**State of Maine: Notice of Agency Rulemaking – February 15, 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: **02-333** -- Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Licensure of Foresters**

CHAPTER NUMBERS AND TITLES:

**Chapter 70:** Qualifications for Forester License *(Amended)*

**Chapter 70-A**: Licensure by Endorsement *(New)*

**Chapter 100**: Code of Ethics *(Repeal and replace)*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P031** *to* **P033**

**Chapter 70: Qualifications for Forester License** -The principal reason for this proposed rulemaking is to align the rule with 32 MRS §5516(2)(B) regarding the pathway for those applicants applying on the basis of a license in another jurisdiction.

BRIEF SUMMARY: **Chapter 70-A: Licensure by Endorsement** - The principal reason for this proposed rulemaking is to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021 Chapter 167, “An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions”.

**Chapter 100: Code of Ethics** -The Board is proposing to repeal and replace Chapter 100 with a chapter that clarifies terminology and definitions in numerous sections. Additionally, forester roles are described as well as when a written agreement is required and what the agreement must include.

For a copy of the proposed rule and related documents, please direct your request to the contact person for this filing or visit: <https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-foresters> and scroll down to “What’s New.”

**PUBLIC HEARING**: N/A. A public hearing may be requested in accordance with 5 MRS §8052(1).

COMMENT DEADLINE: Friday, March 17, 2023 by 5:00 p.m.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8518. TTY: Maine relay 711. Email: Catherine.Pendergast@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N.A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 5506, 5516; 10 MRS §8003-H.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-foresters>.

AGENCY RULEMAKING LIAISON: Kristin.Racine@Maine.gov.

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 351**, Maine Child Support Enforcement Manual: **Ch. 6**, Child Support Guidelines

ADOPTED RULE NUMBER: **2023-019**

CONCISE SUMMARY: This updates the State of Maine Child Support Guidelines Table based on current economic data in accordance with 45 CFR §302.56. This regulation requires states to “review and revise, if appropriate” their child support guidelines at least every four years “to ensure that their application results in the determination of appropriate child support award amounts.” With the assistance of the Division of Support Enforcement and Recovery, an economist from the Center for Policy Research made recommendations for updating the guidelines table based upon an analysis of current economic data and Maine child support case file data. The report, *Review of the Maine Child Support Guidelines* (November 2022), is available on the Division of Support Enforcement and Recovery’s website at [https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/2022%20Guidelines%20Review.pdf.](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/2022%20Guidelines%20Review.pdf) The proposal also removes outdated, prefatory language from the current rule.

See <https://www.maine.gov/dhhs/ofi/about-us/rules/dser-adopted> for rule and related rulemaking documents.

EFFECTIVE DATE: February 13, 2023

AGENCY CONTACT PERSON: Gregory J. Garneau, Staff Attorney, Department of Health & Human Services, Office for Family Independence (OFI), 109 Capitol Street – 11 State House Station, Augusta, ME 04333. Telephone: (207) 624-6983. Fax: (207) 287-6883. TT Users Call Maine Relay – 711. Email: Gregory.J.Garneau@Maine.gov.

CHILD SUPPORT SERVICES WEBSITE: <https://www.maine.gov/dhhs/ofi/programs-services/child-support-services>.

OFI WEBSITE: <https://www.maine.gov/dhhs/ofi/>.

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

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

DHHS RULEMAKING LIAISON: Sara-Gagne-Holmes@Maine.gov.

AGENCY: **10-148** - Department of Health and Human Services (DHHS), **Office of Child and Family Services (OCFS)**

CHAPTER NUMBER AND TITLE: **Ch. 31** *(New)*, Quality Rating and Improvement System Rules: Rising stars for ME

ADOPTED RULE NUMBER: **2023-020**

CONCISE SUMMARY The rule will:

* Recognize Early Care & Education Programs that provide quality care, encourage Program Owners to increase their level of quality, and provide parents with identifiable standards of quality;
* Outline procedures for Early Care & Education Programs' enrollment with Rising Stars for ME;
* Establish standards and requirements for each Star Rating by program type;
* Explain how a program can attain a Star Rating;
* Explain how a program can maintain its Star Rating or advance to the next Star Rating; and
* Explain how they can appeal their Star Rating.

