**State of Maine: Notice of Agency Rulemaking – March 4, 2020**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 57**, Logging and Forestry Education Grant Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P032**

BRIEF SUMMARY: Establishes updated rules for the educational grant program to educate new loggers and foresters in the State at a public secondary or public postsecondary educational institution or career and technical education center that is related to logging or forestry.

PUBLIC HEARING: March 26, 2020 - 4:00 p.m., Bureau of Parks and Lands Office, 106 Hogan Road, Bangor, ME

COMMENT DEADLINE: April 8, 2020; 5:00 p.m. local time.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Doug Reed, 22 State House Station, Augusta, Maine 04330. Telephone: (207) 557-1037. Email: Doug.C.Reed@Maine.gov .

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

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §859 {PL 2017 ch. 289 §9)

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

BUREAU WEBSITE: https://www.maine.gov/dacf/parks/index.shtml .

DACF RULEMAKING LIAISON: Shannon.Ayotte@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 #04-20**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P033**

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 19, 2020, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine

COMMENT DEADLINE: March 19, 2020

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)*:

AGENCY WEBSITE: http://www.maine.gov/dacf/milkcommission/index.shtml .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBERS AND TITLES:

(1) **Ch. 257**, Schedule of Charges for Testing and Services Provided by the Maine Health and Environmental Testing Laboratory;

(2) **Ch. 233**, Rules Relating to Testing Private Water Systems for Hazardous Contaminants

TYPE OF RULE: Routine Technical

PROPOSED RULE*;* NUMBER: **2020-P034, P035**

BRIEF SUMMARY: This proposed routine technical rule proposes to repeal and replace the existing 10-144 CMR ch. 257, as well as repeal 10-144 CMR ch. 233, *Rules Relating to Testing of Private Water Systems For Potentially Hazardous Contaminants*. Ch. 233 includes outdated information about the waiving of Health and Environmental Testing Laboratory (HETL) fees incurred from testing of private residential water supplies for potentially hazardous contaminants. This information is addressed in the proposed rulemaking for ch. 257, which is proposing to implement a new fee schedule for testing performed by HETL. These test fees include but are not limited to the chemical and microbiological testing and examination of food products, public and private drinking water surface water and well samples, and environmental and forensic samples; the examination of cases and suspected cases of infectious and communicable diseases; and other public health services required by the recently revised 22 MRS ch. 601 sub-ch. 8. This rule proposes to adopt a formal rate setting methodology for HETL testing and services. This rule proposes to implement uniform testing recommendations, specifically for private residential well testing. Additionally, this rule proposes a specific fee that is mandated for the Private Well Safe Drinking Fund collection; and updates to lab reporting requirements, waiver considerations, and administrative costs that may be charged for licensing, manual data entry, and collection services.

PUBLIC HEARING: Friday March 27, 2020 at 10:00 a.m., Maine CDC Key Bank Plaza, 286 Water Street, Augusta, Maine in Conference Room 16. *If accommodations are needed, requests may be submitted to the contact person at least five days before the*

*scheduled hearing.*

COMMENT DEADLINE: Monday, April 6, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Bridget Bagley, Maine CDC, 11 State House Station - 286 Water Street, Augusta, ME 04333. Telephone: (207) 287-9394. Fax: 287-2887. Email: Bridget.Bagley@Maine.gov .

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

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 565(3), 2602-A, 2609, 2660-U, 2660-X

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

MAINE CDC RULES WEBSITE: http://www.maine.gov/dhhs/mecdc/rules/ .

MAINE CDC WEBSITE: http://www.maine.gov/dhhs/mecdc/ .

