Standards: Public Schools and School Administrative  
Units - **Major Substantive Rule**

**A JOINT RULE WITH THE MAINE STATE BOARD OF EDUCATION**

STATUTORY AUTHORITY: 20-A, M.R.S.A., Chapter 206

PURPOSE: Review/Revise rule that establishes school approval standards governing  
school administrative units and public schools of the State to reflect changes in  
State law.

ANTICIPATED SCHEDULE: **Emergency Rule During the COVID Pandemic,  
August 2020**

AFFECTED PARTIES: All local school administrative units and students.

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**CHAPTER 127:** Instructional Program, Assessment and Diploma Requirements –  
**Major Substantive Rule**

STATUTORY AUTHORITY: 20-A, M.R.S.A., Chapter 207-A and Chapter 222; PL 2011,  
Chapter 669; 20-A M.R.S.A. §253(9); Resolve 2013, Chapter 38

PURPOSE: Review/Revise the rule that prescribes the basic instructional and assessment requirements to reflect changes in State law, to include guidelines and protocols to strengthen the capacity of school administrative units to ensure sufficient opportunity through multiple pathways for all students to meet the content standards and guiding principles under Maine's Learning Results.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 12, 2020.

AFFECTED PARTIES: All local school administrative units and students.

**CHAPTER 128: Truants and Drop-outs Guidelines Repeal**

STATUTORY AUTHORITY: Was 20 MRS §911 does not exist. The new relevant statute, 20-A Chapter 211 has sufficient detail.

PURPOSE: Repeal the existing Chapter 128 as the current statute has sufficient detail and the former rule is not consistent with the new statute.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units

**CHAPTER 131: The Maine Federal, State and Local Accountability Standards – Major Substantive Rule**

STATUTORY AUTHORITY: 20-A, M.R.S.A. §6211

PURPOSE: Review/Revise the rule to update any necessary changes.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 8, 2021.

AFFECTED PARTIES: Local school administrative units and students.

**CHAPTER 138: State Accreditation Standards and Processes**

STATUTORY AUTHORITY: 20-A MRS §§ 4511-4516

PURPOSE: Review and revise rules which establish standards for accreditation of elementary, middle/junior high, secondary, and vocational schools.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local school administrative units

**CHAPTER 147: Rules for the Licensing of Privately Owned Business, Trade and Technical Schools – Proprietary Schools**

STATUTORY AUTHORITY: 20-A MRS, Chapter 323

PURPOSE: Review and revise the rule which details the criteria to be met by any privately owned business, trade, and technical school to obtain a license to do business in the State of Maine.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Privately owned business, trade, and technical school

**CHAPTER 149: Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine**

STATUTORY AUTHORITY: 20-A MRS, Chapter 409, §§ 10701-10710

PURPOSE: Review and revise the rules which include procedures for obtaining authorization for institutions of higher education to confer academic degrees or to offer degree courses/programs in the State of Maine

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Institutions of higher education

**CHAPTER 150:** Rules for Licensing Privately Owned Correspondence Schools

STATUTORY AUTHORITY: 20-A MRS, Chapter 321

PURPOSE: Review and revise rules which are utilized in licensing privately owned correspondence schools.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Privately owned correspondence schools.

**CHAPTER 161:** Purchase and Storage of Hazardous Chemicals

STATUTORY AUTHORITY: 20-A MRS §15613(14)

PURPOSE: Review and revise this joint rule which establishes standards for the purchase and storage of hazardous chemicals in all public schools of the state.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Public schools

**Chapter 170:** Standards for Evaluating Requests for Degree-Granting Authorizations and for Out of State Postsecondary Institutions Seeking to Offer Academic Credit Courses/Programs in Maine

STATUTORY AUTHORITY: 20-A MRSA §10710

PURPOSE: Review and revise as necessary

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Postsecondary institutions

**CHAPTER 225:** Adult Education High School Completion Programs

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§ 257, 8602

PURPOSE: Review/Revise rule to reflect changes in state statute and federal guidelines.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Local adult education programs and students.

**CHAPTER 231:** Vocational Program and Funding Procedure - **REPEAL**

STATUTORY AUTHORITY: 20-A, M.R.S.A., Chapter 313, §8306-B; PL 2011, Chapter 679

PURPOSE: Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to career and technical education program approval and funding based on national industry standards and assessments.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: All school administrative units and students.

**CHAPTER 232:** Standard Criteria for Maine Secondary Vocational Programs

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B; PL 2011, Chapter 679

PURPOSE: Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to career and technical education program(s) and courses based on national industry standards and assessments

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: All school administrative units and students.

**CHAPTER 236:** Program (Vocational Education) Evaluation Requirements - **REPEAL**

STATUTORY AUTHORITY: 32, M.R.S.A. §8306-B; PL 2011, Chapter 679

PURPOSE: Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to program evaluation requirements for Career and Technical Education programs based on national industry standards and assessments.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: All school administrative units and students.

**CHAPTER 237: "Live or Outside Work"**

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B; PL 2011, Chapter 679

PURPOSE: Review/Revise the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to requirements for Career and Technical Education Live or Outside Work Programs based on national industry standards and assessments.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: All school administrative units and students.

**NEW RULES**

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**NEW RULE:** Retention and Graduation Rates for Maine's Colleges and Universities

STATUTORY AUTHORITY: PL 2011, Chapter 232; 20-A, M.R.S.A., §10011

PURPOSE: May develop any necessary rules to carry out the provisions of statute.

ANTICIPATED SCHEDULE: As necessary

AFFECTED PARTIES: Department of Education and Maine's colleges and universities.

**NEW RULE:** Rule Governing the Child Development Services State Intermediate Educational Unit's Contracting for Evaluations, Early Intervention Services, and Special Education and Related Services

STATUTORY AUTHORITY: PL 2011, Chapter 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities

PURPOSE: Develop rules to implement the process whereby the Child Development Services State Intermediate Educational Unit establishes a roster of independent contractors for the provision of evaluation and services for children ages 0-5 and ensures the provision of services in accordance

with the contracts developed with independent contractors selected from the roster.

(Rules required

to implement PL 2011)

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Providers in private practice. For example: speech language pathologists, physical therapists, occupational therapists, psychologists, private special purpose pre-school programs, etc.

**NEW RULE:** Equivalent Criminal History Background Checks for Out of State Schools Eligible for Maine Tuition Assistance

STATUTORY AUTHORITY: PL 2019, Chapter 114

PURPOSE: Establish a new rule to determine the equivalency of criminal history background checks for out of state teaching staff.

ANTICIPATED SCHEDULE: By July 1, 2021

AFFECTED PARTIES: Out of state schools eligible for Maine Tuition Assistance.

**NEW RULE:** Rules for Guidelines for School Counselors and School Social Workers -  
**MAJOR SUBSTANTIVE RULE**

STATUTORY AUTHORITY: PL 2019, Chapter 45

PURPOSE: Establish a new rule to create guidelines regarding the duties at least 80% of time of school counselors and school social workers providing direct services to and indirect services on behalf of students including for delivery of a comprehensive school counseling program.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 8, 2021.

AFFECTED PARTIES: All school administrative units, school counselors and school social workers, and students

**NEW RULE:** Rules Governing Alternative Breakfast Delivery Services - **Routine Technical Rules**

STATUTORY AUTHORITY: PL 2019, Chapter 556

PURPOSE: Establish a new rule for an application process and to adopt standards to address evaluation criteria based on need for funding assistance for alternative breakfast delivery services in school administrative units as well as procedures to track health and academic outcomes by data collection of students and schools that participate in alternative breakfast delivery services.

ANTICIPATED SCHEDULE: By July 1, 2021 (No definite date listed in the Public Law to do rulemaking)

AFFECTED PARTIES: All school administrative units and students

**06-096**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*(including 90-564, Clean-Up and Response Fund Insurance Review Board)*

2020 – 2021 Regulatory Agenda

June 25, 2020

*(Chapter 100 added October 20, 2020.)*

*(Chapter 167 renumbered as Chapter 155; new Chapter 167 inserted May 6, 2021.)*

*(Chapters 4 and 853 added May 26, 2021.)*

*(Chapter 168 added August 10, 2021.)*

*(Chapter 169 added August 20, 2021.)*

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**RULEMAKING LIAISON:** Mark Margerum, Office of the Commissioner, Maine DEP, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7842. Email: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov)

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

*Chapter 4 added May 25, 2021.*

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**CHAPTER 4:** Rule Governing Hearings on Appeals of Certain Emergency or Administrative Commissioner Orders

STATUTORY AUTHORITY: 5 MRS §8051; 38 MRS §§ 341-D and 341-H

PURPOSE: The Department is proposing a new rule, Chapter 4, *Rule Governing Hearings on Appeals of Certain Emergency or Administrative Commissioner Orders*, to govern proceedings in which hearings are held by the Board of Environmental Protection on appeals of certain emergency or unilateral administrative orders issued by the Commissioner. Currently, the Department does not have in place procedural rules governing the conduct of such Board hearings. The proposed Chapter 4 rule would establish procedures similar in nature to those set forth in the existing Department rule Chapter 3, Rules Governing the Conduct of Licensing Hearings. Chapter 3 does not apply to emergency or unilateral administrative orders issued by the Commissioner.

SCHEDULE: Post for comment: 5/20/2021; comment deadline: 7/6/2021; anticipated date of adoption: 8/19/2021

AFFECTED PARTIES: This is a proposed procedural rule affecting the conduct of hearings by the Board of Environmental Protection, appellants, and appellees of certain emergency or unilateral administrative orders issued by the Commissioner.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR CHAPTER 4: William F. Hinkel, Board of Environmental Protection - Executive Analyst, Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017. Telephone: (207) 314-1458. Email: [Bill.Hinkel@Maine.gov](mailto:Bill.Hinkel@Maine.gov) .

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**CHAPTER 100: Definitions Regulation**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The amendments will clarify the geographic extent of the Ozone Transport Region within the State of Maine.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and Operators of licensed facilities.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

**CHAPTER 102: Open Burning**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The existing rule regarding open burning will be updated to clarify permissible open burning activities including fire safety training exercises.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Parties who engage in open burning activities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 104: Incinerator Particulate Emission Standard**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule regarding particulate emissions from incinerators will be updated to establish prohibitions on certain homemade incinerators and better address small and medium sized incinerators.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Operators of incinerators.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 106: Low Sulfur Fuel**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule regarding the sulfur content of fossil fuels will be amended to eliminate obsolete regulatory requirements.

ANTICIPATED SCHEDULE: Summer 2020

AFFECTED PARTIES: Parties who distribute, import, offer for sale, or blend fossil fuels in Maine and certain fuel burning sources.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 115: Major and Minor source Air emission License Regulation**

STATUTORY BASIS: 38 MRS §§ 590 and 585-A

PURPOSE: The existing rule will be amended to incorporate financial and technical capacity requirements along with stack testing protocol submission requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Applicants, owners and operators of new and amended air emission licenses.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 118: Gasoline Dispensing Facilities Vapor Control**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule will be amended to update and clarify compliance requirements and eliminate Stage II vapor control requirements repealed by statute.

ANTICIPATED SCHEDULE: Summer 2020

AFFECTED PARTIES: Applicants for new and amended air emission licenses.  
ONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 143: New Source Performance Standards**

STATUTORY BASIS: 38 MRS §§ 590, 585-A, and 585-B

PURPOSE: The existing rule regarding the New Source Performance Standards for air emissions will be amended as necessary to incorporate recent updates to federal new source performance standards for which Maine has already accepted delegation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Applicants for air emissions permits.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 144: National Emission Standards for Hazardous Air Pollutants**

STATUTORY BASIS: 38 MRS §§ 590, 585-A, and 585-B

PURPOSE: The existing rule regarding emissions standards for hazardous air pollutants will be amended as necessary to incorporate recent updates to National Emission Standards for Hazardous Air Pollutants regulations for which Maine has previously accepted delegation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Applicants for air emissions permits.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 149: General Permit for Nonmetallic Mineral Processing Plants**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule regarding portable nonmetallic mineral processing plants will be amended to clarify regulatory requirements, better address particulate emissions, and provide greater consistency between Chapter 115 air emission licenses and Chapter 149 general permits for these sources.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 155 (renumbered May 6, 2021): Control of Emissions from Fumigation Operations**

STATUTORY BASIS: 38 MRS §585-B

PURPOSE: This new rule will establish emission control requirements for hazardous air pollutant and toxic air pollutant emissions from bulk, chamber, and container fumigation operations.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Owners and operators of agricultural and forestry products fumigation operations.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 159: Control of Volatile Organic Compounds from Adhesives and Sealants**

STATUTORY BASIS: 38 MRS §585-B

PURPOSE: The existing rule will be amended to address volatile organic compound concentrations of adhesives used in fiberglass boat building operations.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Fiberglass boat manufacturers.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 162: Control for Fiberglass Boat Manufacturing Materials**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The existing rule will be amended to correct and clarify compliance requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Fiberglass boat manufacturers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 164: General Permit for Concrete Batch Plants**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The existing rule will be amended to provide greater consistency between Chapter 115 air emission licenses and Chapter 164 general permits for these sources.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of concrete batch plants.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*Chapter 167 inserted May 6, 2021.)*

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**CHAPTER 167: Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions**

STATUTORY AUTHORITY: 38 MRS §576-A(4)

PURPOSE: 38 MRS §576-A(4) requires the Department to adopt rules by July 1, 2021, to track and report to the Legislature gross and net annual greenhouse gas emissions in the State. This rule establishes methods for measuring and estimating greenhouse gas emissions from various source categories, and for calculating gross and net annual greenhouse gas emissions for the State as a whole.

SCHEDULE: The Department plans to post the proposed rule to public comment in April, to hold a public hearing in May, and adopt the final rule in late June, 2021.

AFFECTED PARTIES: The proposed rule will define how the Department will collect and aggregate GHG emissions data from all sources in the State. The data will be compiled and incorporated into the biennial report to the Legislature on the State GHG inventory.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR THIS CHAPTER: Stacy Knapp, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2235. Email: [Stacy.R.Knapp@Maine.gov](mailto:Stacy.R.Knapp@Maine.gov) .

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*Chapter 168 added August 10, 2021.*

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**CHAPTER: Chapter 168, Statewide Greenhouse Gas Emissions Regulation**

STATUTORY AUTHORITY: 38 MRS §576-A

PURPOSE: 38 MRS §576-A(4) requires the Department to adopt rules to ensure compliance with the levels established by subsections 1 to 3 of §576-A. This rule establishes the amount by which statewide greenhouse gas emissions must be reduced in order to achieve that compliance.

SCHEDULE: The Department plans to post the proposed rule to public comment in August and adopt the final rule in late September, 2021.

AFFECTED PARTIES: The proposed rule defines the overall reductions in GHG emissions that the State must achieve by both 2030 and 2050. Department staff will use these reduction targets to document progress in emissions reductions in the biennial report to the Legislature on the State GHG inventory.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR THIS CHAPTER: Stacy Knapp, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2235. Email: [Stacy.R.Knapp@Maine.gov](mailto:Stacy.R.Knapp@Maine.gov) .

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*Chapter 169 added August 20, 2021.*

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#### **CHAPTER 169: Stationary Generators**

STATUTORY AUTHORITY: 38 MRS §585 and 585-A

PURPOSE: The purpose of this regulation is to ensure that the operation of new stationary generators does not negatively impact air quality or public health in the vicinity of a facility operating such a generator. The standards and requirements proposed are based on standards and requirements in Federal and State regulations applicable to similar equipment when used in other applications.

SCHEDULE: Rulemaking anticipated Summer/Fall 2021

AFFECTED PARTIES: Owners and operators of stationary generators installed after January 1, 2022, that are powered by engines subject to licensure requirements pursuant to Major and Minor Source Air Emission License Regulations, 06-096 CMR ch. 115, or Part 70 Air Emission License Regulations, 06-096 CMR ch. 140.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON: Lynn Muzzey, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2229. Email: [Lynn.Muzzey@Maine.gov](mailto:Lynn.Muzzey@Maine.gov)

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#### **CHAPTER 305: Natural Resources Protection Act - Permit by Rule Standards**

STATUTORY BASIS: 38 MRS §344(7)

PURPOSE: The existing rule will be updated as necessary, including but not limited to road crossing standards, emergency exemptions for certain improvements, seaweed removal from beaches, utilization of the latest information in NOAA tables, and to simplify the standards for public boat launches.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Applicants for permits under the Permit-by-Rule program.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **Chapter 335: Significant Wildlife Rules**

STATUTORY BASIS: 38 MRS §341-H

PURPOSE: The existing rule will be updated as necessary to ensure consistency with state statutory requirements.

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: Applicants for permits involving Significant Wildlife Habitat.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 401: Solid Waste Management Rules: Landfill Siting, Design and Operation**

STATUTORY BASIS: 38 MRS §§ 341-H and 1304(1 & 1-B)

PURPOSE: The prohibitive siting criteria of the existing rule for construction/demolition debris; land clearing debris; and wood waste landfills that are less than 6 acres will be amended to allow the importation of soil to achieve the required separation thickness for existing landfills.

SCHEDULE: Spring 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 411: Solid Waste Management Rules: Non-Hazardous Waste Transporter Licenses**

STATUTORY BASIS: 38 MRS §1304

PURPOSE: The existing rule regarding licenses to transport solid waste, special waste or septage will be amended to incorporate updated licensing procedures and standards.

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 420: Septage Management Rules**

STATUTORY BASIS: 38 MRS §§ 341-H and 1304(1)

PURPOSE: The existing rule will be amended to update the standards, requirements and licensing procedures for septage management facilities.

SCHEDULE: Winter 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 424: Solid Waste Management Rules: Lead Management Regulations**

STATUTORY BASIS: 38 MRS §1295

PURPOSE: The existing rule regarding the certification and licensing of persons engaged in residential lead-based paint mitigation activities will be amended to incorporate recent federal EPA rule changes impacting DEP's delegated program.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Parties involved in residential lead-based paint mitigation.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 426: Responsibilities under the Returnable Beverage Container Law**

STATUTORY BASIS: 38 MRS §§ 3101 through 3117

PURPOSE: The existing rule regarding the Returnable Beverage Container Law will be updated in accordance with legislative changes adopted in PL 2019, Chapter 526 (An Act to Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws).

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: Bottle redemption businesses, initiators of deposits, and bottling companies.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTERS 520-529: Waste Discharge Permitting Program Rules**

STATUTORY BASIS: 38 MRS §§ 341-H, 413

PURPOSE: These existing rules will be amended as necessary to incorporate current requirements under the US EPA's National Pollutant Discharge Elimination System (NPDES) rules.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Licensed waste dischargers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 531: Regulations for Wastewater Operator Certification**

STATUTORY BASIS: 32 MRS §§ 341-H and 4179

PURPOSE: The existing rule will be amended to update various provisions of the operator training and certification requirements.

ANTICIPATED SCHEDULE: Fall-Winter 2020-2021

AFFECTED PARTIES: Certified wastewater operators and treatment plants.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 583: Nutrient Criteria Rule**

STATUTORY BASIS: 38 MRS §§ 341-H and 464(5)

PURPOSE: The proposed new rule will provide standards for identifying and managing waterbodies impaired by nutrient enrichment by establishing numeric criteria for phosphorus and describing a decision framework for determining whether a waterbody has impaired water quality standards and if so, whether nutrients caused the impairment.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Licensed waste dischargers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 584: Surface Water Quality Criteria for Toxic Pollutants**

STATUTORY BASIS: 38 MRS §§ 341-H and 420

PURPOSE: The existing rule will be amended to ensure consistency with national water quality criteria promulgated by the Environmental Protection Agency and to adopt ambient water quality criteria for aluminum and ammonia.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Licensed waste dischargers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 600: Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminal Facilities, Transportation Pipelines and Vessels**

STATUTORY BASIS: 38 MRS §§541 *et seq.*

PURPOSE: The Rule is being updated to improve clarity and ensure consistency with statutory amendments (2020).

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Licensed Marine Oil Terminal Facilities, Maine Energy Marketers Association; Municipal Officials, City of South Portland; Local citizens.

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 691: Rules for Underground Oil Storage Facilities**

STATUTORY BASIS: 38 MRS §§ 341-H and 561 *et seq.*

PURPOSE: The rule will be amended to correct errors and omissions and to clarify certain portions of the recently revised rule (September 26, 2018).

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 850: Identification of Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to complete incorporation of relevant federal standards including waste exclusions.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities, and generators of hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 851: Standards for Generators of Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate certain relevant federal standards related to hazardous waste manifests.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities, and generators of hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 852: Land Disposal Restrictions**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be updated to complete incorporation of relevant federal Land Disposal Restrictions and waste listing rules.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*Chapter 853 added May 26, 2021.*

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#### **CHAPTER 853: Licensing of Transporters of Hazardous Waste**

STATUTORY AUTHORITY: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate certain relevant federal standards related to Licensing of Transporters of Hazardous Waste.

SCHEDULE: Rulemaking Anticipated Spring 2021

AFFECTED PARTIES: Licensed Transporters of Hazardous Waste

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR CHAPTER 853: Mike Hudson, Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017.

Telephone: (207) 287-7884. Email: [Michael.S.Hudson@Maine.gov](mailto:Michael.S.Hudson@Maine.gov) .

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#### **CHAPTER 854: Standards for Hazardous Waste Facilities**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be updated to incorporate all relevant federal standards for the licensing of hazardous waste facilities.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 855: Interim Licenses for Waste Facilities for Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate all relevant federal standards for the licensing of hazardous waste facilities.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 856: Licensing of Hazardous Waste Facilities**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be updated to incorporate all relevant federal standards for the licensing of hazardous waste facilities.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 857: Hazardous Waste Manifest Requirements**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule establishes requirements for the use of manifests to track the movement of hazardous waste and will be updated to incorporate the most recent federal program requirements and procedures.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Generators of hazardous waste who transport, or offer for transportation, hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 858: Universal Waste Rules**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate relevant federal standards related to hazardous waste manifests.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities, universal waste transporters.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 859: Remediation Derived Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: Establish requirements for the treatment, storage, disposal, closure, post-closure care, and handling of Hazardous Wastes during remedial activities.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Generators and handlers of hazardous waste during contaminated site investigation and remediation.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

#### **CHAPTER 860: Waste Oil Management Rules**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The rule is being revised to improve clarity and consistency with federal rule.  
ANTICIPATED SCHEDULE: Fall 2020  
AFFECTED PARTIES: Facilities that generate, store, collect, transport, treat or sell waste oil.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 891: Designation of a Chemical of High Concern as a Priority Chemical**

STATUTORY BASIS: 38 MRS §1694

PURPOSE: This new rule will designate a chemical of high concern as a priority chemical and require reporting for certain product categories that contain one or more of the regulated chemicals.

ANTICIPATED SCHEDULE: 2020

AFFECTED PARTIES: Manufacturers and distributors of products containing the chemical of high concern.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 900: Biomedical Waste Management Rules**

STATUTORY BASIS: 38 MRS §§ 341-H, 1303-C(34)(K) and 1319-0(3)

PURPOSE: The existing rule will be amended to update and clarify standards, requirements and licensing/registration procedures for biomedical waste facilities.

SCHEDULE: Spring 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 1000: Guidelines for Municipal Shoreland Zoning Ordinances**

STATUTORY BASIS: 38 MRS §438-A(1)

PURPOSE: The existing rule will be amended to clarify the existing guidelines regarding float haul-outs and to make other miscellaneous technical updates and corrections.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Municipalities and applicants for piers and accompanying float haul-outs.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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AGENCY UMBRELLA-UNIT NUMBER: **90-564**

AGENCY NAME: **Clean-Up and Response Fund Insurance Review Board**

**CONTACT PERSON FOR FOLLOWING CHAPTERS:** Mark Margerum, Office of the Commissioner, Maine D.E.P., 17 State House Station, Augusta, ME 04333-0017.  
Telephone: (207) 287-7842. E-mail: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

The Clean-Up and Response Fund Insurance Review Board is not proposing any rulemaking at this time.

**09-137**  
**DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

Agenda of Proposed Regulations  
October 1, 2020 – September 31, 2021

AGENCY UMBRELLA-UNIT NUMBER: **09-137**

AGENCY NAME: **Department of Inland Fisheries and Wildlife**

**AGENCY CONTACT:** Becky Orff, Department of Inland Fisheries & Wildlife,  
Commissioner's Office, #41 State House Station, 284 State Street, Augusta, ME  
04333-0041; telephone: 287-5202.

**EMERGENCY RULES:** As necessary.

**INTENT:** It is the intent of the Department of Inland Fisheries and Wildlife to adopt and amend reasonable regulations as necessary to ensure that all species of inland fish and wildlife are perpetuated to be used now and for the foreseeable future; and also to repeal regulations that are deemed no longer necessary for the protection, enhancement and continued use of these resources.

**STATUTORY AUTHORITY:** 12 MRSA, Section 10104, subsection 1 states: "The Commissioner may, with the advice and consent of the Advisory Council and in conformity with the Administrative Procedures Act, Title 5, Part 18, and except as otherwise provided, adopt, amend and repeal reasonable regulations, including emergency regulations, necessary for the proper administration, implementation, enforcement and interpretation of any provision of the law that the commissioner is charged with the duty of administering. These rules duly adopted have the full force and effect of law and are effective upon filing with the Secretary of State, unless a later date is required by statute or specified in the rule." The provisions of the law that the Commissioner is charged with the duty of administering are Part 13 of Title 12 MRSA Chapters 901 to 939.

**PURPOSE OF THE REGULATIONS:** The purpose of any proposed regulation regarding fish and wildlife is to provide for the fullest level of use of the resource without adversely affecting species distribution and abundance. In order to have an organized and systematic way of accomplishing this goal, Species Management Plans were developed, and updated at five-year intervals, for all major fish and wildlife species or species groups. All proposed regulation changes will be based on the adopted goals and objectives for a particular species or species group. Species management goals and objectives are developed with input from representatives of the public from various geographic areas of the state, biological staff and members of Warden Service, and are presented to the Commissioner and his Advisory Council for adoption. Regulations regarding recreational vehicle use are adopted to provide for the use, to the fullest extent possible, of such vehicles (watercraft, airmobiles, snowmobiles and all-terrain vehicles), without adversely affecting the resource and the safety and welfare of persons and property; and administrative regulations are promulgated for the purpose of setting forth reasonable criteria for the proper licensing, registering and tagging, and training requirements specified by law for the safety and welfare of the resource and citizens of the State.

**POTENTIALLY BENEFITED PARTIES:**

General public - residents and non-residents  
The hunting, fishing, and trapping public  
Sporting camp operators and others offering meals and lodging  
Sportsmen's organizations  
The boating and recreational vehicle owners and dealers  
Private property owners  
Commercial forest landowners

**EMERGENCY RULES ADOPTED SINCE LAST AGENDA:****CHAPTER 14: COMMERCIAL WHITEWATER RAFTING**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12909

PURPOSE: Due to the closure of McKay Station access point, training runs for whitewater guides seeking to obtain a Level One or Level Two license were not able to be completed. The emergency rule temporarily removed language requiring guide training runs from McKay station to a specific section river. New language temporarily allowed runs to start just below the gorge (Little Eddy) on the West Branch of the Penobscot River. EMERGENCY RULE 2020-141, June 18, 2020.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:****CHAPTER 1: OPEN WATER AND ICE FISHING REGULATIONS**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12452

PURPOSE: To provide for season dates, daily bag and possession limits, size limits, etc. for open water and ice fishing.

ANTICIPATED SCHEDULE: Fishing regulations are promulgated and published on an annual basis January 1 – Dec. 31: Ice Fishing and Open Water: July (or as necessary).

**CHAPTER 1-A: STATE HERITAGE FISH WATERS**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12461

PURPOSE: To maintain a list of waters identified as eastern brook trout waters and arctic charr waters that have never been stocked or not stocked for at least 25 years according to any reliable records, and provide special protections to those waters in an effort to preserve those fish species.

ANTICIPATED SCHEDULE: In conjunction with Chapter 1 Ice Fishing and Open Water Regulations: July (or as necessary).

**CHAPTER 2: RULES PERTAINING TO FISHING DERBIES AND TOURNAMENTS**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12504, 12505

PURPOSE: Establish application procedures, restrictions, and requirements for fishing derbies and tournaments.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 2: RULES PERTAINING TO FISHERY MANAGEMENT AND FISH CULTURE**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12751, 12754

PURPOSE: Designate waters for use in fish culture and scientific research; establish rules for the taking of alewives, eels, suckers and yellow perch and regulations pertaining to commercially grown or imported fish.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 3: PUBLIC INTERACTION AND CONFLICTS WITH WILDLIFE (FEEDING OF DEER)**

STATUTORY AUTHORITY: 12 MRSA Section 10105, sub-§14

PURPOSE: To regulate the feeding of deer, bear, moose and wild turkey in order to minimize potential public safety hazards or detrimental effects on specific species as well as minimize the risk of chronic wasting disease.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 4: FALCONRY**

STATUTORY AUTHORITY: 12 MRS Section 11159.

PURPOSE: General provisions to practice falconry in Maine.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 5: REGULATIONS PERTAINING TO THE USE OF STATE OWNED WILDLIFE MANAGEMENT AREAS**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12701

PURPOSE: Establish regulations regarding hunting, fishing, trapping or other public uses of any wildlife management area, sanctuary, or department owned or maintained sites provided public access to inland or coastal waters.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 5.03: SHOOTING RANGES**

STATUTORY AUTHORITY: 12 MRS Section 10104, 12701

PURPOSE: Establishing rules for Department owned shooting ranges to set clear expectation of behavior for the public and provide a mechanism for law enforcement to deal with users that display disrespectful or potentially dangerous behavior at ranges.

ANTICIPATED SCHEDULE: As necessary

**CHAPTER 5.04: STATE-OWNED BOAT LAUNCH FACILITY SITES**

STATUTORY AUTHORITY: 12 MRS Section 10104, 12701

PURPOSE: To provide the Department and public clear guidance on how water access facilities can be utilized.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 6: EDUCATIONAL AND SCIENTIFIC COLLECTION PERMIT RULES**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12704

PURPOSE: To establish an application process for permitting the collection of fish and or wildlife for scientific purposes as well as reporting requirements, restrictions, etc.

ANTICIPATED SCHEDULE: As necessary

**CHAPTER 7: RULES FOR IMPORTATION, POSSESSION, PROPAGATION, REHABILITATION AND EXHIBITION OF WILDLIFE**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12152.

PURPOSE: To ensure that all wildlife possessed under the following permits receive human treatment and property husbandry and security and to safeguard the interests of the wildlife and citizens of the State.

Wildlife Exhibit Regulations: Food and water requirements; health conditions, safety, comfort, sanitation, etc.

Propagator's permit: Possession, care and use .

Wildlife Rehabilitation: Food and shelter requirements, disposition of rehabilitated animals, inspections, etc.  
Wildlife Importation: Permitting standards, criteria, application process.  
General Possession: Wolf hybrids in captivity.  
ANTICIPATED SCHEDULE: As necessary

**CHAPTER 8: ENDANGERED SPECIES**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12802  
PURPOSE: Qualifications for consideration for listing species as endangered or threatened; review of listed species; designation of habitat as essential for those species designation criteria, protection guidelines, etc.  
ANTICIPATED SCHEDULE: Every 8 years or as necessary. Last filing was with 127<sup>th</sup> Legislature (2015).

**CHAPTER 9: GENERAL SNOWMOBILE AND ATV (ALL-TERRAIN VEHICLES) REGULATIONS**

STATUTORY AUTHORITY: 12 MRSA Sections 10104  
PURPOSE: Establish display requirements for registration numbers and stickers, and content of snowmobile registration.  
ANTICIPATED SCHEDULE: As necessary

**CHAPTER 10: SIGNIFICANT WILDLIFE HABITAT**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12804  
PURPOSE: Definitions of significant wildlife habitat as described in Title 38  
ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 12: ALL-TERRAIN VEHICLE PLATES AND RENEWAL STICKERS**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 13156  
PURPOSE: Registration, safety, etc.; registration agents.  
ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 13: WATERCRAFT RULES**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 13051  
PURPOSE: Establish, registration procedures; accident reporting requirements; safety equipment on motorboats and other watercraft; water-skiing restrictions and operation rules between watercraft on internal waters.  
ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 13: WATERCRAFT RULES**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 13068-A  
PURPOSE: In accordance with PL 2020 Ch. 662, this law allows the Commissioner of DIFW to establish noise level limits for airboats by routine technical rules.  
The law exempted airboats, which are defined as flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine, from the noise level limits imposed on other watercraft.  
ANTICIPATED SCHEDULE: Begin rulemaking August, 2020; adopt rules by Dec. 2020.

**CHAPTER 13.08: WATERCRAFT RULES**

STATUTORY AUTHORITY: Horsepower limitations on various bodies of water are governed by 12 MRSA, Section 13051, subsection 5

PURPOSE: Establish horsepower limitations to insure the safety of persons and property (may be adopted only as a result of a petition from 25 citizens or the municipal officers of the towns/county commissioners of unorganized townships in which the waters are located).

ANTICIPATED SCHEDULE: Considered throughout the year as petitions are received-effective date to coincide with publication of the open water fishing regulations, if possible.

#### **CHAPTER 14: COMMERCIAL WHITEWATER RAFTING**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12909, 12910, 12913

PURPOSE: Establish regulations for whitewater personnel requirements; safety equipment requirements; craft specifications; allocations and order of launch.

ANTICIPATED SCHEDULE: May or as necessary.

#### **CHAPTER 15: INTERSTATE WILDLIFE VIOLATIONS COMPACT**

STATUTORY AUTHORITY: 12 MRSA §10103(2).

PURPOSE: The commissioner is authorized to enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of wildlife resources in the respective member states and may adopt rules necessary to implement certain provisions of the compact. Pursuant to this rule, the commissioner exercises this statutory authority and enters into the Wildlife Violators Compact on behalf of the State of Maine with any and all states legally joining therein in accordance with its terms.

ANTICIPATED SCHEDULE: As necessary.

#### **CHAPTER 16: HUNTING**

STATUTORY AUTHORITY: 12 MRSA §10104, VARIOUS.

PURPOSE: To ensure proper management of Maine's wildlife species through set season dates, bag limits and methods of harvest.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

#### **CHAPTER 16: HUNTING**

STATUTORY AUTHORITY: 12 MRSA §10104.

PURPOSE: The Department received a valid petition to request a rule change and initiate rulemaking. The petitioner is requesting a new chapter 16.17 – Predator Hunting Contests. The chapter will eliminate any predator hunting contests.

ANTICIPATED SCHEDULE: September 1, 2020.

#### **CHAPTER 16.09: BEAR HUNTING**

STATUTORY AUTHORITY: 12 MRSA §10104.

PURPOSE: The Department received a valid petition requesting a rule change and initiate rulemaking. The petitioner requested rules be modified to eliminate the bear baiting season and establish a bear feeding season. The rule would create a bear feeding permit and set limits on the number of bear feeding permits issued annually.

ANTICIPATED SCHEDULE: The rule was initially advertised May 6, 2020 without a public hearing. A hearing was requested and rule was readvertised on June 17, 2020.

#### **CHAPTER 17: TRAPPING**

STATUTORY AUTHORITY: 12 MRSA §10104,12251.

PURPOSE: To ensure proper management of Maine's wildlife species through set season dates, bag limits and methods of harvest.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 17.05: STATEWIDE GENREAL TRAPPING SEASON**

STATUTORY AUTHORITY: 12 MRSA §10104,12251

PURPOSE: The Department received a valid petition requesting a rule change to initiate rulemaking. The petitioner is requesting to repeal the open season for coyote trapping.

ANTICIPATED SCHEDULE: September 1, 2020.

**CHAPTER 18: STATE GAME FARM (MAINE WILDLIFE PARK)**

STATUTORY AUTHORITY: 12 MRSA Sections 10104

PURPOSE: Establish restrictions on the use of the area designated as "state game farm", also known as "The Wildlife Park".

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 19: OPERATION OF MOTOR VEHICLES ON PUBLIC WATER SUPPLY**

STATUTORY AUTHORITY: 12 MRSA Section 10104 and 22 MRSA Section 2649

PURPOSE: Restrict motor vehicles on the ice on public water supplies.

ANTICIPATED SCHEDULE: As petitioned.

**CHAPTER 20: TAXIDERMY LICENSE**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12952

PURPOSE: Establish license classifications, eligibility, examinations and restrictions.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 21: LICENSING AND REGISTRATION AGENTS**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 10801

PURPOSE: Appointment of agents, application form and issuance, selection and operation standards, reporting requirements, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 23: YOUTH CAMP TRIP LEADER PERMITS AND JUNIOR MAINE GUIDE PROGRAM**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12860

PURPOSE: Application procedures, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 24: LICENSED GUIDES**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12851

PURPOSE: Establish prerequisites for applicants to be examined for guide's licenses; establish classifications; examination process, standards of competency, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 25: LEASHED TRACKING DOG PERMIT RULES**

STATUTORY AUTHORITY: 12 MRSA Sections 10104

PURPOSE: Eligibility, testing, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 26: COMMERCIAL WILDLIFE PERMIT FOR AMPHIBIANS OR NONMARINE INVERTIBRATES**

STATUTORY AUTHORITY: 12 MRSA Sections 12159 and 12161

PURPOSE: To regulate the commercial harvest of amphibians and nonmarine invertebrates. Persons interested in collecting these species from the wild for the purposes of export, sale or commercial purposes are required to obtain a permit from the Commissioner.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 27: ANIMAL DAMAGE CONTROL AGENT CERTIFICATE**

STATUTORY AUTHORITY: 12 MRS Sections 10104, 10053

PURPOSE: Rules for certification and standards of operation for individuals that become permitted under the Commissioner to assist the Department for the control of coyotes and other nuisance wildlife that exceeds normal funding and staffing levels within the Department.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 25 (09-585): MAINE OUTDOOR HERITAGE FUND BOARD**

STATUTORY AUTHORITY: 12 MRSA Section 10301

PURPOSE: Schedule for grants; strategic plan, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**MISCELLANEOUS REGULATIONS:** Other regulations necessary for the proper administration, implementation, enforcement and interpretation of 12 MRS, Chapters 901 to 939 - Throughout the year as necessary.

