**State of Maine: Notice of Agency Rulemaking – March 8, 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: **29-250** - Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 16** *(New)*, Rules for the Collection of Driver’s License Reinstatement Fees

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P041**

BRIEF SUMMARY: These rules implement the provisions of 29-A MRS §§ 2472(7) and 2486, which require the Secretary of State to collect a reinstatement fee prior to the termination of a suspension or revocation and subsequent reinstatement of a driver’s license. These rules establish the definition of reinstatement and procedures for calculating and collecting reinstatement fees, in order to ensure consistency in agency practice and reduce administrative fiscal penalties.

PUBLIC HEARING: March 30, 2023 - 2:00 p.m., Burton M. Cross Building - Room 300, 111 Sewall Street, Augusta, Maine 04333.

COMMENT DEADLINE: April 9, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT / RULEMAKING LIAISON: Tina Corkum, Bureau of Motor Vehicles, 29 State House State, Augusta, ME 04333. Telephone: (207) 624-9000. Fax: (207) 624-9013. TTY Users call Maine relay 711. PublicComment.SOS@Maine.gov. Email: Tina.B.Corkum@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 29-A MRS §153

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

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

AGENCY: **02-030** - Department of Professional and Financial Regulation (PFR), **Bureau of Consumer Credit Protection**

CHAPTER NUMBER AND TITLE: **Ch. 701,** Establishment of Registration and Renewal Fees and Licensing Requirements for Maine’s Check Casher/Currency Exchanger Licensing and Requirement for Registration through the Nationwide Multistate Licensing System (NMLS)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P042**

**BRIEF SUMMARY**: This chapter makes the modifications necessary to transition registration of all check casher/currency exchangers currently registered by the State of Maine to a multi-state system administered by the Nationwide Multistate Licensing System (NMLS). As authorized by law, this chapter establishes an annual registration effective from January 1 through December 31 of each year; sets application and renewal fees for check casher/currency exchangers and sets out the requirements for registration applications. The rule requires applicants for new registrations to apply to NMLS as of the effective date of this rule and requires a check casher/currency exchanger currently registered in Maine to transition to NMLS.

**DETAILED SUMMARY:** This chapter makes the modifications necessary to transition registration of all check cashers/currency exchangers currently registered by the State of Maine to a multi-state system administered by the Nationwide Multistate Licensing System (NMLS). As authorized by law, this Chapter establishes an annual registration effective from January 1 through December 31 of each year; and sets application and renewal fees and application requirements for check casher/currency exchangers. The rule requires applicants for new registrations to apply to NMLS as of the date set by this rule and requires check casher/currency exchanger currently registered in Maine to transition to NMLS.

Pursuant to 32 MRS §6133(4)(B), the administrator may establish, by rule, fees to apply for or renew check casher/currency exchanger registrations, except that for any individual location the fee for an initial application may not exceed $500 and for a renewal may not exceed $500. Renewal applications received after the registration expiration date are subject to a late fee of $100.

Title 32 MRS §6133(3) and (4) authorize the administrator to establish routine technical rules to move check casher/currency exchanger registration to the Nationwide Multistate Licensing System (NMLS), including rules authorizing NMLS to collect fees and remit those fees to the bureau; authorizing collection of fees by NMLS for its processing costs; authorizing NMLS to process and maintain registration records; and authorizing the use of NMLS’s uniform forms.

Title 32 MRS §6133(4) authorizes the administrator to establish routine, technical rules to establish fees for the initial registration and renewal registration of check casher/currency exchangers.

Check casher/currency exchanger initial registration application fees and yearly renewal fees are set at $250 per year for the principal business location and $100 per year for each additional business location.

**PUBLIC HEARING**: N/A

COMMENT DEADLINE: April 7, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Mark E. Susi, Staff Attorney, Bureau of Consumer Credit Protection, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8527. Fax: (207) 582-7699. TTY Users Call Maine Relay 711. Email: Mark.E.Susi@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES*:* None anticipated

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 6133(3) and 6133(4)

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/consumercredit/index.shtml>

BUREAU RULEMAKING LIAISON: Kristine.M.Fournier@Maine.gov.

