**State of Maine: Notice of Agency Rulemaking – February 1, 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: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 27**, Retail Margins

PROPOSED RULE NUMBER: **2023-P021**

BRIEF SUMMARY: The principal reason for this rulemaking is to up-date dealer margins, after a study conducted by Herbein & Co.

PUBLIC HEARING:February 23, 2023, Thursday, starting at 4:00 p.m., Department of Agriculture, Conservation & Forestry, Deering Building – Room 101, Hospital Street, Augusta, Maine, and via Microsoft Teams (link available at <https://www.maine.gov/dacf/milkcommission/index.shtml>).

COMMENT DEADLINE:March 6, 2023 - 5:00 p.m.

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

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

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

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

**ADOPTIONS**

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

CHAPTER NUMBERS AND TITLES:

**Ch. 3**, Licensure by Endorsement *(new)*

**Ch. 7**, Code of Ethics *(amended)*

ADOPTED RULE NUMBERS: **2023-013-014**

CONCISE SUMMARY:

**Chapter 3: “Licensure by Endorsement”**

The Board is adding a new chapter describing the pathway for Maine licensure for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine’s requirements.  This rule implements LD 149 (PL 2021 ch. 167), “An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions”, and LD 2035 (PL 2021 ch. 642), “An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions”.

**Chapter 7: Code of Ethics**

The Board is amending its Chapter 7 by adopting and incorporating by reference the *AOTA 2020 Occupational Therapy Code of Ethics*, Copyright © 2020, of the American Occupational Therapy Association, Inc. (hereinafter the “2020 AOTA Code of Ethics”). The current rule adopts the 2010 American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics and Ethics Standards, with certain exceptions [excluding Principle 4, Social Justice, in its entirety, with the exception of the title “Social Justice,” the prefatory phrase “Occupational therapy personnel shall” and paragraph F; excluding Principle 5, Procedural Justice, paragraphs D and F; and excluding Principle 7, Fidelity, paragraphs C, D and G.] In voting to propose the amended rule, the Board expressed desire to update the Code of Ethics to the current version published by AOTA and, given the changes from the 2010 AOTA Occupational Therapy Code of Ethics, voted to incorporate the AOTA Code of Ethics without exclusions, but instead to adopt the 2020 version in its entirety.

EFFECTIVE DATE: January 25, 2023

AGENCY CONTACT PERSON: Candice Wright, Consumer Assistance and Hearing Coordinator, Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035. Telephone:(207) 624-8601. Email: [Candice.B.Wright@Maine.gov](mailto:Candice.B.Wright@Maine.gov).

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

OPOR RULEMAKING LIAISON: [Holly.Poirier@Maine.gov](mailto:Holly.Poirier@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 #02-23**

ADOPTED RULE NUMBER: **2023-015** *(Emergency)*

CONCISE SUMMARY: Minimum February 2023 Class I price is $24.03/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 $27.37/cwt. that includes a $0.20/cwt Federal promotion fee.

EFFECTIVE DATE: January 29, 2023

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission – DACF, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: [Julie-Marie.Bickford@Maine.gov](mailto:Julie-Marie.Bickford@Maine.gov).

MMC WEBSITE: <https://www.maine.gov/dacf/milkcommission/index.shtml>.

AGENCY: **12-179** - Department of Labor (DOL), **Board of Occupational Safety and Health Board (BOSH)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Occupational Safety and Health Standards for Construction Industry Employment in the Public Sector

ADOPTED RULE NUMBER: **2023-016**

CONCISE SUMMARY: The Occupational Safety & Health Administration (OSHA) made minor changes to their Beryllium standard. This work rule adopts those minor changes. In addition, OSHA also made one small change to the crane and derrick standard 1926.1400. Board rules must at a minimum conform to federal standards of occupational safety and health so that the state program can be federally approved as a public employee only occupational safety and health program.

EFFECTIVE DATE: January 29, 2023

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, ME 0433-0054. Telephone: (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov).

BOSH WEBSITE: <https://www.maine.gov/labor/workplace_safety/publicsector.shtml>.

AGENCY: **99-346 - Maine State Housing Authority (MaineHousing)**

CHAPTER NUMBER AND TITLE: **Ch. 27***(Repeal and replace)*, Transfers of Ownership Interests

ADOPTED RULE NUMBER: **2023-017**

CONCISE SUMMARY: This rule repeals and replaces in its entirety the current *Transfers of Ownership Interest* rule which sets forth the requirements and procedures for obtaining the consent of MaineHousing to changes of ownership interests in multifamily and supportive housing projects that have funding or an allocation of tax credits from MaineHousing. The rule applies to the transfer of a project to a new owner along with the assumption by the new owner of the existing MaineHousing obligations. The rule also applies to the transfer of a direct or indirect ownership interest in a business entity that continues to own the project. This rule does not address criteria for modifying the term or amount of any MaineHousing obligation in connection with a proposed change of ownership interest.

EFFECTIVE DATE: January 30, 2023

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Ashley Janotta, Chief Counsel, Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330-6046. Telephone: (207) 626-4600, or Maine Relay 711. Email: [AJanotta@MaineHousing.org](mailto:AJanotta@MaineHousing.org).

MAINE HOUSING WEBSITE: <https://www.mainehousing.org/>.

AGENCY: **10-144 - Department of Health and Human Services (DHHS)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Administrative Hearing Regulations

ADOPTED RULE NUMBER: **2023-018**

CONCISE SUMMARY: The adopted rule does the following: adds language regarding remote hearings and exchange of exhibit deadlines; revises subpoena process and includes reference to the *Mann* Consent Judgment; updates references to Department programs; clarifies when a decision becomes final agency action; revises deadlines for requesting correction of decisions or re-opening the record; updates grammar and definitions; describes process for Hearing Officer to control proceedings; and deletes language regarding billing for certification of the record for Rule 80C appeals.

EFFECTIVE DATE: January 30, 2023

DHHS CONTACT PERSON: Joseph Pickering, Esq., Department of Health and Human Services, Division of Administrative Hearings, 11 State House Station, Augusta, ME 04333-0011. Telephone: Telephone: (207) 624-5350. TTY: Dial 711 (Maine Relay). Email: [Joseph.Pickering@Maine.gov](mailto:Joseph.Pickering@Maine.gov).

DHHS DIVISION OF ADMINISTRATIVE HEARINGS WEBSITE: <https://www.maine.gov/dhhs/about-us/administrative-hearings>.

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS RULEMAKING LIAISON: [Sara.Gagne-Holmes@Maine.gov](mailto:Sara.Gagne-Holmes@Maine.gov).