

**SUMMARY OF PUBLIC COMMENTS DEPARTMENTS' RESPONSE  
AND LIST OF CHANGES MADE FOR FINAL RULE ADOPTION**

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**IMMUNIZATION REQUIREMENTS FOR SCHOOL CHILDREN  
10-144 C.M.R. Ch. 261/05-071 CMR Ch. 126**

The Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Education ('The Departments') jointly proposed a routine technical rule change to amend *Immunization Requirements For School Children (10-144 C.M.R. Ch. 261/05-071 CMR Ch. 126)*. Notice of rulemaking was initially published on July 7, 2021. A public hearing via Zoom was held on July 26, 2021. Written comments were accepted through August 5, 2021. Commenters 1-86 presented oral and/or written comments for consideration. Oral and written comments received during the published comment period have been summarized below. The Departments' response follows each comment and explains whether a change has been made based on the comment. Changes made based on comment and those resulting from Assistant Attorney General (AAG) review of the rule for form and legality are listed following the table below.

Format	Date	ID	Name	Comment Summary	Department Response
written	7/9/2021	1	Trisha Greenlaw	<p>Commenter does not agree with "forcing people to have no choice but to inject their children with toxins that could potentially harm them for a lifetime just so that they can be provided a public education." Commenter stated, " This goes against my core beliefs and yet if I do not 'abide by these new laws' my child will suffer by rejection of being a part of society which includes being able to attend public schools." Commenter expressed concern for possible discrimination toward those who choose not to vaccinate. Commenter believes that vaccination should be a choice, comparing this to a parent's choice whether to provide a nutritious diet that would support a healthy immune system. Commenter questioned who will be excluded for this or other circumstances that could spread disease or unsanitary conditions, including poor hygiene. Commenter reported that two of her three children were sickened after receiving vaccines. Commenter asked for the new law to be reconsidered.</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>

written	7/8/2021	2	Rep. Kathy Javner (District 141)	Commenter opposes any rule changes proposed to implement LD 798 (P.L. 2019 chapter 154) and stated that she would support the Department's effort to reinstate religious exemptions through the rulemaking process.	The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	7/8/2021	3	Janneke Strickland	Commenter wholeheartedly supports the new law that takes effect September 1, 2021.	The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	7/7/2021	4	Jenny Chase	Commenter appreciates the opportunity to express concerns about requirement for all students to be immunized in order to attend school. Commenter identifies not as anti-vaccination but is anti government overreach. Commenter understands the logic and theory, but she does not agree with this. Commenter does not believe that there is any data to dispute the fairness of giving schools the authority to dismiss unvaccinated students during any kind of outbreak and allowing parents to make choices for their	State law requires the Departments to establish rules to control potential outbreaks of communicable diseases in schools, including exclusion of students by a superintendent during the period of danger or until the child receives the necessary immunization

				<p>child. Commenter implied that some may have a negative opinion toward those who would like to see the current law changed and offered that some "have had their worlds turned upside down with the direct impact of vaccine reaction to their children."</p> <p>Commenter opined there will be few physicians "who feel bold enough to go against Augusta and their employers" and believes that most are under the direction of controlling medical entities who won't support writing medical exemptions, though will not admit to this publicly. Commenter questioned the belief that laws will prevent the spread of communicable diseases and noted that there are many disease without an effective vaccine and that many people still get the flu even after getting the flu shot. Commenter opined the 'Act' is nothing more than an "act of control" and it will cause many to leave the State, resulting in loss of revenue. Commenter suggests the "efforts of the legislature would be more beneficial in other areas" and believes that it makes sense to keep the current practice of letting parents and schools do what they need.</p>	<p>Commenter's statement regarding influenza vaccine effectiveness is beyond the scope of this rulemaking, because the Departments are not requiring school children to receive the influenza vaccine. The Departments are implementing the current law, P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions specific to medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	7/7/2021	5	Nicole Shores	<p>Commenter expressed strong opposition. Commenter stated, "This has got to stop!!! You are trying to control our children's health and well being without knowing their whole story!!!" Comment disclosed that she and her daughter have autoimmune disorders and does not believe that they should be "reprimanded" for not vaccinating against the flu or Covid. Commenter suggests that this is about government control and stated that the Department has no right to set these rules, to mandate a doctor's note or prevent anyone from following their religious beliefs. Commenter is frustrated that people can be forced out of schools and jobs for this and asserted "dictatorship is not okay."</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p>Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> </ol>

					<p>2. Measles  3. Meningococcal  4. Mumps  5. Pertussis  6. Poliomyelitis  7. Tetanus  8. Rubella  9. Varicella</p> <p>Neither influenza nor COVID-19 is a required vaccination pursuant to this proposed rule.</p> <p><i>No change made based on this comment.</i></p>
written	7/7/2021	6	Kristel Springer, RN, BSN	<p>Commenter believes "we should educate, not legislate, and that medical decisions especially involving children should be left in the hands of providers and parents." Commenter stated that, as a "medical person," she supports the personal right to determine risk and benefit ratios and for body autonomy. Commenter reported that, in her experience, students with religious or philosophical exemptions are not getting vaccinated, but are leaving. Commenter does not believe that these revisions will have the intended results and is of the opinion that educational campaigns are more effective.</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	7/7/2021	7	Anita J. Weeks	<p>Commenter strongly opposes PL 2019, chapter 154 and this rule change. Commenter, though not against all vaccines, does not believe that the decision to vaccinate should be forced in order for a child to have access to an education. Commenter expressed concern for the potential expansion of vaccine mandates. Commenter stated that removing exemptions and a parent's right</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule</p>

				to choose what goes into their child's body is wrong on every level.	from including any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	7/7/2021	8	Heather Perry	Commenter asked whether schools are required to provide remote programs for unvaccinated children to attend and, if so, how does a student get subsidy if they are not allowed to be <i>enrolled</i> .	The rule clarifies that the superintendent is not required to provide off-site classes or tutoring for a student excluded from school, though, in accordance with 20-A MRS § 6356, the superintendent must make arrangements to meet the educational needs of the child when that non-immunized child presents a public health risk and, for this reason, is excluded from school for more than 10 days.  <i>No change made based on this comment.</i>
written	7/8/2021	9	Daren Hebold	Commenter believes strongly that recent legislation deprives individuals of body autonomy and that as such, is null in void, citing Marbury vs. Madison (1803). Commenter described LD 798 and PL 2019 ch. 154 as "a reprehensible, immoral and surely unconstitutional law that seeks to strip Maine parents and children alike of their God-given right to privacy and jurisdiction of their own physical bodies" and is confident the law will be repealed. Commenter asked, "..., although this is technically statutory law [yet to be repealed], is the Maine DOE actually going to violate the sacrosanct Constitutional rights held by all US citizens?????" Commenter condemns "predatory State government" and stated, "under no circumstances will my family	The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.  <i>No change made based on this comment.</i>

				acquiesce or agree to these illegal and immoral abuses and deprivation of rights."	
written	7/7/2021	10	Rep. Paul Sterns	<p>Commenter expressed agreement with Commenter 4. Commenter referenced related but failed legislation, specifically noting one bill would have "grandfathered in" students to allow those attending school under their current terms, to remain in school. Commenter stated, "I suspect that once school starts, and "harm" has been done (in the eyes of the legal system) there will be one or more lawsuits. We shall see how that plays out."</p>	<p>This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	7/14/2021	11	Lindsey Savage, RN, BSN	<p>Commenter commented that students who will now be homeschooled due to exemption being only for medical reasons and who cannot be a part of school associated activities, will pursue sports and/or activities that are sponsored by private entities (clubs, etc) and will still be in contact with immunized student. Commenter asked what is prevented by this rule. Commenter stated that it is very challenging to get an exemption and that, by not allowing naturopaths (NDs) to sign exemptions, parents will be forced to seek a different type of medical care, possible care that is not their preference. Commenter stated, "I am not anti-vaccination, but I do also feel that this is going to hinder the education of our students here in Maine, forcing those to choose a homeschool route, which in turn could mean very little education."</p>	<p>This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. Therefore, this rule does not allow naturopathic doctors to grant medical exemptions.</p> <p>In response to comments, the definition section is revised to clarify that students enrolled in school, attending in-person or remotely, are subject to requirements of this rule. The governance of participation in community-based activities by</p>

					school age children is beyond the scope of this rulemaking.
written	7/14/2021	12	Anica Miller Rushing	<p>Commenter fully supports any legislation that keeps our children safer and believes "no child should be allowed to attend public school without full vaccine compliance," with only the exemption that is for medical necessity, that, as a requirement, could be documented by two physicians. Commenter also believes that the Covid vaccine should be included in the vaccine regimen once it has passed final approval.</p>	<p>This rule is in accordance with the immunization requirements and authorized exemptions specified in the governing statute. The rule is prohibited from including provisions governing medical exemptions. Consistent with the statute, the medical exemption may be provided by one of the authorized medical professionals. Any change to the disease listed requires major substantive rulemaking which includes a review by the legislature and opportunity for public comment.</p> <p>Commenter's statement regarding Covid-19 vaccine is beyond the scope of this rulemaking. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol>