AGENCY: **02-030** - Department of Professional and Financial Regulation (PFR), **Bureau of Consumer Credit Protection**

CHAPTER NUMBER AND TITLE: **Ch. 704**, Establishment of License and Renewal Fees for Maine’s Fair Credit Reporting Act Licensing and Requirement for Licensing through the Nationwide Multistate Licensing System (NMLS)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P043**

BRIEF SUMMARY: This chapter makes the modifications necessary to transition licensing of all consumer reporting agencies currently licensed by the State of Maine to a multistate system administered by the Nationwide Multistate Licensing System (NMLS). As authorized by law, this chapter establishes an annual license effective from January 1 through December 31 of each year; sets application and renewal fees and sets out application requirements for credit reporting agencies. The rule requires applicants for new licenses to apply through the NMLS as of November 1, 2023 and requires consumer reporting agencies currently registered in Maine to transition to the NMLS.

**DETAILED SUMMARY:** This chapter makes the modifications necessary to transition licensing of all consumer reporting agencies currently licensed by the State of Maine to a multistate system administered by the Nationwide Multistate Licensing System (NMLS). As authorized by law, this Chapter establishes an annual license effective from January 1 through December 31 of each year; and sets application and renewal fees and application requirements for consumer reporting agencies. The rule requires applicants for new registrations to apply to the NMLS as of November 1, 2023 and requires consumer reporting agencies currently registered in Maine to transition to the NMLS.

Pursuant to 10 MRS §1310-A(G), the administrator may establish, by rule, fees to apply for or renew consumer reporting agency licenses, except that the fee for an initial application may not exceed $1,200 and for a renewal may not exceed $1,000 for any licensed location. Renewal applications received after the registration expiration date are subject to a late fee of $100.

Title 10 MRS §1310-A(G) authorizes the administrator to establish routine, technical rules to move consumer reporting agency licensing to the Nationwide Multistate Licensing System (NMLS), including rules authorizing the NMLS to collect fees and remit those fees to the bureau; authorizing collection of fees by the NMLS for its processing costs; authorizing the NMLS to process and maintain license records; and authorizing the use of NMLS uniform forms.

Title 10 MRS §1310-A(G) authorizes the administrator to establish routine, technical rules to establish fees for the initial registration and renewal registration of credit reporting agencies.

No change to current licensing fees is proposed but applicants and licensees will have to pay fees to NMLS for use of the system.

**PUBLIC HEARING**: N/A

COMMENT DEADLINE: April 7, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Mark E. Susi, Staff Attorney, Bureau of Consumer Credit Protection, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8527. Fax: (207) 582-7699. TTY Users Call Maine Relay 711. Email: Mark.E.Susi@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES*:* None anticipated

STATUTORY AUTHORITY FOR THIS RULE: 10 MRS §1310-A(G)

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/consumercredit/index.shtml>

BUREAU RULEMAKING LIAISON: Kristine.M.Fournier@Maine.gov.

AGENCY: **02-030** - Department of Professional and Financial Regulation (PFR), **Bureau of Consumer Credit Protection**

CHAPTER NUMBER AND TITLE: **Ch. 705**, Establishment of License and Renewal Fees and Application Requirements for Maine’s Debt Collector Licensing and Requirement for Licensing through the Nationwide Multistate Licensing System (NMLS)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P044**

**BRIEF SUMMARY**: This chapter makes the modifications necessary to transition licensing of all debt collectors currently licensed by the State of Maine to a multistate system administered by the Nationwide Multistate Licensing System (NMLS). As authorized by law, this chapter converts the two-year license for debt collectors to a one-year license; eliminates the current July 31 licensing date, substituting an annual license effective from January 1 through December 31 of each year; and sets application and renewal fees and application requirements for debt collectors. The rule extends current licenses scheduled to expire on July 31, 2023 through December 31, 2023 and permits applicants for new licenses to apply through the NMLS as of November 1, 2023.

