**State of Maine: Notice of Agency Rulemaking – January 1, 2020**

**PROPOSALS**

AGENCY: **06-096 – Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 890**, Designation of PFOS as a Priority Chemical

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2019-P178** *(2nd publication)*

BRIEF SUMMARY: The Department is proposing to adopt a new rule that will designate perfluorooctane sulfonic acid ("PFOS") as a priority chemical and require reporting for certain product categories that contain this regulated chemical. The proposed rule applies to manufacturers of specified product categories that contain intentionally added amounts of PFOS, which is often used to make clothing water repellant, among many other uses. The proposed rule was posted to a 30-day public comment period beginning October 2. Prior to the close of the comment period the Department received more than five requests for a public hearing so the comment period is reopened and a hearing will be held.

Copies of the rule are available upon request by contacting the agency contact person or on the DEP website at http://www.maine.gov/dep/rules/. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period.

PUBLIC HEARING: January 23, 2020 - 9:00 a.m., Augusta Civic Center, 76 Community Drive, Augusta

COMMENT DEADLINE: February 3, 2020 - 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Kerri Malinowski, DEP, 17 State House Station, Augusta, ME 04333. Fax: (207) 287-7826. Telephone: (207) 215-1894. Email: Kerri.Malinowski@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact on municipalities or counties is anticipated from this proposal.

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §§ 341-H, 1694

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DEP RULES WEBSITE: http://www.maine.gov/dep/rules/ .

DEP RULEMAKING LIAISON: Mark.T.Margerum@Maine.gov .

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #02-20**

PROPOSED RULE NUMBER: **2019-P286**

BRIEF SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954

PUBLIC HEARING: January 23, 2020, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine

COMMENT DEADLINE: January 23, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Tim.Drake@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §8054; 7 MRS §2954

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

MMC WEBSITE: http://www.maine.gov/dacf/milkcommission/index.shtml .

**ADOPTIONS**

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS) – Division of Policy**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual (MBM): **Ch. III Section 2**, Adult Family Care Services

ADOPTED RULE NUMBER: **2019-252**

CONCISE SUMMARY: The Department adopts this rule pursuant to PL 2017 ch. 460, *An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government* (the “Act”), Part B-2. The Act requires the Department to amend its rules to increase reimbursement rates for adult family services, adult day services, and homemaker services for the fiscal year ending June 30, 2019, by ten percent (10%); and directs that MaineCare payment rates for state fiscal year ending June 30, 2020 and each year thereafter be increased by an inflation adjustment cost-of-living percentage in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index from the prior December for professional services, nursing home, and adult day care services. These cost-of-living increases shall continue annually until the Department has completed a rate study for adult family care services and the rates in the rate study have been implemented.

This adopted rule effectuates a 3.8 percent cost-of-living rate increase for adult family care services for the fiscal year ending June 30, 2020. Ch. III Section 2, “Adult Family Care Services”, increases the unadjusted price from $53.27 to $55.29 and the resource-adjusted prices accordingly. In addition, Ch. III Section 2, “Adult Family Care Services”, increases the unadjusted price to adult family care homes that satisfy the definition of remote island facilities from $61.26 to $63.59 and the resource-adjusted prices accordingly.

The Department is seeking, and anticipates receiving, approval from the federal Centers for Medicare and Medicaid Services (CMS) for this change. Pending approval, the 3.8 percent cost-of-living increase will be effective retroactive to July 1, 2019. A Change in Reimbursement Methodology Notice was posted July 31, 2018 on the Office of MaineCare Services’ website.

See http://www.maine.gov/dhhs/oms/rules/index.shtml for rules and related rulemaking documents.

See http://www.maine.gov/dhhs/oms/rules/index.shtml for rules and related rulemaking documents.

EFFECTIVE DATE: December 24, 2019

OMS CONTACT PERSON: Nicole Jurdak, Office of MaineCare Services - Division of Policy, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207)-624-4058. Fax: (207)-287-6106. TTY users call Maine relay 711. Email: Nicole.Jurdak@Maine.gov .

OMS WEBSITE: http://www.maine.gov/dhhs/oms/ .

OMS RULEMAKING LIAISON: Thomas.Leet@Maine.gov .

DHHS WEBSITE: http://www.maine.gov/dhhs/ ,

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Food Supplement Program, **FS #210A** (ABAWD Geographic Waiver)

ADOPTED RULE NUMBER: **2019-253**

CONCISE SUMMARY: The Department is adopting rules that waive work requirements for certain able-bodied adults without dependents (ABAWDs) residing in geographic areas that have unemployment rates at or above 10% or have insufficient jobs for recipients residing in those areas. The geographic areas include 247 qualifying cities, towns, unorganized territories, townships, and reservations that qualify individually or as part of a federally defined labor market area. Upon adoption of these rules, ABAWDs residing in those areas will no longer have to meet the work requirements to receive Food Supplement benefits.

See <http://www.Maine.gov/dhhs/ofi/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: December 29, 2019

OFI CONTACT PERSON: Patricia Dushuttle, Special Projects Program Manager, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-6907. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Patricia.Dushuttle@Maine.gov .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

DHHS WEBSITE: http://www.maine.gov/dhhs/ ,

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Food Supplement Program Manual, **FS 208A** (Removal of the Elderly Disabled Asset Limit)

ADOPTED RULE NUMBER: **2019-254**

CONCISE SUMMARY: This rule removes asset limits for households that qualify for broad based categorical eligibility and in which all members are either elderly or disabled. The purpose of this rule is to improve program access and allow two of Maine’s most vulnerable populations to participate in the Food Supplement Program without liquidating their household assets. Additionally, this rule will reduce administrative burden on the Department and help to improve Maine’s Payment Error Rate.