MAINE CDC RULEMAKING LIAISON: Tera.Pare@Maine.gov .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 323**, Maine General Assistance Manual, Sections II, IV and VI: **Rule #GA23** (Changes Pursuant to LD 459)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P036**

BRIEF SUMMARY: The rule makes several changes to the Manual governing operation of the General Assistance (GA) program to comport more closely with recently adopted statutory changes. In particular, those changes made through SP 137 – LD 459. It adds the definitions of homelessness and presumptive eligibility. It specifies that an emergency exists when a person is facing or experiencing homelessness. It allows for, and details the process and timelines for, presumptive eligibility. It clarifies that an ‘initial applicant’ is one who has never applied before. It clarifies the time limit for the lump sum penalty to conform to the amended statute. It updates the definition of ‘narrative statement’ to require one each time action is taken on an application.

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

PUBLIC HEARING: None.

COMMENT DEADLINE: Sunday, April 5, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Sara Russell, General Assistance Program Manager, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4193. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Sara.Russell@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: The Department estimates that this rule will result in an additional expenditure of $3,900,000 to $15,600,000 per year. 70 percent of this cost ($2,730,000 to $10,920,000) will be absorbed by the State. 30 percent ($1,170,000 to $4,680,000) will be an additional expense for municipalities. The Department anticipates that a large portion of these funds will be paid to small businesses such as local landlords and motels.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §42(1)

OFI RULES WEBSITE: <http://www.maine.gov/dhhs/ofi/rules/index.shtml> .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 332**, MaineCare Eligibility Manual, **Part 10**: MaineCare **Rule #292P** (Medically Needy)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P037**

BRIEF SUMMARY: The Department regularly reviews policies to ensure clarity and conformity with state and federal requirements. Clarification was added as to which categorically needy coverage groups have a correlating Medically Needy group, and which would not qualify for Medically Needy if they exceed the income or asset limits for Categorically Needy coverage. Clarification was added where the Medically Needy budgeting process differs from the Categorically Needy budgeting process. Obsolete references to asset limits were removed. Clarification was added that the household must be liable for medical expenses and those expenses must be medically necessary for them to be applicable to a deductible. Additional changes were made to formatting and word choice for readability.

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

PUBLIC HEARING: None Scheduled

COMMENT DEADLINE: Sunday, April 5, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Esther Bullard, MaineCare Program Manager, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4178. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Esther.Bullard@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §42(1)

OFI RULES WEBSITE: <http://www.maine.gov/dhhs/ofi/rules/index.shtml> .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

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

CHAPTER NUMBERS AND TITLES:

**Ch. 332**, MaineCare Eligibility Manual, *and*

**Ch. 333**, Low Cost Drugs for Elderly and Disabled (DEL) - Eligibility;

**Rule MC293P** (MSP and DEL Income Limit Changes 2019)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P038, P039**

BRIEF SUMMARY: This rule change aligns the *MaineCare Eligibility Manual* with 22 MRS §3174-G (1)(E) as amended by H.P. – L.D. 1001 (BBB). This amendment increases the income thresholds for the various Medicare Savings Program benefits.

The Department has incorporated, into this rule, a number of formatting and grammatical changes. These changes increase the readability of the Part in question, and strive to avoid potential conflict with other chapters.

This rule change aligns the *Low Cost Drugs for Elderly and Disabled (DEL) - Eligibility Manual* with 22 MRS §254-D (4)(D) as amended by H.P. – L.D. 1001 (ZZ). This amendment increases the income thresholds for the DEL program.

Due to the press of other business, technological challenges, and coordination with CMS, the Department was unable to adopt this rule prior to March 1, 2020. Therefore, the Department is adopting this rule with a retroactive application date of March 1, 2020. Retroactive rulemaking is authorized by the Legislature in accordance with 22 MRS §42 (8) because this rule provides a benefit to recipients or beneficiaries and does not have an adverse financial effect on either providers or beneficiaries or recipients.

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

PUBLIC HEARING: None.

