

**NOTICE OF STATE RULEMAKING**

**PUBLIC INPUT FOR RULES** A list of state agency rule proposals is published here each Wednesday. You can get a copy of a proposed rule by contacting the person listed in the notice. You can comment on a proposed rule by submitting a written comment to the agency or by attending the public hearing, if one is scheduled. If no hearing is scheduled, you can request one. The agency must hold a hearing if it receives 5 or more requests. If you have a disability and need assistance to participate in a hearing you should tell the agency at least 7 days before the hearing. **ONLINE INFORMATION** Weekly notices, full text of adopted rules, and a list of agency rulemaking contacts are available at this website: <https://www.maine.gov/sos/cec/rules/index.html>

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**PROPOSALS**

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**AGENCY:** 18-125, Maine Revenue Services, Department of Administrative & Financial Services

**CHAPTER NUMBER AND TITLE:** c. 301, Sales for Resale and Sales of Packaging Materials

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER:** 2024-P335

**BRIEF SUMMARY:** Rule 301 establishes procedures for making sales for resale, including leases or rentals and certain sales to service providers, and sales of packaging materials without collecting sales tax, and sets forth requirements for certification of such sales. This amendment would conform Rule 301 with statutory changes in P.L. 2023, c. 643, Pt. H and P.L. 2023, c. 673 (generally imposing sales tax on leases and rentals), and make other minor technical language changes.

**PUBLIC HEARING** (*if any*): N/A

**COMMENT DEADLINE:** Tuesday, February 4, 2025

**CONTACT PERSON FOR THIS FILING:**

Alex Weber, General Counsel

Maine Revenue Services

24 State House Station

Augusta, ME 04333-0024

**Phone:** (207) 624-9712

**Email:** alexander.j.weber@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** (*if different*): N/A

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** (*if any*): N/A

**STATUTORY AUTHORITY FOR THIS RULE:** 36 M.R.S. Sec. 112

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** (*if different*): N/A

**AGENCY WEBSITE:** www.maine.gov/revenue

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** anya.trundy@maine.gov

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**AGENCY:** 18-125, Maine Revenue Services, Department of Administrative & Financial Services

**CHAPTER NUMBER AND TITLE:** c. 318, Instrumentalities of Interstate or Foreign Commerce

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER:** 2024-P336

**BRIEF SUMMARY:** Rule 318 explains the application of the exemption from sales or use tax for a vehicle, railroad rolling stock, aircraft or watercraft used by the purchaser or lessee in interstate or foreign commerce.

This amendment would conform Rule 318 with statutory changes in P.L. 2023, c. 643, Pt. H and P.L. 2023, c. 673 (generally imposing sales tax on leases and rentals), and make other minor technical language changes.

**PUBLIC HEARING** (*if any*): N/A

**COMMENT DEADLINE:** Tuesday, February 4, 2025

**CONTACT PERSON FOR THIS FILING:**

Alex Weber, General Counsel

Maine Revenue Services

24 State House Station

Augusta, ME 04333-0024

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Email: alexander.j.weber@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** (*if different*): N/A

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** (*if any*): N/A

**STATUTORY AUTHORITY FOR THIS RULE:** 36 M.R.S. Sec. 112

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** (*if different*): N/A

**AGENCY WEBSITE:** [www.maine.gov/revenue](http://www.maine.gov/revenue)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [anya.trundy@maine.gov](mailto:anya.trundy@maine.gov)

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**AGENCY:** 94-649 Maine Commission on Public Defense Services

**CHAPTER NUMBER AND TITLE:** Chapter 5, Co-counsel Requirements

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER:** 2024-P337

**BRIEF SUMMARY:** This rule establishes a process for requesting Co-counsel, expectations of Co-counsel, parameters for payment of Co-counsel, and guidelines for the delegation of tasks in assigned cases.