**DETAILED SUMMARY:** Pursuant to 32 MRS §11031(2), the administrator may establish, by rule, fees to apply for or renew debt collector licenses, except that the fee for an initial application may not exceed $800 and for a renewal may not exceed $500 for any licensed location. Renewal applications received after the license expiration date are subject to a late fee of $100.

Title 32 MRS §11031(2) authorizes the administrator to establish routine, technical rules to move debt collector licensing to the Nationwide Multistate Licensing System (NMLS), including rules authorizing the NMLS to collect fees and remit those fees to the bureau; authorizing collection of fees by the NMLS for its processing costs; authorizing the NMLS to process and maintain license records; and authorizing the use of NMLS uniform forms.

Title 32 MRS §11031(2) authorizes the administrator to establish routine, technical rules to establish fees for the initial licensing and renewal licensing of debt collectors.

The purpose of this chapter is to permit the State of Maine to use the NMLS for licensing of all debt collectors. Use of the system will provide improved oversight over the activities of the companies and will simplify recordkeeping and standardize processes for all debt collectors licensed in Maine. This chapter does not modify the standards for licensing or the applicability of the provisions of the *Maine Fair Debt Collection Practices Act*, but rather sets forth the licensing requirements to be utilized henceforth by the bureau.

The rule sets both application and renewal fees as follows:

i) Debt Collector application fee: $400

ii) Debt Collector branch office application fee: $200

**PUBLIC HEARING**: N/A

COMMENT DEADLINE: April 7, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Mark E. Susi, Staff Attorney, Bureau of Consumer Credit Protection, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8527. Fax: (207) 582-7699. TTY Users Call Maine Relay 711. Email: Mark.E.Susi@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES*:* None anticipated

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §11031(2)

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/consumercredit/index.shtml>

BUREAU RULEMAKING LIAISON: Kristine.M.Fournier@Maine.gov.

AGENCY: **02-030** - Department of Professional and Financial Regulation (PFR), **Bureau of Consumer Credit Protection**

CHAPTER NUMBER AND TITLE: **Ch. 708**, Amendment of License and Renewal Fees for Maine’s Mortgage Loan Originator Licensing through the Nationwide Multistate Licensing System (NMLS)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P045**

BRIEF SUMMARY: The purpose of this chapter is to amend the current licensing and renewal fees for mortgage loan originators to reflect the cost of processing to the Bureau. The original fee was set when Article 13 was added to Title 9-A MRS, the *Maine Consumer Credit Code*. The fee for licensing and renewal was set at $20.00 per year. That fee does not adequately cover the cost to the Bureau for processing applications or renewals and information reported or changed during the license period.

PUBLIC HEARING: N/A

COMMENT DEADLINE: April 7, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Mark E. Susi, Staff Attorney, Bureau of Consumer Credit Protection, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8527. Fax: (207) 582-7699. TTY Users Call Maine Relay 711. Email: Mark.E.Susi@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES*:* None anticipated

STATUTORY AUTHORITY FOR THIS RULE: 9-A MRS §§ 13-110, 13-119

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/consumercredit/index.shtml>

BUREAU RULEMAKING LIAISON: Kristine.M.Fournier@Maine.gov.

AGENCY: **02-030** - Department of Professional and Financial Regulation (PFR), **Bureau of Consumer Credit Protection**

CHAPTER NUMBER AND TITLE: **Ch. 709**, Establishment of License and Renewal Fees and Application Requirements for Maine’s Money Transmitter Licensing and Requirement for Licensing through the Nationwide Multistate Licensing System(NMLS)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P046**

**BRIEF SUMMARY**: This chapter makes the modifications necessary to transition licensing of all money transmitters currently licensed by the State of Maine to a multistate system administered by the Nationwide Multistate Licensing System (NMLS). As authorized by law, this chapter establishes an annual license effective from January 1 through December 31 of each year; and sets application and renewal fees and application requirements for money transmitters. The rule requires applicants for new licenses to apply to the NMLS as of the effective date of this rule and requires money transmitter currently licensed in Maine not currently using the NMLS for licensing to transition to the NMLS.