**10 and 14**  
**DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)**  
Annual Regulatory Agenda  
October 1, 2020 – September 30, 2021

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List of reported agendas:

**Licensing Rules** (several umbrella-unit numbers). Then:

- 10-144:** **Office of MaineCare Services, Division of Policy**  
**10-144:** **Office for Family Independence** (formerly Office of Integrated Access and Support)  
**10-144:** **Maine Center for Disease Control and Prevention**  
(includes 90-429, Board of Licensure of Water Treatment Plant Operators)  
**10-146:** **Office of Data, Research and Vital Statistics**  
**10-148:** **Office of Child and Family Services** (chapters not already listed under Licensing Rules)  
**14-118:** **Office of Behavioral Health Services** (formerly the Office of Substance Abuse and Mental Health Services)  
**10-149 & 14-197:** **Office of Aging and Disability Services** (formerly the Office Elder Services and the Office of Adults with Cognitive and Physical Disability Services)
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**Licensing Rules:**

- 10-144:** DHHS – General  
**10-148:** Office of Child and Family Services  
**10-149 & 14-197:** Office of Aging and Disability Services (formerly the Office Elder Services and the Office of Adults with Cognitive and Physical Disability Services)  
**14-118:** Office of Behavioral Health Services (formerly the Office of Substance Abuse and Mental Health Services) — includes **14-191:** Mental Health and Mental Retardation and **14-193:** Office of Adult Mental Health
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AGENCY NAME: **Division of Licensing and Certification**

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**Division of Licensing and Certification CONTACT PERSON:** Jonathan Leach, Procedural Compliance Analyst, #11 State House Station Augusta, ME 04333-0011 Telephone: (207) 287-5825

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**10-144**

**10-144 CHAPTER 112. Regulations For the Licensing of Hospitals**

- STATUTORY BASIS: Public Law 2007, Chapters 314 and 324; 22 M.R.S. Chapter 405; 22 M.R.S. §42; and 22-A MRS §205.
- PURPOSE. To update terms and procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Hospitals
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **Winter 2020-2021**

**10-144 CHAPTER 118. Regulations Governing The Licensing And Functioning Of Intermediate Care Facilities For Persons With Mental Retardation**

- STATUTORY BASIS: 22 M.R.S. 42(1)
- PURPOSE. To update terms, remove reference to “mental retardation” and update procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Intermediate Care Facilities for Persons with Developmental Challenges
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined
- SCHEDULE FOR ADOPTION: **Fall-Winter 2020**

**10-144 CHAPTER 110. Rules Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities**

- STATUTORY BASIS: 22 MRS Chapter 405
- PURPOSE. To update terms and procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Nursing Homes
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **Summer 2021**

**10-144 CHAPTER 113. Regulations Governing the Licensing and Functioning of Assisted Housing Programs**

- STATUTORY BASIS: 22 M.R.S., Chapters 1663 and 1664; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE. Address requirements of LD 1548 "Resolve, To Promote Quality and Transparency in the Provision of Services by Assisted Housing Programs That Provide Memory Care" and changes introduced by the Centers for Medicare and Medicaid Services (CMS) will impact Maine's private non-medical facilities and require

regulatory changes that will repeal the PNMI licensing rules and replace them with licensing rules for residential habilitation homes.

- AFFECTED PARTIES: Other state agencies, providers, and consumers of services currently provided by private non-medical facilities, Level I, II, III, and IV.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **January 2021**

#### **10-144 CHAPTER 119. Regulations Governing the Licensing and Functioning of Home Health Care Services in the State of Maine**

- STATUTORY BASIS: 22 M.R.S. Chapter 419; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE: Amend rules to comply with federal and state statutory changes to allow home health agencies meeting the Federal Conditions of Participation for Home Health Agencies, 42 Code of Federal Regulations §484.10-§484.55, to be deemed to meet the State of Maine Home Health Care Services licensing requirements and to reflect the Board of Nursing language regarding the delegation of certain aspects of medication to the certified nursing assistants (CNAs) in the home health care setting and the legislative change regarding employment of graduate nurses.
- AFFECTED PARTIES: Other state agencies, providers, and consumers of Home Health Care services.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined
- SCHEDULE FOR ADOPTION: **Winter 2021-2022**

#### **10-144 CHAPTER 129. Rules and Regulations Governing In-Home Personal Care and Support Workers.**

- STATUTORY BASIS: 22 M.R.S. §§ 42 and 1717; 22-A M.R.S. §205.
- PURPOSE: The rules will be amended to implement Resolve 2007, Chapter 324, including but not limited to: the registration of personal care agencies and placement agencies, enforcement authority, and penalties including injunctive relief for operating an unregistered personal care agency or placement agency.
- AFFECTED PARTIES; Other state agencies, providers and consumers of services provided by personal care agencies and placement agencies.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **Fall 2021**

#### **10-144 CHAPTER 114. Rules Governing the Reporting of Sentinel Events**

- STATUTORY BASIS: 22 M.R.S. Chapter 1684, 22 M.R.S. §42 and 22-A M.R.S. §205
- PURPOSE. To update terms and procedures for further clarity.
- AFFECTED PARTIES: Hospitals and Medical Facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **December 2021**

#### **10-144 Chapter 60. Maine Background Check Center Rule**

- STATUTORY AUTHORITY: 22 M.R.S. CHAPTER 1691, Sections 9051-9065.
- PURPOSE: Potential revision, if proposed statute removes the requirement for currently mandated providers of children's service to use the Maine Background Check Center to complete background checks.
- AFFECTED PARTIES: Children's providers currently required to conduct background checks on direct access applicants and employees.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined.
- SCHEDULE FOR ADOPTION: **Contingent upon legislative action.**

**CERTIFICATE OF NEED RULE.** Consolidate the following CON rules into one rule:

**10-144 CHAPTER 503. Maine Certificate of Need Procedures Manual for Health Care Facilities (other than Nursing Care Facilities)**

- STATUTORY BASIS: 22 M.R.S.A. Chapter 103-A, *Maine Certificate of Need Act of 2002*; Public Law 2011, Chapter 424; 22 M.R.S. §42, and 22-A M.R.S. §205.
- PURPOSE: The three current CON rules will be repealed and replaced by a single CON rule that will include what is now in Section 71 (nursing facility CON provisions) and a number of statutory changes mandated by the 125<sup>th</sup> Legislature.
- AFFECTED PARTIES: Other state agencies, providers and consumers.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined

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**10-149 CHAPTER 5, SECTION 71. Certificate of Need for Nursing Facility Level of Care Projects**

- STATUTORY BASIS: 22 M.R.S. Chapter 103-A, *Maine Certificate of Need Act of 2002*; Public Law 2011, Chapter 424; 22 M.R.S. §42, and 22-A M.R.S. §205.
- PURPOSE: This rule will be repealed and Chapter 503 (above) will include nursing facility CON provisions.
- AFFECTED PARTIES: Other state agencies, providers and consumers.
- CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**10-144 CHAPTER 501. Maine Certificate of Need Act Limitations.**

- STATUTORY AUTHORITY: 22 M.R.S. §342
- PURPOSE: This rule will be repealed. These rules limit the CON applications the State will accept.
- AFFECTED PARTIES: Providers subject to the certificate of need process.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined
- SCHEDULE FOR ADOPTION NEW RULE: **FY 2021.**

**10-144 CHAPTER 117. Regulations Governing the Licensing and Functioning of Adult Day Services Programs**

- STATUTORY BASIS: 22 M.R.S. 42(1)
- PURPOSE: The minimum requirements for the licensing and functioning of Adult Day Services Programs and such requirements that the provider must meet regarding application and licensing standards.
- AFFECTED PARTIES: Adult Day Services providers and consumers
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 120. Regulations Concerning the Licensing and Functioning of Hospice Programs**

- STATUTORY BASIS: 22 M.R.S. Chapter 1681; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE. Amend the rules to include federal regulatory changes.
- AFFECTED PARTIES: Other state agencies, providers, and consumers of services provided by intermediate care facilities for persons with mental retardation.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined.
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 125. Regulations Governing the Licensing of Ambulatory Surgical Facilities**

- STATUTORY BASIS: 22 M.R.S. Chapter §1812-E
- PURPOSE: Rules licensing ambulatory surgical facilities that provide elective surgical care to a patient who is admitted to and discharged from the facility within the same day.
- AFFECTED PARTIES: Ambulatory surgical facility providers, other State agencies and consumers of ambulatory care services.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 126. Regulations Governing the Licensing and Functioning of End Stage Renal Disease Units/Facilities**

- STATUTORY BASIS: 22 M.R.S. c 412 §§ 2041-2042
- PURPOSE: Rules regulating the licensing of end-stage renal disease facilities
- AFFECTED PARTIES: End-stage renal disease service providers, consumers
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 128. Rules and Regulations Governing the Functioning of Certified Nursing Assistants and Direct Care Workers Registry.**

- STATUTORY BASIS: 22 M.R.S., §§ 42 and 1812-G; 22-A M.R.S. §205.
- PURPOSE: Rules related to the operation of the Certified Nursing Assistants and Direct Care Workers Registry.
- AFFECTED PARTIES: Healthcare facilities, long-term care facilities, personal care agencies and placement agencies, temporary nurse agencies and direct care workers.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined.
- SCHEDULE FOR ADOPTION: None anticipated.

**10-144 Chapter 130. Epinephrine Auto-Injector Training and Certification Rule**

- STATUTORY AUTHORITY: 22 M.R.S.A. Chapter 423
- PURPOSE OF THE RULE: Rules certifying the training of healthcare practitioners who are licensed in the State of Maine to conduct anaphylaxis training.
- AFFECTED PARTIES: physicians (MD and DO), advanced registered nurse practitioners (ARNP), physician assistants (PA), registered nurses (RN) and emergency medical technicians (EMT) or paramedics.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None
- SCHEDULE FOR ADOPTION: None Anticipated

**10-144 CHAPTER 150. Free Care Guidelines**

- STATUTORY BASIS: 22 M.R.S. §1716 and §42; 22-A M.R.S. §205.
- PURPOSE: The rules provide guidelines for the free care policies of hospitals including minimum income guidelines to be used in determining whether individuals are unable to pay for hospital services.
- AFFECTED PARTIES: Providers, and consumers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 500. Rules Governing the Maine Certification of Health Cooperative Agreements**

- STATUTORY AUTHORITY: 20-A M.R.S.A Chapter 405-A.
- PURPOSE OF THE RULE: The rule describes the procedure that the Commissioner of Health and Human Services will follow in determining when it is necessary to encourage hospitals and other health care providers to cooperate and enter into agreements that facilitate cost containment, improve quality of care and increase citizen access to health care services areas.
- AFFECTED PARTIES: Primary care physicians and health care facilities
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**NEW RULES ANTICIPATED**

**10-144 CHAPTER 124. Behavioral Health Licensing Rule.** Consolidates the following rules into one rule:

**14-118 CHAPTER 5.** Regulations for Licensing and Certifying of Substance Abuse Treatment Programs,

**14-193 CHAPTER 6.** Rules Licensing of Mental Health Facilities, and

**14-193 CHAPTER 6-A.** Rules Licensing of Private Non-Medical Institutions [PNMI] Mental Health Facilities.

- STATUTORY BASIS: 5 M.R.S. Chapter 521; 22 M.R.S. Chapter 1669; 22 M.R.S. §42; 22-A M.R.S. §205; and 34-B M.R.S. Chapter 3.
- PURPOSE: Three licensing and certification rules will be repealed and replaced by a single behavioral health program licensing rule. The new rule will implement the Administrative Processes Oversight Committee [APOC] recommendations, including the development of core licensing standards for behavioral health programs, including mental health, and substance abuse treatment. The new rule will include deeming provisions for accredited providers to avoid redundancies in the licensing and accreditation processes and a section governing independent contractors.
- AFFECTED PARTIES; Other State agencies, providers and consumers
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: **Fall 2020**

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UMBRELLA-UNIT: **10-144**

AGENCY NAME: **Office of MaineCare Services, Division of Policy**

**CONTACT PERSON:** William Logan, Acting Director, Division of Policy, Office of MaineCare Services, #11 State House Station, Augusta, ME 04333-0011. Tel. (207) 624-4083

**2018-2019 Regulatory Agenda (Rules) - Department of Health and Human Services - State of Maine- Office of MaineCare Services, Division of Policy**

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

Chapter 101 - MaineCare Benefits Manual- several sections:

- Chapter I, Section 4, Telehealth Services
- Chapter I, Section 5, COVID-19 Public Health Emergency Services (Effective 03-20-20)
- Chapter I, Section 5, COVID-19 Public Health Emergency Services (Effective 05-13-20)
- Chapters II & III, Section 65, Behavioral Health Services

**CONSENSUS BASED RULEMAKING:** None

**EXPECTED RULEMAKING ACTIVITY- October 1, 2019- September 30, 2020:**

**CHAPTER 101:** MaineCare Benefits Manual: Chapters I, II, III, IV, V, VI, VII, VIII, X and relevant Principles of Reimbursement

- **STATUTORY AUTHORITY:** 22 M.R.S.A. §42, §3173; P.L. 99 Chapter 777
- **PURPOSE:** These rules describe requirements for the provision and reimbursement of services under the MaineCare (formerly, Maine Medicaid and State Child Health Insurance Program (SCHIP), also known as Cub Care) program. It also describes certain administrative functions necessary for the operation of the MaineCare Program. They will be amended to comply with federal changes, to update policy and to implement new services and regulations, as necessary.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when all of the changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes as a result of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- **AFFECTED PARTIES:** MaineCare members, MaineCare providers, and Managed Care Organizations

**CHAPTER 104:** Maine State Services Manual

- **STATUTORY AUTHORITY:** 22 M.R.S.A. §257
- **PURPOSE:** These rules describe requirements for the provision and reimbursement of services under the state funded services including Drugs for the Elderly (DEL) Benefit and Maine Rx+ Benefit. It also describes certain administrative functions necessary for the operation of these Benefits. They will be amended to comply with federal changes, to update policy and to implement new services and regulations, as necessary.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when all of the changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes as a result of identified problems require the timely amendment or adoption of new rules over the course of the year.
- **AFFECTED PARTIES:** Participants and providers in DEL and other state funded benefits.
- **STATUTORY AUTHORITY:** PL 2019, ch. 472 as codified in 5 MRS c. 167 AND 22-A MRS Section 205
- **PURPOSE:** This rule provides for a process for the design of a wholesale prescription drug importation program, in anticipation of the release of federal rules establishing an application pathway for demonstration projects allowing importation by states and other entities. It will be amended to comply with federal changes, to update policy and to implement new services and regulations, as necessary.

- **ANTICIPATED SCHEDULE:** It is not possible to predict when all of the changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes as a result of identified problems require the timely amendment or adoption of new rules over the course of the year.
- **AFFECTED PARTIES:** Residents of Maine.

**CHAPTER 107:** Medical Eye Care Program

- **STATUTORY AUTHORITY:** 22 M.R.S.A. §3521
- **PURPOSE:** These rules govern the operation of Maine's State-funded Eye Care Program. They will be amended to reflect administrative changes found necessary through monitoring of this program.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when changes will be made to the above regulations because of the nature of this policy. State-initiated changes as a result of identified problems will require the timely amendment of the rules. It is anticipated this chapter will be incorporated into Chapter 104.
- **AFFECTED PARTIES:** Children and adults not eligible for Medicaid for whom the State would reimburse for certain eye care services as well as the providers of these services

**CHAPTER 275:** Reporting Requirements for Pharmaceutical Manufacturers and Labelers

- **STATUTORY AUTHORITY:** 22 MRSA §2698-A, 22 MRSA §2700-A
- **PURPOSE:** These rules define statutory obligations of manufacturers and labelers of prescription drugs and biological products to publicly register and report results of clinical trials and also report gifts to prescribers and marketing costs in Maine.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when additional changes will be made to the above regulations because of the nature of this policy. State-initiated changes as a result of identified problems will require the timely amendment of the rules. Two changes for the upcoming year include new requirements for prescriber confidentiality and academic detailing.
- **AFFECTED PARTIES:** Residents of Maine

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**AGENCY NAME:** Office for Family Independence (OFI): Eligibility, Employment and Training and Support Enforcement and Recovery

**ELIGIBILITY AND EMPLOYMENT AND TRAINING CONTACT PERSON:** Anthony Pelotte, Director, Office for Family Independence, #11 State House Station, 109 Capitol Street Augusta, ME 04333-0011. Telephone: (207) 624-4104. E-mail: [anthony.pelotte@maine.gov](mailto:anthony.pelotte@maine.gov)

**SUPPORT ENFORCEMENT AND RECOVERY CONTACT PERSON:** Jerry Joy, Director, Division of Support Enforcement and Recovery, #11 State House Station, 109 Capitol Street, Augusta, ME 04333-0011. Telephone: (207) 624-6985. E-mail: [Jerry.Joy@Maine.gov](mailto:Jerry.Joy@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**ELIGIBILITY:**

**CHAPTER 301** (Food Supplement Program):

**Rule #210E** – ABAWD Geographic Exemption

**ADOPTED RULE NUMBER:** 2019-172 (Emergency)

**CONCISE SUMMARY:** The Federal Supplemental Nutrition Assistance Program (SNAP) regulations, administered in Maine as the Food Supplement Program, provides that certain able-bodied adults without dependents (ABAWDs) are subject to a maximum of three months of benefits over a 36-month period, unless they work 20 hours or more per week (averaged monthly) or participate in and comply with requirements of a work program. Individuals who reside in certain geographic areas can qualify for an exception to this time limit under 7 C.F.R. §273.24(f).

The Department proposes to waive these work requirements for certain ABAWDs residing in geographic areas that have unemployment rates at or above 10% or have insufficient jobs for recipients residing in those areas. The geographic areas include 247 qualifying cities, towns, unorganized territories, townships, and reservations that qualify individually or as part of a federally defined labor market area. Upon adoption of these rules, ABAWDs residing in those areas will no longer have to meet the work requirements to receive Food Supplement benefits.

The waiver from Food and Nutrition Services was not provided in a timeframe that would allow the Department to comply with the non-emergency rulemaking process, under 5 M.R.S. §8052, and still implement the waiver by the required date of September 30, 2019. The Department finds that an emergency rule change is necessary to ensure the health and general welfare of Maine citizens residing in the affected regions.

**EFFECTIVE DATE:** September 30, 2019

**Rule #209E** - COLA SUA FFY 2020

**ADOPTED RULE NUMBER:** 2019-173 (Emergency)

**CONCISE SUMMARY:** This emergency rule implements updates to: the federal poverty levels; maximum and minimum allotments; the threshold that requires a report of changes in household income; the standard, homeless shelter, maximum shelter, and standard utility allowance deductions for the Food Supplement program as of October 1, 2019. As a result, Food Supplement benefits will change for some households.

The United States Department of Agriculture (USDA) memorandum providing these figures was not provided in a timeframe that would allow the Department to comply with the non-emergency rulemaking process and still implement by the required date of October 1, 2019. Therefore, the Department finds that an emergency rule change is necessary to remain in compliance with Federal regulation 7 C.F.R. 273.9(d), which requires annual review and adjustment to federal poverty levels, the standard deduction, and an adjustment to standard utility allowances (SUAs). This emergency rulemaking

is necessary for the health, safety, and general welfare in order to ensure that Food Supplement benefits are issued appropriately, accurately, and in a timely fashion consistent with federal law.

**EFFECTIVE DATE:** October 1, 2019

**CHAPTER 323** (Maine General Assistance Manual): None

**CHAPTER 331** (Maine Public Assistance Manual (TANF – Temporary Assistance for Needy Families)):

**Rule #113E** – TANF Max Benefit 2019

**ADOPTED RULE NUMBER:** 2019-174 (Emergency)

**CONCISE SUMMARY:** This rule increases the TANF maximum benefit by 2.8 percent and makes related changes to the standard of need pursuant to 22 M.R.S. §3769-C(1)(D).

The Department finds that an emergency rule change is necessary to implement the increases by the statutorily required date of October 1, 2019.

**EFFECTIVE DATE:** October 1, 2019

**Rule #115E** – TANF Relationship Changes

**ADOPTED RULE NUMBER:** 2020-017 (Emergency)

**CONCISE SUMMARY:** The Temporary Assistance for Needy Families (TANF) program and its predecessor, Aid to Families with Dependent Children (AFDC), were established to provide financial support and steps to independence for families with minor children. Federal regulations (45 C.F.R. §206) specify individuals who must be counted as part of the child's family but do not define who can be counted as part of the child's family. In the past, the state of Maine has required the individual applying on the child's behalf to show a close biological or marital relationship to the child(ren). The nature of family structure has evolved significantly in the United States since AFDC was established in 1935. Maine law allows numerous instances where non-relatives can act in the role of a parent (in loco parentis), and the Department is taking steps to align TANF policy with related state law and policy which recognizes such relationships.

Pursuant to 5 M.R.S. §8054 the Department finds that emergency rulemaking is necessary to implement these changes as soon as possible given the high number of low income children placed with non-relative guardians as a result of the opioid crisis. According to the Task Force to Address the Opioid Crisis in the State Final Report December 2017 presented to the 128th Legislature:

In 2016 there were a total of 376 drug-induced deaths in Maine (a 38% increase from 2015). The indisputable effects of the opioid crisis are far-reaching and have ripple effects on families and children. The average age of overdose deaths in Maine for 2016 was 41. On a given day in 2017, 9090 Mainers were receiving some form of medication assisted drug treatment. In 2016 there were 1,024 reports regarding infants exposed to substances, constituting 8.1% of all live births in Maine. 8.5% of the general public aged 18 or older have substance use disorders.

These facts demonstrate a sudden and dramatic increase in the number of Maine residents, of child bearing age, who are not able or allowed to keep their children in their homes. These children, who require safe homes, often reside with adults in their community with no biological or marital relationship to the child(ren). These families require supports that the TANF program can provide.

Modification of the usual rulemaking procedures under the *Maine Administrative Procedure Act* is necessary to ensure the health and general welfare of Maine citizens, specifically low income children with non-relative legal guardians and said guardians providing their housing and care.

**EFFECTIVE DATE:** January 30, 2020

**Rule #114E** – Changes to Budgeting

**ADOPTED RULE NUMBER:** 2020-022 (Emergency)

**CONCISE SUMMARY:** This rule change aligns the Maine Public Assistance Manual with 22 M.R.S. §3762 (3)(B)(7) as amended by L.D. 1772 and L.D. 1774. This amendment requires the Department to eliminate a gross income test for TANF/PaS applicants and utilize new earnings disregards when calculating a TANF/PaS benefit.

Pursuant to 5 M.R.S. §8054, the Department finds that emergency rulemaking is necessary to implement these changes as soon as possible. Due to the press of other business, technological challenges, and staffing issues in the Department due to a change in administrations, the Department was unable to adopt this rule prior to September 19, 2019. Therefore, the Department is adopting this emergency to apply retroactively to eligibility determinations made on or after September 19, 2019. Retroactive rulemaking is authorized by the Legislature in accordance with 22 M.R.S. §42 (8) because this rule provides a benefit to recipients or beneficiaries and does not have an adverse financial effect on either providers or beneficiaries or recipients. Modification of the usual rulemaking procedures under the *Maine Administrative Procedure Act* is necessary to ensure the public health, safety and welfare of Maine residents.

**EFFECTIVE DATE:** February 4, 2020

**Rule #C19E** – Change to In-person Requirements

**ADOPTED RULE NUMBER:** 2020-053 (Emergency)

**CONCISE SUMMARY:** The recently active Novel Coronavirus is responsible for a new disease, COVID19, and the United States Centers for Disease Control and Prevention (CDC) are still learning how the virus spreads. The CDC reports that the virus is spread mainly by person-to-person contact between people who are within six feet of one another, through respiratory droplets produced when an infected person coughs or sneezes. The CDC has advised that all symptomatic community members remain home to prevent further spread of the virus. The Maine Public Assistance Manual currently requires that a face-to-face interview be completed with each TANF application and requires all mandatory ASPIRE-TANF participants to attend an orientation. A face-to-face interview is also required at the time of annual recertification for TANF. Language has been modified through this rule change to allow for all orientation and interview activities to be completed over the telephone. This rule will allow for the continuation of services in the case of DHHS regional office closure to the public.

Pursuant to 5 M.R.S. §8054, the Department finds that emergency rulemaking is necessary to implement these changes as soon as possible to aid in the reduction of the spread of the new virus while continuing to provide TANF and ASPIRE supports to some of Maine's most vulnerable residents. This emergency rule removes the face-to-face requirement for the application and recertification interviews for TANF and ASPIRE-TANF orientation. Removal of the face-to-face component adheres to the recommendation of the CDC to prevent the spread of the virus by avoiding person-to-person contact.

Modification of the usual rulemaking procedures under the *Maine Administrative Procedure Act* is necessary to ensure the public health, safety and welfare of Maine residents.

**EFFECTIVE DATE:** March 13, 2020

**CHAPTER 332** (MaineCare Eligibility Manual):

**Rule #298E** – COVID-19 Testing for Uninsured individuals

**ADOPTED RULE NUMBER:** 2020-119 (Emergency)

**CONCISE SUMMARY:** The *Families First Coronavirus Response Act* (FFCRA) H.R. 6201, 116 Cong. (2019-2020), P.L. No. 116-127 (3/18/2020), 134 STAT 178 *et seq.* specified in Division F, Section 6004 (a) (3) that State Medicaid programs were authorized to create an optional coverage group to ensure services related to testing and diagnosis of COVID-19 are available in response to the pandemic, pursuant to Section 1902(a)(10)(A)(ii)(XXIII) of the *Social Security Act*, 42 U.S.C. 1396a(a)(10) as amended. This is a limited coverage benefit that is effective March 18, 2020 and ends on the last day of the month within which the federal public health emergency (PHE) ends, unless otherwise directed by CMS, even if that period exceeds 90 days, pursuant to the Governor's Executive Order 48, FY 19/20. Coverage under this group is available to individuals who are without health insurance, or whose health insurance coverage does not meet the requirements for minimum essential coverage. This rule change adopts the eligibility criteria established within the Act into the *MaineCare Eligibility Manual*. This rule change will reduce barriers to COVID-19 testing and treatment which will improve health outcomes for the specific individuals covered and reduce the spread of this virus throughout the Maine population as a whole.

Pursuant to 5 M.R.S. §8054, the Department finds that emergency rulemaking is necessary to provide this essential service during the current health emergency.

Due to the emergency nature of the legislation establishing this coverage group, the Department was unable to adopt this rule prior to March 18, 2020. Therefore, the Department is adopting this emergency rule to apply retroactively to eligibility determinations made on or after March 18, 2020. Retroactive rulemaking is authorized by the Legislature in accordance with 22 M.R.S. §42(8) because this rule provides a benefit to recipients or beneficiaries and does not have an adverse financial effect on either providers or beneficiaries or recipients. Modification of the usual rulemaking procedures under the Maine Administrative Procedure Act is necessary to ensure the public health, safety and welfare of Maine residents as more fully described in the Basis Statement accompanying this rulemaking.

**EFFECTIVE DATE:** March 18, 2020

**CHAPTER 333** (Low Cost Drugs for The Elderly and Disabled (DEL) - Eligibility):  
None

**CHAPTER 334** (Maine Rx Plus - Eligibility): None

**EMPLOYMENT AND TRAINING:**

**CHAPTER 330** (Higher Opportunity for Pathways to Employment (HOPE) Program Rules): None

**CHAPTER 607** (ASPIRE-TANF Program Rules): None

**CHAPTER 609** (Food Supplement Employment and Training (FSET) Program Rules): None

**SUPPORT ENFORCEMENT AND RECOVERY:**

**CHAPTER 351** Child Support Enforcement Manual: None

**EXPECTED RULEMAKING ACTIVITY- October 1, 2020 - September 30, 2021:**

**ELIGIBILITY:**

**CHAPTER 301:** Food Supplement Program Manual

- STATUTORY AUTHORITY: 22 M.R.S.A. §3104
- PURPOSE: These rules establish requirements for eligibility for the Food Supplement Program. The rules will be amended to reflect policy and law changes as well as to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals who receive or apply for Food Supplement Program benefits.

**CHAPTER 323:** Maine General Assistance Manual

- STATUTORY AUTHORITY: 22 M.R.S.A. §§ 4300-4323
- PURPOSE: These rules establish overall requirements for eligibility for the General Assistance program. Rules are further delineated by municipal ordinances. These rules will be amended to reflect policy and law changes as well as to clarify rules already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals who apply for or receive General Assistance benefits.

**CHAPTER 331:** Maine Public Assistance Manual (TANF – Temporary Assistance for Needy Families)

- STATUTORY AUTHORITY: 22 M.R.S.A. §§ 3761-3789
- PURPOSE: These rules establish overall requirements for eligibility for the Temporary Assistance for Needy Families and other cash assistance programs. The rules will be amended to reflect policy, law changes, and federal program instructions as well as to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Families who apply for or receive Temporary Assistance for Needy Families and other cash assistance.

**CHAPTER 332:** MaineCare Eligibility Manual

- STATUTORY AUTHORITY: 22 M.R.S.A. §3173
- PURPOSE: These rules establish requirements for eligibility for Maine's MaineCare and State Supplement to Supplemental Security Income programs. The rules will be amended to reflect changes in law, including health care reform, and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families applying for or receiving MaineCare or State Supplement benefits.

**CHAPTER 333:** Low Cost Drugs for the Elderly and Disabled (DEL) - Eligibility

- STATUTORY AUTHORITY: 22 M.R.S.A. §254-D
- PURPOSE: These rules establish requirements for eligibility for Low Cost Drugs for the Elderly and Disabled (DEL) program. The rules will be amended to reflect changes in law and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families applying for or receiving DEL benefits.

**CHAPTER 334:** Maine Rx Plus - Eligibility

- STATUTORY AUTHORITY: 22 M.R.S.A. §2681
- PURPOSE: These rules establish requirements for eligibility for Maine Rx Plus Program. The rules will be amended to reflect changes in law and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families applying for or receiving Maine Rx Plus benefits.

**EMPLOYMENT AND TRAINING:**

**CHAPTER 330:** Higher Opportunity for Pathways to Employment (HOPE) Program Rules

- STATUTORY AUTHORITY: 22 M.R.S.A. §3790
- PURPOSE: These rules establish overall requirements for eligibility for the Higher Opportunity for Pathways to Employment program. The rules will be amended to reflect policy, law changes, and federal program instructions as well as to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Families who apply for or receive Higher Opportunity for Pathways to Employment.

**CHAPTER 607:** ASPIRE-TANF Program Rules

- STATUTORY AUTHORITY: 22 M.R.S.A. §3781-A
- PURPOSE: These rules establish requirements for participants in the ASPIRE program who are receiving Temporary Assistance for Needy Families benefits. They will be amended to reflect changes in law and policy and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals participating in the ASPIRE/TANF program.

**CHAPTER 609:** Food Supplement Employment and Training (FSET) Program Rules

- STATUTORY AUTHORITY: 22 M.R.S.A. §3104
- PURPOSE: These rules establish requirements for participants in the ASPIRE program who are receiving Food Supplement Program benefits. The rules will be amended to reflect changes in law and policy and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals participating in the ASPIRE program who are receiving Food Supplement Program benefits.

**CHILD SUPPORT ENFORCEMENT AND RECOVERY**

**CHAPTER 351:** Maine Child Support Enforcement Manual

- STATUTORY AUTHORITY: Title 19-A, Chapters 63 and 65

- PURPOSE: These rules establish requirements and procedures for enforcement and recovery of child support pursuant to court and administrative orders. The rules will be amended to reflect changes in law, and to clarify requirements already in effect.
  - ANTICIPATED SCHEDULE: Year round
  - AFFECTED PARTIES: Individuals and families for whom the Division of Support Enforcement and Recovery collects child and spousal support.
- 

AGENCY UMBRELLA-UNIT NUMBER: **10-144 and 10-146**

AGENCY NAME: **Maine Center for Disease Control and Prevention**

**MAINE CDC RULEMAKING LIAISON:** Tera Pare, JD, Manager, Policy and Compliance, Maine CDC, 11 SHS- 286 Water Street, Augusta, ME 04333-0011; (207) 287-5680;  
[tera.pare@maine.gov](mailto:tera.pare@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

- Death With Dignity Reporting Rule, 10-146 CMR Ch. 15
- Control of Notifiable Conditions and Diseases Rule, 10-144 CMR Ch. 258
- Emergency Medical Services Reporting Rule, 10-144 CMR Ch. 124
- Family Planning Funding Rule (Repeal), 10-144 CMR Ch. 287
- Rules Relating to the *Lead Poisoning Control Act*, 10-144 CMR Ch. 292

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** October 1, 2020 to September 30, 2021

**10-144**

**CHAPTER 124. EMERGENCY MEDICAL SERVICES REPORTING RULE**

- STATUTORY BASIS: 22 MRS §820(1)(C)
- PURPOSE: To enable the surveillance of the personnel aspect of Maine emergency medical system during a state of civil emergency, to ensure that the Department can assist in responding appropriately to public health emergencies and support the Maine EMS as a comprehensive and effective system for optimizing patient care during a state of civil emergency.
- AFFECTED PARTIES: EMS staff; MEMA
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 200. STATE OF MAINE FOOD CODE**

- STATUTORY BASIS: 22 MRS §2496(1) & 7 MRS §12
- PURPOSE: To address controls for risk factors and further establishes 5 key public health interventions to protect consumer health. Specifically, these interventions are: demonstration of knowledge, employee health controls, controlling hands as a vehicle of contamination, time and temperature parameters for controlling pathogens, and the consumer advisory.
- AFFECTED PARTIES: Eating establishments in the State of Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 201. RULES RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF ESTABLISHMENTS REGULATED BY THE HEALTH INSPECTION PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §2496

- PURPOSE OF THE RULE: To describe application, licensing, and inspection requirements, licensing fees and enforcement sanctions for Maine eating establishments, lodging places, campgrounds, sporting/recreational camps, youth camps, public pools and spas regulated by the Health Inspection Program.
- AFFECTED PARTIES: Owners of eating establishments, lodging places, recreational camps, youth camps, campgrounds, public pools and spas in the State of Maine
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 202. RULES RELATING TO PUBLIC SWIMMING POOLS AND SPAS**

- STATUTORY AUTHORITY: 22 MRS §§ 2496 and 2664
- PURPOSE OF THE RULE: To protect public health and provide specific compliance and enforcement requirements regarding public pools and spas licensed by the Health Inspection Program.
- AFFECTED PARTIES: Owners/operators of public swimming pools and spas.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 203: RULES RELATING TO THE SALE AND DELIVERY OF TOBACCO PRODUCTS IN MAINE**

STATUTORY AUTHORITY: 22 MRS Ch. 262-A; 22 MRS §42(1)

- PURPOSE OF THE RULE: To regulate the licensing of retail tobacco sales.
- AFFECTED PARTIES: Licensed tobacco retailers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 205. RULES RELATING TO CAMPGROUNDS**

- STATUTORY AUTHORITY: 22 MRS §2496
- PURPOSE OF THE RULE: To clarify definitions of recreational vehicle classification, event camping and the definitions of temporary campground, and agricultural fair campground.
- AFFECTED PARTIES: Public, fairs, event promoters, and owners/operators of campgrounds.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 206. RULES RELATING TO LODGING ESTABLISHMENTS**

STATUTORY AUTHORITY: 22 M.R.S. §2496

- PURPOSE OF THE RULE: To protect public health by regulating and licensing lodging places. Amendments will update requirements and clarify lodging definitions.
- AFFECTED PARTIES: Lodging places licensed by the Health Inspection Program in the State of Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 208. RULES RELATING TO BOYS, GIRLS, BOYS AND GIRLS, DAY CAMPS AND PRIMITIVE AND TRIP CAMPING**

- STATUTORY AUTHORITY: 22 MRS §2496
- PURPOSE OF THE RULE: To clarify requirements for youth camps licensed by the Health Inspection Program, in order to ensure greater protection of health and safety
- AFFECTED PARTIES: Youth camp counselors and staff, children who attend summer youth camps.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 209. RULES RELATING TO BODY PIERCING**

- STATUTORY AUTHORITY: 32 MRS §4326.
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of body piercing and licensed by the Health Inspection Program.
- AFFECTED PARTIES: Body piercers and the public who receive body piercings.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 210. RULES RELATING TO TATTOOING**

- STATUTORY AUTHORITY: 32 MRS §4251
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of tattooing.
- AFFECTED PARTIES: Tattoo artists and the public who receive tattoos.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 211. RULES RELATING TO MICROPIGMENTATION PRACTITIONERS**

- STATUTORY AUTHORITY: 32 MRS §4313
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of micropigmentation.
- AFFECTED PARTIES: Micropigmentation practitioners and the public who receive micropigmentation.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 212. RULES FOR THE PRACTICE OF ELECTROLOGY**

- STATUTORY AUTHORITY: 32 MRS §1242.
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of electrology.
- AFFECTED PARTIES: Electrologists and the public who receive electrology.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 214. MASS GATHERING RULES AND INFORMATIONAL GUIDELINES**

- STATUTORY AUTHORITY: 22 MRS §1602
- PURPOSE OF THE RULE: To describe the requirements for applying for permits, determining event populations, and properly managing mass gatherings in Maine.
- AFFECTED PARTIES: Public, municipalities, and event promoters.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 220. RULES RELATING TO RADIATION PROTECTION**

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To protect public health and administer both State and federal rules required under an agreement with the U.S. Nuclear Regulatory Commission to regulate radioactive materials.
- AFFECTED PARTIES: All persons who receive, possess, use, transfer, own or acquire any source of radiation in Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2021

**PART A, GENERAL PROVISIONS**

- PURPOSE OF THE RULE: To protect public health by establishing provisions to control hazards associated with use of radiation.
- AFFECTED PARTIES: All users of ionizing radiation.
- SCHEDULE FOR ADOPTION: FY 2021

**PART B, ENFORCEMENT ACTIONS, PROCEDURES AND CIVIL PENALTIES**

- PURPOSE OF THE RULE: To establish administrative and civil remedies to address violations of the rule.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: None anticipated

**PART C, LICENSING OF RADIOACTIVE MATERIAL**

- PURPOSE OF THE RULE: To establish protocols, fees and procedures for the licensing of use of radioactive material.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: FY 2021

**PART D, STANDARDS FOR PROTECTION AGAINST RADIATION**

- PURPOSE OF THE RULE: To administer specific state and federal standards and protect public health from radiation.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: FY 2021

**PART E, RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS.**

- PURPOSE of the rule: To protect public health by administering standards for the licensing of industrial radiographic operations.
- AFFECTED PARTIES: All industrial radiography licensees.
- SCHEDULE FOR ADOPTION: None anticipated

**PART F, X-RAYS IN THE HEALING ARTS**

- PURPOSE OF THE RULE: To protect public health by administering standards for licensure of anyone administering x-rays.
- AFFECTED PARTIES: All users of x-ray machines.
- SCHEDULE FOR ADOPTION: None anticipated.