					<p>COVID-19 is not a required vaccination pursuant to this proposed rule.</p> <p><i>No change made based on this comment.</i></p>
written	7/14/2021	13	Tim Pearson	<p>Commenter asked that exemptions from required immunization for school students based solely on a sincere religious belief or philosophical reasons continues to be allowed for parents to make health decisions for their children. Commenter opines based on experiences as a public school teacher, that there will be families who will not be able to send their children to my school next year and suggested "the percentage of children who are not immunized is very very small and they do not pose a risk to other students or staff."</p>	<p>This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. A change to the statute requires legislation.</p> <p><i>No change made based on this comment.</i></p>
written	7/12/2021	14	David Deschesne	<p>Commenter is in opposition to the presumed intent of the proposed rule to allow for the mandating of the COVID-19 vaccines, which have not been approved by the US FDA. Commenter provided the following points to consider: The U.S. FDA Vaccine Adverse Event Reporting System currently lists over 9,000 deaths attributed to the experimental COVID-19 "vaccines" in the U.S. alone; and the FDA appears to be ignoring this data set for political reasons. Politics should never be the basis for personal health decisions. School age children have been found to be the least likely to suffer disease or sickness related to SARS-CoV-2 but are suffering from serious adverse side effects from these experimental vaccines. An alarming number of school age children who have taken the experimental vaccines are now having heart problems. One teenager in Michigan recently died</p>	<p>Commenter's statement regarding Covid-19 vaccine is beyond the scope of this rulemaking. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2i. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> </ol>



				<p>after his second dose of the Pfizer experimental gene therapy "vaccine." Another teen in Arkansas suffered a heart attack and now has chronic circulatory issues after receiving an experimental COVID-19 "vaccine." Animal tests from Japan show the lipid nanoparticles in the Pfizer experimental "vaccine" are accumulating in alarmingly high amounts in the liver, adrenal glands, ovaries and bone marrow. There are reports of miscarriages and menstrual issues in women who have taken any of the COVID-19 "vaccines" currently being offered under Emergency Use Authorization. There are no long-term safety studies for any of the COVID-19 "vaccines" currently in use. The vaccines are being marketed based on artificially created hype by the news and social media which elevated the seriousness of the virus way beyond the status it deserved. These experimental vaccines are too new to have earned the marketing slogan "safe and effective." We should not be making our health decisions based on marketing slogans. The Moderna experimental gene therapy "vaccine" uses a component which has never been authorized for Human or Veterinary use - but for "experimental" purposes only.</p> <p>Commenter stated, "The experimental COVID-19 vaccines should not be mandated for school children, much less anyone else, because we still don't publicly know what adverse side effects will present themselves in the future - side effects such as Antibody Dependent Enhancement, chronic heart and circulatory issues, blood clotting, and sterilization."</p>	<p>9. Varicella  COVID-19 is not a required vaccination pursuant to this proposed rule. A change to the list of diseases in this rule requires major substantive rulemaking, which includes legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
written	7/18/2021	15	Lisa Roderick	<p>Commenter stated, "We are seeing piece by piece our Constitutional rights being taken away. With this newest maneuver of stripping the religious exemption and or philosophical exemption is stark evidence of what the REAL agenda is moving forward." Commenter opines that the adverse effects of the Covid vaccinations (i.e. injuries including death) are</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical</p>

			<p>being "swept under the rug" and that there is corruption among DOE, DHHS, CDC, NIH, and WHO. Commenter reported there are "hero doctors that have been silenced screaming about the absolute dangers of this spike protein MRNA poison by the way over 10 thousand deaths" to be considered. Commenter pleaded to not have God given rights taken away.</p>	<p>objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p>Commenter's statement regarding Covid-19 vaccine is beyond the scope of this rulemaking process. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"><li>1. Diphtheria,</li><li>2. Measles</li><li>3. Meningococcal</li><li>4. Mumps</li><li>5. Pertussis</li><li>6. Poliomyelitis</li><li>7. Tetanus</li><li>8. Rubella</li><li>9. Varicella</li></ol> <p>COVID-19 is not a required vaccination pursuant to this proposed rule. A change to this list of diseases in this rule requires major substantive rulemaking, which includes legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
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written	7/19/2021	16	Walter Wallace/Amy Linscott	Comment requested that ' <i>education programs at a virtual public charter school</i> ' be added to Section 3(A)(5) to ensure consistency and fairness across all public schools. Commenter commented that virtual public charter schools would be expected to apply the same protocols for State assessments and other mandates as 'brick and mortar' schools. Commenter noted that LD 1082 was introduced to provide this exception, but, along with other immunization bills, this bill did not pass.	Commenter's statement regarding virtual public charter school exemptions is beyond the scope of this routine technical rulemaking process. In response to comments, the definition section is revised to clarify that students enrolled in school, participating in-person or remotely, are subject to this rule.
written	7/26/2021	17	Carl Gartley, RSU 18 Superintendent	Commenter suggested that these changes to vaccine requirements be phased in into schools, beginning with kindergarten each year, and believes this approach will help implementation and enforcement while accomplishing the goal of having all students vaccinated.	The Department does not have the authority to alter the effective dates stated in the law. A change to the statute requires legislation.  <i>No change made based on this comment.</i>
written	7/26/2021	18	Jess Chasse	Commenter feels strongly that vaccine mandates are 'wrong under our free rights as Americans' and believes that it is a personal choice whether to vaccinate. Commenter opines that other families, like hers, will be leaving Maine if this continues, which will impact the workforce, and commented that forcing vaccination is communism. Commenter asked for the forcing of this opinion, stop.	This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. The governing authority stated, effective September 1, 2021, religious and philosophical exemption are removed from allowances in this law.  <i>No change made based on this comment.</i>

written	7/26/2021	19	Stephanie Weiss	Commenter requested a revision to Section 3 to include a statement about approved catch-up schedule, as found in Section 5.	Section 5 is revised to require the revised immunization schedule be determined in consultation with a Maine-licensed physician, NP or PA. The consideration of the catch-up schedule falls within the listed exemptions in Section 3 (e.g. the medical exemption provided by the licensed physician, NP or PA and written assurance provided by the parent).
written	7/26/2021	20	Gina Davis	Commenter expressed frustration for what she feels is constantly changing and unclear rules and regulations. Commenter stated that there are 5 weeks remaining before the law is implemented and families are 'still not sure of all the parameters.' Commenter does not believe that people in charge can answer questions effectively and that responses from the agency, doctors, superintendent and others, are contradictory or conflicting. Commenter stated, "For being such a life altering law for thousands of Maine families, this has been a very disappointing process." Commenter asserted that information needs to be clear to avoid frustration.	<p>This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p>Once this rule has been adopted, The Departments will provide guidance for parents including letters and FAQ's outlining the new requirements.</p> <p><i>No change made based on this comment.</i></p>

written	7/26/2021	21	Gary Lessard	Commenter does not believe that we should have any vaccine mandates for anyone, including children.	The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	7/26/2021	22	Marlene St. Amand	Commenter, refers to a vaccine that is not approved by the FDA, and stated that, "if this shot is mandated there will be a lot of children homeschooled including mine." Commenter commented "Hitler in the making."	No changes to the list of diseases requiring immunizations has been proposed. A change to the list of diseases in this rule requires major substantive rulemaking, which includes approval by the Legislature and provides opportunity for public comment.  <i>No change made based on this comment.</i>
written	7/26/2021	23	Christine Carnahan	Commenter requested that unvaccinated children be permitted to attend public schools, believing that it is the parents' right to choose whether to vaccinate their child.	The rule, consistent with the law, requires exclusion of school children without immunization of the listed diseases within this rule unless exempt in accordance with the law, in order to protect public health and prevent further spread of these diseases. The Departments are required to implement these rule

					<p>changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	24	J. Andrew Cashman/on behalf of Pearson Education	<p>Commenter offered testimony on behalf of Pearson Education and in support of comments previously submitted by Commenter 16. Commenter is neither for nor against "this bill" and offered a "technical suggestion" to clarify around virtual public schools by revising Section 3, subsection 5 to state: ...including educational programs at a virtual public charter school." Commenter believes "making this change would be internally and logically consistent with what the department has already proposed and would provide for fairness across all types of public schools here in Maine." Commenter described a public charter school as "logically consistent with the basis for this virtual hearing in that having us all spread out protects everybody from transmission..." Commenter reiterated that the same protocols for State assessments and other mandated tasks would continue to apply and that similar language was proposed in legislation, though not enacted.</p>	<p>In response to comments, the definition section is revised to clarify that students participating in in-person and remote learning offered by the school, as defined in rule, are subject to this rule.</p> <p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p>
verbal	7/26/2021	25	Darcy Forest	<p>Commenter expressed fear over not being able to make healthy choices for her children and believes this (e.g. injecting children with experimental medication) infringes on personal rights. Commenter is saddened by these circumstances, describing a forced vaccine as being "absolutely atrocious," and commenter</p>	<p>This rule upholds the immunization requirements that have been in effect for many years and does not propose any new disease requiring immunization. The Departments are</p>

