**State of Maine: Notice of Agency Rulemaking – March 2, 2022**

**PROPOSALS**

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 #04-22**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P028**

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: March 24, 2022, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine

COMMENT DEADLINE: March 24, 2022

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; 7 MRS §2954

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

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

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #03-22**

ADOPTED RULE NUMBER: **2022-026** *(Emergency)*

CONCISE SUMMARY: Minimum March 2022 Class I price is $26.13/cwt. plus $1.58/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 $29.42/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: February 27, 2022

MMC CONTACT PERSON / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission - Agriculture, 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: **02-031** - Department of Professional & Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 740**, Credit for Reinsurance

ADOPTED RULE NUMBER: **2022-027**

CONCISE SUMMARY: The Bureau based the amendment on recent changes to the National Association of Insurance Commissioners Credit for Reinsurance Model Regulation. The purposes of the proposed amendment are to:

**\*** implement the revisions, based on the NAIC Credit for Reinsurance Model Law, made to 24-A MRS §731-B by PL 2021 ch. 16, *An Act To Revise Certain Financial Regulatory Provisions of the Maine Insurance Code*;

**\*** clarify the confidentiality of copies of regulatory filings that are confidential in the reinsurer’s country of domicile;

**\*** allow credit for reinsurance ceded to reinsurers domiciled in reciprocal jurisdictions, thereby bringing state laws into conformity with the Covered Agreements between the federal government and the European Union and United Kingdom; and

**\*** make various technical and editorial corrections to the rule.

EFFECTIVE DATE: March 1, 2022

BUREAU CONTACT PERSON / RULEMAKING LIAISON: Benjamin Yardley, Senior Staff Attorney, Department of Professional & Financial Regulation - Bureau of Insurance, 76 Northern Avenue, Gardiner, ME 04345. Telephone: (207) 624-8537. Email: [Benjamin.Yardley@Maine.gov](mailto:Benjamin.Yardley@Maine.gov).

BUREAU WEBSITE: <https://www.maine.gov/pfr/insurance/home>.

AGENCY: **03-201 - Maine Department of Corrections (MDOC)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Policy and Procedures Manual – Adult; **Subsection 29.1**, Adult Resident Grievance Process, General

ADOPTED RULE NUMBER: **2022-028**

CONCISE SUMMARY: The primary reason this rule is being adopted is to repeal and replace the current rule, adopted in 2012, in order to streamline and improve the adult facility resident grievance process. The provisions in this proposed rule clarify what a grievable matter consists of, establish new timelines for the filing of a grievance, require that the informal resolution process be initiated by the Grievance Review Officer, clarify other staff responsibilities, better describe abuses of the grievance process, strengthen record keeping and audit requirements, and make other improvements to the process.

EFFECTIVE DATE: March 8, 2022

MDOC CONTACT PERSON / RULEMAKING LIAISON: Mary Lucia, Maine Department of Corrections, 111 State House Station, Augusta, Maine 04333. Telephone: (207) 530-0983. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov).

MDOC WEBSITE: <https://www.maine.gov/corrections/>.

AGENCY: **03-201 - Maine Department of Corrections (MDOC)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Policy and Procedures Manual – Adult; **Subsection 29.2**, Adult Resident Grievance Process, Health Care

ADOPTED RULE NUMBER: **2022-029**

CONCISE SUMMARY: The primary reason this rule is being adopted is to repeal and replace the current rule, adopted in 2012, in order to streamline and improve the adult facility resident health care grievance process. The provisions in this proposed rule clarify what a grievable matter consists of, establish new timelines for the filing of a grievance, require that the informal resolution process be initiated by the Grievance Review Officer, clarify other staff responsibilities, better describe abuses of the grievance process, strengthen record keeping and audit requirements, and make other improvements to the process.