**PART G, USE OF RADIONUCLIDES IN THE HEALING ARTS**

- PURPOSE OF THE RULE: To protect public health by administering standards for use of radionuclides in the healing arts.
- AFFECTED PARTIES: All medical users of radioactive material.
- SCHEDULE FOR ADOPTION: FY 2021

**PART H, RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL AND OTHER INDUSTRIAL RADIATION MACHINES**

- PURPOSE OF THE RULE: To protect public health by administering standards for analytical and other industrial radiation machines.
- AFFECTED PARTIES: All industrial users of x-ray machines.
- SCHEDULE FOR ADOPTION: None anticipated

**PART I, RADIATION SAFETY REQUIREMENTS FOR PARTICLE ACCELERATORS**

- PURPOSE OF THE RULE: To protect public health by administering standards for use of particle accelerators.
- AFFECTED PARTIES: All industrial users of particle accelerators.
- SCHEDULE FOR ADOPTION: None anticipated

**PART J, NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS**

- PURPOSE OF THE RULE: To protect public health by administering standards over any employers using radiation.
- AFFECTED PARTIES: All employers using radiation.
- SCHEDULE FOR ADOPTION: None anticipated

**PART K, RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES**

- PURPOSE OF THE RULE: To protect public health by administering standards over any employers using radiation.
- AFFECTED PARTIES: All persons using sources of radiation for wireline service operations including mineral logging, radioactive markers, and subsurface tracer studies.
- SCHEDULE FOR ADOPTION: None anticipated

**PART L, TRANSPORTATION OF RADIOACTIVE MATERIAL**

- PURPOSE OF THE RULE: To protect public health by administering standards over the transportation of radioactive material.
- AFFECTED PARTIES: All shippers of radioactive materials.
- SCHEDULE FOR ADOPTION: None anticipated

**PART N, REGULATION AND LICENSING OF TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIALS**

- PURPOSE OF THE RULE: To protect public health through regulating and licensing the use of naturally occurring radioactive materials.
- AFFECTED PARTIES: All users of naturally occurring radioactive elements.
- SCHEDULE FOR ADOPTION: None anticipated

**PART X, THERAPEUTIC X-RAY MACHINES**

- PURPOSE OF THE RULE: To protect public health by administering standards for medical users of therapeutic x-ray machines.
- AFFECTED PARTIES: All medical users of therapeutic x-ray machines.
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 221. SELECTION OF VOLUNTEER PERSONNEL TO ESTABLISH/MAINTAIN RADIATION MONITORING PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To establish and maintain a continuous airborne radiation monitoring system consisting of volunteers who are required to report their findings to the Radiation Control Program.
- AFFECTED PARTIES: Volunteers of airborne radiation
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 222. RULES RE: PUBLIC NOTIFICATION OF RADIOACTIVE EMISSIONS FROM NUCLEAR POWER PLANT**

- STATUTORY AUTHORITY: 22 MRS §674 and 35-A MRS §4332
- PURPOSE OF THE RULE: To govern the public notice requirements in the event of a radioactive release or specific safety-related events at any nuclear power plant.
- AFFECTED PARTIES: DHHS Staff, MEMA
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 223. RULES RELATING TO TANNING FACILITIES**

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To protect public health by administering standards to regulate tanning and other changes in the industry.
- AFFECTED PARTIES: Tanning facility owners and users of tanning facilities.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 224. AIR AND WATER RADON SERVICE PROVIDER REGISTRATION RULES**

- STATUTORY AUTHORITY: 22 MRS §781
- PURPOSE OF THE RULE: To protect public health by administering standards for individuals/companies providing radon testing/mitigation services in Maine and describe testing and mitigation requirements for property owners of multi-family apartment buildings.
- AFFECTED PARTIES: Radon Service Providers and the general public that contract such services, as well as property owners/landlords of multi-family residential properties.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 225. RULES RELATING TO THE LICENSING OF SUPPLIERS OF COMPRESSED AIR USED IN SELF-CONTAINED BREATHING APPARATUS**

- STATUTORY AUTHORITY: 22 MRS §1585
- PURPOSE OF THE RULE: To provide standards for the accurate testing of air and provide for third party testing.
- AFFECTED PARTIES: Dive shops, fire departments, other suppliers of compressed air.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 226. RULES RELATING TO CROSS CONNECTIONS**

- STATUTORY AUTHORITY: 22 MRS §2612(5)
- PURPOSE OF THE RULE: To regulate, control, and prevent the contamination of drinking water by the backflow of water or other liquids, mixtures or substances into the distribution pipes of a public water system from a source or sources other than its intended source.
- AFFECTED PARTIES: All public drinking water systems serving greater than 1,000 people or have an industrial account.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 227. RULES RELATING TO LICENSING AND INSPECTION OF CREMATORIA**

- STATUTORY AUTHORITY: 32 MRS §1405
- PURPOSE OF THE RULE: To license crematoria to insure the proper cremation of bodies and disposal of ashes.
- AFFECTED PARTIES: Owners/operators of crematoria.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 230. RULES RELATING TO DRINKING WATER STATE REVOLVING LOAN FUND**

- STATUTORY AUTHORITY: 30-A MRS §§ 5959(1) and 6006-B
- PURPOSE OF THE RULE: To implement federal rules for administering the Drinking Water State Revolving Loan Fund to public water systems, establish a prioritization system for distributing funds, outline the process for certifying project eligibility, and administer the environmental review process.
- AFFECTED PARTIES: All community public drinking water systems and non-community non-profit public drinking water systems.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 231. RULES RELATING TO DRINKING WATER**

- STATUTORY AUTHORITY: 22 MRS §§ 2605, 2611-2613; and 2618.
- PURPOSE OF THE RULE: To protect residents and visitors of Maine in their consumption of drinking water. This rule administer the federal *Safe Drinking Water Act* and the Maine *Water for Human Consumption Act* for all public water systems in Maine.
- AFFECTED PARTIES: All public water systems regulated by the Maine CDC Drinking Water Program.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 232. WELL DRILLERS AND PUMP INSTALLERS RULES**

- STATUTORY AUTHORITY: 32 MRS §4700-H
- PURPOSE OF THE RULE: To administer examination and license requirements for well drilling, pump installation and hydro-fracturing, as well as prescribe a code of conduct for well drillers and pump installers
- AFFECTED PARTIES: Well drillers and pump installers registered in the State of Maine, as well as public water systems with groundwater sources.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 233. RULES RELATING TO TESTING OF PRIVATE WATER SYSTEMS FOR POTENTIALLY HAZARDOUS CONTAMINANTS**

- STATUTORY AUTHORITY: 22 MRS §2602-A
- PURPOSE OF THE RULE: To protect public health and for compliance with standards of practice and current hazards.
- LISTING OF AFFECTED PARTIES: Health and Environmental Testing Lab and Maine Citizens
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Repeal is expected prior to this regulatory agenda

**10-144**

**CHAPTER 235. RULES RELATING TO BULK WATER**

- STATUTORY AUTHORITY: 22 MRS §2660-A
- PURPOSE OF THE RULE: To regulate the water quality standards associated with transport of bulk water.
- AFFECTED PARTIES: Bottled water suppliers, water haulers and vendors.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 240. RULES FOR APPOINTMENT AND ADMINISTRATION OF LOCAL PLUMBING INSPECTORS**

- STATUTORY AUTHORITY: 22 MRS §§ 42(3), 42(1)(3-A), 42(3-B); 30-A MRS §§ 4211(5), 4212(1), 4215(4), 4221, and 4451.
- PURPOSE OF THE RULE: To refine and clarify established procedures for the eligibility requirements, appointment, and duties of local plumbing inspectors.
- AFFECTED PARTIES: Persons certified as Local Plumbing Inspectors, and those seeking such certification.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 241. MAINE SUBSURFACE WASTEWATER DISPOSAL SYSTEM RULES**

- STATUTORY AUTHORITY: 22 MRS §§ 42(3), 42(3-A), 42(3-B); 30-A MRS §§ 4211(5), 4215(4), 4211 & 4452; 22-A MRS §205(2).
- PURPOSE OF THE RULE: To regulate the design, permitting, and installation of subsurface wastewater disposal systems as necessary, and to correct mistakes from the last rulemaking.
- AFFECTED PARTIES: Any person, establishment, and/or institution using an on-site subsurface wastewater disposal system for sanitary wastewater.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 242. RULES FOR CONVERSION OF SEASONAL DWELLING UNITS INTO YEAR-ROUND RESIDENCES IN THE SHORELAND ZONE**

- STATUTORY AUTHORITY: 22 MRS §42; 30-A MRS §§ 4211-4212 & 4215.
- PURPOSE OF THE RULE: To regulate the conversion of seasonal residences using onsite subsurface wastewater disposal to year-round use. This Rule is intended to complement municipal planning, zoning, and land use control.
- AFFECTED PARTIES: Anyone wishing to convert a seasonal residence to year-round use.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 243. MINIMUM LOT SIZE LAW VARIANCE RULES**

- STATUTORY AUTHORITY: 12 MRS §4807
- PURPOSE OF THE RULE: To update and clarify established provisions for approval of subsurface waste water disposal systems on lots with less than 20,000 square feet and 100 feet of frontage if the lot abuts a water body.
- AFFECTED PARTIES: Anyone wishing to develop a lot meeting the exemption requirements of 12 MRS §4807.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 245. MAINE RULES FOR SITE EVALUATORS OF SUBSURFACE WASTEWATER DISPOSAL SYSTEMS**

- STATUTORY AUTHORITY: 22 MRS §42

- PURPOSE OF THE RULE: To update established standards of professional conduct and practice related to the examination and licensing of Site Evaluators.
- AFFECTED PARTIES: Approximately 330 individuals are licensed to determine soil suitability and prepare designs for subsurface wastewater disposal systems handling less than 2,000 gallons per day of wastewater.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 249. RULES RELATING TO SMOKING IN PUBLIC PLACES**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: These rules delineate the requirements for smoking in public places. Proposed changes include adding definition of “electronic smoking device and amending the definition of “smoking,” due to statutory changes, removing four definitions, amending Section 3 to clarify prohibitions and limitations to prohibitions on smoking, and clarifying Section 4 for posting.
- AFFECTED PARTIES: Public, employees, owners/operators of restaurants.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 250. RULES RELATING TO SMOKING IN THE WORKPLACE**

- STATUTORY AUTHORITY: 22 MRS §1580-A
- PURPOSE OF THE RULE: This rule defines where smoking in the workplace is allowed, addresses outdoor smoking areas and operation of child care/day care related to smoking. Proposed changes would be to upgrade and clarify rules as related to non-smoking areas in restaurants, and to increase the fee to \$50 annually.
- AFFECTED PARTIES: Public, employees, owners/operators of restaurants.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 251. RULES GOVERNING RABIES MANAGEMENT**

- STATUTORY AUTHORITY: 22 MRS §1313(1)
- PURPOSE OF THE RULE: To ensure consistency between State procedures and national guidelines for the prevention and control of rabies in humans and among domestic animals.
- AFFECTED PARTIES: Human and animal health professionals, members of the public
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 252. RULES GOVERNING THE IMPLEMENTATION OF HYPODERMIC APPARATUS EXCHANGE PROGRAMS**

- STATUTORY AUTHORITY: 22 MRS §1341(2)
- PURPOSE OF THE RULE: To establish requirements for hypodermic apparatus exchange programs and for program certification requirements.
- AFFECTED PARTIES: People who share needles, people who administer certified needle exchange programs
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 253. MAINE CHRONIC DISEASE SURVEILLANCE DATA QUALITY AND FOLLOW-UP STUDY RULES**

- STATUTORY AUTHORITY: 22 MRS §1692-B
- PURPOSE OF THE RULE: This rule governs the operation of Maine chronic disease surveillance methods of data quality assurance and follow-up investigations. They establish the objectives, responsibilities and duties pertinent to the validation and operation of Maine chronic disease surveillance programs and set forth guidelines for the operation, conduct, and implementation of follow-up investigations.
- AFFECTED PARTIES: Hospitals, physicians, institutions, and/or State departments
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 254. OCCUPATIONAL DISEASE REPORTING RULES AND REGULATIONS**

- STATUTORY AUTHORITY: 22 MRS §1491
- PURPOSE OF THE RULE: To set forth criteria for submission of patient information by hospitals, and medical personnel, and establish the objectives, responsibilities, and duties pertinent to the operation of Maine's Occupational Disease Reporting Program.
- AFFECTED PARTIES: Health care providers, health care facilities, medical laboratories.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 255. CANCER INCIDENCE REGISTRY REGULATIONS**

- STATUTORY BASIS: 22 MRS §1402
- PURPOSE OF THE RULE: To protect public health by establishing standards for reporting on all persons diagnosed with cancer living in Maine and to tabulate and summarize patient data to determine the frequency and incidence rates. Changes would include updating the Maine Cancer Registry Rules and Regulations reflect current cancer surveillance standards and revised definitions. These include, but are not limited to, required reporting procedures.
- AFFECTED PARTIES: Reporting sources (hospital registrars and others) and Registry Staff of hospitals, hospices, health care providers and facilities, medical laboratories and other related facilities and associated administrative personnel.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 257. SCHEDULE OF CHARGES OF THE DIAGNOSTIC LABORATORY OF DHHS**

- STATUTORY AUTHORITY: 22 MRS §565(3)
- PURPOSE OF THE RULE: To amend and revise charges as required by budgetary needs and by law.
- AFFECTED PARTIES: DHHS labs, programs and citizens served by DHHS labs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated, due to adoption in FY 2020

**10-144**

**CHAPTER 258. CONTROL OF NOTIFIABLE DISEASES AND CONDITIONS RULE**

- STATUTORY AUTHORITY: 22 MRS §802(3)
- PURPOSE: To establish requirements for: reporting and other surveillance methods for measuring the occurrence of communicable, occupational and environmental diseases and the potential for epidemics; designate and classify communicable, environmental and occupational diseases; investigate cases, epidemics and occurrences of communicable, environmental and occupational diseases; and establish procedures for the control, detection, prevention, and treatment of communicable, environmental and occupational diseases, including public immunization and contact notification programs.
- AFFECTED PARTIES: Physicians, physician's assistants, and nurse practitioners; medical laboratories; healthcare facilities; healthcare administrators; health officers; veterinarians and veterinary medical laboratories
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 260. RABIES IMMUNIZATION REQUIREMENTS FOR DOG LICENSURE**

- STATUTORY AUTHORITY: 7 MRS §3922(3)
- PURPOSE OF THE RULE: To explain the requirements for rabies vaccination of puppies and dogs, as required for licensure. This rule is consistent with 7 MRS §3922(3) and with current veterinary practice and vaccine specifications.
- AFFECTED PARTIES: Municipalities, dog owners
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 261. IMMUNIZATION REQUIREMENTS FOR SCHOOL CHILDREN**

- STATUTORY AUTHORITY: 20-A MRS §§ 6358(1), 6359(6)
- PURPOSE: To specify those diseases for which immunization is required and establish school record keeping and reporting requirements and procedures for the exclusion of nonimmunized children from school, and to establish medical exceptions to receiving vaccines or toxoids for each disease.
- AFFECTED PARTIES: School nurses, school age children and parents of school age children.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 262. RULES AND REGULATIONS POST-SECONDARY SCHOOL IMMUNIZATIONS REQUIRED**

- STATUTORY AUTHORITY: 22 MRS §6359(6)
- PURPOSE: This rule outlines the immunization requirements of post-secondary school students. It prescribes the dosage for required immunizations and defines responsibilities, exclusion periods, record keeping and reporting requirements for school officials.
- AFFECTED PARTIES: Post-secondary facilities and school health providers and their students, parents
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 263. MAINE COMPREHENSIVE AND LIMITED ENVIRONMENTAL LABORATORY ACCREDITATION RULE**

- STATUTORY AUTHORITY: 22 MRS §567(2)
- PURPOSE OF THE RULE: To establish quality assurance procedures for laboratory data received by the Department of Health and Human Services and the Department of Environmental Protection and establish procedures for the accreditation of labs by setting minimum criteria for lab operations, performance and administration.
- AFFECTED PARTIES: Drinking water labs performing analyses for samples collected in the State of Maine; Wastewater labs not exempted by 38 MRS §413, and other labs not permitted for exception by memo between DEP and DHHS.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 264. IMMUNIZATIONS REQUIREMENTS FOR HEALTH CARE WORKERS**

- STATUTORY AUTHORITY: 22 MRS §802
- PURPOSE: To outlines the immunization requirements of employees of designated health care facilities, with prescribed dosages for required immunizations. This rule defines responsibilities, exclusion periods, record keeping and reporting requirements for officials of designated health care facilities.
- AFFECTED PARTIES: Hospitals and health care facilities and their employees who provide direct care to residents or patients of the facilities.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 265. MAINE DRUG TESTING LABORATORY RULES**

- STATUTORY AUTHORITY: 26 MRS §687; 22 MRS §§ 42 and 565
- PURPOSE OF THE RULE: To establish the substances that employers in the State of Maine may test their employees for. The rule is intended to ensure that employees and applicants receive reliable and accurate testing, and that privacy rights are protected.
- AFFECTED PARTIES: Employers and programs requiring testing of employees and applicants for substances of use; workplace substance of use testing programs. Benefited parties—employees affected by such programs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 266. CERTIFICATION STANDARDS FOR PERSONS CONDUCTING CHEMICAL ANALYSIS FOR DETECTION/IDENTIFICATION OF DRUGS**

- STATUTORY AUTHORITY: 17-A MRS §1112(1) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule sets forth the technical qualifications necessary for an individual to be certified by the Department of Health and Human Services to detect and identify drugs. Included in the rule are criteria pertaining to necessary laboratory facilities and equipment, reference standards, record keeping, security and proficiency testing
- LISTING OF AFFECTED PARTIES: Chemists analyzing drugs; suspects in cases of alleged possession of drugs and/or Maine citizens, especially those involved either as suspects or victims in OUI situations.

- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 267. CERTIFICATION STANDARDS FOR PERSONS CONDUCTING CHEMICAL ANALYSES OF BLOOD AND BREATH FOR THE PURPOSES OF DETERMINING THE BLOOD ALCOHOL LEVEL**

- STATUTORY AUTHORITY: 29-A MRS §2524(6) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule establishes the qualifications necessary for an individual to be certified by the Department of Health and Human Services to analyze blood and breath samples for alcohol level. Included are criteria pertaining to proficiency testing, sample procedures, accuracy of analyses, reporting data and continuing certification.
- LISTING OF AFFECTED PARTIES: Law enforcement, general public
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 269. RULES GOVERNING SELF-CONTAINED BREATH ALCOHOL TESTING EQUIPMENT**

- STATUTORY AUTHORITY: 29-A MRS §2524(6) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule establishes procedures for self-contained breath alcohol testing equipment. All self-contained breath alcohol testing equipment must be approved by the U.S. Department of Transportation as stated in the Federal Register and the State of Maine, Department of Health and Human Services rule. Each instrument must be tested and approved by the Maine CDC Public Health Laboratory and retested and re-approved semi-annually. Certain procedures are specified for calibration checks and use of self-contained breath alcohol testing equipment.
- LISTING OF AFFECTED PARTIES: Law enforcement
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 270. RULES FOR SAMPLE COLLECTION AND DRUG TESTING IN SUSPECTED O.U.I. CASES**

- STATUTORY AUTHORITY: 29-A MRS §§ 1951, 2527
- PURPOSE OF THE RULE: This rule is set forth for law enforcement agencies and laboratories involved in testing of persons suspected of operating under the influence of intoxicating liquor or drugs. The rule is intended to ensure that subjects are afforded accurate and reliable testing, and that results of such testing will be in compliance with legal requirements for forensic purposes.
- LISTING OF AFFECTED PARTIES: Law enforcement agencies and laboratories involved in testing of persons suspected of operating under the influence of intoxicating liquor or drugs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 272. CHILDREN WITH SPECIAL HEALTH NEEDS PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §§ 42 (1) and 2001
- PURPOSE: To enhance the provision of and access to comprehensive health services for children with special health care needs.
- AFFECTED PARTIES: Licensed health care providers and families.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 274. IMMUNIZATION INFORMATION SYSTEM (IIS) RULES**

- STATUTORY AUTHORITY: 22 MRS §1064
- PURPOSE OF THE RULE: To explain the primary purpose of the immunization information system, which is to collect data related to vaccine administration and to promote effective and cost efficient prevention of vaccine preventable diseases. The rule outlines confidentiality requirements and authorized user access.
- AFFECTED PARTIES: Immunization providers and other entities who have a contract or MOU with DHHS to participate in the vaccine distribution system, the immunization information system or to provide related support services.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 276. RULES GOVERNING INFLUENZA IMMUNIZING AGENT DISTRIBUTION REPORT**

- STATUTORY AUTHORITY: 22 MRS §1065
- PURPOSE: This rule governed the implementation of the Influenza Immunizing Agent Distribution Reports required by a law change in the 122<sup>nd</sup> Legislature (LD 2106), to monitor supply and demand for influenza immunizing agents
- AFFECTED PARTIES: Influenza Immunizing Agent Manufacturers and Distributors
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: To be repealed in FY 2021

**10-144**

**CHAPTER 279. RULES RELATING TO THE NEWBORN HEARING PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §1686
- PURPOSE: To define reporting requirements, program functions and responsibilities regarding newborn hearing screening, diagnosis and intervention.
- AFFECTED PARTIES: Hospitals, health care providers and citizens of Maine.
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 280. RULES RELATING TO THE MAINE BIRTH DEFECTS PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §8944
- PURPOSE OF THE RULE: To define reporting requirements, program functions and responsibilities regarding the Maine Birth Defects Program.
- AFFECTED PARTIES: Providers of health care licensed under Title 22 (Hospitals) and Title 32 (Health Professionals).
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: none

- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 281. REGULATIONS FOR SPINAL SCREENING**

- STATUTORY AUTHORITY: 20-A MRS §6452
- PURPOSE OF THE RULE: To establish requirements for screening children in school settings to assess for spinal abnormalities, including frequency of screening and qualifications of screening personnel.
- AFFECTED PARTIES: School personnel (including school nurses or qualified physical education teachers), students and their families.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Repeal planned for FY 2021 (statute was repealed)

**10-144**

**CHAPTER 283. RULES AND REGULATIONS RELATING TO TESTING NEWBORN INFANTS FOR DETECTION OF CAUSES OF COGNITIVE DISABILITIES AND SELECTED GENETIC CONDITIONS**

- STATUTORY AUTHORITY: 22 MRS §1533(2)(G)
- PURPOSE: To ensure that all infants born in Maine are screened for causes of developmental disabilities and selected genetic conditions.
- AFFECTED PARTIES: Hospitals, health care providers and citizens of Maine.
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 286. WIC PROGRAM RULES**

- STATUTORY AUTHORITY: 22 MRS §§ 42 and 3107
- PURPOSE OF THE RULE: To describe the procedures and standards for WIC participants, local agencies and WIC-authorized vendors.
- AFFECTED PARTIES: WIC participants, local agencies and WIC authorized vendors.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 292. RULES RELATING TO THE LEAD POISONING CONTROL ACT**

- STATUTORY AUTHORITY: 22 MRS §1323
- PURPOSE OF THE RULE: To describe the requirements for property owners with environmental lead hazards identified by Department environmental lead investigations; set the responsibilities of licensed lead inspectors and risk assessors when conducting environmental lead investigations; and describe the information, including abatement orders, assessed to owners as a result of these investigations. This rule establishes the requirements for substitute dwellings used to relocate families living in rental units at the time an environmental lead hazard is identified and explains requirements for blood lead screening by health care providers and health care programs, including the requirements for approving health care providers, WIC and Head Start facilities to use in office blood lead testing devices and to report those results electronically to the Department.

- AFFECTED PARTIES: Landlords, tenants, health care facilities, health care providers, medical laboratories, and health care programs.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 293. LEAD POISONING PREVENTION FUND FEE RULES**

- STATUTORY AUTHORITY: 22 MRS §1322-F
- PURPOSE OF THE RULE: To identify the manufacturers subject to the fee, provide methods of fee calculation, establish a low quantity exemption, describe reporting and payment requirements and establish population blood lead surveillance criteria for when the rules will expire.
- AFFECTED PARTIES: Paint manufacturers and customers of paint in the State of Maine
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 294. RULES GOVERNING QUALIFICATIONS OF LOCAL HEALTH OFFICERS**

- STATUTORY AUTHORITY: 22 MRS §451(2)
- PURPOSE: To develop rules to institute qualifications for local health officers
- AFFECTED PARTIES: Municipalities, local health officers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 295. DENTAL SERVICES DEVELOPMENT AND SUBSIDY PROGRAMS**

- STATUTORY AUTHORITY: 22 MRS §2127(7)
- PURPOSE OF THE RULE: To define the terms and conditions for the participation in, and receipt of funding for the Dental Services Development and Subsidy Programs as authorized and funded by 22 MRS §2127, and to address as needed statutory changes in use of funding. This rule addresses the requirements and conditions to which applicants for funds provided must respond in order to receive the funds.
- AFFECTED PARTIES: Eligible non-profit dental clinics
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 296. "FILLINGS: THE CHOICES YOU HAVE - MERCURY AMALGAM AND OTHER FILLING MATERIALS"**

- STATUTORY AUTHORITY: 32 MRS §1094-C (Repealed)
- PURPOSE OF THE RULE: To provide a required brochure to reflect current scientific and public health information.
- AFFECTED PARTIES: Providers of clinical dental services offering restorative services
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: To be repealed in FY 2021

**10-144**

**CHAPTER 297. DENTAL CARE ACCESS CREDIT PROGRAM RULE**

- STATUTORY AUTHORITY: 36 MRS 5219-DD(5)
- PURPOSE OF THE RULE: To establish the criteria for receiving the dental care access tax credit from the Maine CDC as well as describe the Maine CDC's procedure in selecting the eligible dentists receiving the tax credit.
- AFFECTED PARTIES: Dentists licensed in Maine on or after January 1, 2009.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 298. RULES GOVERNING THE CERTIFICATION PROGRAM FOR PRIMARY CARE TAX CREDIT**

- STATUTORY AUTHORITY: 36 MRS §5219-LL(4)
- PURPOSE: To establish the criteria for receiving the primary care tax credit from the Maine CDC and describe the Department's process in selecting the eligible primary care providers for the tax credit.
- AFFECTED PARTIES: MRS, Eligible primary care professionals working in underserved areas of Maine who apply for the income tax credit
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 504. RULES FOR IMPLEMENTING THE 1985 AMENDMENTS TO THE MAINE MEDICAL COMPACT ACT AND MAINE OSTEOPATHIC STUDENT LOAN PROGRAM (PRIMARY CARE)**

- STATUTORY AUTHORITY: 20-A MRS §11804
- PURPOSE OF THE RULE: To describe the procedure that the Department will follow in determining areas that are underserved by primary care physicians.
- AFFECTED PARTIES: Primary care physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 506. RULES FOR IMPLEMENTING THE 1985 AMENDMENTS TO THE MAINE MEDICAL COMPACT ACT (DENTAL CARE)**

- STATUTORY AUTHORITY: 20-A MRS §11804-A(3).
- PURPOSE OF THE RULE: To describes the procedure that the Commissioner of Health and Human Services will follow in determining areas as underserved by dental care practitioners.
- AFFECTED PARTIES: Dental care practitioners and dental facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 508. SELECTION PROCESS FOR IDENTIFYING SITES FOR STATE LOAN REPAYMENT PROGRAM (SLRP)**

- STATUTORY AUTHORITY: 20-A MRS §12107
- PURPOSE OF THE RULE: To describe loan forgiveness through FAME for medical students pursuing qualifying medical specialties in medically underserved regions in Maine.

- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 509. RULES FOR DESIGNATING AREAS, POPULATIONS OR HOSPITALS AS UNDERSERVED BY SPECIALTY PHYSICIANS**

- STATUTORY AUTHORITY: 20-A MRS §§ 11810 and 12006
- PURPOSE OF THE RULE: Loan forgiveness through FAME for medical students pursuing qualifying medical specialties in medically underserved regions in Maine.
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 510. REGULATIONS GOVERNING THE RURAL MEDICAL ACCESS PROGRAM**

- STATUTORY AUTHORITY: 24-A MRS §6311
- PURPOSE OF THE RULE: Disbursement of financial incentives to promote the availability of physicians to deliver babies in underserved areas of the State
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 512. COMMUNITY SCHOLARSHIP PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: To increase availability of primary health care practitioners in designated health, professional shortage areas through cooperative community, state and federal funding,
- AFFECTED PARTIES: Medical health care providers, consumers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 700. MATERNAL, FETAL AND INFANT MORTALITY REVIEW PANEL**

- STATUTORY AUTHORITY: 22 MRS §261; PL2019, Ch. 671
- PURPOSE: To identify the factors associated with maternal and infant deaths and make recommendations for system changes to improve services for women and infants in the State. Amendments required to reflect changes to statute in 2017.
- SCHEDULE FOR ADOPTION: None planned
- AFFECTED PARTIES: Hospitals, healthcare providers, Women and infants
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 707. RULES RELATING TO THE NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM (NBCCEDP) IN MAINE**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: Add the group of women, age 40-49, who are not high risk or symptomatic, as fourth priority and move women, age 35-59, who are symptomatic, as fifth priority under Priority for Program Expenditures (Section 6.0). If Komen grant is not reissued, will need to change Sections 2.1.1.1 and 6.0 eliminating the 35-39 year old age group.
- AFFECTED PARTIES: Maine Equal Justice, women in the 35-39 year old age group, physicians and other health practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 708. RULES RELATING TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT (BCCPTA) IN MAINE**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: These rules are created to implement the requirements of the *Breast and Cervical Cancer Prevention and Treatment Act*, which expand MaineCare full benefits to certain eligible women who are diagnosed with breast or cervical cancer or a pre-cancerous condition. These rules are necessary to process enrollment applications received by the MBCHP and to establish protocol in determining eligibility to the treatment act program.
- AFFECTED PARTIES: Participants in the Program and physicians and other health care providers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 709. CRITICAL CONGENITAL HEART DISEASE SCREENING**

- STATUTORY BASIS: 22 MRS §1532; 22 MRS §42
- PURPOSE : To define screening and reporting requirements, program functions and responsibilities regarding screening for critical congenital heart disease.
- AFFECTED PARTIES: Hospitals, healthcare providers, and parents of newborns.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

**CHAPTER 720. RULES GOVERNING THE IMPLEMENTATION OF EXPEDITED PARTNER THERAPY**

- STATUORY AUTHORITY: 22 MRS §1242(5)
- PURPOSE: To implement Expedited Partner Therapy (EPT), which facilitates the treatment and prevention of sexually transmitted infections by prescribing, dispensing, furnishing, or otherwise providing prescription antibiotic drugs to the sexual partner(s) of persons clinically diagnosed with sexually transmitted infections without physical examination of the partner(s).
- AFFECTED PARTIES: Individuals, organizations providing screening and treatment of individuals with sexually transmitted infections.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-146**

**Chapter 1. TRANSPORTATION AND FINAL DISPOSITION OF DEAD BODIES**

- STATUTORY AUTHORITY: 22 MRS §§ 2843 and 2846
- PURPOSE: To set the responsibilities of municipal clerks, funeral directors and authorized persons for transportation and final disposition of dead bodies in Maine.
- LISTING OF AFFECTED PARTIES: General public, municipal clerks, funeral directors, crematories and cemetarians
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-146**

**Chapter 2. AMENDMENT OF VITAL RECORDS**

- STATUTORY AUTHORITY: 22 MRS §§ 2705, 2761, 2765 -67, 2768(5), 2769(5)
- PURPOSE: To govern the responsibilities for correcting or completing data on vital records.
- LISTING OF AFFECTED PARTIES: Municipal clerks and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-146**

**Chapter 3. EVIDENCE OF LEGITIMATION**

- STATUTORY AUTHORITY: 22 MRS Ch. 703; 22 MRS §42
- PURPOSE: To govern the requirements for new birth certificate after legitimation.
- LISTING OF AFFECTED PARTIES: Municipal clerks, DHHS, and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-146**

**Chapter 4. PUBLIC ACCESS TO VITAL RECORDS**

- STATUTORY AUTHORITY: 22 MRS Ch. 701; 22 MRS §42
- PURPOSE: To explain the responsibilities of public access to Vital Records.
- LISTING OF AFFECTED PARTIES: General public
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULED FOR ADOPTION: None anticipated

**10-146**

**Chapter 5. MEDICAL CERTIFICATION OF CAUSE OF DEATH**

- STATUTORY AUTHORITY: 22 MRS §§ 42, 2842-A, 2847
- PURPOSE: This rule clarifies procedures for completing medical certification and registration of death records and fetal death records.
- LISTING OF AFFECTED PARTIES: Physicians, general public, municipal clerks and medical certifiers
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-146**

**Chapter 6: MARRIAGE LICENSE AND REGISTRATION**

- STATUTORY AUTHORITY: 19-A MRS Chapter 23 and 22 MRS §42
- PURPOSE: To describe the responsibilities for the Department's issuance of a marriage license and procedures for applying for marriage intentions, issuing a marriage license, filing cautions, who may officiate, as well as the methods marriages may be solemnized.

- LISTING OF AFFECTED PARTIES: Municipal clerks and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY2021

**10-146**

**Chapter 7. VITAL RECORDS FEES**

- STATUTORY AUTHORITY: 22-A MRS §210
- PURPOSE: To set the cost applied to search, issue, or apply processes to vital records.
- LISTING OF AFFECTED PARTIES: DHHS and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

**10-146**

**Chapter 9. DELAYED BIRTH REGISTRATION**

- STATUTORY AUTHORITY: 22 MRS §§ 42 and 2764
- PURPOSE: Regulations governing responsibilities for filing a delayed record of birth.
- LISTING OF AFFECTED PARTIES: Hospitals, physicians, municipal clerks
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-146**

**Chapter 10: BIRTH REGISTRATION**

- STATUTORY AUTHORITY: 22 MRS §§ 2706(8), 2761, 2761-B(6) - §2763
- PURPOSE: To govern the registration of live births in Maine.
- LISTING OF AFFECTED PARTIES: Hospitals, physicians, municipal clerks
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-146**

**CHAPTER 11. VITAL STATISTICS ADMINISTRATION**

- STATUTORY AUTHORITY: 22 MRS Ch. 701, 22 MRS §42
- PURPOSE: To describe the responsibilities for registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required; and activities including the tabulation, analysis, publication, and dissemination of vital statistics.
- LISTING OF AFFECTED PARTIES: DHHS, municipal clerks, and general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY2021

**10-146**

**CHAPTER 12. ADULT ADOPTEES ACCESS TO ORIGINAL BIRTH RECORD**

- STATUTORY AUTHORITY: 22 MRS §2768(5)
- PURPOSE: To establish data elements required in the contact preference form, medical history form and application form and to establish procedures for the Department issuing copies of original sealed birth records to adult adoptees.
- LISTING OF AFFECTED PARTIES: Adult adoptees.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-146**

**CHAPTER 13. STATE SHARE OF VITAL RECORDS FEE**

- STATUTORY AUTHORITY: 22 MRS §263
- PURPOSE: To allocate funds from increased municipal fees as revenue for program operating expenses for the Maine CDC Office of Data, Research and Vital Statistics
- LISTING OF AFFECTED PARTIES: Maine Municipalities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-148**

**CHAPTER 100 AIDS DRUG REIMBURSEMENT PROGRAM**

- STATUTORY AUTHORITY: 5 MRS §19205
- PURPOSE: To govern the operation of the Maine AIDS Drug Assistance Program
- AFFECTED PARTIES: People living with HIV, Physicians, Physician's Assistants, Nurse Practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2021

**90-429 BOARD OF LICENSURE OF WATER TREATMENT PLANT OPERATORS**

**CHAPTER 1: RULES RELATING TO LICENSURE OF WATER TREATMENT AND DISTRIBUTION OPERATORS OF PUBLIC WATER SYSTEMS**

- STATUTORY AUTHORITY: 22 MRS §2628
- PURPOSE OF THE RULE: To administer licensing requirements for water treatment operators, establish classifications, set license fees and outline complaint procedures.
- AFFECTED PARTIES: All community and non-transient public water systems, which are required by federal law to designate licensed operators; any transient public water systems specifically required by the Drinking Water Program to obtain a licensed water operator; and all water treatment operators doing business in the State of Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: None anticipated

**95-659**

**CHAPTER 248. LIST OF VACCINES TO BE PROVIDED BY THE UNIVERSAL CHILDHOOD IMMUNIZATION PROGRAM.**

- STATUTORY BASIS: 22 MRS §1066(11)
- PURPOSE OF THE RULE: To allow the Board, after it conducts a public hearing, to consider which vaccines should be covered by the Program, to vote to either maintain the current list of vaccines, or amend the list. The governing statute, 22 MRS §1066, requires the Board to review the vaccines covered by the Program on an annual basis.
- AFFECTED PARTIES: Physicians and other healthcare practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

## **NEW RULES ANTICIPATED-MAINE CDC**

**10-146**

### **Chapter 15. DEATH WITH DIGNITY REPORTING RULE**

- STATUTORY AUTHORITY: 22 MRS §2140 (17)
- PURPOSE: This new rule will describe what medical providers must report to the Department's Maine CDC, as well as what the Department will maintain for records, when a qualified patient with a terminal disease requests a lethal dose of medication to end their life.
- AFFECTED PARTIES: Providers who prescribe lethal doses of medication; consulting physicians, qualified patients.
- SCHEDULE FOR ADOPTION: None anticipated

**10-146**

### **Chapter 16. GENDER MARKER ON BIRTH RECORD RULE**

- STATUTORY AUTHORITY: 22 MRS §2761
- PURPOSE: This new rule will provide administrative processes to designate X on birth records and issue a new record after changes are requested to the assigned gender marker and to change the first and middle name concurrent with gender marker change, through the Maine CDC Office of Data, Research and Vital Statistics.
- LISTING OF AFFECTED PARTIES: Maine citizens interested in receiving a new birth record that reflects their gender identity
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

### **Chapter 234. LEAD TESTING IN DRINKING WATER IN SCHOOLS RULE**

- STATUTORY AUTHORITY: 22 MRS §2604-B(3); 30-A MRS §6006-F(3)
- PURPOSE: This new rule will establish testing protocols, lead mitigation/abatement guidance measures from Maine CDC and public notification requirements for lead testing in all Maine schools.
- AFFECTED PARTIES: School administrators, municipalities/water districts, Maine CDC Drinking Water Program
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: 2020

**10-144**

### **Chapter XXX. HIV/AIDS ASSISTANCE**

- STATUTORY AUTHORITY: 5 MRS §19205, 22 MRS §42
- PURPOSE: This new rule will set forth the eligibility requirements and govern the operation of HIV/AIDS Assistance granted through the HIV care program.
- AFFECTED PARTIES: People living with HIV/AIDS
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2021

**10-144**

### **Chapter XXX. INSPECTION OF SUBSURFACE WASTEWATER DISPOSAL SYSTEMS**

- STATUTORY AUTHORITY: 22 MRS §42 (3-B)
- PURPOSE OF THE RULE: To outline requirements for the inspection of plumbing and subsurface wastewater disposal systems.
- AFFECTED PARTIES: Public, local plumbing inspectors, certified plumbing inspectors, municipal code enforcement officers.

- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021

#### **10-144**

#### **Chapter XXX. UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS RULE**

- STATUTORY AUTHORITY: PL2017 C 396
  - PURPOSE OF THE RULE: To implement statute that establishes a registry of volunteer health practitioners who may provide health services subject to an emergency proclamation.
  - AFFECTED PARTIES: Health care practitioners, Maine Emergency Management Agency
  - CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
  - SCHEDULE FOR ADOPTION: None anticipated
- 

AGENCY UMBRELLA-UNIT NUMBER: **10-144, 10-148, and 14-472**

AGENCY NAME: **Office of Child and Family Services**, Division of Child Welfare

**CONTACT PERSON:** Brianna Gutierrez, Communication and Compliance Manager, Office of Child and Family Services, #11 State House Station, 2 Anthony Avenue, Augusta, ME 04333-0011. Telephone: (207) 626-8670. E-mail: [brianna.gutierrez@maine.gov](mailto:brianna.gutierrez@maine.gov)

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** List of all rules agency expects to propose between now and October, 2021.