			<p>opines that, like her, many will take their children out of school rather than have them "forced into experimental drug trials."</p>	<p>required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p>The governing authority stated that, effective September 1, 2021, religious and philosophical exemption are removed from this in law. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"><li>1. Diphtheria,</li><li>2. Measles</li><li>3. Meningococcal</li><li>4. Mumps</li><li>5. Pertussis</li><li>6. Poliomyelitis</li><li>7. Tetanus</li><li>8. Rubella</li><li>9. Varicella</li></ol> <p>If the Departments propose additional immunization requirements, like influenza or COVID, that would require major substantive rulemaking, which requires legislative approval and opportunity for public comment.</p>
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					<i>No change made based on this comment.</i>
verbal	7/26/2021	26	Nancy Watson	<p>Commenter is strongly opposed to the government making decisions that she describes as crimes against humanity. Commenter reported that the school where she works sent a letter about student being up to date on vaccines (74 shots total) and stated that we are injecting children with too many substances. Commenter stated her child will not be playing Fall sports and asserted that children are not to be experimented on. Commenter believes that changes proposed to laws need to be made more public.</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p>This rule includes allowances for a catch-up schedule determined in consultation with a licensed physician, NP, or PA.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	27	N. Shores	<p>Commenter reported losing sleep over the issue of vaccines and shared that she recently learned of her daughter's adverse effects of vaccines. Commenter asserted the right to body autonomy and that, as a medical choice, vaccination is not something that should be based on certain exemptions. Commenter stated that there should be no government control over our bodies, in order to attend or work in our public schools. Commenter further stated that the Departments know nothing and they have no right to set rules across the board or mandate a doctor's note to do so, nor prevent others from following religious beliefs.</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions specific to medical exemptions in rule.</p> <p><i>No change made based on this comment.</i></p>



verbal	7/26/2021	28	Michaela Gladu	<p>Commenter strongly disagrees with implementing changes. Commenter stated that we should have this free choice, especially when it comes to an experimental drug that is not approved by the FDA. Commenter is concerned and may need to look into homeschooling for my child if that be the case. Commenter commented on the number of reported vaccine injuries and shared concerns about Pfizer and Moderna.</p>	<p>Commenter's statement regarding Covid-19 vaccine is beyond the scope of this rulemaking process. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>COVID-19 is not a required vaccination pursuant to this proposed rule. A change to the list of diseases in this rule requires major substantive rulemaking, which includes a legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	29	Elizabeth Shardlow	<p>Commenter expressed concern regarding the provision specific to exempting students with an IEP and stated that the rule allows the student to continue if they lose their IEP so long as they're still under FAPE which "would seem to contradict the state statute as it was enacted and it would effectively punish students who work hard to overcome their disabilities, by removing them from school if they do lose their IEP." Commenter does not believe that the 90 day grace period is sufficient to fully vaccinate a child who has</p>	<p>The Departments determined this rule that is for school children (pre-kindergarten through grade 12) is consistent with the law which states a single eligibility date for the exemption. FAPE is available to all children residing in the State between the ages of 3 and 22. The</p>

			<p>had no previous vaccines, specially noting this is a potential issue for pre-kindergartners, and asked that the allotted time be expanded. Commenter asked who at DHHS would be making the determination about any catch-up schedule and suggested that be left for the child's medical provider who would appropriate documentation. Commenter reported that there are medical providers administering vaccines who are not listed and that these other providers should be able to continue with the schedule they have in place with a child.</p>	<p>rule does not state an expiration date of the exemption permitted in law for children with an IEP.</p> <p>20-A MRS § 6355 (1) states that a superintendent my permit a student to enroll and attend if the parent provides a written assurance the child will be immunized within 90 days by private effort or provides, where applicable, a written consent to the child's immunization by a health officer, physician, nurse or other authorized person in public or private employ. This provision in law cannot be removed without legislation. The rule clarifies this is a one-time provision, the 90 days begins with the first occurrence of either enrollment or attendance.</p> <p>Section 5 is revised to require the revised immunization schedule be determined in consultation with a Maine-licensed physician, NP or PA. The consideration of the catch-up schedule included in Section 5 falls within the listed exemptions in Section 3 (e.g. the medical exemption provided by the licensed physician, NP or PA and written assurance provided by the parent).</p>
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verbal	7/26/2021	30	Jenn Theriault	<p>Commenter stated that, except as it pertains to pre-K, there is no other catch-up schedule in the rule, and suggested additional language be added to clarify this for other age groups.</p>	<p>Due to the various scenarios that prompt different catch-up schedules, the Departments defer to the school child's medical provider to determine the appropriate catch-up schedule.</p> <p>The consideration of the catch-up schedule included in Section 5 falls within the listed exemptions in Section 3 (e.g. the medical exemption provided by the licensed physician, NP or PA and written assurance provided by the parent).</p> <p>Section 5 is revised to require the immunization plan or catch-up schedule be determined in consultation with a Maine-licensed physician, NP or PA.</p>
verbal	7/26/2021	31	Ellen Young Stanley	<p>Commenter stated that there are an increasing number of parents of students with an IEP with doctors who are not clear on their role and believes it is the responsibility of the Maine Medical Association (MMA) to educate doctors on their role with students who have an IEP</p>	<p>This comment specific to MMA and medical professionals licensed by independent licensing boards is outside the scope of this rulemaking.</p> <p>Pursuant to P.L. 2019, c. 154, the Departments are prohibited from including in rule provisions governing medical exemptions.</p> <p>The statute requires the statement provided by the licensed physician, NP or PA be after consultation about risks and benefits (20-A§ 6355(4)).</p>

					<p>Once this rule has been adopted, The Department of Education, in conjunction with the DHHS Maine CDC, will provide guidance for parents including letters and FAQ's outlining the new requirements.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	32	Becky Grant-Widen	<p>Commenter agrees with Commenter 31's comment regarding the provisions for students with an IEP and stated that the medical exemption that doctor would provide needs to be further clarified. Commenter suggest that the statute be restated in rule in order to have the ability to review requirements in one source document. Commenter feels that it is the CDC's responsibility to educate doctors, suggesting the information can be posted online and that a standard medical exemption form be made available for doctors to use.</p>	<p>Pursuant to P.L. 2019, c. 154, the Departments are prohibited from including in rule provisions governing medical exemptions. Section 3(4) reflects the statutory language.</p> <p>Once this rule has been adopted, the Department of Education, in conjunction with the DHHS Maine CDC, will provide guidance for parents including letters and FAQ's outlining the new requirements.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	33	Natasha Suleiman	<p>Commenter expressed concern about the reports of the immunization exemptions and the confidentiality of this information submitted to the State. Commenter stated that the rule is not clear about who has access to a child's medical information or about what information can be shared and that parents have a right to know this.</p>	<p>Title 20-A M.R.S. § 6357(1) provides that student health records are confidential, except that state and local health personnel may have access to them in connection with an emergency as provided by the United States Family Educational Rights and Privacy Act of 1974 (FERPA) and federal regulations adopted</p>

					<p>under that act. The annual summary report is completed in aggregate form and no student names are disclosed. The Departments updated Section 8 to clarify that the summary report will not contain the names or other personally identifying information of individual students.</p> <p>All student's medical information is covered under the Family Educational Rights and Privacy ACT (FERPA) and neither Department have access to this information.</p>
verbal	7/26/2021	34	Hannah Webber	<p>Commenter believes strongly that it is the parents who should decide about Covid and flu vaccines and stated that she will leave her job if vaccines are forced.</p>	<p>Commenter's statement regarding Covid-19 and influenza vaccine is beyond the scope of this rulemaking process. The Departments are not proposing to add either of those immunization requirements to this rule. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>A change to the list of diseases in</p>

					<p>this rule would require major substantive rulemaking, which includes legislative review and approval and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	35	Susan Sleeper	<p>Commenter expressed support for parents to have the right to decide whether to vaccinate and stated that "this forced vaccine and governmental control is gone too far." Commenter noted that some vaccines have adverse side effects. Commenter agrees with others' testimonies and advocates for parental rights regarding vaccines. Commenter is hopeful that "this is corrected" and that children can return to school without forced vaccination.</p>	<p>This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. The governing authority stated, effective September 1, 2021, religious and philosophical exemption are removed from this law.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	36	Nunyabezny	<p>Commenter stated, "So the list of ingredients on the vaccine is very troubling and the possible side effects include death" and urged the department to consider the ingredients. Commenter reported that we have a 99% survivability rate and asked for the threshold for needing a vaccine.</p>	<p>Commenter's statement regarding Covid-19 vaccine is beyond the scope of this rulemaking process. No change is proposed to the list of diseases requiring immunization.</p> <p><i>No change made based on this comment.</i></p>

verbal	7/26/2021	37	Sue	<p>Commenter expressed support for parents to have the right to decide whether to vaccinate and reported that she and her husband recently began homeschooling their children out of fear about the potential direction of vaccine requirements. Commenter opposes the new vaccine and hopes this will never be required.</p>	<p>The Departments are required to implement these rule changes, in accordance with Maine law - P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. No change is proposed to the list of diseases in this rule.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	38	Cindy	<p>Commenter asked clarifying questions about the rulemaking process and the implementation of the current law and, specifically, whether comments submitted on the proposed rule will impact the law in place.</p>	<p>The Departments' rulemaking is to implement the laws in place within the State of Maine and further clarify those laws, when applicable. Statutory changes require legislative processes and cannot be accomplished through rulemaking.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	39	Kinsley Jewette	<p>Commenter stated that she is wanting clarification "that this is going over the law change that the State of Maine voted on a while back to implement required vaccinations stating no more exemptions are going to be allowed, aside from the IEP." Commenter stated she is confused by other commenters referring to new vaccines (the flu and Covid), noting that no proposed changes to the required vaccines are found in the proposed rule</p>	<p>The purposes of the agency rules are to operationalize the laws and to further clarify the laws in place. Statutory changes require legislative processes and changes to laws cannot be accomplished through rulemaking. No change to the list of diseases requiring immunization or immunity is proposed in this</p>

				and that adding any new vaccine would require major substantive rulemaking and a separate public hearing.	<p>rulemaking; as a major substantive change, this would require legislative review, pursuant to 20-A MRS section 6358(1). Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>COVID-19 is not a required vaccination pursuant to this proposed rule.</p> <p><i>No change made based on this comment.</i></p>
verbal	7/26/2021	40	Jordan Spencer	Commenter noted that there are proposed changes to the definition section and asked for further clarification specific to vaccine schedules for pre-kindergarten.	Each vaccine schedule outlines the minimum dosage requirement for pre-kindergarten students. The final rule provides for a revised immunization plan or catch-up schedule determined in consultation with a licensed physician, NP or PA. By law, the Departments are prohibited from including provisions governing medical exemptions.



