**State of Maine: Notice of Agency Rulemaking – March 3, 2021**

**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 #04-21**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P030**

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 18, 2021, Thursday, starting at 4:00 p.m. *Because* *of the COVID-19 Public Health Emergency and pursuant to 1 MRS §403-A, enacted by PL 2020 c. 617 part G (eff. Mar. 18, 2020), this hearing could be held remotely by telephonic conference. Directions on how to attend the hearing telephonically will be posted on the Milk Commission website and sent to the interested persons list in advance of March 18, 2021. If the civil emergency is not extended the meeting will be held in Room 101, Deering Building, Augusta, Maine.*

COMMENT DEADLINE:March 18, 2021

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> .

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Portable Fire Extinguishers

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P031**

BRIEF SUMMARY: This rule incorporates NFPA #10, *Standards for Portable Fire Extinguishers*, 2018 edition. The 2018 edition provides clarifications on an array of topics including electronic monitoring, installation, and mounting of extinguishers and information on obsolete extinguishers.

CHAPTER NUMBER AND TITLE: **Ch. 7** *(repeal)*, Dry Cleaning Plants

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P032**

BRIEF SUMMARY: This rule is being repealed because the adoption of the 2018 edition of NFPA #1, *Uniform Fire Code,* in ch. 3 has incorporated the subject matter of the State Fire Marshal’s rule ch. 7.

CHAPTER NUMBER AND TITLE: **Ch. 8** *(repeal)*, Spray Applications

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P033**

BRIEF SUMMARY: This rule is being repealed because the adoption of the 2018 edition of NFPA #1, *Uniform Fire Code,* in ch. 3 has incorporated the subject matter of the State Fire Marshal’s rule ch. 8.

CHAPTER NUMBER AND TITLE: **Ch. 9** *(repeal)*, Dip Tanks

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P034**

BRIEF SUMMARY: This rule is being repealed because the adoption of the 2018 edition of NFPA #1, *Uniform Fire Code,* in ch. 3 has incorporated the subject matter of the State Fire Marshal’s rule ch. 9.

CHAPTER NUMBER AND TITLE: **Ch. 11** *(repeal)*, Bulk Oxygen and Hydrogen Systems

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P035**

BRIEF SUMMARY: This rule is being repealed because the adoption of the 2018 edition of NFPA #1, *Uniform Fire Code,* in ch. 3 has incorporated the subject matter of the State Fire Marshal’s rule ch. 11.

CHAPTER NUMBER AND TITLE: **Ch. 13** *(repeal)*, Welding, Cutting and Allied Processes and Acetylene Cylinder Charging Plants Systems

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P036**

BRIEF SUMMARY: This rule is being repealed because the adoption of the 2018 edition of NFPA #1, *Uniform Fire Code,* in ch. 3 has incorporated the subject matter of the State Fire Marshal’s rule ch. 13.

**PUBLIC HEARING**: N/A

COMMENT DEADLINE: April 5, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Sr. Planning and Research Analyst, 52 State House Station, Augusta, ME 04333-0052. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §2452

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

FMO RULEMAKING WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed> .

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **29-250** - Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 160**, Rules for Motor Carrier Reviews

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P037**

BRIEF SUMMARY: This chapter outlines the process for identifying commercial motor carriers with repeated and significant violations during the operation of a commercial motor vehicle and establishes a “Threshold Limit” at which the Bureau of Motor Vehicles will use to score and review carriers and to issue warnings or suspensions. It also establishes a schedule by which carriers will be reviewed along with suspension time limits, restoration requirements and appeal guidelines.

PUBLIC HEARING: April 2, 2021 - 10:00 a.m. *Zoom:* [*https://us02web.zoom.us/j/83729280804?pwd=VTQwcm84VDVnQlJLMk1NWFZvMnE3QT09*](https://us02web.zoom.us/j/83729280804?pwd=VTQwcm84VDVnQlJLMk1NWFZvMnE3QT09) *. Telephone: 1 (301) 715-8592. Meeting ID: 837 2928 0804.*

COMMENT DEADLINE: 15 days after the public hearing.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: April Goodwin, Chief of Motor Carrier Services, Bureau of Motor Vehicles, 29 State House Station, Augusta, ME 04333. Telephone: (207) 624-9063. Email: April.M.Goodwin@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 29-A MRS §2458 sub-§2, V

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

BMV WEBSITE: <http://www.maine.gov/sos/bmv/> .

BMV RULEMAKING LIAISON: Leslie.Soares@Maine.gov .

AGENCY: **01-670** - Department of Agriculture, Conservation and Forestry (DACF), **Bureau of Parks and Lands (BPL)**

 CHAPTER NUMBER AND TITLE: **Ch. 18**, ATV Municipal/County Grant In-Aid Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P038**

**BRIEF SUMMARY**: The amendments will:

**\*** Raise the State's grant cost share from 70% up to but not to exceed a rate of 90%, reducing the local match from 30% to potentially 10%.

**\*** Add Counties to the eligible government entities to receive the Grant-In-Aid Program.

**DETAILED SUMMARY**: The amendment will:

**\*** Raise the State's grant cost share from 70% up to but not to exceed a rate of90%, reducing the local match from 30% to potentially 10%. Currently clubs are finding it financially impossible to reach the 30% match. Reducing the percentage, still holds the clubs responsible for a portion of the grant funding without strapping them with a high financial burden.