COMMENT DEADLINE: Sunday, April 5, 2020.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Esther Bullard, MaineCare Program Manager, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4178. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Esther.Bullard@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: H.P. – L.D. 1001 §§ ZZ and BBB; 22 MRS §§ 42(1), 254-D(7), and 258(7); and 22 MRS §42(8)

OFI RULES WEBSITE: http://www.maine.gov/dhhs/ofi/rules/index.shtml .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 9**, Rules Governing Driver Education

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P040**

BRIEF SUMMARY: The primary purposes of these rules are to: (1) establish the minimum qualifications, licensing standards, and procedures for the licensure of driver education schools and instructors, and (2) implement a standardized driver education curriculum based on best practices.

PUBLIC HEARING: None

COMMENT DEADLINE: April 3, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: David W. Guilmette, Bureau of Motor Vehicles, 29 State House Station, Augusta, Me. 04330. Telephone: (207) 624-9000. Email: David.W.Guilmette@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 29-A subsection 153

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

BMV WEBSITE: www.maine.gov/sos/bmv .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 11**, Rules Governing Motorcycle Rider Education

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P041**

BRIEF SUMMARY: To establish the minimum qualification standards, requirements and application procedures for licensing motorcycle rider education schools and instructors. Inspect and monitor motorcycle rider education programs, and site requirement, to assure the Secretary of State established standards are met and maintained. These rules repeal existing rules governing motorcycle rider education in accordance with PL 1995 ch. 505 subsection 19.

PUBLIC HEARING: None

COMMENT DEADLINE: April 3, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: David W. Guilmette, Bureau of Motor Vehicles, 29 State House Station, Augusta, Me. 04330. Telephone: (207) 624-9000. Email: David.W.Guilmette@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 29-A subsection 153

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

BMV WEBSITE: www.maine.gov/sos/bmv .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 103**, Rules for Vehicle Dealer, Auctions, Transporters, Recyclers, Mobile Crushers, and Loaners

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P042**

BRIEF SUMMARY: This rule establishes the requirements for licensing and for receipt of registration plates for vehicle dealers, persons in the business of conducting vehicle auctions, vehicle recyclers, mobile crushers, and holders of loaner and transporter plates. The rule sets forth required facilities, equipment, records and hours and describe required application procedures. The rule also establishes requirements for annexes and for secondary locations.

PUBLIC HEARING: None

COMMENT DEADLINE: April 3, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: David W. Guilmette, Bureau of Motor Vehicles, 29 State House Station, Augusta, Me. 04330. Telephone: (207) 624-9000. Email: David.W.Guilmette@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 29-A MRS §153; 10 MRS §1169(11) ch. 217 subsections 1474, 1475

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

BMV WEBSITE: www.maine.gov/sos/bmv .

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

AGENCY: **65-407 - Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 290**, Standards for Billing, Credit and Collection, and Customer Information for Eligible Telecommunications Carriers Providing Basic Telephone Service

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P043**

BRIEF SUMMARY: The Commission initiates a rulemaking proceeding to amend Ch. 290 of the Commission’s rules to implement recently enacted legislation, Public Law 2019 ch. 26.

PUBLIC HEARING: No public hearing

COMMENT DEADLINE: April 6, 2020. *Written comments on the proposed rule should be filed using the Commission’s case management system. Comments may be filed until April 6, 2020 and should refer to the docket number of this proceeding, Docket No. 2020-00030.*

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Paulina Collins, MPUC, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1566. Email: Paulina.Collins@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 704, 705, 716

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

MPUC WEBSITE: www.maine.gov/mpuc .

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@Maine.gov .

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 660**, Consumer Protection Standards for Water Utilities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P044**

BRIEF SUMMARY: The Commission initiates a rulemaking proceeding to amend ch. 660 of the Commission’s rules to implement recently enacted legislation, Public Law 2019 ch. 26.

PUBLIC HEARING: No public hearing

COMMENT DEADLINE: April 6, 2020. *Written comments on the proposed rule should be filed using the Commission’s case management system. Comments may be filed until April 6, 2020 and should refer to the docket number of this proceeding, Docket No. 2020-00031.*

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Paulina Collins, MPUC, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1566. Email: Paulina.Collins@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 704, 716, 1308

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

MPUC WEBSITE: www.maine.gov/mpuc .