					<i>No change made based on this comment.</i>
verbal	7/26/2021	41	Annie Sarbanis	<p>Commenter stated she had also been confused about others' comments about the Covid vaccine and is reassured, through the conversation during the public hearing, that this matter is outside of the scope of this rulemaking. Commenter is neither for nor against the proposed rule changes and stated that she agrees with others' comments about the need for clarification around the remote charter schools/distance learning programs and the eligibility of an exemption for a student who transfers away from an IEP.</p>	<p>Commenters' statements regarding Covid-19 and influenza vaccine is beyond the scope of this rulemaking process. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>COVID-19 is not a required vaccination pursuant to this proposed rule. A change to this list of diseases in this rule requires major substantive rulemaking.</p> <p>Exemption for students participating remotely is beyond the authority granted by the governing statute. Only those exemptions stated in law may be permitted for a student enrolled in school without a certificate of immunization for each</p>

					<p>disease listed in this rule or other acceptable evidence of required immunization or immunity against each disease. In response to comments, the definition section is revised to clarify that students participating in in-person and remote learning programs offered by the school, are subject to this rule.</p> <p>Religious and medical exemptions for students with an IEP on or before September 1, 2021 do not expire and remain valid for the duration of the time that the students remain enrolled, in accordance with 20-A MRS § 6355(4).</p>
written	7/26/2021	42	Tanya Blanchard	<p>Commenter stated that, after two years since legislation passed and one month away from the effective date, no State representative has explained how to educate those children who do not meet the new immunization requirements. Commenter stated that these rules do not offer a clear explanation, but, instead, state only that the child cannot attend and opines that there will be confusion. Commenter stated that the rule changes are in conflict with 20-A MRS, section 5001-A, as the 'compulsory attendance statute' does not afford exemption for students who do not meet immunization requirements. Commenter stated, "These rule changes require our already burdened public schools to create equal and alternative educations for any child who is not fully immunized and will leave families without education options for their children."</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>

written	7/26/2021	43	Jessica Parmenter	<p>Commenter expressed concern about Maine's vaccine requirements, that these "trample" on the right to freedom of religion as part of the first amendment. Commenter states that vaccine mandates need to be reconsidered to ensure rights are protected.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	7/26/2021	44	Angela Farrin	<p>Commenter strongly objects to mandating vaccines, especially those not yet approved except for emergency use. Commenter stated that children are not guinea pigs, that Covid 19 is deadly to .5% of the population and that the elderly are to be protected. Commenter added, "Forcing vaccines on people, especially children (they are not guinea pigs) will only cause more division and vaccine reactions as well as result in more home schooling, which I agree with. Schools are indoctrination places."</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. Commenter's statement regarding COVID-19 is beyond the scope of this rulemaking process. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diptheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>COVID-19 is not a required</p>

					<p>vaccination pursuant to this proposed rule. A change to the list of diseases in this rule requires major substantive rulemaking, which includes a legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
written	7/26/2021	45	genonvera	<p>Commenter believes that parents have the right to choose whether to vaccinate and that religious exemptions, as well as medical, should be permitted.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	7/26/2021	46	Shelley McGowan	<p>Commenter asked for citizens to have the right to choose their children's healthcare and for the State and school districts not to interfere.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>

written	7/27/2021	47	Kristen Young	<p>Commenter expressed concern as a parent, stating that "this new vaccine mandate" will interfere with her daughter's education, even her "home-based public school." Comment describes reasons for some vaccines, explaining that these circumstances do not pertain to her daughter, and stated that her daughter "will not kill anyone by not getting a meningitis booster or a DTaP booster." Commenter is strongly opposed to removing religious and philosophical exemptions and uses explicit language to convey her position. Commenter believes that the law needs to be reworked, and questions those who voted to remove religious and philosophical exemptions and why a student with an IEP retains the right to these exemptions. Commenter concludes that she will need to remove her child from school. Commenter stated that her following statement should make the department pause, "All kids living in the United States have the right to a free public education. And the Constitution requires that all kids be given equal educational opportunity no matter what their race, ethnic background, religion, or sex, or whether they are rich or poor, citizen or non-citizen. <i>Except the not fully vaccinated...</i>"</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. 20-A § 6355 permits an exemption specifically for a child covered by an IEP on or before September 1, 2021. Private home-schooling is not subject to the immunization requirements within this rule; however, students learning remotely are subject to the rule. The remaining part of this comment is outside the scope of this rulemaking.</p> <p><i>No change made based on this comment.</i></p>
written	7/27/2021	48	Katie Truesdale/on behalf of the Blue Hill Harbor School's Board of Directors and school administration	<p>Commenter stated, "...we believe that schools should be able to enroll students into remote-learning programs regardless of a student's vaccination status. Barring students from participating in both in-person and remote learning programs impoverishes the lives of young Mainers and weakens our communities, while providing no demonstrable public health benefit." Commenter advocates for continued public funding for remote learning programs in which schools have invested technical and human expertise for the successful implementation and operation of these programs.</p>	<p>Exemption for students participating remotely is beyond the authority granted by the governing statute. Only those exemptions stated in law may be permitted for a student enrolled in school without a certificate of immunization for each disease listed in this rule or other acceptable proof of immunity against each disease. In response to comments, the definition section is revised to clarify that students participating in in-person and remote</p>

					learning programs offered by the school, are subject to this rule.
written	7/26/2021	49	Jaimie D.	<p>Commenter described this mandate as segregation and discrimination, reporting that her children will not be able to attend school in the Fall. Commenter stated that no one should be given an ultimatum of their medical status or forced to have a medical procedure to maintain employment or education. Commenter believes that medical exemptions are almost impossible to get and is concerned about adverse reactions to vaccines. Commenter feels this removes medical choice and is violating persona/rights and body autonomy. Commenter asked for clarification and explanation of plans for accommodating students with legal rights to an education. Commenter asked why vaccines for which there had been contradictions and precautions previously noted are suddenly safe.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. The vaccines listed in rule are consistent with recommendations by the US CDC.</p> <p>Exemption for students participating remotely is beyond the authority granted by the governing statute. Only those exemptions stated in law may be permitted for a student enrolled in school without a certificate of immunization for each disease listed in this rule or other acceptable evidence of required immunization or immunity against each disease. In response to comments, the definition section is revised to clarify that students participating in in-person and remote learning programs offered by the school, are subject to this rule.</p>

written	7/27/2021	50	Michael Mercer	<p>Commenter stated, "You Just committed A Nuremberg Law Violation .. Not to Mention Other State and Federal Laws .. This Committee is on Notice all who participated will be Brought to justice."</p>	<p>The Departments' rulemaking is to implement the laws in place within the State of Maine and further clarify those laws, when applicable. This rule has been reviewed for form and legality by the Office of the Attorney General and is consistent with governing statute.</p> <p><i>No change made based on this comment.</i></p>
written	7/27/2021	51	Olga LaPlante	<p>Commenter opines that many believe this rule would include "the basic common childhood diseases, like measles and diphtheria," and debates the appropriateness of including meningitis in this rule for school children and applying these requirements for seniors, potentially holding them "hostage." Commenter stated, "Revising the schedule undermines trust." Commenter suggested reducing the number of required vaccines.</p>	<p>Commenter's statement regarding change of required vaccines listed in rule for school age students is outside the scope of this rulemaking. No change to the disease listed in rule is proposed, such change would require major substantive rulemaking, which includes a legislative review and opportunity for public comment.</p> <p>Section 5 is revised to require the catch-up schedule be determined in consultation with a licensed physician, NP, or PA. The consideration of the catch-up schedule included in Section 5 falls within the listed exemptions in Section 3 (e.g. the medical exemption provided by the licensed</p>