See http://www.Maine.gov/dhhs/ofi/rules/index.shtml for rules and related rulemaking documents.

EFFECTIVE DATE: December 1, 2019

OFI CONTACT PERSON: Ian Miller, Senior Program Manager - Food Supplement, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04333-0011. Telephone: (207) 624-4138. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Ian.Miller@Maine.gov .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

DHHS WEBSITE: http://www.maine.gov/dhhs/ ,

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

AGENCY: **01-015** - Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #01-20**

ADOPTED RULE NUMBER: **2019-255** *(Emergency)*

CONCISE SUMMARY: Minimum January 2020 Class I price is $22.26/cwt. plus $1.53/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 $25.50/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: December 29, 2019

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Tim.Drake@Maine.gov .

MMC WEBSITE: http://www.maine.gov/dacf/milkcommission/index.shtml .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 330**, Higher Opportunity for Pathways to Employment (HOPE) Program Rules

ADOPTED RULE NUMBER: **2019-256**

CONCISE SUMMARY: The Maine State Legislature enacted PL 2017 ch. 387, codified at 22 MRS §3790-A, which authorized the Department to establish a student financial aid program based on need, called the Higher Pathways to Employment (HOPE) Program.

This new rule governs the HOPE program. The rule introduces requirements for HOPE Program services, which are supports to low-income parents and caregivers attending educational institutions, which promote attainment of educational goals. The rule provides for an application process, financial and non-financial eligibility and participation requirements, verification and reporting responsibilities, types of eligible training/education programs, and support services conditions. This rule defines navigation services available to HOPE participants. The rule provides for an appeal process for applicants and participants.

This benefit is a limited one. The Legislature limited the number of participants to 500. The Legislature also authorized the Commissioner to limit or suspend enrollment or program services to the extent necessary to avoid negative effects to services provided under the Temporary Assistance for Needy Families program pursuant to Title 22 ch. 1053-B or from the operation of the Additional Support for People in Retraining and Employment – Temporary Assistance for Needy Families program pursuant to Title 22 ch. 1054-A.

The Department does not anticipate any adverse impact to municipalities or small businesses as a result of this rule. Local school districts may see increased use of adult education offerings as students enroll in short-term occupational trainings or remedial course work required for entry to degree programs.

See <http://www.Maine.gov/dhhs/ofi/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: January 1, 2020

OFI CONTACT PERSON: Sheri Wilkens, HOPE Program Manager, Office for Family Independence, Department of Health and Human Services, 109 Capitol Street – 11 State House Station, Augusta, ME 04333. Telephone: (207) 624-4103. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Sheri.Wilkens@Maine.gov .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

DHHS WEBSITE: http://www.maine.gov/dhhs/ ,

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Food Supplement Program, **FS 209A** (COLA SUA FFY 2020)

ADOPTED RULE NUMBER: **2019-257**

CONCISE SUMMARY: A rule change is necessary to remain in compliance with Federal regulation 7 CFR 273.9(d) which requires annual review and adjustment to federal poverty levels, the standard deduction, and an adjustment to standard utility allowances (SUAs).

This rule extends updates to: the federal poverty levels; maximum and minimum allotments; the threshold that requires a report of changes in household income; the standard, homeless shelter, maximum shelter, and standard utility allowance deductions for the Food Supplement program adopted through emergency rule making on October 1, 2019.

This rule moves these figures to charts at the end of the manual. Many points in the manual reference these figures. For simplicity, the figures will be housed in charts in one place and other sections will reference those charts. These charts, also, provide a historical record. This record will: facilitate accurate eligibility determinations when months in multiple federal fiscal years are calculated at the same time; facilitate more timely calculation of historical benefits in the cases of Quality Assurance reviews and payment errors; and provide a quick reference for recipients and community partners when trying to determine why benefits have fluctuated from one year to another.

This rule adds verbiage clarifying the calculation of benefits for individuals residing in certain approved institutions that provide the majority of meals, to the extent that those calculations reference these annually updated figures. This language will provide clarity for our eligibility staff, recipients, community partners, and the Department’s administrative hearings unit.

The adopted version of this rule varies from the proposed version to incorporate changes that were made by other rules adopted in the interim.

The organization of the information in section FS-444-8 was revamped for clarity as a result of comments.

See <http://www.Maine.gov/dhhs/ofi/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: December 29, 2019

OFI CONTACT PERSON: Ian Miller, Senior Program Manager - Food Supplement, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04333-0011. Telephone: (207) 624-4138. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Ian.Miller@Maine.gov .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

DHHS WEBSITE: http://www.maine.gov/dhhs/ ,

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

AGENCY: **99-650 - Combat Sports Authority of Maine**

CHAPTER NUMBER AND TITLE: Rules for Boxing, **Ch. 1** *thru* **12**

ADOPTED RULE NUMBER: **2019-258** *to* **269**

CONCISE SUMMARY: The Authority has determined that amendments to these routine technical rules are necessary to correct certain errors, ambiguities, and omissions; to ensure internal consistency; and, to ensure compliance with current governing law and generally accepted practices. The amendments set forth requirements for medical assessments of fighters and strengthen regulation of fighters’ use of performance-enhancing and other prohibited substances. The rules make bonding requirements for boxing promoters identical to those for mix martial arts promoters. This rulemaking does not include changes to any fees due for certification of participants.

EFFECTIVE DATE: December 25, 2019

AUTHORITY CONTACT PERSON: Hal Pierce, Chairperson, Combat Sports Authority of Maine, P.O. Box 10525, Portland, ME 04104. Telephone: (207) 712-6615. Email: combatsportsmaine@yahoo.com .

AUTHORITY WEBSITE: https://www.mainecombatsports.com/ .