#### **10-144**

#### **CHAPTER 33: Family Child Care Provider Licensing Rule**

- STATUTORY AUTHORITY: 22 MRSA Chapter 1663 and Chapter 1673.
- PURPOSE OF THE RULE: This rule governs the licensing of family child care providers in Maine to protect the health, safety and welfare of the children.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2021.
- AFFECTED PARTIES: Parents, guardians, children and family child care owner/operators.

#### **10-144**

#### **CHAPTER 36: Children's Residential Care Facilities Licensing Rule**

- STATUTORY AUTHORITY: 22 MRSA Chapter 1669, §8102.
- PURPOSE OF THE RULE: To address the health and safety licensing standards of all children's residential care facilities, including secure capacity facilities.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2021.
- AFFECTED PARTIES: Children's residential care providers, youth and adults to age 21.

#### **10-148**

#### **CHAPTER 6: Child Care Subsidy Policy Manual**

- STATUTORY AUTHORITY: Title 22 MRSA Chapter 1052-A, §3740
- PURPOSE: These rules establish, define, and clarify the primary responsibilities and processes for the planning and administration of child care subsidies funded with

the Child Care Development Fund. The *Child Care and Development Fund ("CCDF") Block Grant Act of 1990*, as amended, 42 USC §9858b (b)(1)(A), (the "Act") requires the Lead Agency to "administer, directly, or through other governmental or non-governmental agencies" the funds received. The regulations at 45 CFR 98.11 provide that, in addition to retaining "overall responsibilities" for the administration of the program, the Lead Agency must also (among other things) promulgate all rules and regulations governing the overall administration of the CCDF Program.

- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2021.
- AFFECTED PARTIES: Parents in need of child care services and assistance with obtaining and payment of those services; individuals who provide child care services; and children who receive child care services.

#### **10-148**

##### **CHAPTER 14:** Rules for Levels of Care for Foster Homes

- STATUTORY AUTHORITY: Title 22 MRSA §4062.
- PURPOSE: These rules describe the procedures, requirements, and rates for the Office of Child and Family Services' levels of care system.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Proposed rule will be presented for input to a variety of groups that are involved in rate setting.
- SCHEDULE FOR ADOPTION: FY 2021.
- AFFECTED PARTIES: Children in care, individuals who care for children in foster care, treatment foster care agencies, children in foster care.

#### **10-148**

##### **CHAPTERS 15 and 16:** Rules for the Licensing of Family Foster Homes\* for Children and Rules Providing for the Licensing of Specialized Children's Foster Homes\* (\*Planned name change to Resource Homes)

- STATUTORY AUTHORITY: Title 22 MRSA §8102.
- PURPOSE: These rules describe the procedures and requirements for licensing of resource families providing for care of children in state custody.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Rule changes are presented to a variety of groups that are involved. The Kinship Advisory Board will be a part of providing feedback.
- SCHEDULE FOR ADOPTION: FY 2021.
- AFFECTED PARTIES: Children in care, individuals who care for children in foster care, treatment foster care agencies, and kinship families.

#### **10-148**

##### **CHAPTER 21:** Rules for the Provision of Room and Board Payments for Residential Programs Serving Children

- STATUTORY AUTHORITY: Title 22 MRSA §4062.
- PURPOSE: These rules provide for reimbursement for room and board for residential programs serving children at a standard rate within the available funds, to ensure that the payments are reasonable and consistently applied to like programs while meeting the needs of the children in the facility.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2021.

- **AFFECTED PARTIES:** Agencies and businesses that provide residential care for children, children receiving residential services, parents of children receiving residential services.

#### **10-148**

##### **CHAPTER 32:** Rules for the Licensing of Child Care Facilities

- **STATUTORY AUTHORITY:** 22 MRSA Chapter 1663 and Chapter 1673.
- **PURPOSE OF THE RULE:** This rule governs the licensing of child care facilities in Maine to protect the health, safety and welfare of the children.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2021.
- **AFFECTED PARTIES:** Parents, guardians, children and child care facility owner/operators.

#### **10-148**

##### **CHAPTER 36:** Rules for the Licensing of Nursery Schools

- **STATUTORY AUTHORITY:** 22 MRSA Chapter 1663 and Chapter 1673.
- **PURPOSE OF THE RULE:** This rule governs the licensing of nursery schools in Maine to protect the health, safety and welfare of the children.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2021.
- **AFFECTED PARTIES:** Parents, guardians, children and nursery school owner/operators.

#### **10-148**

##### **CHAPTER 201:** Procedures for the Abuse or Neglect Substantiation Process, for Appeals for Persons Substantiated as Perpetrators of Abuse or Neglect of Children, and Appeals for Denial of Access to Confidential Records

- **STATUTORY AUTHORITY:** Title 22 MRSA §4004.
- **PURPOSE:** These rules outline procedures to govern the substantiation/indicated process, and to notify and provide an appeal to persons who have been substantiated or indicated by the Department of Health and Human Services as having abused or neglected a child or children. In addition, this rule provides an appeal process for individuals denied access to their confidential child protective records.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2021.
- **LISTING OF AFFECTED PARTIES:** Individuals found to be substantiated or indicated for abuse of children, families and children affected by abuse. Individuals seeking access to their confidential child protective records.

#### **14-472**

##### **CHAPTER 1:** Rights of Recipients of Mental Health Services Who are Children in Need of Treatment

- **STATUTORY AUTHORITY:** Title 34-B MRSA §§ 3003 and 15002.
- **PURPOSE:** To provide for the rights of children receiving mental health services.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2021.

LISTING OF AFFECTED PARTIES: Providers of mental health services to children, children, family members of children.

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**AGENCY UMBRELLA-UNIT NUMBER: 14-118**

**AGENCY NAME:** Office of Behavioral Health Services (formerly Office of Substance Abuse and Mental Health Services)

**CONTACT PERSON:** Jessica Pollard, Director of Office of Behavioral Health Services, #11 State House Station, 41 Anthony Avenue, Augusta, Maine, 04333-0011 Telephone (207) 287-2595. E-mail: [Jessica.pollard@maine.gov](mailto:Jessica.pollard@maine.gov); Amy Heino, Senior Policy Advisor. Email: [Amy.M.Heino@maine.gov](mailto:Amy.M.Heino@maine.gov)

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**14-193, Chapter 1, Bureau of Substance Abuse and Mental Health Services, Rights of Recipients of Mental Health Services**

- STATUTORY BASIS: 34-B M.R.S.A. §3003
- PURPOSE (of the rule): These rules govern the rights of recipients of Mental Health Services. The rules set the framework for interaction with the department, and the process by which consumers receive services. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary. The pending private right of action statute will have accompanying rules.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented over the course of the next year. The rules are currently undergoing a complete review for accuracy, clarity, and efficacy.
- LISTING OF AFFECTED PARTIES: Other state agencies, providers, and adults who receive mental health services.

**14-118, Chapter 2-Driver Education and Evaluation Program Procedure Manual**

- STATUTORY BASIS: 5 M.R.S.A. §20005 and 5 M.R.S.A. Part 25, c. 521 Sub-ch. 5
- PURPOSE (of the rule): These rules govern the Driver Education and Evaluation Program (DEEP) Procedures. They set forth the framework of how the system should function as well as the requirements for both consumers and providers. An internal review of the program has been occurring which will result in changes to the regulatory framework that governs DEEP.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented over the course of the next year. The rules are currently undergoing a complete review for accuracy, clarity, and efficacy.
- AFFECTED PARTIES: Community Based Service Providers and OUI Offenders.

**14-118, Chapter \_\_-Rules Governing the Bridging Rental Assistance Program**

- STATUTORY BASIS: 34-B M.R.S.A. §3011
- PURPOSE (of the rule): These rules will govern the Bridging Rental Assistance Program (BRAP). They will set the framework of how the transitional housing voucher program should function as well as the requirements for consumers.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented over the course of the next year, as these rules are currently in development.
- LISTING OF AFFECTED PARTIES: Providers and individuals with mental illness.

**14-118, Chapter \_\_-Rules Governing the Certification of Recovery Residences**

- STATUTORY BASIS: 5 M.R.S.A. §20005 (P.L. 2019 ch. 524)
- PURPOSE (of the rule): These rules will establish criteria for the certification of recovery residences. The criteria will be based on criteria developed by a nationally recognized organization that supports persons recovering from substance use disorder and certification will be voluntary.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented over the course of the next year, as these rules are currently in development.
- LISTING OF AFFECTED PARTIES: Other state agencies, providers, and individuals who receive substance use disorder services.

**14-118, Chapter 19-Rules Governing Community-Based Drug Overdose Prevention Programs**

- STATUTORY BASIS: 22 M.R.S. §2353, (P.L. 2019 ch. 292)
- PURPOSE (of the rule): These rules establish policies and procedures related to the establishment of Overdose Prevention Programs and the storage, dispensing, and distribution of Naloxone Hydrochloride in Community-based Agency settings. These rules will add requirements for the storage, dispensation, and distribution of Naloxone Hydrochloride by Recovery Residences.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented over the course of the next year.
- LISTING OF AFFECTED PARTIES: Other state agencies, providers, and individuals who receive substance use disorder services.

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AGENCY UMBRELLA-UNIT NUMBER: **10-149** and **14-197**

AGENCY NAME: **Office of Aging and Disability Services**, formerly two separate offices: the Office of Elder Services; and the Office of Adults with Cognitive and Physical Disability Services

CONTACT PERSON: Joseph Zamboni, Policy and Program Development Manager; Office of Aging and Disability Services; #11 State House Station, Augusta, ME 04333-0011; 207-287-9298; [joseph.zamboni@maine.gov](mailto:joseph.zamboni@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2019-2020 RULEMAKING ACTIVITY:**

**10-149, Chapter 1, Adult Protective Services System**

- STATUTORY BASIS: 22 M.R.S. §3470 *et seq.*; 34-B M.R.S. §5604-A.
- PURPOSE (of the rule): These rules govern the operation of the Adult Protective Services unit. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary. (Other APS rules fall under Chapter 5).
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.

- LISTING OF AFFECTED PARTIES: other state agencies, providers, elders, and incapacitated and dependent adults.

**10-149, Chapter 5, Sections 1-75, Office of Elder Services [Office of Aging and Disability Services] Policy Manual**

- STATUTORY BASIS: 22-A M.R.S.A. §205; 22 M.R.S.A. §§ 342, 3493, 5106, 6108, 6203, 7303, 7312, 7853, 8602, and 9002; and 24 M.R.S.A. §6214
- PURPOSE (of the rule): These rules govern the operation of programs administered by the Office of Aging and Disability Services, including the State Unit on Aging programs, (under the *Older Americans Act*) the long term supports and services system of care, as well as the Adult Protective Services unit. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to other sections of these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, elders and adults with disabilities.

**14-197, Chapter 1, General Administrative Policies and Procedures**

- STATUTORY BASIS: 22-A M.R.S.A. §205; and 34-B M.R.S.A. §§ 5201, 5465, and 5604
- PURPOSE (of the rule): These new rules will set out definitions, eligibility, policies and appeal procedures for persons with intellectual disabilities or autistic disorder.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**14-197, Chapter 3, Definition of Mental Retardation and Autism; Appeal Procedure**

- STATUTORY BASIS: 22-A M.R.S.A. §205; 34-B M.R.S.A. §§ 5432, 5465, and 6003
- PURPOSE (of the rule): These rules set out definitions, policies and appeal procedures for persons with intellectual disabilities or autistic disorder. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**14-197, Chapter 4**, Joint Regulations Between Division of Special Education and Bureau of Mental Retardation

- STATUTORY BASIS: 22-A M.R.S.A. §205; 34-B M.R.S.A. §§ 5432, 5465, and 6003
- PURPOSE (of the rule): These rules are intended to coordinate the delivery of services for individuals with intellectual disabilities or autism transitioning from receiving services in a school setting into the adult service system (although the rule is no longer relied upon by DHHS offices).
- SCHEDULE FOR ADOPTION: This rule will be repealed and the Department will consider replacement. It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autism receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**14-197, Chapter 5**, Regulations Governing Behavioral Support, Modification and Management for People with Intellectual Disabilities or Autism in Maine

- STATUTORY BASIS: 34-B M.R.S.A. §5201(9), and §§ 5601 *et seq.*
- PURPOSE (of the rule): These regulations are designed to implement Maine law regarding the Rights of Persons with Intellectual Disabilities or Autism particularly when an individual is engaging in a challenging behavior.
- SCHEDULE FOR ADOPTION: It is not possible to predict when will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**14-197, Chapter 7**, Pilot Program for Transitional Services

- STATUTORY BASIS: 34-B M.R.S. §5609
- PURPOSE (of the rule): The intent of the rule was to carry out a Pilot Program for Transitional Services, offering a method of funding for innovative services which are otherwise unavailable or not reimbursable under existing funding systems. This rule is no longer in effect.
- SCHEDULE FOR ADOPTION: This rule will be repealed, although it is not possible to establish a timeline for same.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autism receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**14-197, Chapter 8**, Rule Describing Grievance and Appeals Procedures for Persons with Intellectual Disabilities

- STATUTORY BASIS: 22-A MR.S.A. §205; and 34-B M.R.S.A. §§ 5201, 5465, and 5604
- PURPOSE (of the rule): This rule sets forth the grievance and appeal process for persons with intellectual disabilities or autistic disorder receiving services from the Department. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.

- SCHEDULE FOR ADOPTION: It is not possible to predict when will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department

**14-197, [Chapter 10](#)**, Certification Requirements for Agencies Seeking to Provide Community Based Targeted Case Management for Adults with Intellectual Disabilities and Autism

- STATUTORY BASIS: 22-A M.R.S.A. §205; and 34-B M.R.S.A. §§ 5201, 5432 and 5465
- PURPOSE (of the rule): These rules set out the requirements for certification for agencies seeking to provide community based targeted case management for adults with intellectual disorders or autistic disorder. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**14-197, [Chapter 11](#)**, Consumer Directed Personal Assistance Services

- STATUTORY BASIS: 22-A M.R.S.A. §205; and 34-B M.R.S.A. §§ 5201, 5432, and 5465
- PURPOSE (of the rule): These rules govern the Consumer-Directed Personal Assistance Services program that provides services, subject to the availability of funds, for adults with severe disabilities. This program allows them to remain in their homes and communities and out of institutional settings. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**14-197, [Chapter 12](#)**, Reportable Events System

- STATUTORY BASIS: 22-A M.R.S.A. §205; 18-A M.R.S.A. §§ 5-312, 5-601, 5-606, and 5-607; and 34-B M.R.S.A. §§ 3803, 3832, 5203, 5480, and 5601 *et seq.*
- PURPOSE (of the rule): This rule sets out the Department's policy on reportable events and the investigation of allegations of abuse, neglect and exploitation of adults

with intellectual disorders and autistic disorder and the process for individuals appealing a substantiation of abuse, neglect and exploitation. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.

- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

#### **14-197, Chapter 13, Support for Adults with Intellectual Disabilities or Autism in Crisis**

- STATUTORY BASIS: 34-B M.R.S.A. §5206, sub-§8.
- PURPOSE (of the rule): The purpose of the rule is to comply with Public Law 2019, ch. 290, *An Act To Strengthen Supports for Adults with Intellectual Disabilities or Autism in Crisis*. The Department of Health and Human Services shall study the existing services for persons with intellectual disabilities or autism and determine the adequacy of the MaineCare reimbursement methodology and rates paid to providers for meeting the needs of persons with intellectual disabilities or autism at risk for out-of-home placement due to challenging behavior that affects health and safety. The department shall report its findings, along with recommendations and any suggested legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill to the Second Regular Session of the 129<sup>th</sup> Legislature.
- SCHEDULE FOR ADOPTION: The Department of Health and Human Services shall provisionally adopt rules that are required pursuant to the Maine Revised Statutes, Title 34-B, section 5206, sub-§8, no later than April 1, 2020.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with intellectual disabilities or autistic disorder receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

#### **14-197, Chapter 14, Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors**

- STATUTORY BASIS: 22 MRSA §3088-A.
- PURPOSE (of the rule): The purpose of the rule is to comply with Public Law 2019, ch. 488, *An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors*. Within the limits of its available resources, the department may enter into contracts with organizations representing individuals with a brain injury and their families, bringing together state and national expertise to provide core brain injury support for underserved populations of individuals with an acquired brain injury, including, but not limited to, individuals who experienced an opioid drug overdose resulting in anoxic or hypoxic brain injury, who are veterans, who are victims of domestic violence, who are experiencing homelessness, who are ineligible for MaineCare and who have a newly acquired brain injury. For the purposes of this section, "core brain injury support" includes, but is not limited to, resource facilitation, brain injury support groups, outreach designed for individuals who have a newly acquired brain injury, access to a joint state and

national helpline, information and resource education and family caregiver training. The department may adopt rules to implement this section.

- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: other state agencies, providers, and persons with acquired brain injury receiving services funded in whole or in part by, licensed by, or provided pursuant to a contract or agreement with the Department.

**12**  
**DEPARTMENT OF LABOR**  
Regulatory Agenda 2020-2021  
September 30, 2020

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**Rulemaking Liaison:** Isaac Gingras, Legislative Liaison, Department of Labor,  
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**Contents:**

	<b>Page(s)</b>
<b>12-150: Blind and Visually Impaired Division .....</b>	<b>1-2</b>
<b>12-152: Bureau of Rehabilitation Services .....</b>	<b>2-3</b>
<b>12-168: Department of Labor - General .....</b>	<b>3-4</b>
<b>12-170: Bureau of Labor Standards.....</b>	<b>4-9</b>
<b>12-172: Maine Unemployment Insurance Commission.....</b>	<b>9-14</b>
<b>12-179: Occupational Safety and Health Board .....</b>	<b>14-16</b>
<b>12-180: Maine Labor Relations Board .....</b>	<b>16-18</b>
<b>12-181: Maine Standing Committee on Apprenticeship .....</b>	<b>18-19</b>
<b>12-186: State Board of Arbitration and Conciliation .....</b>	<b>19</b>
<b>12-597: Bureau of Employment Services.....</b>	<b>19-20</b>
<b>12-___: State Workforce Investment Board .....</b>	<b>20-21</b>

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AGENCY UMBRELLA-UNIT NUMBER: **12-150**

AGENCY NAME: **Bureau of Rehabilitation Services Blind and Visually Impaired Division**

**CONTACT PERSON:** Brenda Drummond, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7954.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 101:** Vocational Rehabilitation Services for Individuals who are Blind

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1418 A-E

PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who are blind or visually impaired in achieving an employment outcome. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act and guidance from the Rehabilitation Services Administration.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Blind or visually impaired persons eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 105:** Independent Living Services for Individuals Who Are Blind or Visually Impaired Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1414

PURPOSE: The rules govern the delivery of independent living services for persons who are blind or visually impaired to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Blind or visually impaired persons eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 15:** Rules Governing the Business Enterprise Program

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1418 F

PURPOSE: The rules govern the procedures and standards for the licensing of blind persons as vending facility managers by the Division for the Blind and Visually Impaired. Modifications would reflect changes and clarifications related to definitions, training requirements, and participation by managers.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Blind or visually impaired persons eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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AGENCY UMBRELLA-UNIT NUMBER: **12-152**

AGENCY NAME: **Bureau of Rehabilitation Services, Vocational Rehabilitation Division**

CONTACT PERSON: Libby Stone-Sterling, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7943.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1:** Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1411 A-E

PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who have a physical or mental disability in achieving an employment outcome. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act and guidance from the Rehabilitation Services Administration.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Persons with disabilities eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 5:** Brain Injury Extended Support Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19, Subchapter 2, Article 1

PURPOSE: The rules govern the delivery of ongoing support services for persons who have completed the vocational rehabilitation program and are successfully employed. Modifications would clarify the appeals process.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Persons with brain injuries who have completed the vocational rehabilitation services program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 6:** Basic Extended Support Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19, Subchapter 2, Article 1

PURPOSE: The rules govern the delivery of ongoing support services for persons who have completed the vocational rehabilitation program and are successfully employed. Modifications would clarify the appeals process.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Persons with disabilities who have completed the vocational rehabilitation services program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 7:** Independent Living Services Program Policy Manual

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1411

PURPOSE: The rules govern the delivery of independent living services for persons to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Persons with disabilities eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 12** Rules for the Communication Equipment Fund Program for People with Disabilities

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1419

PURPOSE: The rules govern the provision of funds for purchase, lease, upgrading, installation, maintenance and repair of specialized customer telecommunication equipment for persons with disabilities or equipment that provides or assists in providing emergency alert notification to deaf or hard of hearing persons.

Modifications would reflect changes in Title 26 M.R.S., Chapter 19 §1419.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Persons with disabilities eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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AGENCY UMBRELLA-UNIT NUMBER: **12-168**

AGENCY NAME: **Department of Labor - General**

**CONTACT PERSON:** Isaac Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2019-2020 RULEMAKING ACTIVITY:**

**CHAPTER 10:** Rules Governing Job Training Partnership Act Programs (JTPA)

Grievance Procedures

STATUTORY AUTHORITY: Title 26 M.R.S. §2012 and §2015-A (Repealed)

PURPOSE: This rule has been repealed by operation of law, as the statutory authority has been repealed.

ANTICIPATED SCHEDULE: September 29, 2021

AFFECTED PARTIES: None

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 11:** Maine Enterprise Option Program

STATUTORY AUTHORITY: Title 26 M.R.S. §1197

PURPOSE: To make rule revisions that may be needed to clarify procedures and requirements under the Maine Enterprise Option (MEO) program.

ANTICIPATED SCHEDULE: By September 30, 2021.

AFFECTED PARTIES: Any person who is participating in the MEO Program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

**NEW RULE -- CHAPTER XX:** Work-Share Rules

STATUTORY AUTHORITY: 26 M.R.S. §1198

PURPOSE: To implement rules outlining procedures and requirements for the Maine Work-Share Program.

ANTICIPATED SCHEDULE: By December 31, 2021.

AFFECTED PARTIES: Maine employers who apply for the program and employees of those employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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AGENCY UMBRELLA-UNIT NUMBER: **12-170**

AGENCY NAME: **Bureau of Labor Standards**

**AGENCY RULEMAKING LIAISON:** Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2019-2020 RULEMAKING ACTIVITY:**

**CHAPTER 3:** Rules Governing Administration of the Maine Wage Assurance Fund

STATUTORY AUTHORITY: Title 26 M.R.S. §632

PURPOSE: The rules ensure consistent and fair administration of the Maine Wage Assurance Fund, 26 M.R.S., Section 632, which was established by the Legislature to make payment of up to two weeks of earned wages owed an employee by an insolvent employer unable to make payment.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated  
CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150,  
(207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

**CHAPTER 4:** Rules Governing Occupational Safety and Health Grants

STATUTORY AUTHORITY: Title 26 M.R.S. §62 (Repealed)

PURPOSE: This rule has been repealed by operation of law, as the statutory authority has been repealed.

ANTICIPATED SCHEDULE: September 29, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150,  
(207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 6:** Rules Governing Sanitary Conditions on Certain Railroad Property

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 351-354

PURPOSE: The purpose of these rules is to provide reasonable sanitation standards in areas of railroad employment not covered by Federal or other State agencies.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150,  
(207) 623-7916, [Steven.L.Greeley@maine.gov](mailto:Steven.L.Greeley@maine.gov).

**CHAPTER 7:** Rules Relating to Substance Abuse Testing

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 681-690

PURPOSE: The rules outline certain responsibilities for employers who choose to implement a workplace substance abuse testing program. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150,  
(207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 8:** Workplace Health and Safety Program for Employers with Modification Rate of 2 or More

STATUTORY AUTHORITY: Title 39 M.R.S. § 401(5).

PURPOSE: These rules establish standards for occupational health and safety programs required of employers with a workers' compensation insurance modification rate of two or more, pursuant to Title 39 M.R.S. Section 21-A, Subsection 4 as enacted by 1991 Public Law Chapter 615, Section A-22. Effective January 1, 1993, the authority for these rules will be transferred to Title 39-A Section 401, Subsection 5, as provided in 1991 Public Law Chapter 885.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150,  
(207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 9:** Rules Governing Administrative Civil Money Penalties for Labor Law Violations

STATUTORY AUTHORITY: Title 26 M.R.S. Chapter 7 and Chapter 15

PURPOSE: The purpose of this chapter is to provide procedural guidance regarding the assessment of administrative civil money penalties for labor law violations. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov) .

**CHAPTER 10:** Rules Governing Employment Leave for Victims of Violence

STATUTORY AUTHORITY: Title 26 M.R.S. §850

PURPOSE: Defines terms in the law and clarifies the applicable work and legal situations. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Workers affected by violence and their employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov) .

**CHAPTER 11:** Rules Governing Hazardous Occupations for Minors under the Age of Eighteen in Non-Agricultural Employment

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 771-786

PURPOSE: Establishes a comprehensive list of occupations found to be hazardous and, therefore, unsuitable for the employment of minors. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov) .

**CHAPTER 12:** Rules Relating to Equal Pay

STATUTORY AUTHORITY: Title 26 M.R.S. §628 and 628-A

PURPOSE: The purpose of these rules is to clarify employee protections ensuring an employer not discriminate between employees within the same establishment based on gender by paying wages to any employee in any occupation at a rate less than the rate paid to an employee of the opposite gender for comparable work on jobs with comparable requirements related to skill, effort, and responsibility. Proposed changes intend to make additions necessary to ensure consistency with new statutory prohibition about compensation history of prospective employees.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

**CHAPTER 13:** Rules Governing the Establishment and Use of Fair Minimum Wage Rates on State Construction Projects

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1304 - 1315

PURPOSE: Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

**CHAPTER 14:** Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers

STATUTORY AUTHORITY: Title 26 M.R.S. §664

PURPOSE: This rule has been repealed by operation of law, as the statutory authority has been repealed.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

**CHAPTER 15:** Rules Related to Severance Pay

STATUTORY AUTHORITY: Title 26 M.R.S. §625-b

PURPOSE: Establishes specific procedures and guidelines for eligibility for and payment of severance pay upon termination or relocation of a major employer. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2021

AFFECTED PARTIES: Employers of 100 or more workers and their employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@maine.gov](mailto:Scott.R.Cotnoir@maine.gov).

**CHAPTER 16:** Rules Governing Definitions for Executive, Administrative, and Professional Exemptions from Minimum Wage and Overtime

STATUTORY AUTHORITY: Title 26 M.R.S. §663(K)

PURPOSE: Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2021

AFFECTED PARTIES: Employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

**CHAPTER 17:** Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment

STATUTORY AUTHORITY: Title 26 M.R.S. §872

PURPOSE: Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2021

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

**Chapter 18:** Rules Regarding Earned Paid Time Off (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §637

PURPOSE: Establish rules regarding earned paid time off.

ANTICIPATED SCHEDULE: September 30, 2021

AFFECTED PARTIES: Employers with 11 or more employees and workers in those businesses.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

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**NEW RULE – Chapter XX:** Rules Relating to Assessment of Interest and Penalties for Non-payment under the Safety Education and Training Fund (SETF) (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §61

PURPOSE: To establish procedures to determine when, how and against whom penalties and interest will be assessed for non-payment of bills under the SETF.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: The Workers' Compensation insurance carriers and self-insureds and any employer who receives services from the SETF.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**NEW RULE – Chapter XX:** Rules Regarding Employment Practices (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §42

PURPOSE: Establishes procedures and standards for the application of the minimum wage, overtime and other employment practices.

ANTICIPATED SCHEDULE: By December 31, 2021

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov).

**NEW RULE – Chapter XX:** Rules Governing the Confidentiality of Data & Information Collected by the Bureau (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §42

PURPOSE: Establish procedures and standards for the publication and release of information covered by the confidentiality law (26 M.R.S. §3).

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Bureau staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov) .

**NEW RULE – Chapter XX:** Rules Regarding Access to Leave under the Care for Families Act (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §636

PURPOSE: Establish procedures for the submission and investigations of complaints.

ANTICIPATED SCHEDULE: September 30, 2021

AFFECTED PARTIES: Employers offering paid leave and their employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov) .

**NEW RULE – Chapter XX:** Rules Regarding Apprenticeship in Energy Facility Construction (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §3501-3502

PURPOSE: Establish procedures for review of apprentices on certain projects.

ANTICIPATED SCHEDULE: September 30, 2021

AFFECTED PARTIES: Employers creating a Generation facility that has an installed capacity of 2 megawatts or more, other than a facility located on the customer side of an electric meter.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov) .

**NEW RULE – Chapter XX:** Rules Regarding Wage Theft (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §639

PURPOSE: Establish procedures for the submission and investigations of complaints.

ANTICIPATED SCHEDULE: September 30, 2021

AFFECTED PARTIES: Employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov) .

**NEW RULE – Chapter XX:** Rules Regarding Record Keeping Requirements

STATUTORY AUTHORITY: Title 26 M.R.S. §665

PURPOSE: Establish procedures for keeping accurate and true records of the hours worked by each employee and of the wages paid.

ANTICIPATED SCHEDULE: September 30, 2021

AFFECTED PARTIES: Employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, [Scott.R.Cotnoir@Maine.gov](mailto:Scott.R.Cotnoir@Maine.gov) .

AGENCY UMBRELLA-UNIT NUMBER: **12-172**

AGENCY NAME: **Unemployment Insurance Commission**

**CONTACT PERSON:** Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, Phone: (207) 623-6793

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

PURPOSE: To revise or adopt definitions to help clarify statutory requirements pertaining to the administration of the Unemployment Insurance Program and/or to ensure consistency between rules and statutory revisions or additions.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 2:** Employer Notices, Records, Contributions and Reimbursement

Payments and Reports

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1043 (19), 1082, 1221

PURPOSE: To revise or update the rule as needed to ensure consistency with existing statutory requirements, and to implement new standards pertaining to SUTA dumping.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 3:** Unemployment Benefits, Intrastate

STATUTORY AUTHORITY: Title 26 M.R.S. §1192

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 4:** Unemployment Benefits, Interstate

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 5:** Rule of Practice Governing Adjudicatory Proceedings

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082, 1194 and 1226

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees  
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

**CHAPTER 6:** Seasonal Industry Program

STATUTORY AUTHORITY: Title 26 M.R.S. §1251

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 7:** Advisory Rulings

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

PURPOSE: To update guidelines as needed to ensure consistent application of current statutes.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 8:** Payments for Dependents

STATUTORY AUTHORITY: Title 26 M.R.S. §1191(6)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 9:** Able and Available Requirements

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 10:** Work Search Requirements

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 11:** Deputy Determinations

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082, 1192 and 1194

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By August 31, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 12:** Unemployment Compensation for Former Federal Civilian Employees (UCFE)

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 13:** Unemployment Compensation for Ex-Service Members (UCX)

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 14:** Educational Institutional Employees

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 15:** Benefit Payments to Athletes

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 16:** Benefit Payments to Aliens

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 17:** Voluntary Leaving

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082, 1192 and 1194

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 18: Discharge**

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 19: Other Remuneration**

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To provide and/or revise definitions for other remuneration and to clarify the procedure for allocating other remuneration to particular periods, and to update guidelines as needed to ensure consistent application of current and or revised statutes.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 20: Unemployment Fraud or Misrepresentation by Claimants**

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 21: Pension Payments**

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To revise the rule to be consistent with legislation passed eliminating the benefit offset for Social Security and similar pension payments.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 22: Extended Benefits**

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 23: Dislocated Worker Benefits**

STATUTORY AUTHORITY: Title 26 M.R.S. §1196

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 24: Approved Training**

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082 and 1192

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By August 31, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 25: Employee Leasing Companies**

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 26: Waivers**

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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AGENCY UMBRELLA-UNIT NUMBER: **12-179**

AGENCY NAME: **Occupational Safety and Health Board**

**AGENCY RULEMAKING LIAISON:** Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:****CHAPTER 1: Procedural Rule**

STATUTORY AUTHORITY: Title 26 M.R.S. Chapter 6 §565

PURPOSE: These rules describe the Occupational Safety & Health Board Procedural Rules for notices, hearings, records, subpoena powers, decisions, officers and rulings.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 2: Occupational Safety and Health Standards for General Employment in the Public Sector**

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 3:** Occupational Safety and Health Standards for Construction  
Employment in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 4:** Occupational Safety and Health Standards for Firefighting in the  
Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 2101-2107

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for firefighters in the public sector.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 5:** Occupational Safety and Health Standards for Public Safety Diving

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: These rules establish standards and procedures to protect public safety divers from the hazards of diving.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 6:** Recording Occupational Injuries and Illnesses in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes rules for the recording of occupational injuries and illnesses by public sector employers. These rules closely conform to the standards set by the U.S. Department of Labor, which apply to private sector employers, by using the Federal forms and general procedures.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 7:** Minimum Driver Training Requirements for Fire Apparatus

STATUTORY AUTHORITY: Title 26 M.R.S. §2107

PURPOSE: These rules identify the minimum job performance requirements for career and volunteer fire fighters who drive fire apparatus in order to reduce accidents, injuries and loss of fire equipment.

ANTICIPATED SCHEDULE: By September 30, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 8:** Occupational Safety and Health Standards for Whistleblower/Discrimination in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards to prohibit discrimination against public employee(s) reporting unsafe and unhealthful working conditions. (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By March 29, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 9:** Occupational Safety and Health Standards for Issuing Variances in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards for application, review and issuance of variance(s) that ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By March 29, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

**CHAPTER 10:** Occupational Safety and Health Standards for Consultation Guidelines in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards outlining consultation guidelines for public employers/employees. (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By March 29, 2021

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, [Steven.L.Greeley@Maine.gov](mailto:Steven.L.Greeley@Maine.gov).

AGENCY UMBRELLA-UNIT NUMBER: **12-180**  
AGENCY NAME: **Maine Labor Relations Board**

**CONTACT PERSON:** Henry Fouts, Board Counsel, 90 State House Station, Augusta, ME 04333-0090. Tel: (207) 287-2015.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2019-2020 RULEMAKING ACTIVITY:**

**CHAPTER 10:** General Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules define certain terms used throughout the rules of the Maine Labor Relations Board and contain other rules of general application. Modifications would reflect changes required to implement Public Law 2019, chapter 135, which amended the requirements for the establishment of a collective bargaining agent under the Municipal Public Employees Labor Relations Law. The changes would also update the rules to require electronic filing of documents with the Board, to better facilitate electronic communication, to make changes regarding the procurement of official transcripts, to improve consistency of provisions regarding Board hearings and to update certain statutory references.

ANTICIPATED SCHEDULE: By June 30, 2021

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 11:** Bargaining Unit Composition and Representation Matters

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules establish procedures concerning petitions to create, modify or merge bargaining units, petitions to hold bargaining agent elections, hearings on unit composition issues, bargaining agent certification and decertification and appeals on representation matters. Modifications would reflect changes required to implement Public Law 2019, chapter 135, which amended the requirements for the establishment of a collective bargaining agent under the Municipal Public Employees Labor Relations Law. The changes would also clarify the outcome of runoff elections for bargaining agents that result in a tie, provide an earlier deadline for employer submission of the list of employees eligible to vote in an election, require electronic filing of documents with the Board, better facilitate electronic communication, improve consistency of provisions regarding Board hearings, update certain statutory references, make changes regarding the procurement of official transcripts and make miscellaneous non-substantive changes.

ANTICIPATED SCHEDULE: By June 30, 2021

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 12: Prohibited Practice Complaints; Interpretive Rulings**

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules govern the filing of prohibited practice complaints, responding to a complaint, the prehearing conference, the adjudicatory hearing and the issuance of decisions and orders by the Board. They also govern requests for interpretive rulings from the Board. Proposed changes would address the inclusion of attachments with prohibited practice complaints and update the rules to require electronic filing of documents with the Board, better facilitate electronic communication, improve consistency of provisions regarding Board hearings, update certain statutory references, make changes regarding the procurement of official transcripts and make miscellaneous non-substantive changes.

ANTICIPATED SCHEDULE: By June 30, 2021

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 13: Resolution of Contract Negotiation Disputes**

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules establish procedures governing mediation, fact-finding and arbitration. Modifications would require electronic filing of documents with the Board, better facilitate electronic communication, eliminate restrictions on employees or subcontractors of public management associations or public employee associations serving as private fact finders, require payment of estimated costs at the time a party files a request for mediation services and make miscellaneous non-substantive changes.

ANTICIPATED SCHEDULE: By June 30, 2021

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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AGENCY UMBRELLA UNIT: **12-181**

AGENCY NAME: **Maine Standing Committee on Apprenticeship**

**AGENCY RULEMAKING LIAISON:** Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

## **EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

### **CHAPTER 1:** Rules Relating to Labor Standards for Registration of Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 M.R.S. §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2021

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, [David.Klein@Maine.gov](mailto:David.Klein@Maine.gov).

### **CHAPTER 2:** Rules Relating to Labor Standards for Equal Opportunity for Employment of Women and Minorities in Registered Apprenticeship Programs in the State of Maine

STATUTORY AUTHORITY: Title 26 M.R.S. §3205

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2021

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, [David.Klein@Maine.gov](mailto:David.Klein@Maine.gov).

### **CHAPTER 3:** Rules Relating to Labor Standards for Registration of Pre-Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 M.R.S. §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2021

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, [David.Klein@Maine.gov](mailto:David.Klein@Maine.gov).

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AGENCY UMBRELLA UNIT: **12-186**

AGENCY NAME: **State Board of Arbitration and Conciliation**

**CONTACT PERSON:** Henry Fouts, Executive Director, State Board of Arbitration and Conciliation, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Fax: (207) 287-4416. TTY or TDD: (207) 287-4330. Email: [Henry.Fouts@Maine.gov](mailto:Henry.Fouts@Maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** None

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AGENCY UMBRELLA UNIT: **12-597**

AGENCY NAME: **Bureau of Employment Services**

**AGENCY RULEMAKING LIAISON:** Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1:** Rules Governing Implementation of the Trade Adjustment Assistance Program

STATUTORY AUTHORITY: Title 26 M.R.S. §2051

PURPOSE: To update the state TAA rules to match the recent changes to the *Federal Trade Adjustment Assistance Act* (TAA). The TAA program is federally funded providing wage subsidy, training, job search and relocation assistance to customers covered under approved petitions.

ANTICIPATED SCHEDULE: By August 31, 2021

AFFECTED PARTIES: TAA eligible customers and CareerCenter staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, [David.Klein@Maine.gov](mailto:David.Klein@Maine.gov).

**CHAPTER 2:** Rules Governing the Competitive Skills Scholarship Program

STATUTORY AUTHORITY: Title 26 M.R.S. §2033

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements. The Competitive Skills Scholarship Program is intended to provide individuals with access to education, training, and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force.

ANTICIPATED SCHEDULE: By October 31, 2021

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, [David.Klein@Maine.gov](mailto:David.Klein@Maine.gov).