**PUBLIC HEARING** (*if any*): None

**COMMENT DEADLINE:** February 2, 2025

**CONTACT PERSON FOR THIS FILING:** Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, [jim.billings@maine.gov](mailto:jim.billings@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** (*if different*):

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** (*if any*): None

**STATUTORY AUTHORITY FOR THIS RULE:** 4 M.R.S.A. 1804(2)(G) and (4)(D)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** (*if different*): None

**AGENCY WEBSITE:** <https://www.maine.gov/pds/>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [jim.billings@maine.gov](mailto:jim.billings@maine.gov)

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**AGENCY:** 01-017 Maine State Harness Racing Commission

**CHAPTER NUMBER AND TITLE:**

Chapter 5 Tracks

Chapter 9 Sires Stakes

## Chapter 11 Medications, Prohibited Substances and Testing

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER:** 2024-P338 (Ch. 5), 2024-P339 (Ch. 9), 2024-P340 (Ch. 11)

**BRIEF SUMMARY:** The proposed changes to Chapter 5 include adding a section for Simulcast Requirements at licensee tracks. Proposed changes to Chapter 9 generally address fee schedules for the breeding program. In Chapter 11, the ARCI guidelines have been updated to the most recent version. Additionally, proposed changes are made to the furosemide program as well as TCO2 testing.

**PUBLIC HEARING (if any):** January 22, 2025, 9:00 A.M., Room 101 Deering Building, 90 Blossom Ln, Augusta, Maine.

**COMMENT DEADLINE:** February 3, 2025 5:00 PM.

**CONTACT PERSON FOR THIS FILING:** Shane Bacon, 28 State House Station, Augusta, ME 04333-0028, 207-287- 7568 shane.bacon@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different):** same as above

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any):** None known

**STATUTORY AUTHORITY FOR THIS RULE:** 8 MRS Sections 263-A; 268; 279-E; and 281.

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):** N/A

**AGENCY WEBSITE:** <https://www.maine.gov/dacf/harnessracing/index.shtml>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Shane.Bacon@maine.gov](mailto:Shane.Bacon@maine.gov)

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**AGENCY:** 02-380 State Board of Nursing

**CHAPTER NUMBER AND TITLE:** Chapter 14, Ethical Standards of Practice for Nurses

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER:** 2024-P341

**BRIEF SUMMARY:** The proposed rule establishes the American Nurses Association Code of Ethics with Interpretive Statements as an ethical standard of practice for licensees. The rule incorporates the generally accepted Code of Ethics for Nurses with Interpretive Statements, 2015 Edition, Copyright © 2015, American Nurses Association, by reference.

**PUBLIC HEARING (if any):** None planned. Requests to hold a public hearing by any interested party may be submitted in writing to the identified agency contact person.

**COMMENT DEADLINE:** January 31, 2025

**CONTACT PERSON FOR THIS FILING:** Kimberly S. Esquibel, Executive Director, State Board of Nursing, 158 State House Station, Augusta, ME 04333-0158, tel. (207) 287-1148, fax (207) 287-1149, kim.esquibel@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different):**

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any):**

**STATUTORY AUTHORITY FOR THIS RULE:** 32 M.R.S. §§ 2105-A(2)(F) and 2153-A(1)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):**

**AGENCY WEBSITE:** <http://www.maine.gov/boardofnursing>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** kim.esquibel@maine.gov

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**AGENCY:** 06-096 Department of Environmental Protection

**CHAPTER NUMBER AND TITLE:** Chapter 138: Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides (NO<sub>x</sub> RACT)

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER: 2024-P284**

**BRIEF SUMMARY:** The Department proposes to revise Chapter 138 to: clarify applicability of the rule; reevaluate NO<sub>x</sub> RACT for affected facilities located in the ozone transport region (OTR) due to promulgation of the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS); replace blanket exemptions with alternative emissions limits; and remove obsolete requirements.

**PUBLIC HEARING:** A public hearing was held October 17, 2024. The proposed rule is being reposted for additional written public comment.

**COMMENT DEADLINE:** February 4, 2025

**CONTACT PERSON FOR THIS FILING:**

Lynn Muzzey  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333  
(207) 332-1279

[lynn.muzzey@maine.gov](mailto:lynn.muzzey@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different):* N/A

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any):* N/A

**STATUTORY AUTHORITY FOR THIS RULE:** 38 M.R.S. §§ 585 and 585-A

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different):* N/A

**AGENCY WEBSITE:** [www.maine.gov/dep/rules](http://www.maine.gov/dep/rules)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Mark.T.Margerum@maine.gov](mailto:Mark.T.Margerum@maine.gov)

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**ADOPTIONS**

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**AGENCY:** 99-346 Maine State Housing Authority

**CHAPTER NUMBER AND TITLE:** Chapter 36, Housing First Program Administrative Responsibility Rule

**ADOPTED RULE NUMBER:** 2024-274

**CONCISE SUMMARY:**

This is a new joint rule by the State of Maine Department of Health and Human Services, Office of Behavioral Health and Maine State Housing Authority setting forth the responsibilities of each agency and their joint responsibilities in administering the State of Maine's Housing First Program. The Housing First Program provides funding for support and stabilization services for residents of properties in the State of Maine that provide permanent housing for persons who are experiencing chronic homelessness.