**DETAILED SUMMARY:** Pursuant to 32 MRS §6103(4)(B), the administrator may establish, by rule, fees to apply for or renew money transmitter licenses, except that the fee for an initial application may not exceed $1,200 and for a renewal may not exceed $1,000 for any licensed location. Renewal applications received after the license expiration date are subject to a late fee of $100.

Title 32 M.R.S. § 6103(3) and (4) authorize the administrator to establish routine, technical rules to move money transmitter licensing to the Nationwide Multistate Licensing System (NMLS), including rules authorizing the NMLS to collect fees and remit those fees to the bureau; authorizing collection of fees by the NMLS for its processing costs; authorizing the NMLS to process and maintain license records; and authorizing the use of NMLS uniform forms.

Title 32 MRS §6103(4) authorizes the administrator to establish routine, technical rules to establish fees for the initial licensing and renewal licensing of money transmitters.

The purpose of this chapter is to permit the State of Maine to use the NMLS for licensing of all money transmitters. Use of the system will provide improved oversight over the activities of the companies and will simplify recordkeeping and standardize processes for all money transmitters licensed in Maine. This chapter does not modify the standards for licensing or the applicability of the provisions of the Maine Money Transmitters Act, but rather sets forth the licensing requirements to be utilized henceforth by the bureau.

The fee for an initial application or a renewal is set at $500. In addition, the application or renewal application must be accompanied by a registration fee of $50 for each authorized delegate designated by the licensee, up to a maximum of $2,500for additional authorized delegate fees.

The fee for a renewal application is set at $250. In addition, the renewal application must be accompanied by a registration fee of $50 for each authorized delegate designated by the licensee, up to a maximum of $2,500for additional authorized delegate fees.

**PUBLIC HEARING**: N/A

COMMENT DEADLINE: April 7, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Mark E. Susi, Staff Attorney, Bureau of Consumer Credit Protection, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8527. Fax: (207) 582-7699. TTY Users Call Maine Relay 711. Email: Mark.E.Susi@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES*:* None anticipated

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §6103(4)

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/consumercredit/index.shtml>

BUREAU RULEMAKING LIAISON: Kristine.M.Fournier@Maine.gov.

AGENCY: **02-658** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Maine Fuel Board**

CHAPTER NUMBERS AND TITLES:

***Repeal and Replace:***

**Ch. 1** , Definitions

**Ch. 2**, Advisory Rulings

**Ch. 3**, Categories and Responsibilities of Licensure

**Ch. 4**, Qualifications for Examination and Licensure

**Ch. 5**, Use of Other License Authorities

**Ch. 6**, Adoption of Standards

**Ch. 7**, Modification of Standards

**Ch. 8**, Installation of Oil Burning Equipment (with Appendix)

**Ch. 9**, Installation of Solid Fuel Burning Equipment

**Ch. 10**, Chimneys

**Ch. 11**, Installation of Waste Oil Appliances and Waste Oil Supply Tanks

**Ch. 12**, Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations

**Ch. 13**, Installation of Propane and Natural Gas Burning Equipment

***New:***

**Ch. 14**, Propane and Natural Gas Containers, Dispensers, and Piping (with Appendix)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P047** *to* **P060**

**BRIEF SUMMARY**: The principal reasons for this rulemaking are to update all of the Board’s rules to reflect statutory changes, to add clarity to the phrasing and structure of the rules, and to adopt updated codes and standards. Visit the Board’s webpage at <https://www.maine.gov/pfr/professionallicensing/professions/maine-fuel-board> and scroll down to Information and Resources and “Rulemaking” for copies of the proposed rules and rulemaking documents, or send a request in writing to the contact person for this filing for a copy of the proposed rulemaking.