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**NEW UNIT**

AGENCY UMBRELLA UNIT: **12-XXX**

AGENCY NAME: **State Workforce Board**

**AGENCY RULEMAKING LIAISON:** Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**NEW RULE – Chapter XX:** Rules Regarding the *Workforce Innovation and Opportunity Act* (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §2006

PURPOSE: Make adjustments to the rules regarding the *Workforce Innovation and Opportunity Act* to align with Maine's current involvement in the program.

ANTICIPATED SCHEDULE: By December 31, 2021

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Joshua A. Howe, 120 State House Station, Augusta, ME 04333, (207) 621-5087, [Joshua.A.Howe@Maine.gov](mailto:Joshua.A.Howe@Maine.gov).

**13**  
**DEPARTMENT OF MARINE RESOURCES**  
2020-2021 Regulatory Agenda  
July 2, 2020

AGENCY UMBRELLA-UNIT NUMBER: **13-188**  
AGENCY NAME: **Department of Marine Resources**

**CONTACT PERSON:** Amanda Ellis, Regulations Officer, 21 State House Station, Augusta, ME 04333-0021. Telephone: (207) 624-6573. Email: [Amanda.Ellis@Maine.gov](mailto:Amanda.Ellis@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**CHAPTER 36:** 36.01, Herring Management Plan, Period 4 Opens

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: The Atlantic States Marine Fisheries Commission (ASMFC) scheduled a Days Out Conference Call on Wednesday, October 23, 2019 to determine effort controls for Quota Period 4 (November – December) in the Herring Management Area 1A. The Commissioners designated one landing day per week for Quota Period 4 to begin Sunday, November 3, 2019 at 6:00 p.m. Quota Period 4 opened at 12:01 a.m. on November 1, 2019. The Commissioner determined that it was necessary to take emergency action to implement these limitations to prevent the imminent depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: October 31, 2019

AFFECTED PARTIES: Herring fishermen

**CHAPTER 11:** 11.08, Targeted Closures: (8) Moosabec Reach

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish a scallop conservation closure in Moosabec Reach within the Chandler Bay/Head Harbor Island Rotational Area in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in this area would reduce scallop broodstock further, as well as jeopardize sublegal scallop abundance that was observed in the 2019 Spring Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in the Moosabec Reach area. For these reasons, the Commissioner adopted an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: December 8, 2019

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11:** 11.08, Targeted Closures: (9) Upper Narraguagus Bay

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish a scallop conservation closure in upper Narraguagus Bay in Zone 2. The Department

was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallop abundance that was observed in the 2019 Spring Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in the upper Narraguagus Bay area. For these reasons, the Commissioner adopted an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: January 5, 2020

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11:** 11.08, Targeted Closures: (10) Chandler and Eastern Bays

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to expand the scallop conservation closure to include Chandler and Eastern Bay areas in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallop abundance that was observed in the 2019 Spring Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in the Chandler and Eastern Bay areas. For these reasons, the Commissioner adopted an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: January 19, 2020

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11:** 11.08, Targeted Closures: (11) Middle Penobscot Bay

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish scallop conservation closures within Middle Penobscot Bay Islands, and also, Somes Sound and Cranberry Isles in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2019 Spring Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in the Middle Penobscot Bay and Cranberry Isles areas. For these reasons, the Commissioner adopted an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: February 2, 2020

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11:** 11.08, Targeted Closures: (13) Cobscook, Whiting & Dennys Bays

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopts this emergency rulemaking to establish scallop conservation closures for Cobscook, Whiting and Dennys Bays, all within Zone 3. The

Department is concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas will impact the abundant sublegal scallop resource, as well as lower the existing scallop broodstock further, observed in the 2019 Fall Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource that supports an annual fishery. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in these Zone 3 areas. For these reasons, the Commissioner hereby adopts an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: February 16, 2020

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 32:** 32.03, Elver Harvesting Regulations Area Closures

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: The Commissioner adopted this emergency rulemaking to close the coastal waters of the state to the fishing for, or taking of elvers. The elver fishery is undertaken in a manner that causes fishermen to be in close proximity on Maine's rivers, which could have resulted in the continued spread of COVID-19. Early in the season, fishermen are concentrated in the southern part of the State, where the number of cases and evidence of community spread was highest. In order to protect public health, the Commissioner closed the coastal waters of the State to the fishing for and taking of elvers for a minimum of two weeks. Conditions will be reassessed at that time, and the emergency regulation repealed when appropriate. For these reasons, the Commissioner adopted an emergency closure of the coastal waters of the state to the fishing for or taking of elvers to protect public health as authorized by 12 MRS §6171-A.

EFFECTIVE DATE OF ADOPTED RULE: March 22, 2020

AFFECTED PARTIES: Elver fishermen and dealers

**CHAPTER 32:** 32.03, Amendment to Elver Harvesting Regulations Area Closures

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: Beginning at 8:00am on March 30, 2020, the coastal waters of the state were re-opened to the fishing for, or taking of elvers. Protocols were developed for elver harvesters and dealers to follow, which minimized the potential for the spread of COVID-19. For these reasons, this emergency rulemaking amended the March 22, 2020 closure of the elver fishery, which was authorized under 12 MRS §6171-A.

EFFECTIVE DATE OF ADOPTED RULE: March 29, 2020

AFFECTED PARTIES: Elver fishermen and dealers

**CHAPTER 34:** 34.07, Atlantic Halibut Emergency Regulation

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: In order to remain within the State Waters subcomponent's target catch of the federal annual catch limit, and to prevent the Allowable Biological Catch from being exceeded and Accountability Measures being triggered, Maine took this emergency action to reduce catch in the state waters halibut fishery by reducing the length of the state waters halibut season by one week at each end of the season (resulting in a season of May 18-June 13). This action was intended to protect and conserve the halibut resource in compliance with the federal management plan and avoid future implementation of accountability measures which include zero possession

of Atlantic halibut by all federal permit holders. For these reasons, the Commissioner determined that it was necessary to take this emergency action under 12 M.R.S. 6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: May 6, 2020

AFFECTED PARTIES: Halibut fishermen

**CHAPTER 36:** Atlantic Herring; 2020 Harvest Rules

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: This rulemaking set the start date for the mobile Atlantic herring fishery to commence on Sunday, July 19, 2020 and set harvest parameters for the Atlantic Herring fishery as determined at the Days Out meeting held May 12, 2020. The Days Out Commissioners designated zero landing days June 1 through July 18, 2020. The Days Out Commissioners designated four consecutive landing days, beginning at 6:00 p.m. Sunday to 6:00 p.m. Thursday for vessels issued an Atlantic Herring Limited Access Category A Permit. These vessels are limited to landing 240,000 lbs. (6 trucks) weekly. The Days Out Commissioners designated five consecutive landing days, beginning at 6:00 p.m. Sunday to 6:00 p.m. Friday for vessels issued an Atlantic Herring Limited Access Category C Permit. Limited access harvester vessels may transfer Atlantic herring at-sea to other limited access harvester vessels. All harvester vessels are prohibited from at-sea transfers of Atlantic herring to carrier vessels. All vessels landing herring caught in Management Area 1A in any Maine port are limited to one landing per 24-hour period (6:00 p.m. to 6:00 p.m.). Daily electronic landings reports are required. The Commissioner determined that it is necessary to take emergency action to implement these limitations to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: May 30, 2020

AFFECTED PARTIES: Herring fishermen

**CHAPTER 41:** Menhaden Open EESA

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The fishery for Atlantic menhaden is managed through the Atlantic States Marine Fisheries Commission (ASMFC). Maine's allocated quota share for FY2020 was 2,438,696 pounds, which was fully consumed by June 18, 2020. The Department of Marine Resources (DMR) requested, and was granted, approval to participate in the Episodic Event Set Aside program to access an available 4.7 million lbs. of menhaden quota. Beginning Monday, June 29, 2020 at 12:01 a.m., the harvest and landing is permitted on Mondays and Thursdays, 12:01 a.m. to 11:59 p.m. only. Reporting was required on the same day as fish are landed. The Commissioner determined that it was necessary to take emergency action to reduce harvest days and provide more timely reports to prevent unusual damage to the menhaden resource by exceeding available quota. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: June 27, 2020

AFFECTED PARTIES: Menhaden fishermen

**CHAPTER 41: Menhaden EESA Reduction**

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Department of Marine Resources (DMR) was granted approval to participate in the Episodic Event Set Aside (EESA) program to access an available 4.7 million lbs. of menhaden quota. Due to the high rate of effort, it was projected that landings on Monday, June 29 exceeded 2.5 million pounds, and continued fishing would result in an overage of the available EESA. To allow for continued participation in the EESA, the daily landing limit was reduced to 6,000 lbs. on open harvest days and carriers are prohibited; Mondays and Thursdays. The Commissioner has determined that it was necessary to take emergency action to reduce the daily landing limit to prevent unusual damage to the menhaden resource by exceeding available quota. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: July 2, 2020

AFFECTED PARTIES: Menhaden fishermen

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

(CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated for all rules listed.)

**CHAPTER 1: WATERCRAFT EXCISE TAX DECAL**

No rule-making anticipated.

**CHAPTER 2: AQUACULTURE**

STATUTORY BASIS: 12 M.R.S. §§ 6072, 6072-A, 6072-C, 6172

PURPOSE: Update Chapter 2 to include regulations that modify portions of the Limited Purpose Aquaculture (LPA) and leasing programs, to implement past legislation, and to clarify existing rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Aquaculture industry

**CHAPTER 3: FOREIGN FISH PROCESSING WITHIN THE STATE OF MAINE'S INTERNAL WATERS**

No rule-making anticipated

**CHAPTER 4: CERTIFICATION, RECERTIFICATION, REVOCATION OF CERTIFICATION FOR MUNICIPAL SHELLFISH CONSERVATION WARDEN**

No rule-making anticipated

**CHAPTER 5: CONFIDENTIALITY OF STATISTICS**

No rule-making anticipated

**CHAPTER 6: LOBSTER PROCESSING, RESTRICTIONS AND PROHIBITIONS**

No rule-making anticipated

**CHAPTER 7: REQUIREMENTS FOR MUNICIPALITIES HAVING SHELLFISH CONSERVATION PROGRAMS**

STATUTORY BASIS: 12 M.R.S. §§ 6671, 6673

PURPOSE: To update and amend the regulations for towns with approved shellfish conservation management programs.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Municipalities that have DMR approved Shellfish Conservation Programs

#### **CHAPTER 8: LANDINGS PROGRAM**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6173

PURPOSE: To update landings reporting requirements in conjunction with the implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP) and to collect landings information as necessary for management purposes.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesters and dealers

#### **CHAPTER 9: HARVESTER: SHELLSTOCK HARVESTING, HANDLING AND SANITATION**

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters

#### **CHAPTER 10: CLAMS AND QUAHOGS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the clam and quahog resources.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Clam and quahog harvesters

#### **CHAPTER 11: SCALLOPS**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6856, 6171-A, 6728, 6706

PURPOSE: To establish or amend local and/or state-wide regulations pertaining to the management of the scallop resource, including annual setting of the season.

Establishment of an apprenticeship program and/or limited entry system for the scallop fishery. Amendments for inconsistencies or technical corrections.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Scallop harvesters and dealers

#### **CHAPTER 12: MUSSELS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the mussel resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Mussel harvesters

#### **CHAPTER 13: WHELKS AND PERIWINKLES**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Regulations pertaining to management of the periwinkle resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Periwinkle harvesters

#### **CHAPTER 14: OYSTERS**

STATUTORY BASIS: 12 M.R.S. §6171, §6863

PURPOSE: Amendments to size and harvest restrictions, regulations pertaining to management of the oyster resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Oyster harvesters

#### **CHAPTER 22: RETAIL SEAFOOD**

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

#### **CHAPTER 24: IMPORTATION OF LIVE MARINE ORGANISMS**

STATUTORY BASIS: 12 M.R.S. §§ 6071, 6171

PURPOSE: Updates to prevent the introduction of infectious organisms that pose a danger to indigenous marine life or its environment; update shellfish health guidelines for wild and aquaculture industry; shellfish regulation updates or establishment of testing, movement restrictions and hatchery inspection requirements; and amend for applicable land-based marine organism aquaculture permitting.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Any person seeking an importation permit, aquaculturists

#### **CHAPTER 25: LOBSTER AND CRAB**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A, 6175, 6431, 6446, 6447, 6448

PURPOSE: To adopt lobster trap limits, number of traps per trawl, the periods allowed for complying with the trap limit and the time of day when fishing may occur as established by lobster management zones' referenda on policy proposals; amend license entry eligibility requirements per zone; amend apprentice requirements; education and safety requirements; and resolve boundary line disputes. In addition, to update rules for consistency with new statutes or amend for clarifications and technical corrections; to amend seed lobster fund rules, double tag requirements for enforcement, rules regarding island limited entry for lobster fishing communities; rules regarding the use of fresh water and marine sources of bait; student license rules pertaining to serving a percentage of their time with their sponsor. To bring Maine into compliance with the ASMFC Amendments to the Interstate Fishery Management Plan for Lobster including but not limited to most restrictive rules, minimum & maximum sizes, gauge changes. Implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: lobster harvesters; lobster dealers

#### **CHAPTER 26: SEA URCHIN**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6749, 6749-W, 6302-A

PURPOSE: To establish or amend local or state-wide urchin regulations pertaining to management of the urchin resource. To amend the season to reallocate the days available for fishing or to reflect spawning conditions, set daily catch limits, adjust size

limits or tolerance(s), minimum and maximum size, tolerances, closures for research, zone selection rules; establish rules to govern zone council elections etc. Designate the open days and selection of early or late season(s) for the sea urchin fishery in Zones 1 and 2.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

#### **CHAPTER 27: SEA CUCUMBER**

STATUTORY BASIS: 12 M.R.S. §6813

PURPOSE: To establish or amend local or state-wide sea cucumber regulations pertaining to management of the sea cucumber resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea cucumber harvesters and dealers

#### **CHAPTER 28: MARINE WORMS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To establish or amend regulations pertaining to management of the marine worm resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Worm harvesters and dealers

#### **CHAPTER 29: SEAWEED**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to implement coastwide rockweed management measures following recommendations of the Rockweed Fishery Management Plan Development Team's Fishery Management Plan for Rockweed.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Seaweed harvesters and dealers

#### **CHAPTER 30: RIVER HERRING**

No rule-making anticipated

#### **CHAPTER 31: HORSESHOE CRABS**

No rule-making anticipated

#### **CHAPTER 32: EELS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to comply with ASMFC measures and changes in statute, to provide for the distribution of elver quota and to ensure enforceability of the elver quota system.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Eel and elver harvesters and dealers

#### **CHAPTER 34: GROUND FISH**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To manage groundfish stocks by adjusting the sizes and rules to conform with Fisheries Management Plan restrictions and adjust Maine regulations for liberalization of rules pertaining to recovering groundfish stocks. Compliance with NEFMC measures for groundfish.

SCHEDULE FOR ADOPTION: Throughout the year as necessary  
AFFECTED PARTIES: Commercial and recreational groundfish harvesters

### **CHAPTER 36: HERRING**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to conform with the joint New England Fisheries Management Council (NEFMC) and ASMFC herring plans, implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies. Changes may include days out of the fishery, fixed gear rules, monitoring, spawning closures, and addendums passed by ASMFC and NEFMC.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Herring harvesters and processors; bait dealers, lobstermen

### **CHAPTER 37: FRESHWATER FISH REGULATIONS**

No rule-making anticipated

### **CHAPTER 39: STURGEON**

No rule-making anticipated

### **CHAPTER 40: SMELTS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage the smelt fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Smelt camp owners and harvesters

### **CHAPTER 41: MENHADEN**

STATUTORY BASIS: 12 M.R.S. §6171, §6171-A

PURPOSE: Restrictions as necessary on areas for management of the menhaden resource and reduce potential for gear conflict. Amend regulations as necessary to conform to ASMFC menhaden plan.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Menhaden harvesters

### **CHAPTER 42: STRIPED BASS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to manage the striped bass fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Striped bass harvesters

### **CHAPTER 43: BLUEFISH**

No rule-making anticipated

### **CHAPTER 44: AMERICAN SHAD**

No rule-making anticipated

### **CHAPTER 45: SHRIMP**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A

PURPOSE: Amend regulations as necessary to allow for the changes made to shrimp management by the ASMFC and other new measures.

SCHEDULE FOR ADOPTION: Throughout the year as necessary  
AFFECTED PARTIES: Shrimp harvesters and dealers

#### **CHAPTER 49: SHELLFISH BAIT REGULATIONS**

No rule-making anticipated

#### **CHAPTER 50: SPINY DOGFISH AND COASTAL SHARKS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To provide compliance with interstate fisheries management plans (ASMFC) for coastal sharks or the National Marine Fisheries Service (NMFS) Fishery Management Plan for Dogfish in territorial seas through limits on commercial and recreational fisheries. Update rules to be consistent with federal rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational dogfish and coastal shark harvesters, dealers

#### **CHAPTER 55: GEAR RESTRICTIONS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage various fisheries and clarify regulations regarding methods of fishing and taking

SCHEDULE FOR ADOPTION: Throughout the year as necessary.

AFFECTED PARTIES: Commercial and recreational harvesters and commercial dealers

#### **CHAPTER 60: RESOURCE MANAGEMENT PLAN**

No rule-making anticipated

#### **CHAPTER 65: BURNT ISLAND, LIVING LIGHTHOUSE AND FACILITIES**

No rule-making anticipated

#### **CHAPTER 70: CABLE AREA PROHIBITIONS**

No rule-making anticipated

#### **CHAPTER 75: PROTECTED RESOURCES**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Rules for compliance and consistency with NOAA Fisheries rules; species involved may include whales, sea turtles, sturgeon, etc.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational harvesters

#### **CHAPTER 80: COMMERCIAL PELAGIC AND ANADROMOUS FISHING LICENSE**

No rule-making anticipated

#### **CHAPTER 85: SALTWATER FISHING REGISTRY**

No rule-making anticipated

#### **CHAPTER 90: CONSERVATION AREAS**

No rule-making anticipated

#### **CHAPTER 94: SANITARY CONTROL OF MOLLUSCAN SHELLFISH**

STATUTORY BASIS: 12 M.R.S. §6171-A; §6856

PURPOSE: To amend regulations as necessary to reference current versions of the National Shellfish Sanitation Program Model Ordinance (NSSP MO), or update existing Department requirements for the retail trade and various permits that are not currently included in the NSSP MO.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Individuals engaged in the retail trade of shellfish including dealers, depuration processors, shellstock shippers, reshippers, enhanced retail seafood license holders, and relay activities.

#### **CHAPTER 95: CLOSED POLLUTED AREAS**

No rule-making anticipated

#### **CHAPTER 96: CLOSED AREAS**

No rule-making anticipated

#### **CHAPTER 100: GRIEVANCE PROCEDURES FOR THE HANDICAPPED**

No rule-making anticipated

#### **CHAPTER 105: SAFETY REGULATIONS**

No rule-making anticipated

#### **CHAPTER 110: MARINE HARVESTING DEMONSTRATION LICENSE**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage licensed activities.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesting demonstration license holders

#### **CHAPTER 115: *VIBRIO PARAHAEMOLYTICUS* CONTROL PLAN**

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: New and amended regulations as necessary for compliance and safety.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters and dealers in affected areas

**MAINE DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT**  
2020-2021 Regulatory Agenda

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**15-213: Military Bureau**

**15-215: Bureau of Veterans Services**

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AGENCY UMBRELLA-UNIT NUMBER: **15-213 - Military Bureau**

CONTACT PERSON: Scott A. Young, Department of Defense, Veterans and Emergency Management; 33 State House Station, Augusta, ME 04333-0033; Tel: (207) 430-5997; E-mail: [Scott.A.Young@Maine.gov](mailto:Scott.A.Young@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

CHAPTER NUMBER AND TITLE: **Chapter 1:** Maine Military Family Relief Fund

STATUTORY BASIS: 37-B M.R.S. §158

PURPOSE: This proposed amendment would revise all aspects of the current rule to include application process, advisory committee, evaluation criteria, and approval process. New rules may incorporate the Adjutant General's authority to provide logistical and administrative support to military welfare societies to facilitate the distribution of emergency financial relief to eligible members of the Maine National Guard.

SCHEDULE FOR ADOPTION: Prior to March 31, 2021.

AFFECTED PARTIES: Members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States.

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**15-215**

AGENCY UMBRELLA-UNIT NUMBER: **15-215 - Bureau of Veterans Services**

AGENCY NAME: Maine Department of Defense, Veterans and Emergency Management

**CONTACT PERSON:** Scott A. Young, Department of Defense, Veterans, and Emergency Management; 33 State House Station, Augusta, ME 04333-0033; Tel: (207) 430-5997; Email: [Scott.A.Young@Maine.gov](mailto:Scott.A.Young@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

CHAPTER NUMBER AND TITLE: **Chapter 4:** Hunting Opportunities for Disabled Veterans Fund

STATUTORY BASIS: 37-B, M.R.S. §516

PURPOSE: This proposed rule would establish the process and provisions to govern the recently enacted Hunting Opportunities for Disabled Veterans Fund. The fund will be used to support hunting opportunities in the State for disabled veterans through organizations who provide such opportunities.

SCHEDULE FOR ADOPTION: Prior to March 31, 2021.

AFFECTED PARTIES: Veterans as defined in 37-B, M.R.S. §504.

CONTACT PERSON: Dave Richmond, Maine Bureau of Veterans Services; 117 State House Station, Augusta, ME 04333-0117; Tel: (207) 430-6034; Email:

[David.A.Richmond@Maine.gov](mailto:David.A.Richmond@Maine.gov) .

**16**  
**DEPARTMENT OF PUBLIC SAFETY**  
2020-2021 Regulatory Agendas

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**16-163: Bureau of Emergency Medical Services (Maine EMS)**  
**16-219: Office of the Commissioner**  
**16-219: Bureau of Capitol Police**  
**16-219: Office of State Fire Marshal**  
**16-222: Maine State Police**  
**16-227: Maine Criminal Justice Academy (MCJA)**  
**16-633: Gambling Control Board / Unit**  
**16-642: Bureau of Building Codes and Standards**

**16-163**  
DEPARTMENT OF PUBLIC SAFETY  
**BUREAU OF EMERGENCY MEDICAL SERVICES (MAINE EMS)**  
2020-2021 Regulatory Agenda  
June 22, 2020

AGENCY UMBRELLA UNIT: **16-163**

AGENCY NAME: Department of Public Safety, **Bureau of Emergency Medical Services (Maine EMS)**

**CONTACT PERSON:** Sam Hurley, Director, 152 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3860. E-mail: [j.sam.hurley@maine.gov](mailto:j.sam.hurley@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Mission and Goals of the Maine EMS System

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To ensure that the mission and goals of Maine EMS and the Maine EMS System are consistent with applicable statutes and system philosophy.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMD Centers (n=28), licensed EMS personnel (n=5101), licensed EMD providers (n=546) and licensed Instructor Coordinators (n=188).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 2:** Definitions

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To ensure consistency with and provide clarification to all chapters of the Maine EMS rules.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMD Centers (n=28), licensed EMS personnel (n=5101), licensed EMD providers (n=546) and licensed Instructor Coordinators (n=188).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 3:** Ground Ambulance Service and Non-Transporting Service Licenses

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To amend the approval process for EMS service licenses; adopt rules regarding online licensing and administrative functions; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement; adopt or amend rules pertaining to the operations of a licensed EMS service; adopt or amend rules pertaining to run reporting; amend or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal EMS service licenses; adopt or amend rules regarding license levels and response; adopt or amend rules regarding prioritized response; and adopt or amend rules concerning Paramedic Inter-Facility Transfers (PIFT) and Inter-Facility Transfers (IFT).

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMD Centers (n=28), licensed EMS personnel (n=5101), licensed EMD providers (n=546) and licensed Instructor Coordinators (n=188).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 3-A: Emergency Medical Dispatch (EMD) Center Licenses**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To amend the approval process for EMD Center Licensing; adopt or amend rules regarding online licensing and administrative functions; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement; adopt or amend rules pertaining to the operations of a licensed EMD Center; amend or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal EMD Center Licenses; and adopt or amend rules concerning prioritized dispatch.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed EMD Centers (n=28) and licensed EMD personnel (n=546).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 4: Air Ambulance Service Licenses**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To amend rules pertaining to air ambulance services; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement for air ambulance licensees; adopt rules regarding online licensing and administrative functions; adopt or amend rules pertaining to the operations of a licensed EMS air ambulance service; and amend or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal air ambulance service licenses.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279) and licensed EMS personnel (n=5101).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 5: Personnel Licenses**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To amend requirements for obtaining and maintaining an individual EMS license; amend rules regarding licensing for individuals with previous criminal or professional-license action records; adopt rules regarding online licensing and administrative functions; amend or adopt rules concerning continuing education requirements for licensure; change requirements regarding medical control of EMS licensees; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement for EMS licensees; amend, adopt or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal individual EMS licenses; adopt or amend rules pertaining to the scope of practice of a licensed EMS provider; adopt or amend rules regarding the practice of EMS patient care in nontraditional settings; and adopt or amend rules regarding Paramedic Inter-Facility Transfers (PIFT).

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279) and licensed EMS personnel (n=5101).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 5-A: Emergency Medical Dispatcher Licenses**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To amend requirements for obtaining and maintaining an individual Emergency Medical Dispatcher (EMD) license; amend rules regarding licensing for individuals with previous criminal or professional-license action records; adopt or amend rules regarding online licensing and administrative functions; change requirements regarding protocols and medical direction of EMD licensees; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement for EMD licensees; amend, adopt or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal individual EMD licenses; and adopt or amend rules pertaining to the scope of practice of a licensed EMD provider.

SCHEDULE FOR ADOPTION: Prior to October 1, 2018

LISTING OF AFFECTED PARTIES: All current licensed EMD Centers (n=34) and licensed EMD personnel (n=546).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 6: Advanced Life Support Drugs and Medications**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To amend rules regarding the acquisition, storage, use, disposal and accountability of medications used by EMS providers and licensed services.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279) and licensed EMS personnel (n=5101).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 7: State Licensure Examinations**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To amend and clarify rules regarding EMS license examinations consistent with system needs and philosophy.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMS personnel (n=5101) and licensed Training Centers (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 8: Training Courses and Continuing Education Programs Used for Licensure**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To adopt or amend rules regarding the delivery of EMS education, and to reorganize CEH categories and hours.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed Instructor Coordinators (n=188) and licensed Training Centers (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 8-A: Training Centers**

STATUTORY AUTHORITY: 32 MRS ch. 2-B §84.1

PURPOSE: To adopt or amend rules regarding the approval, renewal and authorization procedures for Training Centers and to adopt or amend Rules regarding the requirements, standards, operation and procedures of Maine EMS authorized Training Centers.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed Instructor Coordinators (n=188) and licensed Training Centers (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 9: Instructor Coordinator Licenses**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding EMS Instructor Coordinator licensing.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed Instructor Coordinators (n=188) and licensed Training centers (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 9-A: Emergency Medical Dispatch Training, Instructors and Continuing Education Programs**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding Emergency Medical Dispatcher Training, Instructors and continuing education programs.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All licensed EMD Centers (n=28) and licensed EMD personnel (n=546).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 10: Reciprocity**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding requirements for reciprocal licensing of EMS providers or services.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279) and licensed EMS personnel (n=5101).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 11: Standards and Procedures for Refusing to Issue or Renew a License and for Modifying, Suspending or Revoking a License**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt, amend and clarify rules regarding the standards and procedures for refusing to issue, or renew, a license, and for modifying, suspending, or revoking a license or certification, or authorization

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMD Centers (n=28), licensed EMS personnel (n=5101), licensed EMD personnel (n=546), Instructor Coordinators (n=188) and licensed Training Centers (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 12: Procedures for Licensing Actions and Board Actions**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules in accordance with Legislative changes made to Maine statute and to ensure consistency with applicable Maine statute.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMD Centers (n=28), licensed EMS personnel (n=5101) licensed EMD personnel (n=546), licensed Training centers (n=6) and licensed Instructor Coordinators (n=186).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 13: Waiver of Rules**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding waiver by the Board of EMS of any rule.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMD Centers (n=28), licensed EMS personnel (n=5101) licensed EMD personnel (n=546), licensed Training Centers (n=6) and licensed Instructor Coordinators (n=188).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 14: Sexual Misconduct**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding sexual misconduct by EMS licensees and certificates.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMD Centers (n=28), licensed EMS personnel (n=5101), licensed EMD providers (n=546) and licensed Instructor Coordinators (n=188).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 15: Maine EMS Regions and Regional Councils**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding: the number of EMS regions and regional councils; the definition, structure, designation, area and responsibilities of EMS regions and regional councils; service affiliation with regions and regional councils; and Medical Control and regional medical direction and regional medical directors.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279) and licensed EMS personnel (n=5101) and Regions (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 16: Death Benefits for Emergency Medical Services Persons Who Die in the Line of Duty**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding death benefits for emergency medical services persons, pursuant to 25 MRS, ch. 195-A

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMS personnel (n=5101).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 17: Equipment Lists for Maine EMS Services and Regional EMS Radio Frequencies**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding minimum equipment requirements for EMS services and regional EMS radio frequencies.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279) and licensed EMS personnel (n=5101).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 18: Quality Assurance / Quality Improvement**

**STATUTORY AUTHORITY:** 32 MRS ch. 2-B §84.1

**PURPOSE:** To adopt or amend rules regarding the Maine EMS Quality Assurance / Quality Improvement System.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed EMD Centers (n=28), licensed EMD personnel, (n=546), licensed Training Centers, (n=6) licensed Instructor Coordinators (n=188) and all Regions (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 19: Community Paramedicine**

**STATUTORY AUTHORITY:** 32 MRS chapter 2-B §84.1

**PURPOSE:** To promulgate rules regarding the community paramedicine programs of Maine EMS agencies.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed EMD Centers (n=28), licensed EMD personnel, (n=546), licensed Training Centers, (n=6) licensed Instructor Coordinators (n=188) and all Regions (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 20: Emergency Medical Services Data**

**STATUTORY AUTHORITY:** 32 MRS chapter 2-B §84.1

**PURPOSE:** To promulgate rules regarding confidential information submitted to the Maine Emergency Medical Services by any entity.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed EMD Centers (n=26), licensed EMD personnel, (n=546), licensed Training Centers, (n=6) licensed Instructor Coordinators (n=188) and all Regions (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 21: Interfacility Transport**

**STATUTORY AUTHORITY:** 32 MRS chapter 2-B §84.1

**PURPOSE:** To promulgate rules regarding interfacility transports in the State of Maine

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**LISTING OF AFFECTED PARTIES:** All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed EMD Centers (n=26), licensed EMD personnel, (n=546), licensed Training Centers, (n=6) licensed Instructor Coordinators (n=188) and all Regions (n=6).

**CONSENSUS-BASED RULE DEVELOPMENT:** not contemplated

**CHAPTER 22: Emergency Planning**

STATUTORY AUTHORITY: 32 MRS chapter 2-B §84.1

PURPOSE: To promulgate rules regarding current and future situations that provides the Maine EMS Board and the Bureau director a plan for handling situations that affect, or could affect, the provision of Emergency Medical Services in the State of Maine

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed EMD Centers (n=26), licensed EMD personnel, (n=546), licensed Training Centers, (n=6) licensed Instructor Coordinators (n=188) and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 23: Emergency Medical Services for Children**

STATUTORY AUTHORITY: 32 MRS chapter 2-B §84.1

PURPOSE: Purpose: To improve the emergency medical care of patients under the age of 18 years.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed EMD Centers (n=26), licensed EMD personnel, (n=546), licensed Training Centers, (n=6) licensed Instructor Coordinators (n=188) and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 24: Emergency Vehicle Crash Reporting**

STATUTORY AUTHORITY: 32 MRS chapter 2-B §84.1

PURPOSE: To better track and assess emergency vehicle accidents and related injuries.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=279), licensed EMS personnel (n=5101), licensed EMD Centers (n=26), licensed EMD personnel, (n=546), licensed Training Centers, (n=6) licensed Instructor Coordinators (n=188) and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER 2020-2021 REGULATORY AGENDA

AGENCY UMBRELLA UNIT: 16-219

AGENCY NAME: Maine Department of Public Safety, Office of the  
Commissioner

CONTACT PERSON:

Christopher Parr  
45 Commerce Drive, Suite 1  
42 State House Station  
Augusta, Maine 04333-0042  
Telephone: (207) 624-7200  
E-mail: [christopher.parr@maine.gov](mailto:christopher.parr@maine.gov)

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:

None.

ANTICIPATED 2020-2021 RULEMAKING ACTIVITY:

- 219

CHAPTER 39: ADJUDICATORY AND LICENSING PROCEEDINGS

STATUTORY AUTHORITY: 5 M.R.S.A. § 8051.

PURPOSES: To ensure for the effective administration of applicable provisions of 5 M.R.S.A. Pt. 18, c. 375.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Persons participating in and/or affected by adjudicatory proceedings, licensing proceedings, and advisory rulings of the agency.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 51: POLYGRAPH EXAMINER LICENSING RULES

STATUTORY AUTHORITY: 32 M.R.S.A. § 7353(2).

PURPOSE: To ensure for the effective administration of 32 M.R.S.A. c. 86.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Persons holding or applying for a license to conduct polygraph examinations in the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 60: TRANSPORTATION OF HAZARDOUS MATERIALS IN MAINE

STATUTORY AUTHORITY: 25 M.R.S.A. § 2103-A.

PURPOSE: To adopt by reference federal regulations governing the safe transportation of hazardous materials.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: All common, contract, and private motor carriers that transport hazardous materials.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER NUMBER AND NAME TBD

STATUTORY AUTHORITY: 15 M.R.S.A. § 393.

PURPOSE: To ensure for the effective administration of 15 M.R.S.A. § 393.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Persons prohibited from owning or possessing a firearm pursuant to 15 M.R.S.A. § 393.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 70: REGULATION ESTABLISHING CRITICAL INCIDENT STRESS MANAGEMENT TRAINING STANDARDS

STATUTORY AUTHORITY: 25 M.R.S.A. § 4201(2).

PURPOSE: To ensure for the effective administration of 25 M.R.S.A. c. 501.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Law enforcement agencies that have or want to create a critical incident stress management team.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 71: UNIFORM STANDARDIZED FORENSIC EXAMINATION KIT FOR GROSS SEXUAL ASSAULT EVIDENCE COLLECTION

STATUTORY AUTHORITY: 25 M.R.S.A. § 2915.

PURPOSE: To ensure for the effective administration of 25 M.R.S.A. § 2915.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Examiners responsible for collecting evidence using uniform forensic examination kits pursuant to 25 M.R.S.A. § 2915.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

AGENCY UMBRELLA UNIT: **16-219**  
AGENCY NAME: **Bureau of Capitol Police**

**CONTACT PERSON:** Russell J. Gauvin, 68 State House Station, Augusta, Maine 04333-0068;  
Telephone: (207) 287-4357. E-mail: Russell.J.Gauvin@maine.gov

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None.

**ANTICIPATED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 41:** Capitol Area Security Rules **RULE TYPE:** Routine Technical

**STATUTORY AUTHORITY:** 25 MRSA §2904

**PURPOSE:** To ensure for the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the Capitol Area or other state-controlled locations in Augusta.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021

**AFFECTED PARTIES:** All Persons using or wishing to use the State properties in Augusta, ME

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

AGENCY UMBRELLA UNIT: **16-219**  
AGENCY NAME: **Bureau of Capitol Police**

**CONTACT PERSON:** Russell J. Gauvin, 68 State House Station, Augusta, Maine 04333-0068;  
Telephone: (207) 287-4357. E-mail: Russell.J.Gauvin@maine.gov

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None.