**EFFECTIVE DATE:** Wednesday, December 25, 2024

**AGENCY CONTACT PERSON:** Ashley Carson, Chief Counsel  
**AGENCY NAME:** Maine State Housing Authority  
**ADDRESS:** 26 Edison Drive, Augusta, Maine 04330-6046  
**TELEPHONE:** (207) 626-4600 (telephone) or Maine Relay 711

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**AGENCY:** 10-149 Department of Health and Human Services, Office of Aging and Disability Services

**CHAPTER NUMBER AND TITLE: 10-149 C.M.R. Chapter 5, Section 63, Home-Based Supports and Services for Older and Disabled Adults**  
**ADOPTED RULE NUMBER: 2024-275**

**CONCISE SUMMARY:**

This rulemaking was necessitated by the adoption of Public Law 2023, Chapter 412, which is the biennium budget for July 1, 2023, through June 30, 2025, that was signed into law by the Governor during the 2023 special legislative session. The budget allocated \$5.5 million for Home-Delivered Meals for certain eligible older adults, and this rule operationalizes this service. Additionally, this revised rule clarifies the monetary cap on the annual cost of respite services for older adults, and it clarifies the limit at which monthly service hour caps can be exceeded for adults receiving Adult Day Services reimbursable by Home Based Supports and Services (HBSS) funds. It also makes formatting adjustments for consistency.

Section 63 is a hybrid routine technical / major substantive rule. However, no changes to the major substantive part of the rule – subsection 63.12 – were proposed or made. As a result, this rulemaking follows the provisions for routine technical rulemaking in the Maine Administrative Procedure Act.

**EFFECTIVE DATE: Saturday, December 28, 2024**

**AGENCY CONTACT PERSON:** Esther Miller, Policy & Program Development Manager  
**AGENCY NAME:** Maine Department of Health and Human Services, Office of Aging and Disability Services  
**ADDRESS:** 41 Anthony Avenue, 11 State House Station, Augusta, Maine 04333-0011  
**TELEPHONE:** (207) 441-8349  
**TTY:** 711 (Deaf or Hard of Hearing)

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**AGENCY: 14-118 Department of Health and Human Services, Office of Behavioral Health**  
**CHAPTER NUMBER AND TITLE: Chapter 20, Housing First Program Administrative Responsibility Rule**  
**ADOPTED RULE NUMBER: 2024-276**

**CONCISE SUMMARY:**

This is a new joint rule by the State of Maine Department of Health and Human Services, Office of Behavioral Health and Maine State Housing Authority setting forth the responsibilities of each agency and their joint responsibilities in administering the State of Maine’s Housing First Program. The Housing First Program provides funding for support and stabilization services for residents of properties in the State of Maine that provide permanent housing for persons who are experiencing chronic homelessness.

**EFFECTIVE DATE: Wednesday, December 25, 2024**

**AGENCY CONTACT PERSON:** Danielle Hess - Policy, Communications, and Compliance Manager  
**AGENCY NAME:** Office of Behavioral Health  
**ADDRESS:** 41 Anthony Avenue, Augusta, Maine 04333  
**TELEPHONE:** (207) 441-8496 (telephone) or Maine Relay 711

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**AGENCY: 06-096 Department of Environmental Protection**  
**CHAPTER NUMBER AND TITLE: Chapter 428: Stewardship Program for Packaging**  
**ADOPTED RULE NUMBER: 2024-277**

**CONCISE SUMMARY:**

The new Chapter 428: Stewardship Program for Packaging, establishes parameters for the Department to implement, administer, and enforce the Stewardship Program for Packaging, 38 M.R.S. § 2146. It characterizes packaging material, provides a method for determining municipal reimbursement and producer fees, provides a method and criteria for investing in infrastructure and education, details alternative collection programs, establishes a cap for the packaging stewardship fund, and provides mechanisms for ongoing assessment and updates to the program.