**\*** Add Counties to the eligible government entities to receive the Grant-In-Aid Program. Adding counties, as an eligible government entity, to receive funding through the ATV Municipal Grant-In-Aid Program, allows for regional consolidation for grant administration and makes it possible to more effectively fund trails in unorganized territories.

**PUBLIC HEARING**: N/A

COMMENT DEADLINE: April 2nd, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Brian N. Bronson, Off Road Recreational Vehicle Office, 22 State House Station, Augusta, Maine 04333. Telephone: (207) 287-4958. Fax: (207) 287 6170. Email: Brian.N.Bronson@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: n/a

STATUTORY AUTHORITY FOR THIS RULE: Title 12 sub-ch. 1893(l)(B)

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

AGENCY WEBSITE: [www.parksandlands.com](http://www.parksandlands.com) .

DACF RULEMAKING LIAISON: Shannon.Ayotte@Maine.gov .

AGENCY: **18-691** –Department of Administrative and Financial Services (DAFS), **Office of Marijuana Policy (OMP)**

CHAPTER NUMBERS AND TITLES:

**Ch. 2**, Medical Marijuana Program Rule; *and*

**Ch. 4** *(Repeal)*, Marijuana Manufacturing Facilities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2021-P039, P040**

BRIEF SUMMARY: These rules and the enabling statute, 22 MRS ch. 558-C, the *Maine Medical Use of Marijuana Act*, govern the Maine Medical Use of Marijuana Program (MMMP). These rules repeal and replace 18-691 CMR, ch. 2 and 4, and establish the requirements for the medical use of marijuana, including fees and registration processes and procedures for cultivating, manufacturing, selling, purchasing or otherwise transferring or receiving medical marijuana for the purpose of providing care to qualifying patients. The activities described in these rules may be considered a violation of federal law. Persons cultivating, manufacturing, selling, purchasing or otherwise transferring or receiving marijuana plants or harvested marijuana may be subject to federal sanctions for what may otherwise be considered authorized conduct in the State of Maine, and compliance with these rules does not exempt patients, caregivers, long-term care facilities, dispensaries, testing facilities, manufacturing facilities or their assistant’s possible federal prosecution. The Department is not responsible or liable for the actions of persons or entities under these rules.

PUBLIC HEARING: Monday, March 22nd, 2021 at 9 a.m. via Zoom videoconferencing platform (a toll-free number will be provided upon request). *Please visit* [*https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking*](https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking) *for more information and to sign up to testify at the public hearing.*

COMMENT DEADLINE: Thursday, April 1st, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Gabi Pierce, Department of Administrative and Financial Services - Office of Marijuana Policy, 162 State House Station, Augusta, ME 04330. Telephone: (207) 530-0507. Email: Gabi.Pierce@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: Title 22 ch. 558-C

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

OMP WEBSITE: <https://www.maine.gov/dafs/omp/home> .

DAFS RULEMAKING LIAISON: Anya.Trundy@Maine.gov .

**ADOPTIONS**

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#03-21**

ADOPTED RULE NUMBER: **2021-045** *(Emergency)*

CONCISE SUMMARY: Minimum March 2021 Class I price is $18.45/cwt. plus $1.63/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $2.79/cwt. handling fee for a total of $24.11/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: February 28, 2021

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

AGENCY: **02-502** - Department of Professional and Occupational Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Complementary Health Care Providers**

CHAPTER NUMBERS AND TITLES:

**Ch. 1**, Definitions *(Amended)*

**Ch. 4-A**, Licensure Requirement for Certified Professional Midwives *(New)*

**Ch. 4-B**, Licensure Requirement for Certified Midwives *(New)*

**Ch. 5**, Standards for Continuing Professional Education for Acupuncturists, Naturopathic Doctors, Certified Professional Midwives and Certified Midwives *(Amended)*

**Ch. 6-A**, Standards Relating to Certified Professional Midwives Authority to Obtain and Administer Drugs, Medical Devices and Scope of Practice *(New)*

**Ch. 6-B**, Standards Relating to Certified Midwives’ Prescriptive Authority and Scope of Practice *(New)*

**Ch. 7**, Grounds for Discipline *(Amended)*

ADOPTED RULE NUMBERS: **2021-046** *to* **052**

CONCISE SUMMARY: The principal purpose to implement the Public Law 2016 ch. 502 that was enacted into law on April 29, 2016 (LD 690, *An Act to Ensure the Safety of Home Birth*). The rules clarify certain terms used in the practice of professional midwifery, sets standards for licensing professional midwives and certified professional midwives, update continued professional education requirements to include certified professional midwives and certified midwifes and clarifies continuing education hardship requests and carry over hours for all licensees licensed by the Board, standards for certified professional midwife practice including authorization to order and interpret medical laboratory tests and ultrasound scanning and obtain equipment and supplies, standards relating to certified midwives’ prescriptive authority and scope of practice, and updates the grounds for discipline to include certified professional midwives and certified midwives.

EFFECTIVE DATE: March 1, 2021

AGENCY CONTACT PERSON: Geraldine L. Betts, Administrator, Maine Department of Professional and Financial Regulation - Office of Professional and Occupational Regulation, Board of Complementary Health Care Providers, 35 State House Station, Augusta ME 04333. Telephone: (207) 624-8625. Email: Geraldine.L.Betts@Maine.gov .

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-of-complementary-health-care-providers> .

OPOR RULEMAING LIAISON: Kristin.Racine@Maine.gov .