**ANTICIPATED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 42:** Rules Relating to Parking on State Property **RULE TYPE:** Routine Technical  
**STATUTORY AUTHORITY:** 25 MRSA §2906  
**PURPOSE:** To ensure for the proper use of public ways and parking areas maintained by the  
State at the Capitol Area or other state controlled locations in Augusta.  
**SCHEDULE FOR ADOPTION:** Prior to October 1, 2021  
**AFFECTED PARTIES:** All Persons driving on public ways or parking in parking areas on the  
State properties in Augusta, ME  
**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
2021 - 2022 RULEMAKING AGENDA**

**AGENCY UMBRELLA-UNIT NUMBER: 16-219**

**AGENCY NAME:**

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
JOSEPH E. THOMAS, STATE FIRE MARSHAL  
52 STATE HOUSE STATION  
AUGUSTA, ME 04333-0052  
Tel: (207) 626-3870

**RULE-MAKING LIAISON AND SMALL BUSINESS IMPACT CONTACT:**

Richard E. Taylor, Senior Research & Planning Analyst  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052  
Tel: (207) 592-6105

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: none**

**EXPECTED 2021 - 2022 RULE-MAKING ACTIVITY:**

**CHAPTER 1: FEE SCHEDULE FOR PLANS EXAMINATION**

STATUTORY AUTHORITY: 25 M.R.S. §2450, 2452; 32 M.R.S. §1374

PURPOSE: This rule establishes fees to support construction plan reviews for permits of building construction and licensing in the following areas:

Fee Schedule for Plans Examination

Plans Review and Permits for Fire Sprinkler Systems

Schedule of Fees for Plans Review and Permit of Barrier Free Construction

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: All customers who are required to submit building construction plans to the Office of State Fire Marshal for review.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: RULES ESTABLISHING CRITERIA FOR APPROVAL OF SMOKE DETECTORS**

STATUTORY AUTHORITY: 25 M.R.S. §2464

PURPOSE: Establishes rules for approving smoke detectors to meet statutory requirements in various occupancies. The approval process will recognize smoke detectors approved by a nationally recognized testing agency for the purpose of this rule.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: All customers who are required to meet the installation of smoke detectors for occupancy type and classification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: FIRE PREVENTION CODE**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: This National Fire Prevention Code provides a nationally recognized fire prevention code for state and municipal enforcement.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: All fire service agencies, within the State of Maine, that have enforcement requirements for life safety in structures from fire.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: WATER-BASED FIRE PROTECTION SYSTEMS**

STATUTORY AUTHORITY: 25 M.R.S. §2452; 32 M.R.S. §1373, 1374, 1382

PURPOSE: Establishes the design, installation, operation, maintenance and all other aspects of sprinkler protection for occupancies with sprinkler system fire protection measures and references National Fire Protection Association and State of Maine standards.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: All occupancies requiring the protection measures of water based sprinkler system fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: PORTABLE FIRE EXTINGUISHERS**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes the rules for the installation and maintenance of portable fire extinguishers.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: All occupancies requiring protective measures utilizing portable fire extinguishers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: FIRE EXTINGUISHING SYSTEMS**

STATUTORY AUTHORITY: 25 M.R.S. §2452; 32 M.R.S. §1382

PURPOSE: Establishes rules for the installation, operation, maintenance and all other aspects of fire protection systems for occupancies that require such fire protection measures.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Any occupancies that require or utilize fire extinguishing systems for fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: DRY CLEANING PLANTS**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: To provide reasonable safeguards for the prevention and control of fire and explosion hazards for dry cleaning operations and for the protection of the employees and the public.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities of this occupancy classification

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 8: SPRAY APPLICATIONS**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the application of flammable and combustible materials when they are applied as a spray by compressed air, "airless" or "hydraulic atomization", or by steam or electrostatic methods or by any other means in continuous or intermittent process. It also covers the application of combustible powders when applied by powder spray guns, electrostatic powder spray guns, fluidized beds or electrostatic fluidized beds.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Occupancies requiring or utilizing this type of activity.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 9: DIP TANKS**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for operations in containers of flammable or combustible liquids, including vats or containers of flammable or combustible liquids, including coating, finishing, treating and similar processes.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Occupancies requiring or utilizing this type of activity

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10: STATIONARY COMBUSTION ENGINES AND GAS TURBINES**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the installation and operation of stationary combustion engines and gas turbines.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Occupancies that utilize or require the use of this type of equipment.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: BULK OXYGEN SYSTEMS**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules and standards for the design, construction, operation and maintenance of these systems.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities and occupancies utilizing these types of systems.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: WELDING, CUTTING AND ALLIED PROCESSES AND ACETYLENE CYLINDER CHARGING PLANTS**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the design and installation of welding and cutting systems, allied processes and plants that are engaged in the generation and compression of acetylene and in the charging of acetylene cylinders.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities and occupancies utilizing these types of activities.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 14: NATIONAL FUEL GAS CODE**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the design, construction, operation and maintenance of these systems.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities and occupancies that utilize these types of systems.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 15: FIRE PROTECTION RULES FOR MEDICAL FACILITIES AND EQUIPMENT**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: This chapter contains specific information, regulations and minimum requirements relating to: inhalation anesthetics, respiratory therapy, laboratories in health related institutions, hyperbolic facilities, nonflammable medical gas systems; and inhalation anesthetics in ambulatory care facilities.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities or occupancies that utilize the types of activities covered in this chapter.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 16: STORAGE AND HANDLING OF LIQUID PETROLEUM GASES**

STATUTORY AUTHORITY: 25 M.R.S. §2452, 2482

PURPOSE: Establishes rules for the storage, handling, transportation, and use of LP-Gas and the design, construction, location, installation, operation, and maintenance of refrigerated and nonrefrigerated utility gas plants.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities and occupancies that utilize these types of systems.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 17: NATIONAL FIRE ALARM CODE, N.F.P.A. 72**

STATUTORY AUTHORITY: 25 M.R.S. §2396, 2452

PURPOSE: Establishes rules for the design, operation and maintenance of fire alarm systems.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities or occupancies that require the installation and use of a fire alarm system for occupant and fire department notification in the event of fire.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 18: CARBON MONOXIDE ALARMS**

STATUTORY AUTHORITY: 25 M.R.S. §2468

PURPOSE: Establishes rules and regulations for the installation of carbon monoxide detectors in single-family dwellings and multi-apartment buildings.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Occupancies that require the installation and operation of carbon monoxide detectors.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 19: VAPOR REMOVAL FROM COOKING EQUIPMENT**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for minimum fire safety requirements (preventative and operative) related to the design, installation, operation, inspection, and maintenance of public and private cooking operations.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities or occupancies that utilize this type of equipment and require the appropriate fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 20: FIRE SAFETY IN BUILDINGS AND STRUCTURES**

STATUTORY AUTHORITY: 25 M.R.S. §2452; 8 M.R.S. §236

PURPOSE: Establishes rules and regulations for the protection of life and property from fire.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities or occupancies that require protective measures to be taken to protect life and property from fire.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 21: TENTS, GRANDSTANDS, AIR SUPPORTED STRUCTURES FOR PLACES OF ASSEMBLY**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the minimum requirements for life safety in relation to fire, storm, collapse, and crowd behavior in tents, membrane structures, and assembly seating.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities meeting this occupancy use and the appropriate life safety and fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 22: CHIMNEYS, FIREPLACES, VENTS AND SOLID FUEL BURNING APPLIANCES**

STATUTORY AUTHORITY: 25 M.R.S. §2452, 2465

PURPOSE: This rule focuses on the removal of waste gases, the reduction of fire hazards associated with construction and installation of chimneys, fireplaces and venting systems for residential, commercial and industrial appliances; and the installation of solid fuel burning appliances.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities or occupancies that utilize the features of chimneys, fireplaces or vents and the subsequent fire protection measures associated with these features.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 23: PURGED AND PRESSURIZED ENCLOSURES FOR ELECTRICAL EQUIPMENT**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for purged enclosures for electrical equipment in Class I hazardous locations, and pressurized enclosures for electrical equipment in Class II hazardous locations.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities or occupancies that utilize or meet the requirements of the subject matter contained in this chapter for fire protection measures.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 24: FIRE SAFETY TECHNICIAN TRAINING AND CERTIFICATION PROGRAM**

STATUTORY AUTHORITY: 22 M.R.S. §8304-A

PURPOSE: This rule establishes the criteria that must be met to achieve the certification of Fire Safety Technician. Components include: Life Safety Code training, basic inspection techniques, documentation procedures and an overview of the Department of Human Services rules.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Individuals involved in obtaining Fire Safety Technician Certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 25: RULES FOR THE DISPLAY OF FIREWORKS**

STATUTORY AUTHORITY: 8 M.R.S. §236

PURPOSE: Establishes the rules for the manufacture, transportation, storage and display of fireworks, pyrotechnic articles and model rocketry.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Persons who are involved in all aspects of the display of fireworks, pyrotechnic articles and model rocketry.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 26: STANDARD FOR THE USE OF PYROTECHNICS BEFORE A PROXIMATE AUDIENCE**

STATUTORY AUTHORITY: 8 M.R.S. §236

PURPOSE: Establishes rules for the use of pyrotechnic and flame based activities before a proximate audience.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Persons, organizations, companies or activities that utilize the activities associated with flame or pyrotechnics before a proximate audience.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 27: RULES AND REGULATIONS GOVERNING THE TENTS AND EQUIPMENT OF CIRCUSES AND TRAVELING AMUSEMENT SHOWS**

STATUTORY AUTHORITY: 8 M.R.S. §476

PURPOSE: Establishes rules and regulations for the design, operation, maintenance and fire protection measures of such facilities or activities.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Traveling amusement shows and circuses

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 28: RULES GOVERNING OPERATIONS OF AMUSEMENT DEVICES AND MIDWAYS**

STATUTORY AUTHORITY: 8 M.R.S. §476

PURPOSE: Establishes rules and regulations for the condition and operation of such facilities and activities for life safety purposes.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Operators of amusement devices and midways  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 29: RULES AND REGULATIONS RELATING TO STRUCTURES  
USED BY THE PUBLIC AS SPECTATORS DURING MOTOR VEHICLE RACING**

STATUTORY AUTHORITY: 8 M.R.S. §562

PURPOSE: Establishes rules and regulations relating to structures used to accommodate and protect spectators during motor vehicle racing. This chapter further assures the safe and proper construction and maintenance of grandstands, bleachers, stadiums, arenas, safety barriers and the surface upon which they are placed.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Facilities or activities that utilize structures for use by spectators at motor vehicle racing.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 31: RULES FOR THE MANUFACTURE, TRANSPORTATION, STORAGE  
AND USE OF EXPLOSIVE MATERIALS**

STATUTORY AUTHORITY: 25 M.R.S. §2472

PURPOSE: Establishes rules for the safeguarding of persons through the manufacture, transportation, storage, sale and use of explosive materials.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Persons, organizations, companies or entities who are involved in the manufacture, transportation, sale, storage or use of explosive material.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 34: RULES AND REGULATIONS RELATING TO FLAMMABLE AND  
COMBUSTIBLE LIQUIDS**

STATUTORY AUTHORITY: 25 M.R.S. §2482

PURPOSE: Establishes rules for the safe storage, possession, handling, dispensing and transportation of flammable or combustible liquids (including waste liquids).

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Persons, firms, corporations, co partnerships, voluntary associations and governmental agencies, except federal; that transport, store, handle or use these materials.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 35: SPRINKLER CERTIFICATION, LICENSING, REGISTRATION AND  
RENEWAL**

STATUTORY AUTHORITY: 32 M.R.S. §1382

PURPOSE: To establish the procedures, organization, and fees required for obtaining the certifications, licenses, and registrations needed for the installation of a sprinkler system.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Merchants and businesses working in the sprinkler installation business.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 36: CONSUMER FIREWORKS SALES LICENSE**

STATUTORY AUTHORITY: 8 M.R.S. §236; 25 M.R.S. §2452

PURPOSE: This rule describes the licensing process and safety regulations for the sale of consumer fireworks in Maine.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: People interested in obtaining a license to sell consumer fireworks in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 50: DEATH BENEFITS FOR FIREFIGHTERS WHO DIE IN THE LINE OF DUTY**

STATUTORY AUTHORITY: 25 M.R.S. §1612

PURPOSE: This rule describes the procedures governing the award of death benefits to the child, spouse or parent of a firefighter who dies in the line of duty.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Children, spouses and parents of firefighters who die in the line of duty.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 52: CERTIFICATION STANDARDS FOR MUNICIPAL CODE ENFORCEMENT OFFICERS AND THIRD-PARTY INSPECTORS**

STATUTORY AUTHORITY: 30-A M.R.S. §4451

PURPOSE: This rule describes the standards and procedures used to certify and recertify local code enforcement officers, local plumbing inspectors, building officials, and third-party inspectors.

ANTICIPATED SCHEDULE: Prior to October 31, 2022

AFFECTED PARTIES: Individuals involved in obtaining certification or recertification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY

MAINE STATE POLICE 2020-2021 REGULATORY AGENDA

AGENCY UMBRELLA UNIT: 16-222.

AGENCY NAME: Department of Public Safety, Maine State Police

CONTACT PERSON:

Christopher Parr  
45 Commerce Drive, Suite 1  
42 State House Station  
Augusta, Maine 04333-0042  
Telephone: (207) 624-7200  
E-mail: [christopher.parr@maine.gov](mailto:christopher.parr@maine.gov)

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:

None.

ANTICIPATED 2020-2021 RULEMAKING ACTIVITY

- 222

CHAPTER 1: MOTOR VEHICLE INSPECTION RULE

STATUTORY AUTHORITY: 29-A M.R.S.A. § 1769.

PURPOSE: To ensure the effective administration and enforcement of 29-A M.R.S.A. c. 15, sub-c. 1.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: All motor vehicle inspectors, motor vehicle inspection stations, and motor vehicle operators in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 4: MAINE MOTOR CARRIER SAFETY REGULATIONS

STATUTORY AUTHORITY: 29-A M.R.S.A. § 555.

PURPOSE: To adopt by reference, with possible State amendments, regulations governing the safe operation of motor carriers.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: All common, contract, and private motor carriers that transport passengers or property.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 12: RULES FOR AFTER-MARKET WINDOW TINTING

STATUTORY AUTHORITY: 29-A M.R.S.A. § 1916.

PURPOSE: To ensure the effective administration and enforcement of 29-A M.R.S.A. § 1916.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Persons installing after-market window tinting in motor vehicles.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 14: RULES RELATING TO THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 1999 (SORNA)

STATUTORY AUTHORITY: 34-A M.R.S.A. § 11204.

PURPOSE: To ensure for the effective administration of 34-A M.R.S.A. c. 15.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Persons required to register pursuant to the Maine SORNA of 1999.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 15 AND RULES RELATING TO THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 2013 (SORNA)

STATUTORY AUTHORITY: 34-A M.R.S.A. § 11274.

PURPOSE: To ensure for the effective administration of 34-A M.R.S.A. c. 17.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Persons required to register pursuant to the Maine SORNA of 2013.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

CHAPTER 19: DIED WHILE IN THE LINE OF DUTY DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS

STATUTORY AUTHORITY: 25 M.R.S.A. § 1612.

PURPOSE: To ensure for the effective administration of 25 M.R.S.A. c. 195-A.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Surviving spouses, children, and parents of law enforcement officers who have died while in the line of duty.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**16-227**  
**MAINE CRIMINAL JUSTICE ACADEMY**  
2020 - 2021 Regulatory Agenda  
December 11, 2020

AGENCY UMBRELLA UNIT: **16-227**

AGENCY NAME: **Maine Criminal Justice Academy (MCJA)**

**CONTACT PERSON:** Richard R. Desjardins, Director, 15 Oak Grove Road, Vassalboro, Maine 04989. Telephone: (207) 877-8008. Email: [Rick.Desjardins@Maine.gov](mailto:Rick.Desjardins@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

CHAPTER NUMBER AND NAME: **Chapter 1: General Provisions**

STATUTORY AUTHORITY: 25 M.R.S. §2803-A(18).

PURPOSE: To amend changes in Chapter 1 that reflects statutory changes and MCJA Board of Trustee Specification changes, as it relates to general provisions and terminology.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.

CHAPTER NUMBER AND NAME: **Chapter 3: Entrance Standards**

STATUTORY AUTHORITY: 25 M.R.S. §2803-A(18).

PURPOSE: To amend changes in Chapter 3 that reflects statutory changes and MCJA Board of Trustee Specification changes, as it relates to entry standards for the Basic Corrections Course, Law Enforcement Pre-service Course and the Basic Law Enforcement Training Program.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.

CHAPTER NUMBER AND NAME: **Chapter 5: Training Standards**

STATUTORY AUTHORITY: 25 M.R.S. §2803-A(18).

PURPOSE: To amend changes in Chapter 5 that reflects statutory changes and MCJA Board of Trustee Specification changes, as it relates to the Basic Corrections Course, Law Enforcement Pre-service Course and the Basic Law Enforcement Training Program and other training program standards.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.

CHAPTER NUMBER AND NAME: **Chapter 7: Certificates and Awards**

STATUTORY AUTHORITY: 25 M.R.S. §2803-A(18)

PURPOSE: To amend changes in Chapter 7 that reflects statutory changes and MCJA Board of Trustee Specification changes as it relates to granting certificates and awards

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.

CHAPTER NUMBER AND NAME: **Chapter 9 – Extensions and Waivers**

STATUTORY AUTHORITY: 25 M.R.S. §2803-A(18).

PURPOSE: To amend changes in Chapter 9 that reflects statutory changes and MCJA Board of Trustee Specification changes as it relates to granting extension and waivers for the Basic Corrections Course, Law Enforcement Pre-service Course and the Basic Law Enforcement Training Program and other training program standards.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.

CHAPTER NUMBER AND NAME: **Chapter 11 – Costs**

STATUTORY AUTHORITY: 25 M.R.S. §2803-A(18).

PURPOSE: To amend changes in Chapter 11 that reflects any statutory changes and MCJA Board of Trustee Specification or MCJA Board Policy changes, as it relates to costs for the Maine Criminal Justice Academy.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021.

AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.

AGENCY UMBRELLA UNIT: 16-633

AGENCY NAME: **Department of Public Safety, Gambling Control Board (GCB)**

**RULEMAKING LIAISON:** Milton Champion, Executive Director, 87 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3900. E-mail: [milton.f.champion@Maine.gov](mailto:milton.f.champion@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY**

**CHAPTER 1: Introduction**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All entities involved with casino gambling.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 2: Licenses and Applications**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 3: Control of Licensees**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 4: Licensee Records**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 5: Internal Controls**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 6: Ticket Redemption and Forfeited Winnings**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.  
CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 7: Collection of Payments**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 8: Slot Machines and Table Games: Location and Hours of Operation**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and all patrons participating in gambling activities.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 9: Uniform Location Agreement; Contract Disclosures**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos and distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 10: Slot Machine Maintenance**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 11: Transportation of Slot Machines**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos and distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 12: Fingerprinting Procedure**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 13: Exclusion**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and affected patrons at the casino.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 14: Advertising**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 15: Alcoholic Beverages and Tobacco Products**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 16: Weapons**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 17: On Premise Office Space**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 18: Responsible Gaming Programs**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 19: Slot Machine Testing and Certification**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos and slot machine distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 20: Slot Machine Standards**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos and slot machine distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 21: Prohibition of Credit**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and affected patrons at the casino.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 22: Patron Disputes**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and patrons of the casinos.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 24: The Use of Front Money Deposits**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and patrons of the casinos.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 25: Approval of Table Games Rules of Play**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and patrons of the casinos.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 26: Posting of Rules**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 27:** Rules of Practice and Procedure of Gaming Conduct

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 28:** Advanced Deposit Wagering.

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To establish rules to conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 29:** The Promotional Credits and other Players Incentives

STATUTORY AUTHORITY: 8 M.R.S. §1001 and § 1003

PURPOSE: To establish rules to conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

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AGENCY UMBRELLA UNIT: 16-633

AGENCY NAME: **Department of Public Safety, Gambling Control Unit**

**RULEMAKING LIAISON:** Milton Champion, Executive Director, 87 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3900. E-mail: [milton.f.champion@Maine.gov](mailto:milton.f.champion@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2019-2020 RULE-MAKING ACTIVITY**

**CHAPTER 33:** Introduction

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 34:** Definitions

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 35:** License Application

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 36:** License Fee and Renewal

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 37:** Fantasy Contest Monitoring

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 38: Fantasy Contest Account Activity**

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 39: Registration of Fantasy Contestants**

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 40: Fantasy Contestant Funds and Required Reserves**

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 41: Licensee Record, Annual Reporting and Audits**

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 42: Collection of Payments**

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 43: Complaints and Disciplinary Actions**

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2021

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
BUREAU OF BUILDING CODES & STANDARDS  
2021-2022 RULEMAKING AGENDA**

**AGENCY UMBRELLA-UNIT NUMBER: 16-642**

**AGENCY NAME:**

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
JOSEPH E. THOMAS, STATE FIRE MARSHAL  
52 STATE HOUSE STATION  
AUGUSTA, ME 04333-0052  
Tel: (207) 626-3870

**RULE-MAKING LIAISON AND SMALL BUSINESS IMPACT CONTACT:**

Richard E. Taylor, Senior Research & Planning Analyst  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052  
Tel: (207) 626-3873  
Cell: (207) 592-6105

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:  
NONE.**

**EXPECTED 2021-2022 RULE-MAKING ACTIVITY:**

**CHAPTER 1: MAINE UNIFORM BUILDING CODE AND UNIFORM ENERGY  
CODE- ADMINISTRATIVE PROCEDURES**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: To set forth procedures for each individual municipality to recognize and where applicable, enforce these Codes. The chapter also provides five options for building inspections, including the use of a third-party inspector.

ANTICIPATED SCHEDULE: Prior to October 31, 2021

AFFECTED PARTIES: All municipalities within the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: MAINE UNIFORM BUILDING CODE AND UNIFORM ENERGY  
CODE-THIRD PARTY INSPECTORS ('TPI')**

STATUTORY AUTHORITY: 10 M.R.S. §9723

PURPOSE: To provide guidance to TPIs on inspections, construction files, issuing a Notice to Proceed and issuing an inspection report.

ANTICIPATED SCHEDULE: Prior to October 31, 2021

AFFECTED PARTIES: All certified TPIs

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: MAINE UNIFORM BUILDING CODE- COMMERCIAL BUILDING  
CODE OF MAINE**

STATUTORY AUTHORITY: 10 M.R.S. §9722

POSTED 2/10/21

PURPOSE: This chapter sets forth the standards for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structure, with the exception of detached one and two-family dwellings and townhouses.

ANTICIPATED SCHEDULE: Prior to October 31, 2021

AFFECTED PARTIES: All municipalities within the State of Maine; all commercial building owners

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 4: MAINE UNIFORM BUILDING CODE- EXISTING BUILDING CODE**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: This chapter sets forth the standards for the repair, alteration, change of occupancy, addition and relocation of all existing buildings.

ANTICIPATED SCHEDULE: Prior to October 31, 2021

AFFECTED PARTIES: Owners of buildings performing renovations and all Municipal Code Enforcement Officers and all certified TPIs.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 5: MAINE UNIFORM BUILDING AND ENERGY CODE AND MAINE UNIFORM BUILDING CODE-RESIDENTIAL BUILDING CODE FOR ONE AND TWO FAMILY DWELLINGS IN MAINE**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: This chapter sets forth the standards for residential construction for one and two-family dwellings that are part of the MUBEC and MUBC.

ANTICIPATED SCHEDULE: Prior to October 31, 2021

AFFECTED PARTIES: Anyone building a new one or two-family dwelling

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 6: MAINE UNIFORM ENERGY CODE- ENERGY CONSERVATION CODE OF MAINE**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: This chapter sets forth the regulation of the design and construction of buildings for the effective use of energy and is applicable to both residential and commercial buildings.

ANTICIPATED SCHEDULE: Prior to October 31, 2021

AFFECTED PARTIES: Owners of buildings and all Municipal Code Enforcement Officers and all certified TPIs.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**17**  
**DEPARTMENT OF TRANSPORTATION**  
2020-2021 Regulatory Agenda  
June 23, 2020

AGENCY UMBRELLA-UNIT NUMBER: **17-229**  
AGENCY NAME: **Department of Transportation**

CONTACT INFORMATION FOR THE AGENCY: **Toni L. Kemmerle**, 16 SHS, Augusta, ME 04333-0016. 207-624-3020. [Toni.Kemmerle@Maine.gov](mailto:Toni.Kemmerle@Maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY**

**CHAPTER NUMBER AND TITLE:** **Ch 305**, Rules and regulations pertaining to the Traffic Movement Permit

STATUTORY BASIS: Title 23 §704-A

PURPOSE: To administer the Traffic Movement Permit process

SCHEDULE FOR ADOPTION: Fall 2020-rulemaking has been initiated and is ongoing.

AFFECTED PARTIES: MEREDA, consultant traffic engineers, municipalities

CONSENSUS-BASED RULE DEVELOPMENT: We have a multi-disciplined working group developing changes to the rules.

CONTACT PERSON for this chapter, if different from the general agency liaison (including mailing address, phone, and e-mail address): Stephen Landry, State Traffic Engineer, 16 State House Station, Augusta, ME 04333 207-634-3632, [Stephen.landry@maine.gov](mailto:Stephen.landry@maine.gov)

**CHAPTER NUMBER AND TITLE** (of rule chapter, not statute): 17-229 Department of Transportation – General **Ch. 299** Highway Driveway and Entrance Rules

STATUTORY BASIS: Title 23 §704. Entrances to highways regulated

PURPOSE (of the rule): To administer the above statute. The rule gives consistent criteria to be met to ensure the safety of the traveling public. The rule is already in-place, we are looking to clarify language in several locations to be in line with how we have been administering the rule.

SCHEDULE FOR ADOPTION: Summer 2021

AFFECTED PARTIES: Property Owners and Real Estate Brokers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON for this chapter, if different from the general agency liaison (including mailing address, phone, and email address): Stephen Landry – [Stephen.Landry@Maine.gov](mailto:Stephen.Landry@Maine.gov) . 207-624-3632. Traffic Engineering, 16 State House Station, Augusta, ME 04333

**CHAPTER NUMBER AND TITLE:** **Chapter 210**, Utility Accommodation Rules

STATUTORY BASIS: 35-A MRS Chapter 25

PURPOSE: The rule provides for utility accommodation within state and state aid highway corridors. The purpose of this rulemaking activity to amend the rule in order to clarify aspects of how facilities will be accommodated and permitted.

SCHEDULE FOR ADOPTION: Fall 2020

AFFECTED PARTIES: Utilities and other entities authorized to locate facilities within highway corridors

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON for this chapter, if different from the general agency liaison (including mailing address, phone, and email address): Michael Moreau, 16 SHS, Augusta, Maine 04333. [Michael.Moreau@Maine.gov](mailto:Michael.Moreau@Maine.gov) .

**18**  
**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
2020-2021 Regulatory Agenda

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**18-119: Office of the State Controller**  
**18-125: Bureau of Revenue Services**  
**18-389: Bureau of Human Resources**  
**18-553: Bureau of Alcoholic Beverages and Lottery Operations**  
**18-554: Bureau of General Services**  
**18-691: Office of Marijuana Policy**

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AGENCY UMBRELLA-UNIT NUMBER: **18-119**  
AGENCY NAME: **Office of the State Controller**

**CONTACT PERSON:** Douglas Cotnoir, State Controller, Office of the State Controller, 14 State House Station, Augusta, Maine 04333-0014, (207) 626-8428, [Douglas.E.Cotnoir@Maine.gov](mailto:Douglas.E.Cotnoir@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1: TRAVEL AND EXPENSE REIMBURSEMENT POLICIES**

STATUTORY BASIS: 5 M.R.S. §1541, subsection 13.

PURPOSE: These regulations specify official policy which governs travel and expense reimbursement for State employees and officials, the definition of which expenses are reimbursable and the levels of such reimbursement.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine State Employees who may travel in the course of their official duties.

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AGENCY UMBRELLA-UNIT NUMBER: **18-125**  
AGENCY NAME: **Bureau of Revenue Services**

**CONTACT PERSON:** Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024, (207) 624-9712, [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

## **EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

### **CHAPTER 102: ELECTRONIC FUNDS TRANSFER**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 193

PURPOSE: This rule describes the requirements for tax and other types of payments by electronic funds transfer. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers who make Maine tax payments with Maine Revenue Services.

### **CHAPTER 103: RECORDKEEPING AND RETENTION**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 135

PURPOSE: This rule describes the requirements for the maintenance and retention of books, records, and other sources of information necessary for the determination of a person's correct tax liability, including records received, created, maintained, or generated electronically. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers.

### **CHAPTER 104: FILING OF MAINE TAX RETURNS**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 193

PURPOSE: This rule describes the requirements for filing certain Maine tax returns, including mandatory electronic filing of certain Maine tax returns. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers who file Maine tax returns with Maine Revenue Services.

### **CHAPTER 201: RULES OF PROCEDURE USED TO DEVELOP STATE VALUATION**

STATUTORY BASIS: 36 M.R.S.A. §§ 112, 201, 208, and 305

PURPOSE: The State Tax Assessor must annually perform state valuation for each municipality and for each county containing unorganized territory, to determine market value of all taxable property in the state. Municipal market values are used to calculate the distribution of municipal revenue sharing and State aid for education. Rule 201 establishes the guidelines for the state valuation process. The rule must be amended to clarify current policy, make adjustments for consistency, and make various technical changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine municipal assessors and municipal officials.

### **CHAPTER 202: TREE GROWTH TAX LAW VALUATIONS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, and 576

PURPOSE: 36 M.R.S. § 576 requires the State Tax Assessor to annually establish the current use values for forest land enrolled in the Tree Growth Tax Law program. The current use values are determined after considering area growth rates, tree-type distributions, and timber stumpage sales during previous calendar years. The annual current use values are used to determine municipal property tax rates for affected

land and State reimbursements to municipalities. The rule is being repealed and replaced to update the per acre values for the tax year beginning April 1, 2021.

SCHEDULE FOR ADOPTION: By April 1, 2021.

AFFECTED PARTIES: All Maine municipal assessors and Maine taxpayers with land enrolled in the Tree Growth Tax Law program.

#### **CHAPTER 205: CERTIFICATION OF ASSESSORS**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 310-314

PURPOSE: Certification of municipal assessors in the State of Maine is the responsibility of the State Tax Assessor. Rule 205 governs the examination, certification, and continuing education requirements under 36 M.R.S. § 311. The rule is being amended to incorporate updates and clarifications and to make technical changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine municipal assessors, municipal officials, and people interested in becoming assessors.

#### **CHAPTER 207: REAL ESTATE TRANSFERS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, and 4641-E

PURPOSE: 36 M.R.S. § 4641-E authorizes the State Tax Assessor to adopt rules necessary to carry out the purposes of the real estate transfer tax. Rule 207 clarifies the process of assessing, collecting, and reporting the tax for transfers of controlling interest. The rule is being amended to explain the tax and to make other changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Sellers and buyers of Maine real property, county registrars, and professionals involved in the selling and buying of Maine real property.

#### **CHAPTER 208: REVALUATION GUIDELINES**

STATUTORY BASIS: 36 M.R.S. §§ 112, 328, 330, 331

PURPOSE: This rule explains in further detail the process of revaluation of property and presents guidance for professionals providing revaluation services, established in accordance with statutory provisions. The rule is being amended to adopt procedures to encourage compliance with the law.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine municipal assessors, entities performing municipal revaluations, and Maine residents.

#### **CHAPTER 301: SALES FOR RESALE AND SALES OF PACKAGING MATERIALS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 1752(11)(B), 1754-B, 1756, and 1760(12-A)

PURPOSE: Explains procedures and certification requirements for making sales for resale, certain sales to lessors and service providers, and sales of packaging materials exempt from sales tax. This rule is being amended to incorporate recently enacted legislation and make other update and clarification changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Retailers and resellers of tangible personal property and taxable services.

#### **CHAPTER 302: SALES TO GOVERNMENTAL AGENCIES AND EXEMPT ORGANIZATIONS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 1760, and 2557

PURPOSE: Establishes administrative rules outlining the circumstances under which a retailer will be relieved of its burden of proving that sales to an entity described in Title 36, sections 1760 and 2557 are exempt from sales or service provider tax. The rule is being amended to clarify that the State Tax Assessor has the authority to periodically review or confirm that an organization continues to meet the qualifications for receiving an exemption.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All retailers, service providers, and certain tax exempt entities.

#### **NEW CHAPTER 325: BUNDLED TRANSACTIONS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 1811

PURPOSE: This rule would be promulgated to clarify how the sales tax on a transaction containing both taxable and non-taxable items would be calculated or apportioned.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Retailers and resellers of tangible personal property and taxable services.

#### **NEW CHAPTER 402: RENTAL OF VIDEO MEDIA AND DIGITAL STREAMING SERVICES**

STATUTORY BASIS: 36 M.R.S. §§ 112, 2551(21), and 2552

PURPOSE: This rule would be promulgated to clarify that the definition of "video media [and] video equipment" under the Service Provider Tax includes video media provided by a digital streaming service provider and would be subject to the service provider tax.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Providers of digital streaming services.

#### **NEW CHAPTER 403: BUNDLED TRANSACTIONS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 2552

PURPOSE: This rule would be promulgated to clarify how the service provider tax on a transaction containing both taxable and non-taxable services would be calculated or apportioned.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Providers of taxable services under the Service Provider Tax.

#### **CHAPTER 603: MAINE ESTATE TAX AFTER 2012**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 4101-4119

PURPOSE: This rule explains in further detail Maine estate tax laws for estates of decedents dying after 2012. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All resident and nonresident taxpayers subject to the Maine estate tax.

#### **CHAPTER 801: APPORTIONMENT**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5210-5212

PURPOSE: This rule explains Maine income tax apportionment for business entities. Maine Revenue Services anticipates amending this rule to update and clarify issues related to Maine income tax apportionment.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Business taxpayers that have nexus with Maine and that have income from business operations in more than one state.

### **CHAPTER 803: WITHHOLDING TAX REPORTS AND PAYMENTS**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5250-5255-B

PURPOSE: This rule identifies income subject to Maine withholding, prescribes the methods for determining the amount to withhold, and explains the related reporting requirements. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Businesses that are subject to the Maine income tax withholding requirement.

### **CHAPTER 805: COMPOSITE FILING**

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule stipulates procedures and requirements by which a pass-through entity files a single income tax return for all of its participating nonresident owners or members. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Partnerships, estates, trusts, and S corporations that participate in the Maine income tax composite filing program.

### **CHAPTER 806: NONRESIDENT INDIVIDUAL INCOME TAX**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5142

PURPOSE: This rule provides guidance regarding income taxation of individual taxpayers who are nonresidents of Maine. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Nonresident individuals who are subject to Maine income tax.

### **CHAPTER 807: RESIDENCY**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5102(5)

PURPOSE: This rule addresses the determination and effect of an individual's residency status with respect to Maine individual income tax. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Individuals who are subject to Maine income tax.

### **CHAPTER 808: CORPORATE INCOME TAX NEXUS**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5200-5202-C

PURPOSE: This rule describes the circumstances under which a foreign corporation is subject to the income tax jurisdiction of Maine. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Corporations subject to the Maine corporate income tax.

### **CHAPTER 810: MAINE UNITARY BUSINESS TAXABLE INCOME, COMBINED REPORTS AND TAX RETURNS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 5102, and 5200

PURPOSE: This rule explains standards for determining Maine income tax for unitary businesses and for filing combined reports and related tax returns. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Unitary businesses subject to the Maine income tax.

#### **CHAPTER 812: CREDIT FOR EDUCATIONAL OPPORTUNITY**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5217-D

PURPOSE: This rule explains in further detail the Maine income tax credit for educational opportunity pursuant to 36 M.R.S. § 5217-D. Maine Revenue Services anticipates amending this rule for updates and clarification and to reflect Maine tax law changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim this credit.

#### **CHAPTER 813: PROPERTY TAX FAIRNESS CREDIT**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-KK

PURPOSE: This rule provides guidance for the calculation of the Property Tax Fairness Credit. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim the credit.

#### **NEW CHAPTER 817: CREDIT FOR MAJOR FOOD PROCESSING AND MANUFACTURING FACILITY EXPANSION**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-VV

PURPOSE: This new rule would provide definitions and explanations of statutory terms and procedures for claiming the credit for major food processing and manufacturing facility expansion pursuant to 36 M.R.S. § 5219-VV.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All businesses eligible to claim the credit.

#### **NEW CHAPTER 818: RENEWABLE CHEMICALS TAX CREDIT**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-XX

PURPOSE: This new rule would provide definitions and explanations of statutory terms and procedures for claiming the renewable chemicals tax credit pursuant to 36 M.R.S. § 5219-XX.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All taxpayers eligible to claim the credit.

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AGENCY UMBRELLA-UNIT NUMBER: **18-389**

AGENCY NAME: **Bureau of Human Resources**

**CONTACT PERSON:** J. Thaddeus Cotnoir, Public Service Manager II, 4 State House Station, Augusta, ME 04333-0004, (207) 624-7799, [Thaddeus.Cotnoir@Maine.gov](mailto:Thaddeus.Cotnoir@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1: PURPOSE, ADOPTION AND AMENDMENT OF RULES AND DEFINITION OF TERMS**

STATUTORY BASIS: 5 MRSA §7036, sub-§17

PURPOSE: Ensures definitions are consistent with Civil Service Law and the Administrative Procedure Act, reflecting changes in policy and procedures as a result of changes to these laws.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 2: INTERMITTENT EMPLOYMENT**

STATUTORY BASIS: 5 MRSA §7053

PURPOSE: To comply with the Civil Service Law and to provide clarification of the benefits available to intermittent employees.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 3: DIVISIONS OF THE CLASSIFIED SERVICE**

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065; Ch. 147, P&SL 06/14/76

PURPOSE: Identifies the competitive, non-competitive (also known as "direct hire"), and labor divisions of Maine State Service.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 4: CLASSIFICATION PLAN**

STATUTORY BASIS: 5 MRSA §7061

PURPOSE: Explains the classification plan and mechanism for its maintenance.

Defines the allocation and re-allocation of positions and related actions. Identifies the purpose and use of classification specifications and classification titles and states the mechanism for appeals of classification actions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 5: COMPENSATION PLAN**

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065

PURPOSE: Defines the compensation plan in terms of fixed salary schedules as adopted, published, and emended for covered classifications of work in Maine State

Service. Identifies pay rates, presents overtime provisions and gives rates of pay for specific personnel actions such as new hires, promotions, demotions, transfers, non-standard work designations, and project appointments.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

## **CHAPTER 6: APPLICATIONS AND EXAMINATIONS**

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Provides information and procedures regarding the character and content of examinations and related announcement/examination administration practices.

Gives requirements for admission, outlines exam scoring and notice procedures, and presents the mechanism for appeal of examination results.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

## **CHAPTER 7: ELIGIBLE REGISTERS**

STATUTORY BASIS: 5 MRSA §§ 7034, 7036, 7052, 7053, 7062, 7064

PURPOSE: Identifies the types of employment registers and the manner in which they are maintained and used. Establishes a mechanism for adding and removing names and specifies the normal duration of registers.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

## **CHAPTER 8: CERTIFICATION AND APPOINTMENT**

STATUTORY BASIS: 5 MRSA §§ 781-791, 7034, 7036, 7051, 7052, 7053, 7054, 7055, 7062, 7064

PURPOSE: Establishes rules which govern appointments to position vacancies in the classified service. Includes procedures for appointments made by certification from classification registers and for appointments resulting from nominations submitted by appointing authorities. Provisions are also included for: apprentice, trainee, and conditional appointment referrals that may be authorized by the Director; acting capacity assignments; and the reemployment of retired persons.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

## **CHAPTER 9: PROBATIONARY PERIOD**

STATUTORY BASIS: 5 MRSA §§ 7036, 7051

PURPOSE: Identifies the purpose and duration of the probationary period and presents the mechanism for transition from probationary to permanent status.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 10: PERFORMANCE APPRAISAL AND TRAINING**

STATUTORY BASIS: 5 MRSA §§ 7036, 7065, 7070

PURPOSE: Identifies the purpose and requirements for the performance appraisal system and establishes a mechanism for internships and apprentice training.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 11: HOLIDAYS, LEAVE OF ABSENCE AND RELATED COMPENSATION PRACTICES**

STATUTORY BASIS: 5 MRSA §§ 721-727, 7036

PURPOSE: Designates holidays and related compensation procedure and presents regulations governing leaves of absence with pay and without pay. Includes sick leave, vacation leave, military leave, educational leave, jury duty and court appearances, workers' compensation, and unclassified service appointments.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 12: DISCIPLINARY ACTION, DEMOTION AND LAYOFF**

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Presents the basis and procedure for demotions, suspensions and dismissals in the State service; the procedure for resignation in good standing; and the statewide mechanism for addressing the unavoidable layoff of employees.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 13: COMPLAINTS, GRIEVANCES AND INVESTIGATIONS**

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7081-7085

PURPOSE: Presents the various mechanisms through which complaints and/or grievances of State employees may be discovered, filed and/or heard, and related investigation and enforcement powers of the Director with respect to proper administration and application of the Civil Service Law to these rules.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 14: EMPLOYEE WORK RECORDS AND PAYROLL CERTIFICATION PROCEDURE**

STATUTORY BASIS: 5 MRSA §§ 7070, 7071

PURPOSE: Provides information and establishes procedures with respect to employment history and records maintained by the appointing authority and the Bureau of Human Resources. Provides requirements for information regarding changes in employee status for purposes of payroll authorization and the permanent record thereof. Provides access to public records, with restriction.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

## **CHAPTER 15: THE MAINE MANAGEMENT SERVICE**

STATUTORY BASIS: 5 MRSA §§ 7031, 7034, 7036, 7051, 7052, 7061, 7065, 7081-7085

PURPOSE: This chapter, adopted in 2002, establishes the Maine Management Service and provides separate and distinct rules for confidential employees who occupy positions that are specifically designated as included in the Maine Management Service. Provides a definition and outlines the goals of the Maine Management Service; provides the manner in which positions are included in the Maine Management Service; and defines terms associated with the Maine Management Service. This chapter also provides a classification and compensation plan for the Maine Management Service; provides unique procedures for recruitment, application, selection, training, and development. This chapter also provides a unique procedure for layoff, complaints, grievances, investigations, and discipline of employees included in the Maine Management Service.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Applicants for positions included in the Maine Management Service, confidential employees who occupy positions that are specifically designated as included in the Maine Management Service.