**EFFECTIVE DATE: Wednesday, December 25, 2024**

**AGENCY CONTACT PERSON:**

Brian Beneski  
17 State House Station  
Augusta, ME 04333  
(207) 592-0248  
[Brian.Beneski@maine.gov](mailto:Brian.Beneski@maine.gov)

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**AGENCY: 01-015 Maine Milk Commission, Agriculture, Conservation and Forestry**  
**CHAPTER NUMBER AND TITLE: Chapter 3-Schedule of Minimum Prices Order#01-25**  
**ADOPTED RULE NUMBER: 2024-278**

**CONCISE SUMMARY:**

Minimum **January 2025** Class I price is **\$23.63/cwt.** plus **\$1.63/cwt.** for Producer Margins, an over-order premium of **\$1.04/cwt** as being prevailing in Southern New England and **\$0.47/cwt.** handling fee for a total of **\$26.97/cwt.** that includes a **\$0.20/cwt** Federal promotion fee.

**EFFECTIVE DATE: Sunday, December 29, 2024**

**AGENCY CONTACT PERSON:** Julie-Marie R. Bickford  
**AGENCY NAME:** Maine Milk Commission, DACF  
**ADDRESS:** 28 SHS, Augusta, ME 04333  
**TELEPHONE:** 207-287-7521

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**AGENCY: 02-392 Department of Professional and Occupational Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), Board of Pharmacy**  
**CHAPTER NUMBER AND TITLE: Chapter 7: Licensure and Employment of Pharmacy Technicians**  
**ADOPTED RULE NUMBER: 2024-282**

**CONCISE SUMMARY:**



Board Rule Chapter 7 is amended in accordance with Public Law 2023 Chapter 245 by setting standards by which a pharmacy technician may qualify to be certified to administer vaccines.

**EFFECTIVE DATE: Wednesday, January 1, 2025**

**AGENCY CONTACT PERSON:** Geraldine L. Betts, Administrator

**AGENCY NAME:** Maine Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Pharmacy

**ADDRESS:** 35 State House Station, Augusta ME 04333

**EMAIL ADDRESS:** [Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov)

**TELEPHONE:** 207-624-8625

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**AGENCY:** 02-392 Department of Professional and Occupational Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), Board of Pharmacy

**CHAPTER NUMBER AND TITLE:** Chapter 41: Sale of Nonprescription Drugs Through Vending Machine Outlets

**ADOPTED RULE NUMBER:** 2024-283

**CONCISE SUMMARY:**

Board Rule Chapter 41 repeals the 12-nonprescription limit of items that may be in any one vending machine in accordance with Public Law 2023 Chapter 160.

**EFFECTIVE DATE: Wednesday, January 1, 2025**

**AGENCY CONTACT PERSON:** Geraldine L. Betts, Administrator

**AGENCY NAME:** Maine Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Pharmacy

**ADDRESS:** 35 State House Station, Augusta ME 04333

**EMAIL ADDRESS:** [Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov)

**TELEPHONE:** 207-624-8625

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**AGENCY:** 02-392 Department of Professional and Occupational Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), Board of Pharmacy

**CHAPTER NUMBER AND TITLE:** Chapter 44: Pharmacist Authorization to Make Certain Contraception Accessible

**ADOPTED RULE NUMBER:** 2024-284

**CONCISE SUMMARY:**

Board Rule Chapter 44 implements requirements to increase access to birth control by making certain contraception accessible from a pharmacist in accordance with Public Law 2023 Chapter 115. This rule sets training for pharmacists to prescribe, dispense and administer contraceptives that reflect evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.