**DETAILED SUMMARY**: The principal reasons for this rulemaking are to update all of the Board’s rules to reflect statutory changes, to add clarity to the phrasing and structure of the rules, and to adopt updated codes and standards.

***Chapter 1*, Definitions**. The proposal includes amending this chapter as follows: making minor, technical changes, aligning the definition of “equipment installations” with statute; amending the definition of licensed practical experience to state that one year of licensed practical experience means an individual has worked at least 2,000 hours within a 12-month period and six months of licensed practical experience means an individual has worked at least 1,000 hours within a 6-month period; and changing the term from a “signing” to a “supervising” master oil burner and/or solid fuel technician or a propane and natural gas technician.

***Chapter 2*, Advisory Rulings**. The proposed changes to amend this chapter are as follows: minor, technical changes, as well as removing the requirement of the assent of four (4) members of the Board for the issuance of an advisory ruling.

***Chapter 3*, Categories and Responsibilities of Licensure**. The proposed rule repeals and replaces this chapter in its entirety. The replacement rule would clarify certain provisions and standardize the order and structure of rule for each licensure category. The proposed replacement includes a new section requiring a master oil burner and/or solid fuel technician, upon a valid request for verification of licensed practical experience, to provide a signed affidavit documenting said experience while the journeyman or apprentice (or helper) was under their supervision or employ. The proposed rule incorporates language that is currently located in Appendix I, which was promulgated when there existed a separate Oil & Solid Fuel Board and a Propane and Natural Gas Board. The other changes are minor, technical, changes to align the rule with statute; including but limited to adding pellet-fired central heating to the licensing authorities for oil and/or solid fuel technicians.

***Chapter 4*, Qualifications for Examination and Licensure.** The proposed rule repeals and replaces this chapter with a rule that more clearly organizes and describes the experience and/or education requirements when applying for examination and licensure. The replacement rule would align the rule with the qualifications for licensure as set forth in statute; in particular requiring that an individual submitting proof of completion of a certified employee training program (CETP) when applying to be a propane and natural gas technician must also take an examination to qualify for licensure.

**Chapter 5, Use of Other License Authorities**. The proposed rule amendment sets forth the requirements for licensed master and journeyman oil burner and/or solid fuel technicians to gain licensed experience as an apprentice to qualify for an additional license authority. Current license authorities are: 1 & 2 up to 15 gph oils; 1 & 2 over 15 gph oils; 4, 5 & 6 oils; 1–6 oils; solid fuel; and pellet-fired central heating appliances. The proposed rule also adds a pathway for journeyman and master oil burner technicians to apply for a pellet-fired central heating appliance authority.

***Chapter 6*, Adoption of Standards**. The proposed rule amendment updates the installation standards that the Board incorporates by reference into its rules, subject to the exclusions and amendments set forth therein, for installation of any oil and solid fuel burning equipment, propane and natural gas equipment, chimneys, fireplaces and vents. The Board is proposing to adopt updated editions of NFPA 30A, 31, 52, 54, 55, 58, 59, 59A, 70, 88A, 90B and 211, subject to the amendments and exclusions as stated in the proposed rule. The proposed changes would also include repealing the incorporation of the Appendices in Chapter 6 and instead relocate and reorganize the information contained therein. The substantive information contained in Appendix A will form the basis of an Appendix contained in Chapter 8, the current Appendix B will be repealed in its entirety as redundant of DEP rules regarding asbestos, Appendices C, D, and H will be posted on the Board’s webpage as it has been determined unnecessary to incorporate in rules, Appendices E and F are forms that will be directly provided in Chapter 10, Chimneys, the substantive information contained in Appendix G will form the basis of an Appendix contained in Chapter 14, and Appendix I will be repealed in its entirety and the contents incorporated directly in rule provisions contained in Chapter 3, Categories and Responsibilities of Licensure.