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@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#03-20**

ADOPTED RULE NUMBER: **2020-032** *(Emergency)*

CONCISE SUMMARY: Minimum March 2020 Class I price is $20.71/cwt. plus $1.53/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $0.93/cwt. handling fee for a total of $24.41/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: March 1, 2020

MMC CONTACT PERSON: Tim Drake, Maine Milk Commission - Agriculture, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Tim.Drake@Maine.gov .

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

DACF WEBSITE: http://www.maine.gov/dacf/ .

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

AGENCY: **03-201 - Department of Corrections (DOC)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Policy and Procedure Manual – Adult:

**Subsection 20.2**, Prisoner Drug and Alcohol Testing

ADOPTED RULE NUMBER: **2020-033**

CONCISE SUMMARY: This adopted rule makes significant changes to provisions related to drug and alcohol testing of adult prisoners, including, but not limited to, adding definitions and other clarifying provisions. Also, the reasons for testing are expanded to add testing upon intake; prior to transfer to a minimum security facility or minimum security housing unit; and being housed in a minimum security facility or minimum security housing unit. Reasons for testing set out in the previous policy: random basis; condition of being in a substance abuse program; condition of being in a community program; and reasonable suspicion are retained in this policy and in CORIS. Further explanation is added as to what constitutes reasonable suspicion for testing. Provisions are added to describe the possible consequences of testing positive for a nonprescribed drug or for alcohol; testing negative for a prescribed drug prone to trafficking; refusing to submit to a test; tampering with a test, etc. For example, a work release prisoner who refuses to submit to monthly testing may be removed from work release.

Regarding the testing process, provisions are added that cross-reference the DOC's policy on search of transgender and intersex prisoners; incorporate the new classes of disciplinary violations that relate to drug and alcohol testing; and reflect the latest recommendations on providing water to prisoners who fail to produce a urine specimen immediately. Provisions are also added to encourage prisoners to admit the accuracy of test results and there .is a new form for prisoners to sign if they admit. If prisoners do not admit the accuracy of urine results and there is no other evidence of drug or alcohol use, confirmation testing is now required. The alcohol breath testing process is also updated.

Also, this adopted rule removes all provisions related to drug and alcohol testing of adult community corrections·clients.

EFFECTIVE DATE: March 4, 2020

DOC CONTACT PERSON / RULEMAKING LIAISON: Mary Lucia, Department of Corrections, 111 State House Station, Augusta ME 04333. Telephone: (207) 287-4681. Email: Mary.A.Lucia@Maine.gov .

DOC WEBSITE: http://www.maine.gov/corrections/ .

AGENCY: **12-180** - Department of Labor (DOL), **Maine Labor Relations Board (MLRB)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, General Rules

ADOPTED RULE NUMBER: **2020-034**

CONCISE SUMMARY: This rule change will 1) require electronic filing of documents with the Board, 2) facilitate electronic service of documents on parties involved in Board proceedings, 3) make changes regarding the procurement of official transcripts and 4) update and correct certain statutory references.

EFFECTIVE DATE: April 1, 2020

MLRB CONTACT PERSON: Henry D. Fouts, Maine Labor Relations Board, 90 State House Station, Augusta, Maine 04333-0090. Telephone: (207) 287-1500. Email: Henry.Fouts@Maine.gov .

MLRB WEBSITE: http://www.maine.gov/mlrb/ .

MLRB RULEMAKING LIAISON: Neil.Daly@Maine.gov .

DOL RULEMAKING LIAISON: Isasc.H.Gingras@Maine.gov .