					physician, NP or PA and written assurance provided by the parent).
written	7/28/2021	52	Yvonne Perry	<p>Commenter disagrees with the proposed changes in regard to exemptions from immunization based solely on a sincere religious belief or philosophy and asked that the rule be reconsidered. Commenter stated that vaccines have caused medical harm. Commenter believes that immunization decisions should be made by the family in consultation with their healthcare provider and that schools are not qualified to dictate these health decisions or to provide vaccine schedules for students. Commenter opines this rule change will result in a decrease in public school access and enrollment or force some families to make medical decisions that they are not comfortable making.</p>	<p>The Departments do not have the authority to reconsider the legal requirement to remove exemption based on religious and philosophical objection. This rule implements P.L. 2019 c. 154.</p> <p><i>No change made based on this comment.</i></p>
written	7/28/2021	53	Patricia Frechette	<p>Commenter objects to any and all vaccine mandates. Commenter asserted that it should be parents and doctors who determine whether there should be a vaccine schedule. Commenter asked, "Whatever happened to the HIPPA laws? Is the State absolved from this invasion of our privacy?" Commenter does not believe multiple vaccines should be administered at one time and cites the Children's Health Defense website for examples of vaccine injuries. Commenter stated that the Covid-19 shot is an experimental drug, not a vaccine and included the website to listen to Dr. Robert Malone who speaks out against this. Commenter asked that the Covid shot not be added to the list of State mandated immunizations.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. Commenter's statement regarding vaccines not included in this rule is outside the scope of this rulemaking process. A change to the diseases listed in this rule requires major substantive rulemaking.</p> <p><i>No change made based on this comment.</i></p>



written	7/28/2021	54	Star Breton	<p>Commenter reported that her decision to not vaccinate is governed by law that allows superintendents to exclude children due to a threat of disease outbreak and stated that she believed that we find justice in allowing all children that have already been enrolled under the pre-existing laws that took place, to continue with those conditions until they have graduated. Commenter further stated that, if laws that affect communities are changing, there should be an allowance for fair and appropriate transition.</p>	<p>State law requires the Departments to establish rules to control potential outbreaks of communicable diseases in schools, including exclusion of students by a superintendent during the period of danger or until the child receives the necessary immunization. The effective date of this law is set in statute as September 1, 2021 and cannot be altered.</p> <p><i>No change made based on this comment.</i></p>
written	7/29/2021	55	Lori Brown	<p>Commenter submitted comments in opposition. Commenter stated, "that Maine is very close to overreaching the bounds of government in the area of vaccinations. I am not "anti-vax", I'm not even anti-Covid (or whatever comes down the line) vax but I am anti-government deciding what, when, how, why they inject OUR children. Please let this be the parent's decision." Commenter opines that, like her, many will put in their notice to leave.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	7/29/2021	56	Rebecca Denis	<p>Commenter expressed concern and reported, "...it has been "brought to my attention the intention of DHHS and the DOE proposed rule change to possible require my children to receive the COVID 19 vaccine in order to return to school in the fall." Commenter opposes this and supports bodily autonomy.</p>	<p>Commenter's statement regarding Covid-19 is beyond the scope of this rulemaking process. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> </ol>

					<p>5. Pertussis  6. Poliomyelitis  7. Tetanus  8. Rubella  9. Varicella  COVID-19 is not a required vaccination pursuant to this proposed rule. A change to the list of diseases in this rule requires major substantive rulemaking, which includes legislative review and an opportunity for public comment. The statute's removal of philosophical and religious exemptions became effective on September 1, 2021.</p> <p><i>No change made based on this comment.</i></p>
written	7/29/2021	57	Claudiu and Autumn Stan	<p>Commenter is concerned if the Covid-19 vaccination is required for children to attend school and asked the department to ensure this is not required. Commenter supports that the decision to vaccinate is left to parents.</p>	<p>Commenter's statement regarding Covid-19 is beyond the scope of this rulemaking process. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> </ol>

					<p>9. Varicella A change to the list of diseases in this rule requires major substantive rulemaking, which includes legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
written	7/30/2021	58	Emily Ellis	<p>Commenter expressed concern about possible government overreach and the vagueness of language specific to a school or government's authority to adopt stricter immunization requirements or add additional vaccine. Commenter stated, "The wording is too vague to understand intentions and does not sound trustworthy." Commenter is strongly opposed to the Covid vaccine.</p>	<p>This rule proposal is authorized by Title 20-A MRS chapter 223. 20-A MRS Section 6358(2) states: Immunization requirements more stringent than the provisions of this subchapter may be adopted by ordinance enacted by a municipality, by regulation of a school board or by policy of a private school's governing board. Comments specific to Covid-19 are outside the scope of this rulemaking.</p> <p><i>No change made based on this comment.</i></p>
written	7/30/2021	59	Tanya Case	<p>Commenter expressed concern about the "forced vaccination mandate" and loss of freedom to choose whether to vaccinate her children. Commenter asked how religious and philosophical exemptions can be reinstated.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p>

					<p>In order for this current law in effect to be changed, a bill would need to be introduced to the Legislature, that is ultimately passed to repeal this new provision. Maine voters voted for this law to pass in 2019. Changes to laws requires a legislative process described at <a href="http://legislature.maine.gov/general/path-of-legislation-in-maine-detailed/9285">http://legislature.maine.gov/general/path-of-legislation-in-maine-detailed/9285</a></p> <p><i>No change made based on this comment.</i></p>
written	7/30/2021	60	Jaci Holmes/DOE	<p>Commenter stated, "The exemption for Section 3(A)(5) in Chapter 126/261 is in 20-A §6359 which is the post-secondary requirements, not K-12 . There is not exemption language in the 20-A §6358 about distance learning for K-12. I just had this discussion with our AAG Sarah Forster. So we believe the #5 exemption for distance learning should not be in the rule for K-12."</p>	<p>In consultation with the Office of Attorney General, the proposed exemption for students participating in a distant learning program is beyond the scope of this rulemaking and the authority granted by the governing statute. Only those exemptions stated in law may be permitted and thus, this provision has been removed from the rule. The provision specific to distance learners is removed from the rule, students enrolled in school, participating in-person or remotely, are subject to this rule.</p> <p>In response to comments, the definition section is revised to clarify that students participating in in-</p>

					person and remote learning programs offered by the school, are subject to this rule.
written	7/30/2021	61	Cheri Hayes	Commenter strongly opposes any changes to the current school vaccination rules. Commenter stated that family should be given a choice whether to have their children vaccinated and still be allowed the same educational opportunities. Commenter stated the following reasons for opposing vaccine mandates: they attempt to take away important medical decisions from families; requiring vaccination without knowing medical histories of the child is dangerous; they promote separation of vaccination and nonvaccinated students, for some students, they remove the right to free public education and equity for educational and recreational opportunities; and they force parents to remove children from school or to move out of State.	The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	7/30/2021	62	Merline Carson	Commenter stated that there is no more OPV and that there are combinations of Vaccines, like Pentacel, Pedirix, and MMRV as well as a new vaccine, Vaxelis, which is a combination of DTAP, IPV, HIB, HEP B. Commenter suggested that the rule note these other <i>combination vaccines</i> to reduce confusion for parents.	OPV continues to be administered in countries outside of the United States and meets the polio requirement for foreign students. Each vaccine outlines the required number of doses to meet the minimum requirement, which may be met through any combination vaccine or individual antigen vaccine. Trade names and specific manufacturers are not listed individually, due to the possibility of new approved manufacturers being added after the rule is adopted.

					<i>No change made based on this comment.</i>
written	8/1/2021	63	Xavier Botana	<p>Commenter opines that the rule includes provisions that were rejected throughout the legislative process and suggested a legal review of the proposed rule to ensure it does not go beyond the spirit and intent of the revised statute by granting a permanent medical waiver to students who have an IEP in place prior to September 1, 2021, that asserted a philosophical or religious exemption, or for allowing "open-ended enrollment option in virtual school settings," for students in distant learning programs who also interact with other students and the general population. Additionally, Commenter expressed concern about the 90-day "grace period." Commenter stated that this allowance "creates a long window for a student to be in school without immunizations and creates a heavy burden for administrators to both track compliance and subsequently exclude a student who by virtue of time has become a fixture in the class." Commenter suggests the 21 day window currently offered for student records to catch up with transferring students provides a uniform window to monitor, ample time for immunizations to occur, and prevents a student from being in school for a long period of time, with an exception for pre-kindergarten students to have a longer period if under the age of five.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. Rulemaking is conducted in accordance with 5 MRS chapter 375. Provision proposed specifically for distance learners is determined to be beyond the authority of the Departments and outside the governing statute and has been removed from the rule. In response to comments, the definition section is revised to clarify that students participating in in-person and remote learning programs offered by the school, are subject to this rule. The governance of participation in community-based activities and settings is outside the scope of the rule.</p> <p>20-A MRS § 6355 (1) states that a superintendent may permit a student to enroll and attend if the parent provides a written assurance the child will be immunized within 90 days by private effort or provides,</p>

					where applicable, a written consent to the child's immunization by a health officer, physician, nurse or other authorized person in public or private employ. This provision in law cannot be removed without legislation. The rule clarifies this is a one-time provision, the 90 days begins with the first occurrence of either enrollment or attendance.
written	8/2/2021	64	Phillip J. Potenziano, Ed. D.	<p>Commenter opines that the rule includes provisions that were rejected throughout the legislative process and suggested a legal review of the proposed rule to ensure it does not go beyond the spirit and intent of the revised statute by granting a permanent medical waiver to students who have an IEP in place prior to September 1, 2021, that asserted a philosophical or religious exemption, or for allowing "open-ended enrollment option in virtual school settings," for students in distant learning programs who also interact with other students and the general population. Additionally, Commenter expressed concern about the 90-day "grace period." Commenter stated that this allowance "creates a long window for a student to be in school without immunizations and creates a heavy burden for administrators to both track compliance and subsequently exclude a student who by virtue of time has become a fixture in the class." Commenter suggests the 21 day window currently offered for student records to catch up with transferring students provides a uniform window to monitor, ample time for immunizations to occur, and prevents a student from being in school for a long period of time, with an exception for pre-kindergarten students to have a longer period if under the age of five.</p>	<p>The 90-day allowance based on a parent's written assurance is authorized by law at 20-A MRS § 6355 (1) and cannot be changed or removed without a statutory change that would require legislation.</p> <p>The IEP exemption in statute at 20-A MRS § 6355 (4) does not expire, so those students with religious and philosophical exemptions prior to or on September 1, 2021 may keep their exemptions after September 1, 2021.</p> <p>This rule establishes minimum immunization standards for children and students to attend school; however, there are no restrictions to school boards and municipalities imposing stricter immunization requirements.</p>