***Chapter 7*, Modification of Standards**. The proposed amendments to this chapter are minor, technical changes to the rule.

***Chapter 8*, Installation of Oil Burning Equipment**. The proposed rule would replace the current rule, and: include a new section to inform licensees exactly what they can do with potable water piping; add a new section to inform licensees of requirements for condensate disposal from fuel fired appliances; add a new section regarding PEX Tubing for use in heating systems; add a section with regards to fuel supply systems that are permanently taken out of service; remove certain sections as they will appear in other chapters for clarity; and make some other wording changes to clarify meaning of terms. This Chapter will also reference and incorporate an Appendix regarding DEP regulations of underground oil storage tanks and the cleanup of any discharge of oil onto or into land or waters of the State of Maine.

***Chapter 9*, Installation of Solid Fuel Burning Equipment**. The proposed rule would repeal and replace the current chapter, and includes: changes to the section regarding Oil Tank Requirements upon Conversion to Solid Fuel; adds a new section regarding PEX Tubing for use in heating systems; removes the allowance to weld warm air heat exchangers in solid fuel burning appliances; and makes other technical changes proposed for clarity.

***Chapter 10*, Chimneys**. The proposed rule would replace the current rule, and would include sections added for clarity and would contain certain relocated sections from current Chapters 8 and 13, as they relate to regulation of chimneys. This chapter would contain copies of the forms formerly located in Appendices E and F, the Chimney or Fireplace Construction/Installation Disclosure and the Emergency Chimney Update Waiver Form.

***Chapter 11*, Installation of Waste Oil Appliances and Waste Oil Supply Tanks**. The proposed rule would repeal and replace the current chapter, changing the structure and order of the rule, adding language to clarify limitations on water connections to waste oil boilers and requirements that all piping and safety controls on domestic water heaters, provide that domestic water connections to boilers and water heaters as well as condensate disposal from oil fired condensing appliances must be made in accordance with the rules of the Plumbers’ Examining Board, and making other technical changes proposed for clarity.

***Chapter 12*, Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations**. The proposed rule would repeal and replace current chapter and restructure the sections applicable to aboveground and underground propane storage facilities versus compressed natural gas and liquified natural gas storage facilities. Some sections were relocated from the current Chapter 6 and added to the proposed rule for clarity.

***Chapter 13*, Installation of Propane and Natural Gas Burning Equipment**. The proposed rule would repeal and replace current chapter. Changes would include relocating sections from current Chapter 6 for clarity and ease of reference, adding a section regarding gas piping identification in response to the vast use of plain copper piping and the possibility of a gas line being mistaken for water, set forth what water connections a propane and natural gas technician with appliance connection and service authority may make; provide that all piping and safety controls on domestic water heaters, domestic water connections to boilers and water heaters, and condensate disposal from condensing gas fired appliances must be made in accordance with the rules of the Plumbers’ Examining Board, and other technical changes needed for clarity.

***Chapter 14*, Propane and Natural Gas Containers, Dispensers, and Piping**. This new proposed rule chapter would include provisions that were relocated to a new chapter for clarity and ease of reference. The chapter describes the necessary safety controls, devices and standards for the reduction of fire hazards associated with propane and natural gas storage and transfer equipment (including piping) used in residential, commercial and industrial applications. The proposed new chapter would add a section to delegate the initial review of nonstandard engineered vehicle protection systems to the Senior Fuel Inspector and permit review of the inspector’s disposition on an application to the board. This chapter would contain an Appendix summarizing the current vehicle protection requirements as set forth in the Chapter.

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE** (including up to 3 primary sources relied upon)

Expertise and input of members of the Maine Fuel Board, the board inspection staff, and OPOR staff were considered in drafting this proposed rulemaking.