EFFECTIVE DATE: March 8, 2022

MDOC CONTACT PERSON / RULEMAKING LIAISON: Mary Lucia, Maine Department of Corrections, 111 State House Station, Augusta, Maine 04333. Telephone: (207) 530-0983. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov).

MDOC WEBSITE: <https://www.maine.gov/corrections/>.

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

CHAPTER NUMBER AND TITLE: **Ch. 201**, Procedures for the Child Abuse or Neglect Findings, Appeals from Findings, and Appeals from Denial of Access to Certain Confidential Records

ADOPTED RULE NUMBER: **2022-030**

CONCISE SUMMARY: This amendment to 10-148 ch. 201 will allow the Department to conduct hearings on indicated findings of abuse or neglect if the indicated individual demonstrates that they are experiencing or are likely to experience collateral consequences due to the indicated finding. The updated version also includes changes to terminology to clarify the rules, changes to notice requirements to reflect that an indicated individual may be entitled to a hearing, a provision providing the hearing officers with explicit authority to lower a finding from substantiated to indicated, and provisions regarding paper appeals to extend the Department's deadline to complete paper reviews and allowing paper reviewers to lower substantiated findings to indicated based on their review of the appeal.

The rules as currently written do not explicitly allows for a hearing on an indicated finding. This was a result of the substantial difference in the impact of an indicated finding versus a substantiated one. Substantiated findings are reported out on child protective background checks and as a result may impact an individual's ability to find work in their chosen field. Indicated findings are not reported out on background checks but may still impact the indicated individual. Specifically, as part of a Clifford Order whereby the Department is required to tum over its records to the Court in a civil or criminal proceeding.

This will have an impact on individuals who are indicated for abuse and/or neglect of a child. If they can demonstrate they are experiencing or are likely to experience collateral consequences, they will have the ability to appeal. The rules also contain provisions for individual previously indicated who are experiencing or are likely to experience collateral consequences.

EFFECTIVE DATE: February 28, 2022

OCFS CONTACT PERSON: Debra White, Department of Health and Human Services - Office of Child and Family Services, 2 Anthony Avenue – 11 State House Station, Augusta, ME 04330. Telephone: (207) 624-7968. Email: [Debra.White@Maine.gov](mailto:Debra.White@Maine.gov).

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

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

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto: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**, Supplemental Nutrition Assistance Program (SNAP) Rules: **Section 999-3**, Charts: **SNAP 224E**, March 2022 Standard Utility Allowance Updates.

ADOPTED RULE NUMBER: **2022-031** *(Emergency)*

CONCISE SUMMARY: Each state agency is charged with determining standard utility allowances and having those approved by the United States Department of Agriculture (USDA). Each year, Maine proposes figures based on the best available data in July for implementation in October. The utility allowance values for Federal Fiscal Year 2022 were calculated to increase using The Consumer Price Index (CPI) of 240.778% for June 2021 published by the Bureau of Labor Statistics of the Department of Labor, and were submitted to and approved by the USDA. Between June and October 2021, the CPI increased another 11.88 percentage points. This increase is indicative of an additional $2 per month in phone expenses, an additional $14 per month in utility expenses for households without a heating or cooling expense, and an additional $42 per month in utility expenses for households with a heating or cooling expense. To accurately reflect the expense of Maine families, the Department has submitted and the USDA has approved updated standard utility allowances for the remainder of Federal Fiscal Year 2022.

Pursuant to 5 MRS §8054, the Department finds that emergency rulemaking is necessary for the health, safety, and general welfare in order to ensure that SNAP benefits are issued appropriately and accurately taking into account the high utility expenses experienced by Maine residents as verified by the Maine Public Utilities Commission and attested to by various media outlets.

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

EFFECTIVE DATE: March 1, 2022

SNAP CONTACT PERSON: Ian Miller, Senior Program Manager – SNAP, Department of Health and Human Services - Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4138. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: [Ian.Miller@Maine.gov](mailto:Ian.Miller@Maine.gov).

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