EFFECTIVE DATE: February 13, 2023

AGENCY CONTACT PERSON: Crystal Arbour, Child Care Services Program Manager, DHHS - Office of Child and Family Services, 2 Anthony Avenue – 11 State House Station, Augusta, ME 04333. Telephone: (207) 626-8683. Email: Crystal.Arbour@Maine.gov.

OCFS WEBSITE: <https://www.maine.gov/dhhs/ocfs>.

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

DHHS RULEMAKING LIAISON: Sara-Gagne-Holmes@Maine.gov.

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

CHAPTER NUMBER AND TITLE:

(1) **Ch. 5** – Introduction, Table of Contents, Rule History *(AMEND)*;

(2) **Ch. 5 Section 65**, Nutrition Services *(REPEAL)*; and

(3) **Ch. 6** **Section 5** *(New)*, Nutrition Services Program *(ADOPT)*

ADOPTED RULE NUMBERS: **2023-021, 022**

CONCISE SUMMARY: The Department has repealed and replaced 10-149 CMR Chapter 5 Section 65 – “Nutrition Services”, with 10-149 CMR Chapter 6 Section 5 – “Nutrition Services Program”, and has made appropriate amendments to the Elder Services Policy Manual Table of Contents in 10-149 CMR Chapter 5. The purpose of this rulemaking was to update the Department’s Nutrition Services rule in accordance with the requirements outlined in the 2020 reauthorization of the *Older Americans Act*, 42 USC §§ 3001 *et seq*. The new Nutrition Services Program rule also removes outdated references to the Bureau of Elder and Adult Services and provides additional clarity around eligibility requirements for older adults to receive nutrition services.

Nutrition services authorized by the rule are provided by Area Agencies on Aging (AAAs) that are under contract with the Department’s Office of Aging and Disability Services (OADS), or by their subcontractors. Nutrition services regulated under this rule are funded by block grants from the Administration for Community Living (ACL) in the U.S. Department of Health and Human Services.

The new Nutrition Services Program rule defines key terms used in the rule and in the administration of the Nutrition Services Program; requires participating AAAs to provide Congregate Nutrition Services, Home Delivered Nutrition, Nutrition Counseling, and Nutrition Education; sets forth eligibility and prioritization standards; and states provider and program requirements. The rule also states operational requirements for providers, including:

* Maximizing the number of eligible individuals who are provided an opportunity to receive nutrition services;
* Outreach, intake, and information and assistance/referral services in conformance with 10-149 CMR Ch. 5 §67;
* The creation and maintenance of wait lists for nutrition services, if necessary;
* When and how providers may seek voluntary contributions from recipients for the cost of meals;
* Why and how providers of nutrition services may deny, reduce, or terminate nutrition services for individuals;
* Minimum nutritional requirements for meals and compliance with the State of Maine Food Code, 10-144 CMR Ch. 200;
* Reporting of food borne illness;
* Menu planning and the provision of special meals when possible, to meet recipients’ dietary, religious, and cultural requirements and preferences;
* Recipient satisfaction surveys;
* Group purchasing and other cost-saving measures;
* Necessary contents of subcontracts for nutrition services;
* Designation of full-time Nutrition Directors and consultation with registered dietitians;
* Preparation and distribution of nutrition manuals establishing procedures relating to sanitation, food handling and storage, reporting of food borne illness and handling medical and other emergencies; and
* Data collection and reporting.

Imposing these requirements on AAAs and their subcontractors enables OADS to comply with the *Older Americans Act* and with the Department’s block grants from the ACL.

EFFECTIVE DATE: February 14, 2023

AGENCY CONTACT PERSON: James Moorhead, Aging Services Manager, Maine Department of Health and Human Services, Office of Aging and Disability Services, 41 Anthony Avenue - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 446-2804. TTY: 711 (Deaf or Hard of Hearing). Email: James.Moorhead@Maine.gov.

OCFS WEBSITE: <https://www.maine.gov/dhhs/oads>.

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

DHHS RULEMAKING LIAISON: Sara-Gagne-Holmes@Maine.gov.