**State of Maine: Notice of Agency Rulemaking – January 25, 2023**

**NOTICE OF STATE RULEMAKING**

**Public Input for Rules**

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions**: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). **World‑Wide Web**: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

**PROPOSALS**

AGENCY: **02-477** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Occupational Therapy Practice**

CHAPTERS NUMBERS AND TITLES:

**Ch. 4**, License Renewal and Continuing Education Requirements; Reinstatement *(New)*

**Ch. 6-A**, License Renewal; Reinstatement *(Repeal)*

TYPE OF RULES: Routine Technical

PROPOSED RULE NUMBERS: **2022-P187, P188** *(2nd publication)*

BRIEF SUMMARY: At its January 13, 2023 meeting, the Board of Occupational Therapy Practice reviewed and accepted public comments and made subsequent changes to its proposed rulemaking packet as noted below:

**Board Rules, Chapter 4:**

**1. Section 1(2)** – Temporary licenses – replace the word “an” with “one” to make consistent with statutory language.

**2. Section 3(A)** – Added language recognizing activities completed during the licensure renewal period for purposes of maintaining certification with the National Board for Certification in Occupational Therapy (NBCOT) and who completes the one hour of ethics satisfies the continuing education requirements.

**3. Section 3(B)** – Revised to clarify the hours and content requirements in meeting the continuing education requirements.

**4. Section 3(C)** – Revised to clarify the minimum hours and to clarify that continuing education activities do not require in-person attendance, nor do they require live, remote interaction with presenters.

**5. Section 3(C)(h) and (i)** – Added language to allow fieldwork direct supervision (Levels I and II).

**6. Section 3(F)** – Added language to clarify action as a result of a failed audit.

**7. Section 4** – Added language to allow the Board to grant continuing education deferments due to extenuating circumstances, sets the requirements for first renewals, and identifies the process for requesting inactive licensure status and returning to active licensure status.

Copies of the proposed rule and rulemaking documents may be found on the Board’s webpage: <https://www.maine.gov/pfr/professionallicensing/professions/board-occupational-therapy-practice>.

PUBLIC HEARING: N/A – written comments only. *Pursuant to 5 MRS §8052(1) and §8053(3)(B), a  hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this  filing. Comments on the proposed rules may be submitted by emailing* [*Candice.B.Wright@maine.gov*](mailto:Candice.B.Wright@maine.gov) *or by mailing comments to the Maine Board of Occupational Therapy Practice, Attn: Candice Wright, 35 State House Station, Augusta, ME 04333-0035.*

COMMENT DEADLINE: Tuesday, February 28, 2023, 5:00 p.m. Written comments may be submitted to Candice Wright, Consumer Assistance and Hearing Coordinator, 35 State House Station, Augusta, ME 04333-0035. Email: [Candice.B.Wright@Maine.gov](mailto:Candice.B.Wright@maine.gov).

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Candice Wright, Consumer Assistance and Hearing Coordinator - OPOR, 35 State House Station, Augusta, ME 04333-0035., Telephone: (207) 624-8601. TTY: Maine relay 711. Email: [Candice.B.Wright@Maine.gov](mailto:Candice.B.Wright@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §2274(2); 32 MRS §2283(4); 10 MRS §8003(5-A)(D)(5).

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-occupational-therapy-practice>.

OPOR RULEMAKING LIAISON: [Kristin.Racine@Maine.gov](mailto:Kristin.Racine@Maine.gov).

**ADOPTIONS**

AGENCY: **02-373 – Maine Board of Dental Practice** (*Affiliated with the* Department of Professional and Financial Regulation – PFR)

CHAPTER NUMBER AND TITLE: **Ch. 14**, Rules for the Use of Sedation and General Anesthesia

ADOPTED RULE NUMBER: **2023-008**

CONCISE SUMMARY: This is an amendment to an existing rule that clarifies the advanced life support certification requirements when a dentist is utilizing sedation and/or general anesthesia as follows:

**1.** Requires a dentist who applies for a permit to provide sedation and/or general anesthesia services to patients to obtain and maintain life support certification in basic life support (BLS), and advanced life support certification in Advanced Cardiac Life Support (ACLS). Advanced life support certification in Pediatric Advanced Life Support (PALS) is required when providing sedation services to pediatric patients and may be used in meeting the ACLS advanced life support certification requirements.

**2.** Requires an operating dentist who applies for a 14 Day Notification to utilize the services of a sedation provider to obtain and maintain life support certification in BLS, and advanced life support certification in Advanced Cardiac Life Support (ACLS). Advanced life support certification in Pediatric Advanced Life Support (PALS) is required when providing sedation services to pediatric patients and may be used in meeting the ACLS advanced life support certification requirements.