					<p>In consultation with the Office of Attorney General, the proposed exemption for students participating in a distant learning program is beyond the scope of this rulemaking and the authority granted by the governing statute. Only those exemptions stated in law may be permitted and thus, this provision has been removed from the rule.</p> <p><i>No change made based on this comment.</i></p>
written	8/3/2021	65	Caroline Zimmerman, Chair, Maine Immunization Coalition	<p>Commenter supports the proposed rule to clarify vaccine requirements, specifically the 90 day period for children enrolling in school that provides a period for the student to get vaccinations and the annual report requirement for superintendents. Commenter suggested that the report delineate data before and after September 1, 2021 to monitor changes and impact of the law. Commenter stated that the professionals authorized to issue medical exemptions should be required to be licensed by the State, believing this will reduce the potential fraud and need for future legislation. Commenter recognizes the law restricts the rule from including provisions governing medical exemptions and submitted that incorporating best practice in rule is not prohibited and would provide needed clarity. Commenter urged the Department to revise the definition of "medically inadvisable," to ensure the written exemption is consistent with contraindications and precautions issued by the CDC and Advisory Committee on Immunization Practices (ACIP) to clarify eligibility for medical exemptions. Commenter offered the following language for consideration: Section 3: Exceptions</p>	<p>P.L. 2019 c. 154 specifically prohibits the rule from including any provision governing medical exemptions. The medical exemption allowance within the rule now references statutory language which cannot be altered, except by a legislative process.</p> <p>In consultation with the Office of Attorney General, language has been added to further clarify that Maine licensure is required for those permitted by statute to provide written exemptions.</p> <p>The Departments did not accept the commenter's suggestion to specify license type (e.g. MD and DO). The</p>



				<p>3. Medical exemption in accordance with 20-A MRS 6355(2) “Medical exemption. The parent or the child provides a written statement from a licensed physician, nurse practitioner or physician assistant that immunization against one or more of the diseases in alignment with the current CDC and Advisory Committee on Immunization Practices (ACIP) contraindications or precautions. The provider writing the statement must be a MD, DO, NP or PA licensed in the state of Maine”</p>	<p>language of the rule is consistent with statute, and the Department is prohibited from adding any additional provisions governing medical exemptions</p> <p>The reporting required by this rule requires record of the effective dates of exemptions, requires the school to establish a uniform permanent student health record for maintaining information regarding the health status of each child and includes a review of records to identify problem areas.</p>
written	8/3/2021	66	Dora Anne Mills; Chief Health Improvement Officer, MaineHealth	<p>Commenter suggested a revision to Section 3 to further clarify 'medically inadvisable' as a qualifier for medical exemptions to ensure that the issuance of medical exemption aligns with the CDC/ACIP and best practice. Commenter suggested revision includes specifying that the physician must be licensed by the State. Commenter believes that the language offered by the Commenter addresses concerns about 'doctor shopping' and falsely issued medical exemption. Commenter expressed concern about the vagueness of Section 4(B) and that as written this section could be interpreted to allow for titers as proof of immunity. Commenter suggested that in place of 'laboratory evidence demonstrating immunity,' the rule specify 'a certificate of immunization.' Commenter recommends revising Section 5(D) to require two doses of Varicella, noting that, in 2007, ACIP changes its vaccine recommendations from one dose to two. Commenter suggested changes to Section 5(F) to require that, instead of the Department, it is the child's primary care physician or provider consulted for determining an appropriate catch-up</p>	<p>This rule is consistent with P.L. 2019 c. 154, which prohibited the rule from including any provisions governing medical exemptions. The medical exemption reference in rule is limited to reference to statutory language which cannot be altered except through legislation.</p> <p>The language in Section 4(B) mirrors that of the post-secondary, health care worker, and childcare worker immunization rules in Maine and allows for a person to provide laboratory evidence (titers) in the absence of an immunization certificate. The Department did not</p>

				<p>schedule, stating that this determination is outside of the scope of the role of the Department and appropriate for a primary care provider.</p>	<p>make changes to Section 4(B) as a result of this comment</p> <p>In response to comments, revisions for the final rule clarify that the Departments interpret “licensed physicians” to mean physicians licensed by the State of Maine.</p> <p>In response to comments, the proposed rule is amended to require two doses of Varicella, consistent with ACIP recommendations. In response to comment, the consultation with the child's physician is necessary to establish an appropriate catch-up schedule for the child who has not received the required vaccine in accordance with the schedule outlined in rule.</p> <p>In response to comments, Section 5 is revised to require the plan for immunization or catch-up schedule to be determined in consultation with a Maine-licensed physician, NP, or PA.</p>
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written	8/4/2021	67	Christine Brown	<p>Commenter urged the Department not to "approve or make any decision or law that would mandate any student to take any medication or vaccine which the parents of or any student would not choose to take for themselves, and that there would be no punitive repercussions for their making a decision not to take any such med or vaccine." Commenter expressed concerns about the political charge behind vaccine mandates and about Covid, and recommended the Department listen to Dr. Sherry Tenpenny's podcast. Commenter stated that declining the Covid vaccine is logical and possibly life-saving. Commenter pleaded for the Department's support against vaccine mandates.</p>	<p>Commenter's statement regarding COVID-19 vaccine is beyond the scope of this rulemaking process. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>COVID-19 is not a required vaccination pursuant to this proposed rule. A change to the list of diseases in this rule requires major substantive rulemaking, which includes a legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
written	8/4/2021	68	Radka Meader	<p>Commenter is concerned about this rule change and PL 2019, chapter 154. Commenter opposes repealing exemptions and wants to be able to make the decision whether to get her children vaccinated. Commenter is not opposed to vaccinations but is fearful of a specific vaccine.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including</p>

					<p>any provisions governing medical exemptions.</p> <p>Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>COVID-19 is not a required vaccination pursuant to this proposed rule. A change to the list of diseases in this rule requires major substantive rulemaking, which includes a legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
written	8/4/2021	69	Art Claes	<p>Commenter stated, "I take umbrage to the proposed changes, it is our right to choose not the government, this is a pure Marxist plan please don't let this happen."</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including</p>

					any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	8/4/2021	70	Julie Edminster	Commenter opposes vaccine mandates. Commenter believes that it is up to the parent, child, and doctor to make medical decisions and stated, "Every child deserves a free education and this mandate is in the way for many." Commenter referred the Department to a resource written in support of those that choose not to be vaccinated: <a href="https://ocla.ca/a-letter-to-the-unvaccinated/?fbclid=IwAR02wSbnS8PG4279yhehZ3jX8KMv6h0T3otvwkxGGKbprQzSnjzTVszrbrE">https://ocla.ca/a-letter-to-the-unvaccinated/?fbclid=IwAR02wSbnS8PG4279yhehZ3jX8KMv6h0T3otvwkxGGKbprQzSnjzTVszrbrE</a>	The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	8/4/2021	71	Jen Thomas	Commenter strongly opposes vaccine mandates. Commenter expressed concern about immunization requirements by the State and stated, "This jab for Covid-19 is experimental and it is unconstitutional to mandate an experimental jab let alone an approved FDA jab. There is mountains of evidence from nurses and doctors on the adverse side effects of this jab." Commenter asserted that the decision whether to get a vaccine or use a mask is a personal choice for a parent, not the government.	Comments specific to Covid-19 are outside the scope of this rulemaking. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases: 1. Diphtheria, 2. Measles 3. Meningococcal 4. Mumps 5. Pertussis 6. Poliomyelitis 7. Tetanus 8. Rubella 9. Varicella