**ESTIMATED FISCAL IMPACT OF THE RULE**: None anticipated. The Board is proposing to adopt updated NFPA code standards; however, many licensees have already started complying with the updated standards without rule adoption, and thus the Board rule change will reflect the standards the regulated community is already following. The updated standards permit new materials to be used in gas and oil installations that may increase the overall cost of those installations; however, the use of such materials is permissive and not required. Therefore, within the scope of the proposed updated standards and related amendments and exclusions, there will be changes that may both increase and decrease the cost of a particular gas or oil installation.

PUBLIC HEARING: N/A. *Pursuant to 5 MRS §8052(1) and §8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.*

**COMMENT DEADLINE**: Monday, April 10, 2023 by 5:00 p.m.

CONTACT PERSON FOR THIS FILING: Matthew Kaply, Regulatory Board Manager, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8605. TTY users call Maine Relay 711. Email: Matthew.S.Kaply@Maine.gov.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

**ADOPTIONS**

AGENCY: **02-288** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Maine State Board of Licensure for Architects, Landscape Architects and Interior Designers**

CHAPTER NUMBER AND TITLE: **Ch. 12-A** *(New)*,Licensure by Endorsement - Architects

ADOPTED RULE NUMBER: **2023-036**

CONCISE SUMMARY: This chapter described the pathway for Maine licensure by Endorsement pursuant to Public Law 2021 Chapter 167, “An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions”, and Public Law 2021 Chapter 642, “An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions”.

EFFECTIVE DATE: March 5, 2023

AGENCY CONTACT PERSON: Catherine E. Pendergast, Board Administrator, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine State Board of Licensure for Architects, Landscape Architects and Interior Designers, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8518. TTY users call Maine Relay 711. Email: Catherine.Pendergast@Maine.gov.

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-of-licensure-architects-landscape-architects-interior-designers>.

AGENCY RULEMAKING LIAISON: Kristin.Racine@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 #03-23**

ADOPTED RULE NUMBER: **2023-037** *(Emergency)*

CONCISE SUMMARY: Minimum March 2023 Class I price is $22.24/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 $25.58/cwt. that includes a $0.20/cwt Federal promotion fee.

EFFECTIVE DATE: March 5, 2023

MMC CONTACT PERSON / 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.

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

AGENCY: **16-633** – Department of Public Safety, **Gambling Control Board**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Internal Controls: Appendix A, Minimum Internal Control Standards (MICS) for Slot Machine and Casino Operations

ADOPTED RULE NUMBER: **2023-038**

CONCISE SUMMARY: The rule package updates the minimum internal controls governing casino operations by the Board.

EFFECTIVE DATE: March 7, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Milton Champion, Gambling Control Board, 45 Commerce Blvd., Augusta, ME 04333. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov.

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html>.

AGENCY: **01-017** - Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 7**, Racing

ADOPTED RULE NUMBER: **2023-039**

CONCISE SUMMARY: The Commission voted to adopt this rule on January 18, 2023. The changes described below are to benefit the harness racing industry by making the rules more definite for the participants and officials. The changes will keep racing practices current with more modern technology such as microchipping, freeze branding, changes to the draw process, and trainer electronic eligibility documentation.