**3.** Clarifies that as part of the 14 Day Notification application requirements, a sedation provider must hold current life support certifications in BLS, ACLS and PALS. As noted in the previous sections, PALS certification is required only when providing sedation services to pediatric patients and may be used in meeting the ACLS advanced life support certification requirements.

**4.** Removes duplicative notification language when a dentist who holds a permit under Chapter 14 is part of a 14 Day Notification application. No additional application or notification is required by the dentist providing services as the sedation provider.

**5.** Other technical changes include clarification as follows:

**a.** An operating dentist must file an application when utilizing a sedation provider as part of a 14 Day Notification requirement;

**b.** Life support certification requirements for a permit renewal;

**c.** Online life support/advanced life support certification training not accepted unless hands-on participation with the instructor as a component of the training is verified; and

**d.** Removing sections from the rule referencing dates for compliance after the rule was last amended in 2017.

EFFECTIVE DATE: January 15, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Penny Vaillancourt, Executive Director, Maine Board of Dental Practice, 143 State House Station, Augusta, ME 04333-0143. Telephone: (207) 3333. Email: [Penny.Vaillancourt@Maine.gov](mailto:Penny.Vaillancourt@Maine.gov).

AGENCY WEBSITE: <https://www.maine.gov/dental/>.

AGENCY: **99-420 - Maine Turnpike Authority (MTA)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Rules Governing the Use of the Maine Turnpike

ADOPTED RULE NUMBER: **2023-009**

CONCISE SUMMARY: This rule change does the following:

**(1)** Lowers the speed limit from 65 miles per hour to 55 miles per hour south of mile marker .7 on the Maine Turnpike. This is necessary due to shortened approaches to the Piscataqua River Bridge southbound during time periods when the breakdown lane on the bridge is used as a travel lane. This change will also make the speed limit north of the bridge consistent with the speed limit south of the bridge.

**(2)** Clarifies the MTA rules on parking by including specific time limits for parking at MTA concession areas. Including these time periods in the rule will provide greater notice to the public of the MTA’s policy on parking.

**(3)** Strengthens the rule on loitering and soliciting at MTA service plazas. This change is made to ensure the comfort and convenience of the service plazas for the MTA’s customers.

**(4)** Amends the requirements on over limit vehicle movements at night to allow greater flexibility in authorizing these movements. The primary purpose of this change is to enable MTA contractors working on the turnpike at night to safely remove their equipment from the highway before daylight hours.

EFFECTIVE DATE: January 23, 2023

MTA CONTACT PERSON / RULEMAKING LIAISON: Jonathan Arey, Maine Turnpike Authority, 2360 Congress Street, Portland, Maine 04210. Telephone: (207) 632-4386. Email: [JArey@MaineTurnpike.com](mailto:JArey@MaineTurnpike.com).

WEBSITE: <https://maineturnpike.com/>.

AGENCY: **02-331** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Maine State Board of Funeral Service**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Annual Renewal; Continuing Education; Inactive Status *(amend)*

ADOPTED RULE NUMBER: **2023-010**

CONCISE SUMMARY: The rule clarifies that at the time of an odd-year renewal, practitioners of funeral service shall certify compliance with the continuing education requirement set forth in 32 MRS §1506 and Chapter 11 of Board rules.  The rulemaking enlarges the scope of potential programs that would satisfy the continuing education requirement and removes the requirement that sponsors and/or activities be pre-approved by the Board.

EFFECTIVE DATE: January 22, 2023

AGENCY CONTACT PERSON: Holly Poirier, Regulatory Board Manager, Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), Maine State Board of Funeral Service, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8624. TTY users call Maine Relay 711. Email: [Holly.Poirier@Maine.gov](mailto:Holly.Poirier@Maine.gov).

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-funeral-services>.

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 803**, Participating Local District Consolidated Retirement Plan

ADOPTED RULE NUMBER: **2023-011**

CONCISE SUMMARY: This rule governs the Consolidated Plan for Participating Local Districts. Under the current rule, cost-of-living adjustments to eligible retirees are capped at 2.5%. The amendment to the rule sets the cost-of-living adjustment for the period September 1, 2022 to August 31, 2023, to 3.5%.

EFFECTIVE DATE: January 24, 2023

AGENCY CONTACT PERSON: Kathy Morin, Rulemaking Liaison, Maine Public Employees Retirement System (MainePERS), Box 349, Augusta, Maine 04332-0349. Telephone:1 (800) 451-9800 or (208) 512-3108. Email: [Kathy.Morin@MainePERS.org](mailto:Kathy.Morin@MainePERS.org).

MAINEPERS WEBSITE: <https://www.mainepers.org/>.