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AGENCY UMBRELLA-UNIT NUMBER: **18-553**

AGENCY NAME: **Bureau of Alcoholic Beverages and Lottery Operations (BABLO)/Maine State Liquor and Lottery Commission**

**CONTACT PERSON:** Gregg Mineo, Director, 8 State House Station, Augusta, ME 04333-0008, (207) 287-8289, [Gregg.Mineo@Maine.gov](mailto:Gregg.Mineo@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

## **CHAPTER 2: PRICING OF SPIRITS**

STATUTORY BASIS: 28-A MRSA. §83

PURPOSE: To establish such rules as necessary for the administration of the state liquor laws under the jurisdiction of the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Agency liquor stores and licensees; wholesale distributors of spirits and suppliers of spirits.

### **CHAPTER 3: ON-PREMISE DATA COLLECTION**

STATUTORY BASIS: 28-A MRSA. §453-C, sub-§4, ¶D

PURPOSE: To establish such rules as necessary for mitigating the costs incurred by reselling agents in providing sales data of spirits to on-premise licensees to the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Agency liquor stores that are licensed as reselling agents.

### **CHAPTER 4: RULES GOVERNING THE PROCESS FOR THE RELOCATION OF AN AGENCY LIQUOR STORE WITHIN THE SAME MUNICIPALITY**

STATUTORY BASIS: 28-A MRS §453-D, sub-§3.

PURPOSE: To establish a process by which an agency liquor store may provide support of or objection to the relocation of another agency liquor store within the same municipality.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons licensed as an agency liquor store.

### **CHAPTER 10: MAINE STATE LOTTERY**

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish such rules as necessary for the operation of the Maine State Lottery including types of games offered, subscriptions, price of tickets, number and size of prizes, manner of selecting winning tickets, the method of paying prizes, the sale of tickets and the licensing, performance, fee charges and commission of ticket agents.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

### **CHAPTER 20: POWERBALL**

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

### **CHAPTER 40: MEGA MILLIONS**

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

### **CHAPTER 50: LUCKY FOR LIFE**

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

## **CHAPTER 70: WORLD POKER TOUR GAME RULES**

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a Maine only lottery including any marketing and promotion of the lottery game.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

## **CHAPTER 80: LOTTO AMERICA GAME RULES**

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

## **CHAPTER 101: OPERATION AND CONTROL OF ALL LICENSED PREMISES**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of 28-A MRSA Maine Liquor Laws.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons owning and/or operating premises licensed to sell and/or serve alcoholic beverages pursuant to applicable provisions of 28-A MRSA.

## **CHAPTER 102: PREMISES LICENSED FOR ON-PREMISES CONSUMPTION ONLY**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for on-premises consumption of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be consumed on-premises.

## **CHAPTER 103: PREMISES LICENSED FOR OFF-PREMISES SALES ONLY**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for off-premises sales of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be sold off-premises.

## **CHAPTER 104: PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS AND CERTIFICATES OF APPROVAL**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to wholesalers and manufacturers of alcoholic beverages, and certificates of approval.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Wholesalers and manufacturers of alcoholic beverages; holders of certificates of approval.

**CHAPTER 105: LABELING**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to the labeling of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Labelers of alcoholic beverages.

**CHAPTER 106: SALESMEN**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to salespersons selling alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Salespersons selling alcoholic beverages.

**CHAPTER 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

**CHAPTER 110: AGENCY LIQUOR STORES**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 120: LICENSING PROCEDURE**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 130: SELECTION AND LOCATION OF AGENCY LIQUOR STORES**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 140: MERCHANDISING AND STOCK**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

#### **CHAPTER 150: SIGNS AND ADVERTISING**

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

#### **NEW CHAPTER 160: DEFINITION OF BRAND**

STATUTORY BASIS: Resolve 2013, chapter 89.

PURPOSE: To assist licensees under Title 28-A, chapters 55 and 57 in defining brand for the distribution of malt beverages and wine.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for a certificate of approval holder or wholesaler license.

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AGENCY UMBRELLA-UNIT NUMBER: **18-554**

AGENCY NAME: **Bureau of General Services**

**CONTACT PERSON:** Jaime Schorr, Chief Procurement Officer, Bureau of Business Management, 9 State House Station, Augusta, Maine 04333-0009, (207) 624-7355, [Jaime.C.Schorr@Maine.gov](mailto:Jaime.C.Schorr@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

#### **EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

##### **CHAPTER 110: RULES FOR THE PURCHASE OF SERVICES AND AWARDS**

STATUTORY BASIS: 5 M.R.S.A. §1825-C

PURPOSE: This rule outlines the procedures to be used in the purchase of services and the awarding of grants and contracts.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All interested parties doing business with the State of Maine and State Agencies purchasing goods or services.

##### **CHAPTER 120: RULES FOR APPEAL OF CONTRACT AND GRANT AWARDS**

STATUTORY BASIS: 5 M.R.S.A. §1825-(C) (D) (E) (F)

PURPOSE: This rule outlines the procedures and criteria to be used in the appeal of contract or grant awards, outlines the appointment of an Appeal Committee, describes procedures to be used in hearing an appeal and how appellants will be notified of final agency action.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All interested parties doing business with the State of Maine and State Agencies purchasing goods or services.

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AGENCY UMBRELLA-UNIT NUMBER: **18-691**

AGENCY NAME: **Office of Marijuana Policy**

**CONTACT PERSON:** Gabi Pierce, Policy Director, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162, (207) 530-0507, [Gabi.Pierce@Maine.gov](mailto:Gabi.Pierce@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** Portions of Adult Use Marijuana Program Rule, 18-691 CMR, ch. 1; Rules for the Certification of Marijuana Testing Facilities, 18-691 CMR, ch. 5.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

## **EXPECTED 2020-2021 RULEMAKING ACTIVITY**

### **CHAPTER 1: ADULT USE MARIJUANA PROGRAM RULE**

STATUTORY BASIS: 28-B M.R.S, CHAPTER 1; PL 2019, ch. 676

PURPOSE: These regulations specify the minimum standards for Adult Use Marijuana Program Licensees; revisions to this Rule are in response to changes to the program in PL 2019, ch. 676 (emergency, March 23, 2020) to expand authorized sample collection activities by Adult Use Marijuana Program Licensees and creation of a new “sample collector” license type.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: All Adult Use Marijuana Program licensees.

### **CHAPTER 2: MAINE MEDICAL USE OF MARIJUANA PROGRAM RULE**

STATUTORY BASIS: 22-M.R.S, CHAPTER 558-C

PURPOSE: These regulations specify the minimum standards for Maine Medical Use of Marijuana Program registrants. Revisions to this rule include reorganization, the creation of a registration certificate for caregiver retail stores, inventory tracking requirements, and the incorporation of standards for registered manufacturing facilities and inherently hazardous substance registrants from 18-691 CMR, ch. 4, which will be concurrently repealed upon adoption of this rule.

SCHEDULE FOR ADOPTION: By November 2020.

AFFECTED PARTIES: All Maine Medical Use of Marijuana Program registrants.

### **CHAPTER 4: MARIJUANA MANUFACTURING FACILITIES RULE**

STATUTORY BASIS: 22-M.R.S, CHAPTER 558-C

PURPOSE: These regulations specify the minimum standards for Maine Medical Use of Marijuana Program registrants engaged in marijuana extraction and manufacturing. These regulations will be integrated in the 18-691 CMR, ch. 2, the Medical Use of Marijuana Program Rule, and this existing rule will be repealed.

SCHEDULE FOR REPEAL: By November 2020.

AFFECTED PARTIES: All Maine Medical Use of Marijuana Program registrants extracting or manufacturing marijuana for medical use.

**CHAPTER 5: RULES FOR THE CERTIFICATION OF MARIJUANA TESTING FACILITIES**

STATUTORY BASIS: 28-B M.R.S CHAPTER 1; PL 2019, ch. 676

PURPOSE: These regulations specify minimum standards for marijuana testing facilities licensed under the Adult Use Marijuana Program.

Revisions to include authorization for all Adult Use Marijuana Program licensees to collect samples of marijuana and marijuana products for mandatory testing.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: All Adult Use Marijuana Program licensees.

**29**  
**SECRETARY OF STATE**  
2020 - 2021 Regulatory Agenda

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**29-250: Bureau of Motor Vehicles**  
**94-591: Motor Carrier Review Board**  
**29-250: Bureau of Corporations, Elections and Commissions**  
**29-255: Maine State Archives**

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AGENCY UMBRELLA-UNIT NUMBER: **29-250**

AGENCY NAME: Department of Secretary of State, **Bureau of Motor Vehicles**

CONTACT PERSON: **Leslie Soares**, Bureau of Motor Vehicles, 29 State House Station, Augusta, Maine 04333-0029. Tel: (207) 624-9023. Email: [Leslie.Soares@Maine.gov](mailto:Leslie.Soares@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 2: Rules for Administrative Hearings**

STATUTORY AUTHORITY: 29-A M.R.S., Section 153

PURPOSE: These rules describe the conduct of civil administrative hearings held by the Bureau of Motor Vehicles to deny, suspend, revoke, probate or otherwise modify a license, registration certificate or plate, motor vehicle driver's license, permit, certificate of title, operating authority, license or fuel use identification decal.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: These rules affect holders of all types of driver's licenses, motor vehicle owners and registrants, and consumers in the commercial vehicle industry.

**CHAPTER 3: Physical, Emotional and Mental Competence to Operate a Motor Vehicle**

STATUTORY AUTHORITY: 29-A M.R.S., Section 153

PURPOSE: These rules describe the standards to be used by the Secretary of State in determining physical, emotional, and mental competence of a person to operate a motor vehicle. These rules which were adopted pursuant to 29-A M.R.S.A., Section 153, may be amended based on recommendations from the Medical Advisory Board to the Secretary of State.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: These rules affect all license applicants and anyone holding a motor vehicle license.

**CHAPTER 4: Driver License Examination Rules**

STATUTORY AUTHORITY: 29-A M.R.S., Section 153

PURPOSE: These rules describe the components of the examination used by the Secretary of State to determine a person's qualifications to obtain a license to operate a motor vehicle.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: These rules affect all driver license applicants.

## **CHAPTER 6: Rules for the Suspension of Commercial Driver Licenses**

STATUTORY AUTHORITY: 29-A M.R.S., Section 153

PURPOSE: These rules implement the provisions of the federal Commercial Motor Vehicle Safety Act of 1986, the Motor Carrier Safety Improvement Act of 1999 and provisions of other federal rules related to the disqualification of persons from operating commercial vehicles and establish suspension requirements for commercial motor vehicle operators. This rule may be amended to incorporate federal rule changes.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: These rules affect all commercial driver applicants and anyone holding a commercial learner's permit or driver's license.

## **CHAPTER 8: Rules for Ignition Interlock Devices**

STATUTORY AUTHORITY: 29-A M.R.S., Section 153

PURPOSE: This rule may be amended or repealed and replaced to implement the provisions of 29-A M.R.S. §2508. The rule establishes testing, certification and installation requirements for ignition interlock devices and sets out the conditions for the early restoration of driver's licenses for persons convicted of OUI.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: These rules affect manufacturers and installers of ignition interlock devices and all OUI offenders.

## **CHAPTER 9: Rules Governing Driver Education**

STATUTORY AUTHORITY: Title 29-A Subsection 1354

PURPOSE: To

1. Establish the minimum qualifications, license standards, and procedures for the licensing of driver education schools and instructors.
2. Implement a standardize driver education curriculum based on best practices.

ANTICIPATED SCHEDULE: prior to October 1, 2021.

AFFECTED PARTIES: Driver Education Schools and Instructors

## **CHAPTER 10: Rules Implementing the *Federal Driver's Privacy Protection Act***

STATUTORY AUTHORITY: 29-A M.R.S., Section 153 and 29-A M.R.S., Section 256

PURPOSE: These rules establish the procedures for the disclosure of personal information in motor vehicle records in accordance with state and federal law and establish rules for the use of facial recognition technology.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: These rules affect BMV, Law enforcement agencies and the providers and recipients of information contained in motor vehicle records.

## **CHAPTER 11: Rules Governing Motorcycle Rider Education**

STATUTORY AUTHORITY: Title 29-A Subsection 1352

PURPOSE: To establish minimum qualification standards, requirements and application procedures for licensing motorcycle rider education schools and instructors. Inspect and monitor motorcycle rider education programs, and site requirements, to assure the Secretary of State established standards are met and maintained.

ANTICIPATED SCHEDULE: prior to October 1, 2021.

AFFECTED PARTIES: Motorcycle Rider Education Schools and Instructors

**CHAPTER 100: Establishment of Renewal Agent Service Fees** *(for the Renewal of Digital Operator's Licenses)*

STATUTORY AUTHORITY: 29-A M.R.S., Sections 153 and 202

PURPOSE: This rule authorizes the Secretary of State to establish a service fee that may be charged and retained by certain appointed agents who issue non-commercial driver's license renewals and duplicates and non-driver identification card renewals and duplicates.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: These rules affect those authorized agents of the Secretary of State that issue only non-commercial driver's license renewals and duplicates and non-driver identification card renewals and duplicate.

**CHAPTER 102: Rules governing Title to Motor Vehicles**

STATUTORY AUTHORITY: Title 29-A Chapter 7 subchapter 1 through 4

PURPOSE: To establish application procedures and guidelines for the determination of type of ownership when application for title, or duplicate title is made by two or more persons; requirements for transfer of title when the original, or duplicate title was issued in common, or joint ownership; procedures for transfer of title upon the death of the owner of a titled vehicle when there is a surviving spouse, when the original title was issued in joint ownership and when the title was issued in common ownership; procedures for the issuance of titles for abandoned, or unclaimed vehicles; and procedures for the withdrawal of an application for certificate of title.

ANTICIPATED SCHEDULE; prior to October 1, 2021.

AFFECTED PARTIES; Motor Vehicle owners requiring titles

**CHAPTER 103: Rules for Vehicle Dealers, Auctions, Transporters, Recyclers, Mobile Crushers, and Loaners**

STATUTORY AUTHORITY: Title 29-A Chapter 9, Subchapter 1 through 6

PURPOSE: Establish the requirements for licensing vehicle dealers, vehicle auctions, recyclers, mobile crushers, and receipt of their registration plates, and holders of loaner and transporter plates. Set forth required facilities, equipment, records, and application procedures. This rule will establish requirements for annexes and secondary locations.

ANTICIPATED SCHEDULE: prior to October 1, 2021.

AFFECTED PARTIES: All New and Used Vehicles Dealers, Vehicle Auctions, Transporters, Recyclers, Mobile Crushers, and Loaner Plate Holders.

**CHAPTER 110: Non-Governmental Registration Agent and Resident Agent Requirements**

STATUTORY AUTHORITY: 29-A MRSA, Section 204

PURPOSE: This rule establishes the requirements for non-governmental registration agents and resident agents; sets forth requirements for training, equipment and software, reporting, inventory control, audit, and suspension and hearings for registration agents.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Non-governmental registration agents.

**CHAPTER 153: The Operation of Motor Intrastate Carriers of Passengers For-Hire**

STATUTORY AUTHORITY: 29-A MRSA, Section 551

PURPOSE: This rule establishes requirements for the operation of motor carriers of passengers for-hire.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: For-Hire motor carriers of passengers and rental vehicles.

**CHAPTER 155: Rules Governing Permits for Non-Divisible, Oversize and Overweight Combination Vehicles Engaged in Interstate Commerce**

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule sets forth the procedures for receiving applications and granting permits for the movement of oversize and/or overweight combination vehicles engaged in interstate travel on highways and bridges.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Transporters of oversize or overweight non-divisible loads.

**CHAPTER 156: Fee Structure for Over Dimensional and Overweight Loads, Along With State Police Escort Fee**

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule establishes permit fees for overdimensional and overweight non-divisible loads.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Transporters of oversize or overweight non-divisible loads.

**CHAPTER 157: The Administration of Over Dimension and Overweight Permits**

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule establishes requirements and standards for the permitting of non-divisible overdimensional and overweight vehicles and loads which are loads exceeding the size and weight limits.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Transporters of oversize or overweight non-divisible loads.

**CHAPTER 159: Rules Governing the Administration of the Permanent, Semipermanent Semitrailer Registration Programs**

STATUTORY AUTHORITY: 29-A MRSA, Section 512.

PURPOSE: This rule establishes procedures for the implementation of permanent, and semipermanent trailer registration programs.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Long term trailer registrants and agents.

**CHAPTER 162: The Administration of the International Registration Plan**

STATUTORY AUTHORITY: 29-A MRSA, Section 531

PURPOSE: This rule outlines the procedures and standards governing Maine's participation in the International Registration Plan.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Most owners of medium and heavy trucks operating in interstate and foreign commerce.

**CHAPTER 164: The Administration of Overweight Oceangoing Containers (OGC) Permits**

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule outlines the procedures and standards allowing for the discretionary permitting of overweight oceangoing containers.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: OGC transporters.

**CHAPTER 165: The Administration of the International Fuel Tax Agreement and the Intrastate Fuel Tax Program**

STATUTORY AUTHORITY: 29-A MRSA, Section 525

PURPOSE: This rule outlines the procedures and standards for participation in the International Fuel Tax Agreement.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Motor carriers that are required to file motor fuel tax reports and obtain fuel decals.

**CHAPTER 168: The Administration of USDOT Numbers for Certain Intrastate Motor Carriers**

STATUTORY AUTHORITY: 29-A MRSA, Section 555-A

PURPOSE: This rule outlines the procedures and standards for the administration of United States Department of Transportation (USDOT) numbers to those qualifying intrastate motor carriers.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Intrastate motor carriers required to have USDOT numbers.

**CHAPTER 169: The Administration of the Performance and Registration Information Systems Management (PRISM) Program**

STATUTORY AUTHORITY: 29-A MRSA, Section 2458

PURPOSE: This rule implements the registration-related requirements of the Performance and Registration Information System and Management program.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Motor carriers which are calculated to be high risk, unsafe transport companies.

**CHAPTER 170: Permitting Commercial Vehicles at Canadian Weight Limits to Travel From Designated Points at the Canadian Border to Baileyville, Madawaska, and Van Buren**

STATUTORY AUTHORITY: 29-A MRSA, Section 2354-C

PURPOSE: This rule implements the Canadian Weight Limits program.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Motor carriers operating at the Canadian weight limits.

**CHAPTER 171: The Administration of the Unified Carrier Registration Agreement**

STATUTORY AUTHORITY: 29-A MRSA Section 551

PURPOSE: This rule outlines the procedures and standards governing Maine's participation in the Unified Carrier Registration Agreement.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Maine and certain Canadian interstate motor carriers.

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AGENCY UMBRELLA-UNIT NUMBER: **94-591**

AGENCY NAME: **Motor Carrier Review Board** *(Repealed by legislative action)*

**CONTACT PERSON:** April Goodwin, Bureau of Motor Vehicles, 29 State House Station, Augusta, Maine 04333-0029. Tel: (207) 624-9063.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020 - 2021 RULE-MAKING ACTIVITY:**

**CHAPTER 1: Bylaws of the Maine Motor Carrier Review Board (REPEAL)**

STATUTORY AUTHORITY: 29-A MRSA, Section 562 – *Repealed by the 2<sup>nd</sup> regular session of the 129<sup>th</sup> legislature.*

PURPOSE: This rule contains the bylaws governing the internal management of the Maine Motor Carrier Review Board.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any carriers.

**CHAPTER 2: The Process for the Selection and Review of Motor Carriers With Significant and Repeated Safety Violations (REPEAL)**

STATUTORY AUTHORITY: 29-A MRSA, Section 562 *Repealed by the 2<sup>nd</sup> regular session of the 129<sup>th</sup> legislature.*

PURPOSE: This rule contains the selection process for motor carriers with significant safety violations, establishes threshold rating factors and the method and timing of carrier notification, and sets forth the process for the suspension of a motor carrier's privilege to operate a commercial motor vehicle in the State of Maine.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: All motor carriers having a violation history deemed to be serious enough to merit review and possible suspension.

**CHAPTER 3: Hearing Procedures (REPEAL)**

STATUTORY AUTHORITY: 29-A MRSA, Section 562 *Repealed by the 2<sup>nd</sup> regular session of the 129<sup>th</sup> legislature.*

PURPOSE: This rule sets forth the procedures to be followed by the Board when a hearing is conducted regarding a carrier's appeal from the suspension of its privilege to operate a commercial motor vehicle or a request for reinstatement of the privilege.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: All motor carriers which have a violation history deemed to be serious enough to merit review hearing.

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AGENCY UMBRELLA-UNIT NUMBER: **29-250**

AGENCY NAME: Department of Secretary of State, **Bureau of Corporations, Elections and Commissions**

**CONTACT PERSON:** Julie L. Flynn, Deputy Secretary of State, 101 State House Station, Augusta, Maine 04333-0101. Telephone: (207) 624-7736. Email: [Julie.Flynn@Maine.gov](mailto:Julie.Flynn@Maine.gov) .

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 200:** Rules for the Use of Expedited Service in Corporations

STATUTORY AUTHORITY: 10 MRSA §1527-B; 13-B MRSA §1402-A; 13-C MRSA §124; 31 MRSA §1457; 31 MRSA §1669; and 31 MRSA §813

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 201:** Rules for the Sale of Publications in Corporations

STATUTORY AUTHORITY: 10 MRSA §1527-D; 13 MRSA §905; 13-B MRSA §1405; 13-C MRSA §143; 31 MRSA §1459; 31 MRSA §1671; and 31 MRSA §815

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 240:** Rules for Limited Liability Partnerships under Title 31, Ch. 15

STATUTORY AUTHORITY: 31 MRSA §812

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for Limited Liability Partnerships.

**CHAPTER 250:** Rules for Business Corporations under Title 13-C

STATUTORY AUTHORITY: 13-C MRSA §141

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for business corporations.

**CHAPTER 260:** Rules for Nonprofit Corporations under Title 13-B

STATUTORY AUTHORITY: 13-B MRSA §1302-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for nonprofit corporations under Title 13-B.

**CHAPTER 270:** Rules for Limited Partnerships under Title 31, Ch. 19

STATUTORY AUTHORITY: 31 MRSA §1456

**PURPOSE:** The Secretary of State may find it necessary to update and clarify this rule during the next year.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2021.

**AFFECTED PARTIES:** Any customer of the Division of Corporations filing documents for limited partnerships.

**CHAPTER 280:** Rules for Marks Registered under Title 10, Ch. 301-A

**STATUTORY AUTHORITY:** 10 MRSA §1527-A, sub-§1

**PURPOSE:** The Secretary of State may find it necessary to update and clarify this rule during the next year.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2021.

**AFFECTED PARTIES:** Any customer of the Division of Corporations filing documents for a mark in the State of Maine.

**CHAPTER 290:** Rules for Limited Liability Companies under Title 31, Ch. 13

**STATUTORY AUTHORITY:** 31 MRSA §1668

**PURPOSE:** The Secretary of State may find it necessary to update and clarify this rule during the next year.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2021.

**AFFECTED PARTIES:** Any customer of the Division of Corporations filing documents for limited liability companies.

**CHAPTER 401:** Administrative Rules for Uniform Commercial Code Title 11, Article 9-A

**STATUTORY AUTHORITY:** 11 MRSA §9-1526

**PURPOSE:** The Secretary of State may find it necessary to update and clarify this rule during the next year.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2021.

**AFFECTED PARTIES:** Any interested person wishing to file UCC liens or requesting information on filed UCC liens.

**CHAPTER 502:** Rules Governing the Conduct and Procedures for Election Recounts

**STATUTORY AUTHORITY:** 21-A MRSA §737-A, sub-§12

**PURPOSE:** The Secretary of State may find it necessary to update and clarify this rule during the next year.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2021.

**AFFECTED PARTIES:** Candidates for offices in which a recount has been requested.

**CHAPTER 505:** Voter List Maintenance Procedures under Title 21-A

**STATUTORY AUTHORITY:** 21-A MRSA §161, sub-§2-A

**PURPOSE:** The Secretary of State may find it necessary to update and clarify this rule during the next year.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2021.

**AFFECTED PARTIES:** All municipalities in the State of Maine as well as newly registered voters and registered voters who wish their names to be removed from their respective voter registration lists.

**CHAPTER 510:** Administrative Complaint Procedure for Title III of the *Help America Vote Act of 2002* (HAVA)

**STATUTORY AUTHORITY:** 21-A MRSA §222

**PURPOSE:** The Secretary of State may find it necessary to update and clarify this rule during the next year.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2021.

AFFECTED PARTIES: Any person who believes that a violation of Title III of the *Help America Vote Act of 2002* (HAVA) has occurred, is occurring or is about to occur in a federal election.

**CHAPTER 520:** Rules Regarding Publication of Public Comments on Statewide Referenda

STATUTORY AUTHORITY: 1 MRSA §354

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Any person or group who wishes to submit a public comment for or against a statewide referenda question for publication in the Citizen's Guide to the Referendum Election.

**CHAPTER 525:** Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots

STATUTORY AUTHORITY: 21-A MRSA §783

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Uniformed Service and Overseas voters ("UOCAVA" voters) who cast a ballot for a federal or state election.

**CHAPTER 535:** Rules Governing the Administration of Elections Determined by Ranked-choice Voting

STATUTORY AUTHORITY: 21-A MRSA §723-A, sub-§5-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Candidates seeking an office that is determined by Ranked-choice voting, municipal election officials and Maine voters.

**CHAPTER 536:** Rules Establishing Procedures for Requesting and Conducting Recounts of Elections Determined by Ranked-choice Voting

STATUTORY AUTHORITY: 21-A MRSA §723-A, sub-§5-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Candidates seeking a recount for an office that is determined by Ranked-choice voting.

**CHAPTER 550:** Rules for Determining Voter Intent

STATUTORY AUTHORITY: 21-A MRSA §696, sub-§6

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Municipal election officials who count ballots for statewide elections.

**CHAPTER 700:** Rules Governing Eligibility and Procedures for Appointment and Renewal of Commissions of Notaries Public

STATUTORY AUTHORITY: 5 MRSA §82, sub-§6

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Any person applying for a notary public commission or renewing a commission.

**CHAPTER 800:** Procedures for the Electronic Filing of Rules

STATUTORY AUTHORITY: 5 MRSA §8056, sub-§8

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: All rulemaking agencies.

**CHAPTER 900:** Administration of Address Confidentiality Program

STATUTORY AUTHORITY: 5 MRSA §90-B, sub-§8.

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Victims of domestic abuse, sexual assault or stalking who wish to limit access to their addresses.

**CHAPTER 950:** Rules for Digital Signatures

STATUTORY AUTHORITY: 10 MRSA §9503

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: State agency customers desiring to file electronic transactions which require a digital signature.

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AGENCY UMBRELLA-UNIT NUMBER: **29-255**

AGENCY NAME: Department of Secretary of State, **Maine State Archives**

AGENCY RULEMAKING LIAISON: **Tammy Marks**, 84 SHS, 230 State Street, Augusta, Maine 04333-0084, (207) 287-5799. Email: [Tammy.Marks@Maine.gov](mailto:Tammy.Marks@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING:**

**CHAPTER 1:** State Agency Records Programs

STATUTORY BASIS: 5 MRSA §95

PURPOSE: This rule prescribes policies, standards, and procedures for the economical and efficient management of State records. The rule may be amended to comply with law and policy changes.

SCHEDULE FOR ADOPTION: Prior to October 2020

AFFECTED PARTIES: Municipal, state and county officials

**CHAPTER 2:** State Records Center Facilities and Services

STATUTORY BASIS: 5 MRSA §95

PURPOSE: This rule prescribes policies, standards, and procedures to govern the custody, use and withdrawal of agency records transferred to State Records Center facilities. The rule may be amended to comply with law and policy changes.

SCHEDULE FOR ADOPTION: Prior to October 2020

AFFECTED PARTIES: Municipal, state and county officials

**CHAPTER 3: Imaging State Records**

STATUTORY BASIS: 5 MRSA §95

PURPOSE: These rules provide (a) standards to be used by State agencies for imaging records; (b) criteria for using digital and microfilm copies; (c) standards for storing digital and microfilm copies of permanent records; and (d) information concerning digital and microfilm services available from the Maine State Archives. The rule may be amended to comply with law and policy changes.

SCHEDULE FOR ADOPTION: Prior to October 2020

AFFECTED PARTIES: Municipal, state and county officials

**CHAPTER 4: Rules for the Public Use of Materials and Facilities in the Maine State Archives**

STATUTORY BASIS: 5 MRSA §95

PURPOSE: This rule includes the policies and procedures governing the public use of agency records, archives, and deposited records in the custody of the Maine State Archives. This rule also prescribes policies and procedures governing the public use of certain facilities in the Maine State Archives. The rule may be amended to comply with law and policy changes.

SCHEDULE FOR ADOPTION: Prior to October 2020

AFFECTED PARTIES: All customers of the Maine State Archives

**65**  
**PUBLIC UTILITIES COMMISSION**  
2020-2021 Regulatory Agenda  
June 11, 2020

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**65-407: Public Utilities Commission (General)**  
**65-624: Emergency Services Communication Bureau**

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AGENCY UMBRELLA-UNIT NUMBER: **65-407**  
AGENCY NAME: **Maine Public Utilities Commission**

**CONTACT PERSON:** Mitchell Tannenbaum, General Counsel, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1391. Email: [Mitchell.Tannenbaum@Maine.gov](mailto:Mitchell.Tannenbaum@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**CHAPTER 319:** Non-Wire Alternatives

STATUTORY AUTHORITY: P.L. 2019 ch. 298

PURPOSE: To adopt rules to implement recently enacted legislation

AFFECTED PARTIES: Transmission and Distribution Utilities

EFFECTIVE: April 15, 2020 (filing 2020-096 – EMERGENCY).

**CHAPTER 324:** Small Generator Interconnection Procedures

STATUTORY AUTHORITY: 35-A M.R.S. §3482

PURPOSE: To conform rule to recently enacted legislation

AFFECTED PARTIES: Small Generator Developers and Transmission and Distribution Utilities

EFFECTIVE: December 11, 2019 (filing 2019-230-EMERGENCY)

**CONSENSUS – BASED RULE DEVELOPMENT PROCESS:** At this time, the Commission does not anticipate engaging in the consensus – based rule development process described in 5 M.R.S. §8051-B during 2020-2021.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 25:** Coin-Operated Telephone Service

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 301, 307, 704, 1301, 1306-1308, 2101, 2102, 2105, 2110, 7101, 7301, 7503

PURPOSE: To reexamine this rule in light of the substantial changes in the telecommunications industry and telecommunications regulation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of payphones

**CHAPTER 200:** Reporting Requirements for Telecommunications Carrier's Service Outages

STATUTORY AUTHORITY: 35-A M.R.S. §7226

PURPOSE: To adopt rules to implement P.L. 2011, ch. 623

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Incumbent Local Exchange Carriers

**CHAPTER 202:** Requirements for Audiotext (Pay-Per-Call) Services

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 801-808

PURPOSE: To repeal the rule as the Legislature has repealed the authorizing statutes.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 210:** Uniform System of Accounts-Telephone Utilities

STATUTORY AUTHORITY: 35-A M.R.S. §§ 101, 103, 104, 107, 111, 112, 501, 502, 504, 505

PURPOSE: To reexamine this rule in light of the substantial changes in the telecommunications industry and telecommunications regulation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 230:** Installation, Maintenance and Ownership of Customer Premises Wire

STATUTORY AUTHORITY: 35-A M.R.S. §§ 111, 7306

PURPOSE: To examine whether this rule should be amended or repealed.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 280:** Provision of Competitive Telecommunications Services

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 301, 1301, 2102, 2110, 7101-B, 7104-A, 7303

PURPOSE: To amend the rule to comport with recent legislative changes to telecommunications regulation in Maine.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Competitive Local Exchange Carriers

**CHAPTER 289:** Requirements and Terms for Bundled Services Offered by Incumbent Local Exchange Carriers

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 704, 7302

PURPOSE: To reexamine this rule in light of the changes in the telecommunications industry and telecommunications regulation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 293:** Abandonment of Service and Authority to Provide Service and Transfer of Customers by Competitive Telecommunications Carriers

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 1105, 7106

PURPOSE: To reexamine this rule in light of the changes in the telecommunications industry and telecommunications regulation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 301: Standard Offer Service**

STATUTORY AUTHORITY: 35-A M.R.S. §3212

PURPOSE: To update the rule's credit and collection provisions

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: Standard Offer Providers and Transmission and Distribution Utilities

**CHAPTER 311: Renewable Resource Portfolio Requirement**

STATUTORY AUTHORITY: 35-A M.R.S. §3210

PURPOSE: To conform rule to recently enacted legislation

ANTICIPATED SCHEDULE: Summer 2020

AFFECTED PARTIES: Generator Developers and Competitive Electricity Providers.

**CHAPTER 319: Non-Wire Alternatives**

STATUTORY AUTHORITY: P.L. 2019 ch. 298

PURPOSE: To implement rules to implement recently enacted legislation

ANTICIPATED SCHEDULE: Summer 2020

AFFECTED PARTIES: Transmission and Distribution Utilities

**CHAPTER 322: Metering, Billing, Collections and Enrollment Interactions Among Transmissions and Distribution Utilities and Competitive Electricity Providers**

STATUTORY AUTHORITY: 35-A M.R.S. §3203

PURPOSE: To update the rule's credit and collection provisions

ANTICIPATED SCHEDULE: Winter 2020

AFFECTED PARTIES: Transmission and Distribution Utilities and Competitive Electricity Providers

**CHAPTER 430: Cost of Gas Adjustment for Gas Utilities**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 4703, 4706

PURPOSE: To consider amendments to update the rule and that would allow flexibility in determining the cost of gas adjustment period

ANTICIPATED SCHEDULE: Winter 2020

AFFECTED PARTIES: Natural Gas Utilities

**CHAPTER 440: Gas Utility Meter Performance, Accuracy, Testing, and Related Standards**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104 and 111

PURPOSE: To consider amendments to the rule that would allow flexibility in determining the cost of gas adjustment period

ANTICIPATED SCHEDULE: Winter 2020

AFFECTED PARTIES: Natural Gas Utilities

**CHAPTER 62: Service Standards for Water Utilities**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111

PURPOSE: To update rule concerning water conservation and required meter testing frequencies

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Water Utilities

**CHAPTER 63:** Major Construction Projects of Water Utilities

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111

PURPOSE: To update rule frequencies

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Water Utilities

**CHAPTER 65:** Water Main Extension and Service Line Rule

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111

PURPOSE: To update rule

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Water Utilities

**CHAPTER 880:** Attachments to Joint-Use Utility Poles; Determination and Allocation of Costs; Procedure

STATUTORY AUTHORITY: 35-A M.R.S. §§ 111, 301, 711, 7903, 8302; PL 2019 c. 128

PURPOSE: To implement "One Touch Make Ready" procedures and abandoned utility pole requirements

ANTICIPATED SCHEDULE: Winter 2020/2021

AFFECTED PARTIES: Telecommunications providers and Electric Transmission and Distribution Utilities

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AGENCY UMBRELLA-UNIT NUMBER: **65-625**

AGENCY NAME: Maine Public Utilities Commission, **Emergency Services Communication Bureau**

**CONTACT PERSON:** Mitchell Tannenbaum, General Counsel, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1391. Email: [Mitchell.Tannenbaum@Maine.gov](mailto:Mitchell.Tannenbaum@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** None

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**ENERGY PROGRAMS:** Formerly 19-530 Department of Economic and Community Development, Energy Conservation Division

**CONTACT PERSON:** Mitchell Tannenbaum, General Counsel, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1391. Email: [Mitchell.Tannenbaum@Maine.gov](mailto:Mitchell.Tannenbaum@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 400:** Energy Efficiency Standards for Subsidized Multi-Family Residences

STATUTORY AUTHORITY: Moved to 65-407, PUBLIC UTILITIES COMMISSION:

July 1, 2003 - PL 2003 c.20

PURPOSE: Update rule based on recent legislation PL 2019 c. 306  
ANTICIPATED SCHEDULE: Summer 2020  
AFFECTED PARTIES: Subsidized Housing Developers

**90-351**  
**WORKERS' COMPENSATION BOARD**  
**2020-2021 Regulatory Agenda**  
August 18, 2020

AGENCY UMBRELLA-UNIT NUMBER: **90-351**  
AGENCY NAME: **Workers' Compensation Board**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Richard N. Hewes, General Counsel, 27 State House Station, Augusta, Maine 04333-0027  
Telephone: (207) 287-7107; [Richard.hewes@maine.gov](mailto:Richard.hewes@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update procedures regarding Board forms impacted by electronic filing of information.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Clarify coverage notification requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Clarify notification requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 2: Section 213 Compensation for Partial Incapacity**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(2)

PURPOSE: To clarify the procedures for collecting permanent impairment data.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 2: Section 213 Compensation for Partial Incapacity**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(1)

PURPOSE: To clarify the procedures regarding extensions of benefits due to extreme financial hardship.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 2: Section 213 Compensation for Partial Incapacity**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(1)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: To require electronic filing of payment and related information.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: To amend procedures for electronic filing of coverage information.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: To clarify filing procedures/requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To clarify/update eligibility requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To clarify/update procedural issues.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To update fees and expenses and procedures.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To update the medical fee schedule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To update facility fee section.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To clarify procedures.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 6: Rehabilitation**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §217

PURPOSE: To update/clarify procedures related to rehabilitation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 6: Rehabilitation**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §217

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §210

PURPOSE: Update utilization review procedures and guidelines.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(8)

PURPOSE: Establish a schedule for determining permanent impairment.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(8)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 8: Procedures for Payment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update to conform with electronic filing requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 8: Procedures for Payment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 9: Procedure for Coordination of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update to conform to electronic filing requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 9: Procedure for Coordination of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A); §221(4)

PURPOSE: Clarify procedures for coordinating benefits.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 9: Procedure for Coordination of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A); §221(4)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 10: Attorney's Fees**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §325(3)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 11: Mediation**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(6)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 12: Formal Hearings**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Clarify procedures, including time for filing petitions.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 12: Formal Hearings**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; and improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 13: Appellate Division**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Amend procedures for Appellate Division.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 13: Appellate Division**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 14: Review By Full Board**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §320

PURPOSE: Update procedure for Board review of hearing officer decisions.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 14: Review By Full Board**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §320

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 15: Penalties**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Update process/procedure regarding penalties.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 15: Penalties**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 16: Confidentiality of Files**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 17: Expenses and Fees**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312, §315

PURPOSE: Update expenses.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 17: Expenses and Fees**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312, §315

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 18: Examination By Impartial Physician(s) Pursuant to 39-A M.R.S.A. Sec. 611**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312,

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

#### **CHAPTER 19: Worker Advocates**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)

PURPOSE: Worker Advocate case management authority.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 19: Worker Advocates**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)

PURPOSE: Review rules to ensure they are up-to-date with the *Workers' Compensation Act*; eliminate unnecessary provisions; and add provisions that will improve this rule and the operation the Board.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 2: Predeterminations**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §105, §105-A, §324(3)

PURPOSE: Establish procedures regarding independent contractors, misclassification of employees.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**90-590**  
**MAINE HEALTH DATA ORGANIZATION**  
2020 - 2021 Regulatory Agenda

AGENCY UMBRELLA UNIT NUMBER: **90-590**  
AGENCY NAME: **Maine Health Data Organization (MHDO)**

**CONTACT INFORMATION FOR THE AGENCY:** Debra J. Dodge, 102 State House Station, Augusta, ME 04333-0102. Tel: (207) 287-6724, E-mail: [debra.j.dodge@maine.gov](mailto:debra.j.dodge@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 120:** Release of Information to the Public (*Major Substantive*)  
STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§4, §8708, §8714, §8715, §8716, and §8717

PURPOSE: This rule may be amended to update the data elements allowable for release to authorized data recipients.