					<p>COVID-19 is not a required vaccination pursuant to this proposed rule. A change to the list of diseases in this rule requires major substantive rulemaking, which includes a legislative review and opportunity for public comment.</p> <p><i>No change made based on this comment.</i></p>
written	8/4/2021	72	Joslin Smith	<p>Commenter is concerned about the proposed rule. Commenter opines that, with the national Kindergarten non-medical exemptions rate being only 2%, it is discriminatory to force children to receive vaccinations against their family's beliefs or religion or forcing them to be put in a position where they must struggle to find costly alternatives to free public school. Commenter believes the proposal goes against the <i>Every Student Succeeds Act</i>. Commenter asserted that parents of Maine's children be the "decision makers" with regard to the health and well-being of our families, and retain the right to taxpayer funded public education. Commenter included a link to a study by the National Center for Biotechnology Information (<a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6386772/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6386772/</a>) for consideration.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	8/4/2021	73	Arthur Graves	<p>Commenter stated that vaccination mandates are not the government's business and that he will remember how representatives vote.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including</p>

					any provisions governing medical exemptions.  <i>No change made based on this comment.</i>
written	8/4/2021	74	Joan Gibson, Brian Call; Milkyway Organic Farm, LLC	<p>Commenter strongly opposes PL 2019 chapter 154 and states that the mandatory Covid/CCP vaccines and the removal of "religious and conscience objections" is a violation of rights. Commenter expressed the opinion that the pandemic is not based in science, that is a bioweapon and that the experimental DNA-altering vaccine is about controlling mankind. Commenter opines there is discrimination and threats against unvaccinated persons. Commenter asked about the changes in flight traffic over Bangor International Airport, including Russian troop transports. Commenter suggested resources to review that support the opinion that vaccination efforts are part of a plan to eliminate the Constitution.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. Comments specific to Covid-19 are outside the scope of this rulemaking. Chapter 126/261 Immunization Requirements for Maine Schools in Section 2 (A) lists the following required immunizing agent against each of the following diseases:</p> <ol style="list-style-type: none"> <li>1. Diphtheria,</li> <li>2. Measles</li> <li>3. Meningococcal</li> <li>4. Mumps</li> <li>5. Pertussis</li> <li>6. Poliomyelitis</li> <li>7. Tetanus</li> <li>8. Rubella</li> <li>9. Varicella</li> </ol> <p>A change to this list of diseases in</p>

					<p>this rule requires major substantive rulemaking.</p> <p><i>No change made based on this comment.</i></p>
written	8/4/2021	75	Stacey Gosselin	<p>Commenter opposes vaccinating her child, not knowing the risks. Commenter stated that parents should have the choice whether to vaccinate their children.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p><i>No change made based on this comment.</i></p>
written	8/4/2021	76	Barbara J. Thomson	<p>Commenter suggested typographic and grammatic changes throughout the rule to address what the commenter found to be inconsistencies/errors, and to improve the overall readability of the rule. Commenter suggested a revision to language specific to certificate of immunization and stated that the statute does not require the provider who provides the certificate of immunization to be licensed. Commenter recommended the rule include a definition for "valid dose" or otherwise specify the intention of the following: Any valid doses of Tdap after age seven satisfies the requirement for 7th grade entry. (Section 5(A)(4).) Commenter recommended that Section 6(A) be revised to improve clarity regarding exclusions from school requirements. Commenter suggested that "clear danger" or "period of danger" be defined in the rule. Commenter recommended revising Section 6 to ensure that off-site instruction is available to students with an active Section 504 Plan. Commenter recommended revisions to require</p>	<p>§6353 "Certificate of immunization" means a written statement from a physician, nurse or health official who has administered an immunizing agent to a child, specifying the dosage administered and the date it was administered.</p> <p>In response to comments suggesting that exclusions require the Departments' determination and that 'employee' be removed, the Departments determine the rule is consistent with provisions of the governing statute.</p>



				<p>the Department to determine whether the superintendent may exclude an infected or exposed enrolled student, and to remove the reference to an employee from Section 6(B) and Section 8 (B), noting that removal of an employee may involve compliance with other laws. Commenter asked the Department to clarify Section 7(C) and whether it is referencing remote learners. Commenter stated that denoting students with exemption may not be in compliance with FERPA, unless all requirements of the law are met. Commenter suggested a revision in Section 8(B)(3) to clarify that problem areas noted in sample survey report, including issues with maintaining school health records, are specific to issues of compliance with the rule.</p>	<p>In response to comment specific to 'clear danger' and 'period of danger,' 20-A MRS Section 6359 (4) states: When a public health official has reason to believe that the continued presence in a school of a student who has not been immunized against one or more diseases presents a clear danger to the health of others, the public health official shall notify the chief administrative officer of the school. The chief administrative officer shall cause the student to be excluded from school during the period of danger or until the student receives the necessary immunizing agent.</p> <p>20-A MRS § 6356 (2) states: Superintendent's action. Notwithstanding the provisions of this subchapter on immunization against specified diseases, a superintendent may exclude from the public schools any child who is a public health threat, in accordance with section 6301, and the superintendent shall exclude from school any child <u>or employee</u> who has contracted or has been exposed to a communicable disease as directed by a physician after consultation with the Bureau of</p>
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					<p>Health. Title 22 MRS ch. 250 section 801 defines “Public Health Threat.”</p> <p>In response to comment specific to ‘valid dose,’ the validity is based on best practice and standard of care for the specific agent and effective immunization.</p> <p>Exemption for students participating remotely is beyond the authority granted by the governing statute. Only those exemptions stated in law may be permitted for a student enrolled in school without a certificate of immunization for each disease listed in this rule or other acceptable evidence of required immunization or immunity against each disease. For the purpose of this rule, school is defined as facility-based; students enrolled in school, participating in-person or remotely, are subject to this rule.</p> <p>Title 20-A M.R.S. § 6357(1) provides that student health records are confidential, except that state and local health personnel may have access to them in connection with an emergency as provided by the United States Family Educational Rights and Privacy Act of 1974 (FERPA) and federal regulations adopted</p>
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					under that act. The annual summary report is completed in aggregate form and no student names are disclosed. The Departments updated Section 8 to clarify that the summary report will not contain the names or other personally identifying information of individual students.
written	8/4/2021	77	Laura Blaisdell, MD/MPH, FAAP/on behalf of the Maine Chapter of the American Academy of Pediatrics	<p>Commenter offered suggestions for the proposed rule that further improve immunization requirements for children in Maine’s schools and communities. Commenter recommended that the following language be added to follow the sentence under Section 3(3): <u>The parent (or child) presents to the school each year a provider’s written statement that immunization against one or more of the diseases may be medically inadvisable in alignment with the CDC and Advisory Committee on Immunization Practices (ACIP) contraindications or precautions. The provider writing the statement must be a MD, DO, NP or PA licensed and practicing in the state of Maine to further clarify criteria for medical exemptions and address the commenter expressed concern for “the emergence of ‘exemption doctors’ willing to give inappropriate exemptions.”</u> Commenter suggested replacing language in Section 4(B) with the following revised language to improve the vagueness and eliminate the possibility of titers being used as evidence of immunity or immunization: <u>The child must present the school with a certificate of immunization or reliable documented history of infectious disease in question provided by a physician or primary care provider, PA, NP, licensed and practicing in Maine.</u> Commenter stated that Tdap is preferred over Td unless there are contraindications and suggested revisions to Section 5 (A)(3) to reflect this by removing Td. Commenter recommends requiring two doses of varicella vaccine, not one as stated in the rule.</p>	<p>This rule is consistent with P.L. 2019 c. 154, which prohibited the rule from including any provisions governing medical exemptions. The medical exemption allowance now references statute language which cannot be altered. The language in Section 4(B) mirrors that of the post secondary, health care worker, and childcare worker immunization rules in the state and allows for a person to provide laboratory evidence (titers) in the absence of an immunization certificate.</p> <p>The DHHS Maine CDC recognizes the current ACIP recommendation and, in response to comment, the rule is revised to require two doses of Varicella.</p> <p>Section 5 is revised to require the immunization plan or catch-up schedule be determined in</p>

				<p>Commenter suggested that the rule include the following provision as it relates to future rulemaking: The immunizations required for school entry and the dosages recommended for these immunizations will be used in accordance with up-to-date FDA, CDC/ACIP recommendations.</p>	<p>consultation with a Maine licensed physician, NP or PA.</p> <p>The Tdap/TD recommendation is in line with the current ACIP guidelines for adolescent catch-up schedule:</p> <ul style="list-style-type: none"> <li>•Persons age 7–18 years not fully vaccinated with DTaP: 1 dose Tdap as part of the catch-up series (preferably the first dose); if additional doses are needed, use Td or Tdap.</li> </ul>
written	8/5/2021	78	Wpruell	<p>Commenter opposes this rule change. Commenter stated that it should be parents who decide whether to vaccinate their children. Commenter commented that masks are ineffective and harmful to children and suggested that increasing immune systems should be the focus.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p>Masking is beyond the scope of this rulemaking process.</p> <p><i>No change made based on this comment.</i></p>
written	8/6/2021	79	Miroslava Bradburn	<p>Commenter stated that her children should not be forced to take any vaccine, especially if it is not approved and fully studied. Commenter expressed concern for any mandate of a vaccine researched less than 5-10 years and asserted that parents have the right to decide whether to vaccinate their children.</p>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including</p>