* **Steward’s List, Sec. 7**. Allowing a horse not to have to qualify after making a break off a qualifier.
* **Claiming Procedure, Sec. 17**. Eliminates claiming authorizations and allows for a claimant to withdraw a claim 10 minutes prior to the start of the race, and provides it is a level 2 violation if a person associated with the owner or trainer of a claimed horse to disrupt the process of the claim exchange.
* **Conditioned races, Sec. 18**. Allows for a Track Master Classification to be part of writing classes.
* **Declaration Requirements, Sec. 23**. Encourages entering a horse online to promote this type of entry. Provides that it is a level 2 violation if the owners of a horse are not fully licensed by the Commission prior to declaration.
* **Draw, Sec 30** - Adds Random Draw by USTA as a method to Draw for post positions and provides that if necessary to reopen a race, notice of the same will be made at least once by text message alert.
* **Falling or Unseating Driver, Sec. 45**. Adds language that any horse that falls on the Track will be scratched regardless of the approval of a State Veterinarian.
* **Driving Violations, Sec. 53** – Adds unnecessary conversation among drivers on the track and failure to wear helmets with fastened chinstraps as conduct detrimental to the sport.
* **Racing Objections, Sec. 55** – Extends the time to object or complain about a driving violation or other misconduct to a judge to before the race is declared official.
* **Minor changes and clarifications** to the following Sections: 6 – Race Meet Standards and Eligibility; 12 – Condition Sheets; 18-A – Maine Owned or Bred Races; 46 – Duties of Trainer; 52 – Admission to the Paddock; 57 – Contested Races and Unsatisfactory Drives; 58 – Placing Offending Horses

EFFECTIVE DATE: March 11, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Shane Bacon, Maine State Harness Racing Commission, 28 State House Station, Augusta, ME 04333-0028. Telephone: (207) 287-7568. Email: Shane.Bacon@Maine.gov.

AGENCY WEBSITE: <https://www.maine.gov/dacf/harnessracing/index.shtml>.

AGENCY: **10-144 - Maine Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention (MaineCDC)**, *jointly with* **06-096 - Maine Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **10-144 CMR** **Ch. 263** (DHHS) and **06-096 CMR Ch. 263** (DEP), Maine Comprehensive and Limited Environmental Laboratory Accreditation Rule

ADOPTED RULE NUMBER: **2023-040, 041**

CONCISE SUMMARY: The Department of Health and Human Services - Maine Center for Disease Control and Prevention (DHHS) adopted routine technical rule changes jointly with the Department of Environmental Protection (DEP) to amend the *Maine Comprehensive and Limited Environmental Laboratory Accreditation Rule* by establishing a revised fee schedule based on the cost of certifying or accrediting laboratories, pursuant to 22 MRS §567(4). DHHS and DEP amended the rates per test method category, which increased the total biennial accreditation fee, resulting in a $200 rate increase for limited laboratory accreditation (annual or biennial) and a $50 fee for additional methods requested outside of certification. Laboratories subject to this rule will experience a fee increase ranging from 5-50%, depending on the number of methods analyzed. Additional rule changes updated citations for applicable federal regulations from 2017 to the most current year to date (2022), in accordance with 40 CFR Parts 63, 136, 141, 258, 260-261, 264-266, 268, 270-271 and 279, and to allow for the

use of the most recently EPA-approved methods-when the alternative method is approved by DHHS and DEP, after the rule is promulgated. Other changes adopted include: 1) adding a reference to. Table IA under the waste water program methods; 2) adding a definition for duplicate and field duplicate; 3) clarifying accrediting body in Section 2 subsection (A)(2)(a); 4) specifying that the written management review and management team meeting will be completed within the first quarter of each calendar year; 5) clarifying that, for the required analytical method SOP, references must include method revision number or letter and publication date; 6) requiring labs that fail a second proficiency test to notify the Maine Laboratory Accreditation Program (MLAP); 7) incorporating enterococcus in the alphabetized list of pollutants for which wastewater discharge facility labs licensed pursuant to 38 MRS §413 may analyze wastewater discharges; and 8) clarifying Section 7 to articulate that a lab may fully accredited for some methods, provisionally accredited for others, and may lose accreditation for methods, all while remaining an "accredited lab". Both Departments also adopted minor grammatical and formatting changes to improve rule clarity and readability.

EFFECTIVE DATE: March 15, 2023

AGENCY CONTACT PERSONS: Bridget Bagley (DHHS-Maine CDC); Matthew Hight (DEP)

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MaineCDC RULES WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>.

MaineCDC WEBSITE: <https://www.maine.gov/dhhs/mecdc/>.

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