**EFFECTIVE DATE: Wednesday, January 1, 2025**

**AGENCY CONTACT PERSON:** Geraldine L. Betts, Administrator

AGENCY NAME: Maine Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Pharmacy  
ADDRESS: 35 State House Station, Augusta ME 04333  
EMAIL ADDRESS: [Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov)  
TELEPHONE: 207-624-8625

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**AGENCY: 02-041, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Boiler and Pressure Vessel Safety Program**

**CHAPTER NUMBER AND TITLE:**

**Repeal:**

**Chapter 1, Definitions**  
**Chapter 2, Variances**  
**Chapter 3, Board Meetings**  
**Chapter 4, Advisory Rulings**  
**Chapter 11, National Codes Applicable to Boilers and Pressure Vessels**  
**Chapter 12, Power Boilers**  
**Chapter 13, Low Pressure Boilers**  
**Chapter 14, Pressure Vessels**  
**Chapter 15, Repairs and Alterations**  
**Chapter 21, Duties and Responsibilities of All Owners of Boilers and Pressure Vessels**  
**Chapter 31, Inspectors**  
**Chapter 32, Boiler Operators and Stationary Steam Engineers**

**New:**

**Chapter 70, Definitions**  
**Chapter 71, Variances**  
**Chapter 72, Advisory Rulings**  
**Chapter 73, Safety Codes and Standards**  
**Chapter 74, Power Boilers**  
**Chapter 75, Low Pressure Boilers**  
**Chapter 76, Pressure Vessels**  
**Chapter 77, Repairs and Alterations**  
**Chapter 78, Duties and Responsibilities of Owners of Boilers and Pressure Vessels**  
**Chapter 79, Inspectors**  
**Chapter 80, Boiler Operators and Stationary Steam Engineers**

**ADOPTED RULE NUMBER: 2024-285 (Ch. 1), 2024-286 (Ch. 2), 2024-287 (Ch. 3), 2024-288 (Ch. 4), 2024-289 (Ch. 11), 2024-290 (Ch. 12) to 2024-291 (Ch. 13), 2024-292 (Ch. 14), 2024-293 (Ch. 15), 2024-294 (Ch. 21), 2024-295 (Ch. 31), 2024-296 (Ch. 32), 2024-297 (Ch. 70), 2024-298 (Ch. 71), 2024-299 (Ch. 72), 2024-300 (Ch. 73), 2024-301 (Ch. 74), 2024-302 (Ch. 75), 2024-303 (Ch. 76), 2024-304 (Ch. 77), 2024-305 (Ch. 78), 2024-306 (Ch. 79), 2024-307 (Ch. 80)**

**CONCISE SUMMARY:**

The adopted rules entirely repeal and replace the Boiler and Pressure Vessel Safety Program's rules. The new rules eliminate outdated references (the regulatory agency is administered as a program through the Office of Professional and Occupational Regulation and not through a licensing board) and



adopt updated safety codes and standards, including the ASME Boiler and Pressure Vessel Code, 2023 Edition with the exception of Section III, Rules for Construction of Nuclear Facility Components, and Section XI, Rules for Inservice Inspection of Nuclear Reactor Facility Components; the ASME Code for Power Piping, B31.1-2022; the National Board Inspection Code, ANSI/NB23 2023 Edition, parts 1, 2, 3 and 4 (Enforcement of Part I, Installation, delayed for a period of thirty-six months); Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-2021; and Guidelines for inspection and nondestructive testing of paper machine dryers, TIP 0402-16 (2015 Revision).

**EFFECTIVE DATE: Wednesday, January 1, 2025**

**AGENCY CONTACT PERSON:** John Burpee, Chief Inspector  
**AGENCY NAME:** Boiler and Pressure Vessel Safety Program, Office of Professional and Occupational Regulation  
**ADDRESS:** 35 State House Station, Augusta, ME 04333-0035  
**TELEPHONE:** (207) 624-8546, TTY users call Maine Relay 711

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**AGENCY: 02-041, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation**  
**CHAPTER NUMBER AND TITLE: Chapter 10, Establishment of License Fees (Amend)**  
**ADOPTED RULE NUMBER: 2024-308**

**CONCISE SUMMARY:**

The changes to the fee rule cover the costs for additional staff for the Elevator and Tramway Safety Program, which are needed to keep up with the increased demand for plan review and inspections due to housing development in Maine. Moreover, the amended rule consolidates fees charged for certain types of reviews and inspections and sets all fees at a flat, rather than a variable rate.

**EFFECTIVE DATE: Wednesday, January 1, 2025**

**AGENCY CONTACT PERSON:** Joan Cohen, Acting Commissioner of the Department of Professional and Financial Regulation  
**AGENCY NAME:** Office of Professional and Occupational Regulation  
**ADDRESS:** 35 State House Station, Augusta, ME 04333-0035  
**TELEPHONE:** 207-592-0516