					<p>any provisions governing medical exemptions.</p> <p>Covid-19 vaccine is not required for school entry and is beyond the scope of this rulemaking process.</p> <p><i>No change made based on this comment.</i></p>
written	8/5/2021	80	Amanda Richards, Maine Osteopathic Association	<p>Commenter supports the proposed rule to clarify vaccine requirements, specifically the 90 day period for children enrolling in school that provides a period for the student to get vaccinated and the annual report requirement for superintendents. Commenter suggested that the report delineate data before and after September 1, 2021 to monitor status changes and impact of the law. Commenter stated that the professional authorized to issue medical exemptions should be required to be licensed by the State, believing this will reduce potential that inappropriate exemptions will be written and need for future legislation. Commenter recognizes the law restricts the rule from including provisions governing medical exemptions and submitted that incorporating best practice in rule is not prohibited and would provide needed clarity. Commenter urged the Department to revise the definition of "medically inadvisable," to ensure the written exemption is consistent with contraindications and precautions issued by the CDC and Advisory Committee on Immunization Practices (ACIP) to clarify eligibility for medical exemptions. Commenter suggested adding the following language to Section 3(3): The parent or the child provides a written statement from a licensed physician, nurse practitioner or physician assistant that immunization against one or more of the diseases in alignment with the current CDC and Advisory Committee on Immunization Practices (ACIP) contraindications or precautions. The</p>	<p>This rule is consistent with P.L. 2019 c. 154, which prohibited the rule from including any provisions governing medical exemptions. The medical exemption allowance now references statute language which cannot be altered through this rulemaking process.</p> <p>Revisions to the rule clarify that a "licensed physician, nurse practitioner or physician's assistant" who provides a medical exemption must be licensed to practice in the State of Maine. Licensees are regulated by independent boards and are expected to follow best practice.</p>

				provider writing the statement must be a MD, DO, NP or PA licensed in the state of Maine.”	
written	8/5/2021	81	Christina Theriault	Commenter asked that PL 2019 chapter 154 be reconsidered. Commenter wants changes that prohibit including language governing medical exemption and that remove exemptions based on religious or philosophical objections, to revert to previous language. Commenter opines the legislation was confusing and misleading for voters.	The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. Statutory changes require a separate legislative process.  <i>No change made based on this comment.</i>
written	8/5/2021	82	Caitlin Gilmet/on behalf of Maine Families for Vaccines	Commenter supports the proposed rule and suggested adding the following language to Section 3(3): The parent or the child provides a written statement from a licensed physician, nurse practitioner or physician assistant that immunization against one or more of the diseases in alignment with the current CDC and Advisory Committee on Immunization Practices (ACIP) contraindications or precautions. The provider writing the statement must be a MD, DO, NP or PA licensed in the state of Maine. Additionally, commenter suggested aligning vaccine requirement for chicken pox to align with the recommendation by the US CDC, ACIP and the American Academy of Pediatrics and recommended requiring two doses of varicella. Commenter strongly suggests the Maine CDC publish quarterly updates of each school's medical exemptions and vaccination rates.	This rule is consistent with P.L. 2019 c. 154, which prohibited the rule from including any provisions governing medical exemptions. The medical exemption allowance now references statute language which cannot be altered.  The DHHS Maine CDC recognizes the current ACIP recommendation. In response to comments, the rule is amended to require two doses of Varicella, consistent with ACIP recommendations.  Revisions to the rule clarify that a “licensed physician, nurse practitioner or physician’s assistant” who provides a medical exemption

					<p>must be licensed to practice in the State of Maine. Licensees are expected to follow best practice.</p> <p>The reporting required by this rule, requires record of the effective dates of exemptions, requires the school to establish a uniform permanent student health record for maintaining information regarding the health status of each child and provides for a review of records to share with superintendents identified problem areas.</p> <p><i>No change made based on this comment.</i></p>
written	8/5/2021	83	Anthony Shostak	<p>Commenter strongly objects to the removal of philosophical and religious exemptions. Commenter stated, "Maine has a constitutional obligation to provide an education to children, and federal law requires that this be provided equally without discrimination. The law approved by Maine voters which removes the exemptions creates a situation that subverts the federal law and removes the constitutional onus." Commenter stated that the definition of a vaccine has recently changed and that, after September 1, therapies that were not considered vaccines at the time of voting on the legislation, will be covered under the new law. Commenter questions what else will be required of parents in the name of public health. Commenter expressed concern that this could result in COVID-19 'vaccines' being required of our children, "despite the fact that they are experimental mRNA therapies, not vaccines as the term is even now commonly understood." Commenter shared his experience with the VAERS</p>	<p>The safety of vaccines is monitored by U.S. CDC and FDA. Certain safety outcomes are commonly evaluated, including Guillain-Barré Syndrome, maternal and infant safety, and febrile seizures. Findings from vaccine safety monitoring systems and scientific studies have shown that the routine childhood vaccines have a favorable safety profile and the body of scientific evidence overwhelmingly supports their safety. The DHHS Maine CDC assessed the risks and benefits of requiring vaccine in a school setting, including the number</p>

				<p>system and questions why, if vaccines are safe enough, pharmaceutical companies need indemnification against vaccine injuries. Commenter opines that the law should be repealed and, if not, that there will be expensive legal battles.</p>	<p>of vaccines administered and rate of occurrence of adverse effects and, consistent with the US CDC, determined that this important preventive measure is a reasonable standard to apply across public and private school settings for optimal public health benefit.</p> <p>This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions.</p> <p>COVID-19 vaccine is not required for school age entry and beyond the scope of this rulemaking process.</p> <p><i>No change made based on this comment.</i></p>
written	8/5/2021	84	Aimee Kardulas	<p>Commenter stated, "appalled to learn that this mandate was voted in and now parents rights are taken away with what they want for their children." Commenter shared that, because of vaccination mandates, she is now seeking out private school in NH for her child and that she will also need to seek alternative employment</p>	<p>This rule is consistent with P.L. 2019 c. 154, which removed provisions permitting religious and philosophical exemptions and prohibited the rule from including any provisions governing medical</p>



				<p>due to changes in vaccine requirements under childcare licensing rules.</p>	<p>exemptions. The governing authority stated, effective September 1, 2021, religious and philosophical exemption are removed from allowances in this law.</p> <p><i>No change made based on this comment.</i></p>
written	8/5/2021	85	Dan Morin/on behalf of Maine Medical Association	<p>Commenter supports the elimination of nonmedical exemptions, stating that they put individuals and communities at unnecessary risk for vaccine-preventable diseases. Commenter recommended the following: Strengthen the definition of a “immunizing agent.” (Section 1. Definitions) because "Its vagueness could substantially affect the intent and goal of protecting public health by the passage of PL 2019, Chapter 154."</p> <ul style="list-style-type: none"> <li>• Ensure medical exemptions are in line with the US CDC/ACIP contraindications and precautions, standard of care and best practice, which could reduce inappropriate or fraudulent exempting practices.</li> <li>• Add a process and method for investigating and reviewing data concerning the potential increase in concentrated questionable medical exemptions by school, school district, clinician, or clinical practice, noting that bypassing mandatory vaccinations for school children is a practice on the rise.</li> <li>• Clarify that only Maine licensed physicians, physician assistants, or advanced practice nurses (NP) can provide medical exemptions and require the license number to allow for appropriate records review by State's public health officials while complying with local record keeping requirements concerning student confidentiality.</li> </ul>	<p>The Departments are required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections and prohibited the rule from including any provisions governing medical exemptions. Nothing in this rule prevents a school from adopting a protocol regarding concerns about the legitimacy of required documentation. A school can, in accordance with the law, adopt more stringent immunization requirements.</p> <p>The Departments determined that the definition for ‘<i>Immunization agent</i>’ is sufficient and, with a list of two or more specific descriptors that is followed by more general descriptor, the otherwise wide meaning of the general descriptor must be restricted</p>

					<p>to the same class, if any, of the specific words that precede them.</p> <p>The reporting required by this rule, requires record of the effective dates of exemptions, requires the school to establish a uniform permanent student health record for maintaining information regarding the health status of each child and provides for a review of records to identify problem areas.</p> <p>In response to comments, the proposed rule is amended to require two doses of Varicella, consistent with ACIP recommendations. In response to comment, the consultation with the child's physician is necessary to establish an appropriate catch-up schedule for the child who has not received the required vaccine in accordance with the schedule outlined in rule</p> <p>In response to comments, the final rule clarifies that the “licensed” physician must be licensed by the State of Maine.</p>
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written	8/4/2021	86	Patsy Huntsman	Commenter is concerned about vaccine mandates and stated, "Too little is known about long term effects for these children who have their whole lives ahead of them." Commenter asked for support to oppose requirements.	The Department is required to implement P.L. 2019 c. 154, which removed provisions permitting exemptions based on religious and philosophical objections.  <i>No change made based on this comment.</i>
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**SUMMARY OF CHANGES  
IN RESPONSE TO COMMENT AND AAG REVIEW OF FORM AND LEGALITY**

**General:** Minor grammatical and format changes throughout the rule.

**Summary**

- Minor change to clarify the rule pertains to students enrolled and/or attending school.
- Added language to clarify that, for the purpose of complying with the rule, physicians, NPs and PAs must be licensed by the State of Maine.

**Section 1**

- Revised definition for ‘*Enrolled*’ (subsection A(4)) to add ‘or maintaining’ a student on a school roster.
- Revised definition for ‘*School*’ to further clarify instruction offered by the school may be in-person classes or remote learning programs.
- Added definition for ‘*Proof of Immunity*’ to clarify the necessary evidence that would mean proof of immunity.
- Withdrew the proposed exemptions specific to a student participating in a distant education program (i.e. remote learners).

**Section 2**

- Revised list of diseases to identify Poliomyelitis and Tetanus separately on different lines.

**Section 5**

- Revised to require two doses of varicella for children in grades kindergarten through 12.
- Revised to require that, for a child who has not received vaccinations in accordance with the rule, the catch-up schedule (or revised immunization plan) is determined in consultation with a Maine-licensed physician, NP or PA.

**Section 7:**

- Revised language in subsection B(4) to remove the specificity of the 90-day exemption and to reflect requiring record for any permitted exemption.

**Section 8:**

- Removed the second paragraph, previously proposed as B(3), entirely and updated language in 8(B)(1) to clarify that neither department has access to individual student records, under the school’s responsibility to report immunization rates.