AGENCY: **12-180** - Department of Labor (DOL), **Maine Labor Relations Board (MLRB)**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Bargaining Unit Composition and Representation Matters

ADOPTED RULE NUMBER: **2020-035**

CONCISE SUMMARY: This rule change will 1) implement Public Law 2019 ch. 135 (“majority sign-up”), 2) incorporate mandated electronic filing requirements from Ch. 10, 3) eliminate the requirement to have a petition signed before a notary public, 4) eliminate the Board’s obligation to post documents on a physical bulletin board, 5) make changes regarding the procurement of official transcripts, 6) provide an earlier deadline for employer submission of the list of employees eligible to vote in an election, 7) improve consistency of provisions regarding hearings, 8) correct erroneous internal references, 9) update certain statutory references, and 10) make miscellaneous non-substantive changes.

EFFECTIVE DATE: April 1, 2020

MLRB CONTACT PERSON: Henry D. Fouts, Maine Labor Relations Board, 90 State House Station, Augusta, Maine 04333-0090. Telephone: (207) 287-1500. Email: Henry.Fouts@Maine.gov .

MLRB WEBSITE: http://www.maine.gov/mlrb/ .

MLRB RULEMAKING LIAISON: Neil.Daly@Maine.gov .

DOL RULEMAKING LIAISON: Isasc.H.Gingras@Maine.gov .

AGENCY: **12-180** - Department of Labor (DOL), **Maine Labor Relations Board (MLRB)**

CHAPTER NUMBER AND TITLE: **Ch. 12**, Prohibited Practice Complaints: Interpretive Rulings

ADOPTED RULE NUMBER: **2020-036**

CONCISE SUMMARY: This rule change will 1) streamline the prohibited practice complaint process by requiring a respondent to file any motion regarding sufficiency within the same 20-day period required for providing an answer to a complaint, 2) provide clarity regarding the inclusion of attachments with prohibited practice complaints, 3) provide that a party has the right to file an amended complaint after receiving a notice of errors and insufficiencies from the executive director, 3) eliminate the requirement to have a petition signed before a notary public, 3) eliminate the Board’s obligation to post documents on a physical bulletin board, 4) incorporate mandated electronic filing requirements from Ch. 10, 5) make changes regarding the procurement of official transcripts, 6) allow an email for proof of service, 7) update certain statutory references and 8) make miscellaneous non-substantive changes.

EFFECTIVE DATE: April 1, 2020

MLRB CONTACT PERSON: Henry D. Fouts, Maine Labor Relations Board, 90 State House Station, Augusta, Maine 04333-0090. Telephone: (207) 287-1500. Email: Henry.Fouts@Maine.gov .

MLRB WEBSITE: http://www.maine.gov/mlrb/ .

MLRB RULEMAKING LIAISON: Neil.Daly@Maine.gov .

DOL RULEMAKING LIAISON: Isasc.H.Gingras@Maine.gov .

AGENCY: **12-180** - Department of Labor (DOL), **Maine Labor Relations Board (MLRB)**

CHAPTER NUMBER AND TITLE: **Ch. 13**, Resolution of Contract Negotiation Disputes

ADOPTED RULE NUMBER: **2020-037**

CONCISE SUMMARY: This rule change will 1) streamline the provision of mediation services by designating an amount for the parties’ estimated share of costs and directing a requesting to provide this payment, 2) eliminate restrictions on employees or subcontractors of public management associations or public employee associations serving as private fact finders in order to broaden the pool of available fact finders, 3) incorporate the electronic filing requirements from Ch. 10 and 4) make miscellaneous non-substantive changes.

EFFECTIVE DATE: April 1, 2020

MLRB CONTACT PERSON: Henry D. Fouts, Maine Labor Relations Board, 90 State House Station, Augusta, Maine 04333-0090. Telephone: (207) 287-1500. Email: Henry.Fouts@Maine.gov .

MLRB WEBSITE: http://www.maine.gov/mlrb/ .

MLRB RULEMAKING LIAISON: Neil.Daly@Maine.gov .

DOL RULEMAKING LIAISON: Isasc.H.Gingras@Maine.gov .