SCHEDULE FOR ADOPTION: Prior to October 2021

AFFECTED PARTIES: All parties who request, access, and utilize data from the MHDO and all parties who submit data to the MHDO.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 241:** Uniform Reporting System for Hospital Inpatient Data Sets and Hospital Outpatient Data Sets (*Routine Technical*)

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§1 and 4 and §8708

PURPOSE: This rule may be amended to add and/or remove data elements.

SCHEDULE FOR ADOPTION: Prior to October 2021

AFFECTED PARTIES: All Maine hospitals that submit health-related data to the MHDO

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 243:** Uniform Reporting System for Health Care Claims Data Sets (*Routine Technical*)

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§1 and 4, and §8708

PURPOSE: This rule will be amended to add data fields for in and out of network provider designation and for the collection of non-claims based primary care payments. Additional clarifications to definitions and appendices will also be made.

SCHEDULE FOR ADOPTION: Fall 2020

AFFECTED PARTIES: All Maine licensed health insurance carriers, health maintenance organizations, and carriers that provide only administrative services for plan sponsors, and third-party administrators of health benefits plans administered for employers or a plan sponsor that pay claims for Maine residents.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 270:** Uniform Reporting System for Health Care Quality Data Sets (*Major Substantive*)

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§4 and §8708-A

PURPOSE: This rule may be amended to add health care quality data collected by the MHDO that are relevant due to COVID-19.

SCHEDULE FOR ADOPTION: Prior to October 2021

AFFECTED PARTIES: All health care practitioners.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 570:** Uniform Reporting System for Prescription Drug Price Data Sets  
(*Major Substantive*)

STATUTORY BASIS: 22 M.R.S. Sections 8703 (1), 8704(1), 8705-A and 8705A(3), 8731, 8732, 8733, 8734, 8737, and PL 2019, c470.

PURPOSE: This rule will be amended to clarify definitions and reporting requirements.

SCHEDULE FOR ADOPTION: Fall 2020

AFFECTED PARTIES: All drug manufacturers, wholesale drug distributors and pharmacy benefit managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 630:** Uniform System for Reporting Baseline Information and Restructuring Occurrences Relevant to the Delivery and Financing of Health Care in Maine  
(*Routine Technical*)

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§4 and §8710

PURPOSE: This rule may be repealed due to changes made to Chapter 300.

SCHEDULE FOR ADOPTION: Prior to October 2021

AFFECTED PARTIES: All Maine hospitals and their parent entities.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**94-088**  
**MAINE ARTS COMMISSION**  
2020-2021 Annual Regulatory Agenda  
June 16, 2020

AGENCY UMBRELLA-UNIT NUMBER: **94-088**  
AGENCY NAME: **MAINE ARTS COMMISSION**

**CONTACT INFORMATION:** Julie Richard, Executive Director, 193 State Street,  
25 State House Station, Augusta, ME 04333. Telephone: (207) 287-2710. E-mail:  
[Julie.Richard@Maine.gov](mailto:Julie.Richard@Maine.gov).

**CONTACT INFORMATION:** Darren Henry, Operations Director, 193 State Street,  
25 State House Station, Augusta, ME 04333. Telephone: (207) 287-2726. E-mail:  
[Darren.Henry@Maine.gov](mailto:Darren.Henry@Maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:** None

**94-089**  
**MAINE HISTORIC PRESERVATION COMMISSION**  
Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **94-089**  
AGENCY NAME: **Maine Historic Preservation Commission**

**CONTACT PERSON:** Kirk F. Mohny, Director, 65 State House Station, Augusta, ME 04333-0065. Tel: (207) 287-3811. Email: [Kirk.Mohny@Maine.gov](mailto:Kirk.Mohny@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 811:** Historic Buildings Restoration Grants

STATUTORY AUTHORITY: 5 M.R.S.A §1931, 27-A M.R.S.A. §§504, 505, P. and Sp. L. 1985, c. 73.

PURPOSE: The Maine Historic Preservation Commission plans to review and amend as necessary the existing Rules that went into effect in 1986.

SCHEDULE FOR ADOPTION: Promulgation of amended rules in 2018.

AFFECTED PARTIES: Governmental and non-profit owners of properties listed in the National Register of Historic Places in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: The Commission does not plan to use a Consensus-Based Rule Development process for this review and update.

**CHAPTER 810:** Maine Historic Restoration Standards

STATUTORY AUTHORITY: 27 M.R.S.A. §504.

PURPOSE: The Maine Historic Preservation Commission plans to review and amend or repeal as necessary the existing standards that went into effect in 1986.

SCHEDULE FOR ADOPTION: Promulgation of amended standards in 2018.

AFFECTED PARTIES: Owners of historic buildings and structures, and local historical commissions involved in the preservation, restoration, reconstruction, and rehabilitation of historic properties.

CONSENSUS-BASED RULE DEVELOPMENT: The Commission does not plan to use a Consensus-Based Rule Development process.

**94-270**  
**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**

Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda  
November 17, 2020

AGENCY UMBRELLA-UNIT NUMBER: **94-270**

AGENCY NAME: **Commission on Governmental Ethics and Election Practices**

**CONTACT PERSON:** Jonathan Wayne, Executive Director, 135 State House Station, Augusta, ME 04333. Telephone: (207) 287-4179. Email: [Jonathan.Wayne@Maine.gov](mailto:Jonathan.Wayne@Maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1: Procedures**

STATUTORY AUTHORITY: 1 M.R.S.A. §1003(1); 1 M.R.S.A. §1016-G(4); 5 M.R.S.A. §19(5); 21-A M.R.S.A. §1017(6); 21-A M.R.S.A. §1019-B.

PURPOSE: Chapter 1 describes the nature and operation of the Commission and establishes procedures by which its actions will be governed. These rules include provisions on legislative ethics complaints, campaign finance reporting, lobbyist disclosure procedures, investigations by the Commission, accelerated reporting schedules, independent expenditures, ballot question campaign activity by persons other than PACs, and lobbyist contributions to Legislators.

The Commission does not anticipate amending Chapter 1 of its rules during 2020-2021.

EXPECTED SCHEDULE FOR ADOPTION: N/A.

AFFECTED PARTIES: Prospective candidates for state office and political committees that are required to file campaign finance reports with the Commission; lobbyists; legislators and other officials required to file annual statements disclosing their sources of income; and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: None expected.

**CHAPTER 3: Maine Clean Election Act and Related Provisions**

STATUTORY AUTHORITY: 1 M.R.S. §1003; 21-A M.R.S. §1126

PURPOSE: Chapter 3 establishes procedures to implement the *Maine Clean Election Act* (MCEA), which is Title 21-A, Chapter 14 of the *Maine Revised Statutes*. Under this law, candidates for Governor and the Legislature may qualify to receive public funds for their political campaigns. To be eligible for MCEA funding, candidates must collect a minimum number of qualifying contributions from registered voters in the electoral division for the office sought by the candidate.

The Commission may amend its rule to clarify whether a candidate who has accepted traditional campaign contributions that do not comply with seed money restrictions may qualify for *Maine Clean Election Act* funding if they run for a different political office.

EXPECTED SCHEDULE FOR ADOPTION: by January 2021.

AFFECTED PARTIES: Prospective candidates for the office of Governor, State Senator, or State Representative, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: None expected.

**94-348**  
**MAINE HUMAN RIGHTS COMMISSION**  
**2020-2021 Regulatory Agenda**  
July 2, 2020

AGENCY UMBRELLA-UNIT NUMBER: **94-348**  
AGENCY NAME: **Maine Human Rights Commission**

**RULE-MAKING LIAISON:** Barbara Archer Hirsch, Commission Counsel, 51 State House Station, Augusta, ME 04333-0051. Telephone: (207) 624-6290. Email: [Barbara.ArcherHirsch@mhrc.maine.gov](mailto:Barbara.ArcherHirsch@mhrc.maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2019-2020 RULE-MAKING ACTIVITY:**

**CHAPTER 2:** Procedure

STATUTORY BASIS: 5 M.R.S. §4566(7).

PURPOSE: Update entire rule to include current practices and to conform with changes in the Maine Human Rights Act ("MHRA")

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: All parties and attorneys appearing before the Maine Human Rights Commission ("Commission").

CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 3:** Employment

STATUTORY BASIS: 5 M.R.S. §4566(7).

PURPOSE: Update provisions relating to sexual orientation and gender identity discrimination, pregnancy, and service animals; update to conform with changes in the MHRA.

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Employers, employment agencies, labor unions, and individuals.

CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 4:** Education

PURPOSE: Update rule to address protected classes other than sex; anticipated update to conform with anticipated changes in the MHRA (if LD 1703 is taken up during any special session of the Legislature before the new Legislature convenes).

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Public and private schools, school administrative units, school employees, students, parents, and other individuals.

CONSENSUS-BASED RULE DEVELOPMENT: No

**CHAPTER 7:** Accessibility

STATUTORY BASIS: 5 M.R.S. §4566(7).

PURPOSE: Update provisions relating to sexual orientation and gender identity discrimination and service animals; anticipated update to conform with anticipated changes in the MHRA (if LD 1703 is taken up in any special session of the Legislature before the new Legislature convenes)

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Public accommodations and their owners, individuals

CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 8:** Housing

STATUTORY BASIS: 5 M.R.S. §4566(7).

PURPOSE: Update provisions relating to service animals/assistance animals; update to conform with changes in the MHRA

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Landlords, rental companies, individuals

CONSENSUS-BASED RULE DEVELOPMENT: No.

**94-376**  
**MAINE MUNICIPAL BOND BANK**  
2020-2021 Regulatory Agenda  
June 17, 2020

The **Maine Municipal Bond Bank**, the Maine Health and Higher Educational Facilities Authority, and the Maine Government Facilities Authority do not anticipate any rulemaking in the coming year.

CONTACT PERSON: **Terry Hayes**, Executive Director, Maine Municipal Bond Bank, 127 Community Drive, Augusta, ME 04338. Telephone: (800) 622-9386. Email: [Terry@mmbb.com](mailto:Terry@mmbb.com) .

**94-411**  
**MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM**

2020-2021 Regulatory Agenda  
Filing Deadline: June 25, 2020

AGENCY UMBRELLA-UNIT NUMBER: **94-411**  
AGENCY NAME: **Maine Public Employees Retirement System**

**CONTACT INFORMATION FOR THE AGENCY:** Kathy J. Morin, Manager, Actuarial and Legislative Affairs, P.O. Box 349, Augusta, ME 04332-0349, 207-512-3108, [Kathy.Morin@mainepers.org](mailto:Kathy.Morin@mainepers.org).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**Chapter 511:** Standards for Actively Seeking Work Chapter 601: Group Life Insurance  
**Chapter 702:** Appeals of Decisions of the Executive Director

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:**

**CHAPTER 101:** Earnable Compensation and Calculation of Average Final Compensation  
STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17001(13)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants in the programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 102:** Qualification as a Full-time Student  
STATUTORY BASIS: 5 M.R.S. §17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Beneficiaries of participants in the programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 103:** Qualified Domestic Relations Orders  
STATUTORY BASIS: 5 M.R.S. §17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Divorcing members/ retirees and their spouses and dependent children who are participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 104:** Limitations on Earnable Compensation for Purposes of Calculating Average Final Compensation of State Employee and Teacher Members  
STATUTORY BASIS: 5 M.R.S. §§ 17001(4), 17001(13), 17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: State employee and teacher members of the Maine Public Employees Retirement System retirement program for state employees and teachers  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 201:** Reporting by Participating Local Districts and Public Schools  
STATUTORY BASIS: 5 M.R.S. §17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: School administrative units and participating local districts in the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 202:** Medical Board  
STATUTORY BASIS: 5 M.R.S. §17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Disability applicants/benefit recipients in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 204:** Waiver of Member Payment Requirement Where Caused by Employer Error or Omission  
STATUTORY BASIS: 5 M.R.S. §17103(6)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants in the programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 301:** Interest Calculations  
STATUTORY BASIS: 5 M.R.S. §17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 302:** Retirement Incentives  
STATUTORY BASIS: 5 M.R.S. §17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 303:** Actuarial Factors Tables  
STATUTORY BASIS: 3 M.R.S. §701(2), 4 M.R.S. §1201(2), 5 M.R.S. §§ 17001(2), 17103(4)  
PURPOSE: Amend if necessary; repeal and replace if necessary  
SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 401:** Membership and Creditable Service - State Employees and Participating District Employees

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: State employees and participating local district participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 404:** Membership and Creditable Service - Public School Teachers

STATUTORY BASIS: 5 M.R.S. §§ 17001(42), 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; amend title to explicitly include other public school employees eligible for membership in the teacher plan

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Teacher members of the Maine Public Employees Retirement System retirement program for state employees and teachers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 406:** Payment or Repayment of Contributions, Back Time, Refunds or Purchase of Service Credits

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17701(4), 17704, 17704-A, 17763, 18301(4), 18362

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 410:** Retirees Returning to Employment after Retirement with the Same Employer

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17859

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 411:** Eligible Rollover Distributions

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 412:** Limitations on Compensation

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 413:** Limitations on Contributions and Benefits

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 414:** Required Minimum Distributions

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 415:** Contributions, Benefits and Service Credit with Respect to Qualified Military Service

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 505:** Request for Suspension of Retirement Benefits

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 507:** Determination of Inability to Engage in Substantially Gainful Activity

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 509:** Determination of Impossibility to Perform the Duties of the Employment Position

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17901, 17921, 18501, 18521

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 510:** Reduction of Disability Retirement Benefits because of Lump-Sum Settlements of Benefits Payable under the Workers' Compensation or Similar Law or the United States Social Security Act

STATUTORY BASIS: 3 M.R.S. §853; 4 M.R.S. §1353(6); 5 M.R.S. §§ 17906(2); 17930(4); 18506(2); 18530(4); 1122(5-A), 1122(6)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants receiving disability benefits from the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 511:** Standards for Actively Seeking Work

STATUTORY BASIS: 5 M.R.S. §§ 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 601:** Group Life Insurance

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 18503, 18653

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the Group Life Insurance Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 602:** Procedures for Contract Awards

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Persons seeking to contract with the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 702:** Appeals of Decisions of the Executive Director

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Persons appealing decisions of the Executive Director of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 802:** Participating Local Districts: Membership of Part-time, Seasonal or Temporary Employees

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 803:** Participating Local District Consolidated Retirement Plan

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 804:** Rebuttable Presumption for Death Benefits

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System and their surviving spouses and children.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 901:** Adjustment to Retirement Benefits for Confidential State Employees

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend if necessary; repeal or replace if necessary

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Deferred Compensation/Defined Contribution Plans

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: New rule; to establish requirements and procedures for implementing defined contribution plans

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Reduction of Accidental Death Benefits because of Lump-sum Settlements of benefits payable under the Workers' Compensation Act or Similar Law  
STATUTORY BASIS: 3 M.R.S. §856, 4 M.R.S. §1356, 5 M.R.S. §§ 18005(2), 18506(2)  
PURPOSE: New rule; to provide basis for proration of lump-sum Workers' Compensation and similar payments  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Earnings Limitation under Article 3 and Article 3-A Disability Programs  
STATUTORY BASIS: 3 M.R.S. §853, 4 M.R.S. §1353(5), 5 M.R.S. §§ 17103(4), 17906(1), 17930, 18506, 18530; PL 2001, chapter 443  
PURPOSE: New rule; to establish interpretation/application of statutes; standards; procedures  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Compliance with Payroll and Reporting Requirements  
STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17105(5)(B)  
PURPOSE: New rule; to establish a schedule of penalties and interest to ensure compliance with payroll reporting/ payment, recordkeeping responsibilities, and related compliance procedures  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Payroll Reporting  
STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17601, 17701, 18301, 18303  
PURPOSE: New rule; to establish requirements of the System's recordkeeping processes, some of which may change as processes are automated.  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants and employers of participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Implementation of Guidelines for Medical Consultation on Disability Cases  
STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17106, 17902, 17925, 18502, 18525  
PURPOSE: New rule; to establish procedural and other requirements  
SCHEDULE FOR ADOPTION: 2020-2021  
AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Death Benefits

STATUTORY BASIS: 5 M.R.S. §§ 17103((4), 17951-17953, 18001-18006, 18551-18557, 18601-18606

PURPOSE: New rule; to establish procedural and other requirements

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Designated beneficiaries, surviving spouses, children, parents and estates of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Refunds of Accumulated Contributions

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17705-A, 17706-A, 18306-A, 18307-A

PURPOSE: New rule; to establish procedural and other requirements

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants and designated beneficiaries, surviving spouses, children, parents and estates of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Digital Signatures

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: New rule; to establish criteria for the use of digital signatures

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants and employers in the programs of the Maine Public Employees Retirement System and vendors engaging in transactions with the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Application of "In Combination" Analysis to Determinations of Eligibility for Disability Retirement Benefits

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17901, 17921, 18501, 18521

PURPOSE: New rule; to provide guidance on the determination of eligibility for disability retirement benefits when a member applies on the bases of multiple conditions

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Disability Retirement - Definition of Key Terms

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17901, 17921, 18501, 18521

PURPOSE: New rule; to establish definitions of key terms used in the disability retirement program

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE:** Auditing of Employer Records

STATUTORY BASIS: 5 M.R.S. §§ 17054-A, 17103(4), 17105(5)

PURPOSE: New rule; to establish guidelines for the auditing of employer records to ensure compliance with applicable laws

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**OTHER RULEMAKING ACTIONS:** Automated Processing

STATUTORY BASIS: 5 M.R.S. §17103(4)

PURPOSE: Amend current rules and adopt new rules as necessary to convert to increased use of automated processing to enhance timeliness and accuracy of the functions performed in the programs of the Maine Public Employees Retirement System.

SCHEDULE FOR ADOPTION: 2020-2021

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**94-412**  
**SACO RIVER CORRIDOR COMMISSION**  
Maine Administrative Procedure Act  
**2020-2021 Regulatory Agenda**

AGENCY UMBRELLA-UNIT NUMBER: **94-412**  
AGENCY NAME: **Saco River Corridor Commission**

**RULEMAKING LIAISON:** Dalyn Houser, P.O. Box 283, Cornish, Maine 04020. Email: [dalyn@srcc-maine.org](mailto:dalyn@srcc-maine.org). Telephone: (207) 625-8123.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 101:** Regulations for the Processing of Applications for Permits, Variances, or Certificates of Compliance.

**STATUTORY BASIS:** During the 106<sup>th</sup> session of the Maine State Legislature, the Saco River Corridor Commission was given the authority under 38 M.R.S.A. Section 954-C, “After notice and public hearing” to adopt such rules and regulations governing its procedures as it deems necessary to carry out the purposes of the *Saco River Corridor Act*.

**PURPOSE:** To insert definitions for certain terms to create clearer meaning of Commission Regulations and modifications to certain procedural items.

**SCHEDULE FOR ADOPTION:** Between October 2020 and May 2021.

**AFFECTED PARTIES:** Citizens of Saco River Corridor communities and Property owners within the Saco River Corridor.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**CHAPTER 104:** Performance Standards for Multi-Unit Residential Dwellings, Including Condominium and Cluster Development.

**STATUTORY BASIS:** During the 106<sup>th</sup> session of the Maine State Legislature, the Saco River Corridor Commission was given the authority under 38 M.R.S.A., Section 954-C, “After notice and public hearing” to adopt such rules and regulations governing its procedures as it deems necessary to carry out the purposes of the *Saco River Corridor Act*.

**PURPOSE:** To update standards for multi-unit residential units and cluster development, and create a variance from the minimum lot size requirement within the General Development District of the Corridor.

**SCHEDULE FOR ADOPTION:** Between October 2020 and May 2021.

**AFFECTED PARTIES:** Citizens of Saco River Corridor communities and Property owners within the Saco River Corridor.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**CHAPTER 107:** Performance Standards Governing Expansions of Existing Nonconforming Uses, Including Structures.

**STATUTORY BASIS:** During the 106<sup>th</sup> session of the Maine State Legislature, the Saco River Corridor Commission was given the authority under 38 M.R.S.A.,

Section 954-C, “After notice and public hearing” to adopt such rules and regulations governing its procedures as it deems necessary to carry out the purposes of the *Saco River Corridor Act*.

PURPOSE: To update 30% expansion standards for nonconforming structures.

SCHEDULE FOR ADOPTION: Between October 2020 and May 2021.

AFFECTED PARTIES: Citizens of Saco River Corridor communities and property owners within the Saco River Corridor.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**94-457**  
**FINANCE AUTHORITY OF MAINE (FAME)**  
2020-2021 Regulatory Agenda  
June, 2020

AGENCY UMBRELLA UNIT NUMBER: **94-457**  
AGENCY NAME: **Finance Authority of Maine**

**CONTACT PERSON:** Christopher H. Roney, General Counsel, Finance Authority of Maine, 5 Community Drive, PO Box 949, Augusta, Maine 04332-0949. Tel: (207) 623-3263. ([croney@famemaine.com](mailto:croney@famemaine.com))

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** none

**EXPECTED FISCAL YEAR 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 307: Maine Seed Capital Tax Credit Program**

STATUTORY AUTHORITY: 10 M.R.S.A., §969-A(14), 10 MRSA §1100-T

PURPOSE: Amend the procedures, standards, fees, requirements, and criteria for participation in the program. Amendments will also implement legislative changes, if any.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: May 2020; Adoption Date: July 2020.

AFFECTED PARTIES: Businesses and investors participating in the Program.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 321: Waste Motor Oil Disposal Site Remediation Program.**

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14) and 10 M.R.S.A. Section 1020-A(8)

PURPOSE: Amend as required by legislative changes or as needed for more efficient administration of the Program.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME board: January 2021; Adoption date: March 2021.

AFFECTED PARTIES: Those who are eligible to receive proceeds of revenue obligation securities.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 601: Maine State Grant Program f/k/a Maine Student Incentive Scholarship Program**

STATUTORY AUTHORITY: 10 MRSA §969-A(14), 20-A MRSA §11617(2).

PURPOSE: To make changes needed to better assist those potentially eligible for Program participation.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: January, 2021; Adoption Date: March 2021.

AFFECTED PARTIES: Potential grant recipients.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 607: Access to Medical Education and Health Professions Loan Program.**

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14); 20-A M.R.S.A. §12103.

PURPOSE: To amend the procedures for eligibility for participants in the Access to Medical Education and Health Professions Loan Programs for the more efficient administration of the Programs.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: January 2021; Adoption Date: March 2021.

AFFECTED PARTIES: Maine residents entering post-graduate studies in medical professions.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 608: Tuition Waiver Program**

STATUTORY AUTHORITY: 10 MRSA §969-A(14).

PURPOSE: To make changes needed to better assist those potentially eligible for Program participation.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: January 2021; Adoption Date: March 2021.

AFFECTED PARTIES: Potential waiver recipients.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 611: Maine College Savings Program.**

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14), 20-A M.R.S.A. §11485.

PURPOSE: To amend the rule to conform to recent legislative changes to the Program and for the more efficient administration of the Program.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: January 2021; Adoption Date: March 2021.

AFFECTED PARTIES: Program participants.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 612: Maine Dental Education Loan and Loan Repayment Programs**

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14), 20-A MRSA §12305

PURPOSE: To amend as needed for the efficient administration of the Program, to make changes necessary to better assist eligible borrowers, and to implement legislative changes, if any.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: June 2020; Adoption Date: August 2020.

AFFECTED PARTIES: Program participants.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 619: Foreign Credentialing and Skills Recognition Revolving  
Loan Program**

STATUTORY AUTHORITY: 10 M.R.S.A. §969 (14); PL 2019, Chapter 447

PURPOSE: To amend the rule as needed for the efficient administration of the Program, to make changes necessary to better assist eligible borrowers, and to implement legislative changes, if any.

SCHEDULE FOR ADOPTION: Approval for Rulemaking: January 2021; Adoption Date: March 2021.

AFFECTED PARTIES: Potential program loan applicants.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**94-649**  
**MAINE COMMISSION ON INDIGENT LEGAL SERVICES**  
2020-2021 Regulatory Agenda  
as amended on June 25, 2021

AGENCY UMBRELLA-UNIT NUMBER: **94-649**

AGENCY NAME: **Maine Commission on Indigent Legal Services**

**CONTACT PERSON:** Justin Andrus, Esq., (Interim) Executive Director, 154 State House Station, Augusta, Maine 04333-0154. Telephone: (207) 287-3254;  
[Justin.Andrus@Maine.gov](mailto:Justin.Andrus@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** none

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**AMENDMENT - CHAPTER 2:** Standards for Qualifications of Assigned Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(B), (2)(G), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people.

ANTICIPATED SCHEDULE: Prior to June 1, 2021 for final adoption of this major substantive rule.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 3:** Eligibility Requirements for Specialized Case Types

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(B), (2)(G), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people in specialized case types.

ANTICIPATED SCHEDULE: Prior to June 1, 2021 for final adoption of this major substantive rule.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in specialized case types.

**CHAPTER 501:** Standards and Procedures for Evaluating Assigned and Contract Counsel

STATUTORY AUTHORITY: §§ 1804(2)(D) and (4)(D)

PURPOSE: To establish standards and procedures for evaluating assigned and contract counsel.

ANTICIPATED SCHEDULE: Prior to June 1, 2021.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**AMENDMENT - CHAPTER 301:** Fee Schedule for Rostered Attorneys

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

PURPOSE: To amend established standards for compensation of counsel and the reimbursement of counsel expenses for rostered attorneys.

ANTICIPATED SCHEDULE: Prior to June 1, 2021.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 302:** Procedures Regarding Funds for Experts and Investigators

STATUTORY AUTHORITY: 4 M.R.S.A. § 1804(3)(L) and (4)(D)

PURPOSE: To amend how request for funds for non-counsel services must be filed with the Commission.

ANTICIPATED SCHEDULE: Prior to August 1, 2021.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 101:** Juvenile Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to June 1, 2021.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 102:** Adult Criminal Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to June 1, 2021.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 103:** Child Protective Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to June 1, 2021.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

**CHAPTER 104:** Involuntary Commitment Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in involuntary commitment cases.

ANTICIPATION SCHEDULE: Prior to June 1, 2021.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

**95-592**  
**SMALL ENTERPRISE GROWTH BOARD**  
2020-2021 Regulatory Agenda  
June, 2020

AGENCY UMBRELLA UNIT NUMBER: **95-592**

AGENCY NAME: **Small Enterprise Growth Board**

**CONTACT PERSON:** Christopher H. Roney, Counsel, c/o Finance Authority of Maine, 5 Community Drive, PO Box 949, Augusta, Maine 04332-0949. Tel: (207) 623-3263. ([croney@famemaine.com](mailto:croney@famemaine.com))

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** none

**EXPECTED FY 2020-2021 RULEMAKING ACTIVITY:** none

**95-648**  
**EFFICIENCY MAINE TRUST**  
2020-2021 Regulatory Agenda  
January 13, 2021

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AGENCY UMBRELLA-UNIT NUMBER: **95-648**  
AGENCY NAME: **Efficiency Maine Trust**

**RULEMAKING LIAISON:** Emily Cushman, 168 Capitol Street, Suite 1, Augusta, ME 04330.  
207-213-4160. [emily.cushman@efficiencymaine.com](mailto:emily.cushman@efficiencymaine.com)

**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:** None

**EXPECTED 2020 – 2021 RULEMAKING ACTIVITY:**

**CHAPTER 1, Contracting Process for Service Providers and Grant Recipients**

STATUTORY BASIS: 35-A MRSA §10105(4), 10105(5), 10110(3), 10109, 10111(3), 10119(3), 10124, 10125, 10126, 10127, 10154, 10155, 10159.

PURPOSE: To amend the rule to accommodate a broader range of agreement types resulting from the Efficiency Maine Trust's competitive solicitations.

SCHEDULE FOR ADOPTION: Spring 2021

AFFECTED PARTIES: Service providers and consumers participating in Efficiency Maine Trust programs.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2, Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements**

STATUTORY BASIS: 35-A MRSA §10105(5), §10109.

PURPOSE: To update the rule to reflect the Efficiency Maine Trust's administration of the Regional Greenhouse Gas Initiative (RGGI) Trust Fund, eliminating legacy language from when the RGGI Trust Fund was managed by the Energy and Carbon Savings Trust.

SCHEDULE FOR ADOPTION: Spring 2021

AFFECTED PARTIES: Industrial energy consumers, Governor's Energy Office, Office of the Public Advocate, environmental advocates.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5, Administration of the Electric Vehicle Fund**

STATUTORY BASIS: 35-A MRSA §10105(5), §10126(5)

PURPOSE: To establish a rule to implement the Efficiency Maine Trust's electric vehicle rebate program.

SCHEDULE FOR ADOPTION: Spring 2021

AFFECTED PARTIES: Electric vehicle advocates, auto dealers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6, Administration of the School Solar Energy Program**

STATUTORY BASIS: 35-A MRSA §10105(5), §10127(4)

PURPOSE: To establish a rule to implement the Efficiency Maine Trust's School Solar Energy Program.

SCHEDULE FOR ADOPTION: Spring 2021

AFFECTED PARTIES: Maine public school administrators, solar project developers.  
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**99-346**  
**MAINE STATE HOUSING AUTHORITY**  
Maine Administrative Procedure Act  
2020-2021 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **99-346**

AGENCY NAME: **Maine State Housing Authority (“MaineHousing”)**

**CONTACT PERSON:** Linda Uhl, Chief Counsel, 353 Water Street, Augusta, Maine 04330. Tel: (207) 626-4600. [luhl@mainehousing.org](mailto:luhl@mainehousing.org)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**CHAPTER 1: Home Mortgage Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)

PURPOSE: This rule sets forth the basic criteria for determining eligible borrowers and the terms governing MaineHousing’s purchase and servicing of loans to eligible borrowers generated by participating lenders.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Lenders, servicers, and homebuyers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 5: Energy Cost and Utility Allowance Determinations**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)

PURPOSE: This rule outlines the procedures that MaineHousing utilizes to determine energy costs and utility allowances for tenants of multi-unit housing projects whose rents are subsidized under Section 8 of the U. S. Housing Act of 1937.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Tenants and landlords.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 7: Indian Housing Mortgage Insurance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), 4936

PURPOSE: The rule sets forth eligibility standards and application, closing, default, and insurance claim procedures.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Indians residing on reservations and lenders.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 12: Residential Property Municipal Securities Approval Rule**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), 4722(1)(T)

PURPOSE: This rule sets forth standards pursuant to which MaineHousing may issue certificates of approval under the Municipal Securities Approval Program for issuances of revenue obligation securities to provide financing for projects consisting of multi-family or single family residential property.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Developers and municipalities.  
PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

#### **CHAPTER 16: Low Income Housing Tax Credit Rule**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), (14); Internal Revenue Code §42  
PURPOSE: This rule establishes the policies and procedures for the allocation of low income housing tax credits.  
ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.  
AFFECTED PARTIES: Developers, contractors, lenders, architects, and accountants.  
PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

#### **CHAPTER 19: Homeless Solutions Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1) and (18)  
PURPOSE: This rule sets forth the basic criteria for determining eligible recipients and the terms governing the grants.  
ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.  
AFFECTED PARTIES: Homeless persons and shelter operators.  
PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

#### **CHAPTER 24: Home Energy Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §§ 4722(1)(W), 4741(1) and (15), 4991 *et seq.*  
PURPOSE: The rule establishes the Home Energy Assistance Program (HEAP) for the State of Maine as administered by MaineHousing. The rule also incorporates standards for the Weatherization component of HEAP and the Central Heating Improvement Program (CHIP).  
ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.  
AFFECTED PARTIES: Community action program agencies, tenants, landlords, homeowners, oil dealers, wood vendors, contractors, and public utility companies.  
PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

#### **CHAPTER 25: Weatherization Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1) and (15), 4722(1)(W)  
PURPOSE: The rule establishes the Weatherization Program for the State of Maine as administered by MaineHousing. The Weatherization Program provides weatherization assistance to low-income households.  
ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.  
AFFECTED PARTIES: Community action program agencies, technical colleges, homeowners, landlords, tenants, and contractors.  
PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

#### **CHAPTER 27: Transfers of Ownership Interests**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)  
PURPOSE: This rule provides guidelines for the transfer of ownership of certain multi-family and supportive housing developments for which MaineHousing is a mortgagee, and where the current owner and prospective new owner would like MaineHousing's financing to be retained after the ownership transfer.  
ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.  
AFFECTED PARTIES: Developers, nonprofit housing corporations and social service providers, including state agencies.  
PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 28: Temporary Housing Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §4762

PURPOSE: This rule sets forth the basic criteria for determining eligible sub-grantees and the terms governing the provision of assistance under the Temporary Housing Assistance Program.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Community action program agencies, homeless shelter operators, social service providers and advocates such as Maine Equal Justice and Pine Tree Legal Assistance.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 29: Multi-family Mortgage Loans**

STATUTORY AUTHORITY: 30-A MRSA §§ 4832(2), 4741(1) and 4722(1) (L)

PURPOSE: This rule governs MaineHousing's allocation of resources for loan and grant programs for the acquisition, construction, rehabilitation, and preservation of residential rental housing for low income persons and for housing for low income persons with supportive service needs, the publication and distribution of program guides, eligibility standards, loan and grant standards, construction and rehabilitation requirements, management requirements, and potential selection criteria in connection with such programs.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Tenants, landlords, developers, local housing authorities, lenders, contractors, architects, municipal community development offices, homeowners, Department of Health and Human Services, and mental health service providers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 30: Single Family Home Improvement Loan Programs**

STATUTORY AUTHORITY: 30-A MRSA §§ 4722(1), 4741(1)

PURPOSE: This rule will govern program design, eligibility standards, mortgage standards, and construction standards for mortgage financing of improvements to single-family homes.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Homeowners, contractors, community action program agencies, housing organizations, lenders, and State and federal agencies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 31: Affordable Housing Development District – Recovery of Public Revenue**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), 5250-E.2

PURPOSE: This rule provides for the recovery from the municipality of public revenue resulting from beneficial tax shifts resulting from the creation of the affordable housing development district in the event that an affordable housing development district fails to continue satisfying the conditions of its creation.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Municipalities, developers, counties, State

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 32: State Low Income Home Energy Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §4722.1W and §4741.15

PURPOSE: This rule governs the administration of funds from other than federal resources which MaineHousing may receive to provide fuel assistance to low income households in the State of Maine.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary

AFFECTED PARTIES: Community action program agencies, tenants, homebuyers, oil dealers and public utility companies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 33: AccessAble Home Tax Credit Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), 36 MRSA §5219-PP.2

PURPOSE: This rule establishes standards for a State income tax credit for expenses incurred for certain modifications to make a homestead accessible to individuals with a disability or physical hardship.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary

AFFECTED PARTIES: Taxpayers; persons with a disability or physical hardship requiring home accessibility modifications

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**CHAPTER 34: Preservation and Relocation Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741.1, §4973, §4976.1 and §4977

PURPOSE: Under the Maine Housing Authorities Act, a landlord who plans to take an action that would result in the termination of financial assistance for tenants in low income housing must give notice to the tenants, to MaineHousing, and to any local housing authority; and give a right of first refusal to MaineHousing. This rule sets forth the required content of the notices, a mechanism for determining MaineHousing's purchase price, and the terms of relocation assistance to help displaced tenants.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary

AFFECTED PARTIES: Local housing authorities; landlords; tenants.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**NEW RULE: Rule governing the Lead Hazard Control Program**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)

PURPOSE: This rule will establish policy and guidelines governing MaineHousing's Lead Hazard Control Program.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Community action program agencies, homeowners, tenants, landlords, and contractors

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE: Rule governing municipal affordable housing development district tax increment financing program.**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), 5250-B

PURPOSE: This rule will allow MaineHousing to carry out its duties imposed by the law establishing a municipal affordable housing development district tax increment financing program and to ensure municipal compliance following designation of an affordable housing development district.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Municipalities, developers, counties, State  
PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**NEW RULE: Rule governing the Preservation of Low-Income and Moderate-Income Rental Housing with Federal Assistance**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), 4977

PURPOSE: This rule will govern implementation of statutory authority given MaineHousing in connection with preservation of low-income and moderate-income rental housing.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Owners and managers of low-income or moderate-income rental housing, tenants

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE: Rule governing conversion of low-income rental housing.**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), 4976.1

PURPOSE: This rule will set tenant relocation standards for owners of low-income rental housing taking action that will result in the termination of rental assistance.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Tenants, owners and managers of low-income or moderate-income rental housing.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**NEW RULE: State Surplus Property**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), 4756

PURPOSE: This rule will govern implementation of the statute allowing MaineHousing to provide surplus state property at below market value to developers who agree to develop affordable housing for low-income and moderate-income households.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Developers, tenants, homebuyers

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE: Loans to Financial Institutions**

STATUTORY AUTHORITY: 30-A MRSA §§ 4741(1), 4803.1

PURPOSE: This rule will govern the making by MaineHousing of loans to financial institutions for mortgage loans for the financing of housing units or housing projects for persons of low-income for the purposes of expanding the supply of residential mortgage funds, improving housing for low-income persons, and improving energy conservation.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Financial institutions, homeowners, tenants, landlords

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE: State Low Income Housing Tax Credit Rule**

STATUTORY AUTHORITY: 30-A M.R.S.A §§ 4722 and 4741.1 and 36 M.R.S.A. §5219-WW

PURPOSE: This rule establishes the policies and procedures for the allocation of State low income housing tax credits.

ANTICIPATED SCHEDULE: Prior to October 2021, as necessary.

AFFECTED PARTIES: Developers, contractors, lenders, architects, and accountants.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**99-626**  
**MAINE RURAL DEVELOPMENT AUTHORITY**  
2020-2021 Regulatory Agenda  
June, 2020

AGENCY UMBRELLA UNIT NUMBER: **99-626**

AGENCY NAME: **Maine Rural Development Authority (MRDA)**

**CONTACT PERSON:** Christopher Roney, Counsel, C/O Finance Authority Of Maine,  
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**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** None