**State of Maine: Notice of Agency Rulemaking – March 13, 2024**

**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: **05-071 – Department of Education**

CHAPTER NUMBER AND TITLE: **Ch. 83,** School Transportation Operations Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P085**

BRIEF SUMMARY: The purpose of Chapter 83 is to determine who is eligible for access to the School Transportation Operations Program and provide a process for eligible schools to access the software subsidy. This rule has been revised to clarify the role of the Department of Education in providing the subsidy, the technical start-up process, and the distribution of state payment of approved subsidies.

PUBLIC HEARING: N/A

COMMENT DEADLINE: April 15, 2024, 5 pm

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Laura Cyr, 23 SHS Augusta ME 04330. Telephone: 207-446-8791. Email: Laura.Cyr@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

AGENCY WEBSITE: <https://www.maine.gov/doe/home>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: laura.cyr@maine.gov

AGENCY: **05-071 – Department of Education**

CHAPTER NUMBER AND TITLE: **Ch. 84,** School Bus Refurbishment Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P086**

BRIEF SUMMARY: This regulation established procedures for school administrative units (SAUs) to contract for school bus refurbishment services through the Maine School Bus Refurbishment Program.

 The program provided subsidy to school administrative units (SAUs) in order to offset the partial cost of refurbishment for school buses used to transport students to and from home and school and school events. This program was operated by the Maine State Military Authority which no longer refurbishes school buses. As a result, the Department of Education is proposing a full repeal of the rule.

PUBLIC HEARING: N/A

COMMENT DEADLINE: April 15, 2024, 5 pm

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Laura Cyr, State House Station #23, Augusta, ME 04333. Telephone: 207-446-8791. Email: Laura.Cyr@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

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

AGENCY WEBSITE: <https://www.maine.gov/doe/home>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Laura.Cyr@maine.gov

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

CHAPTER NUMBER AND TITLE: **Ch. 609,** Supplemental Nutrition Assistance Program – Employment and Training (SNAP E&T) Rules; Section 8; **SNAP E&T Rule #7** – Mileage Reimbursement and Gift Card Policy Update

# TYPE OF RULE: Routine Technical

# PROPOSED RULE NUMBER: **2024-P087**

BRIEF SUMMARY:The proposed rule would update Section 8(I) Support Service Limits – Mileage Reimbursement to be consistent with the rate afforded to those covered under the Maine Service Employees Association (MSEA) contract. The proposed rule change would refer readers to the State of Maine rate found on the DHHS, Department of Administrative and Financial Services, Office of State Controller at <https://www.maine.gov/osc/travel/mileage-other-info>. In addition, the proposed rule would add DHHS Divisions of Contract Management and Audit requirements for distribution of gift cards when E&T Participant Reimbursements are issued.

 The proposed rule change would be effective retroactive to January 1, 2024. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as this update provides a benefit to SNAP E&T recipients or beneficiaries and does not adversely impact applicants, participants, beneficiaries, or providers.

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

PUBLIC HEARING:None scheduled.

COMMENT DEADLINE:Tuesday, April 16, 2024, at 5:00 p.m. ET.

Written public comments may be submitted via the link at <https://www.maine.gov/dhhs/about/rulemaking>

# CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Patricia Dushuttle, Special Projects Program Manager - SNAP Department of Health and Human Services, Office for Family Independence, 109 Capitol Street, Augusta, ME 04330-6841. Telephone: (207) 624-6907/Fax: (207) 287-3455, TT Users Call Maine Relay – 711. Email: Patricia.Dushuttle@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:None anticipated.

STATUTORY AUTHORITY FOR THIS RULE:22 M.R.S. § 42(1) and (8)

AGENCY WEBSITE:[https://www.maine.gov/dhhs/ofi](https://www.maine.gov/dhhs/ofi/arules)

# E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:

Emily.A.Cathcart@maine.gov

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 30,** Early Childhood Educator Workforce Salary Supplement System

ADOPTED RULE NUMBER: **2024-050**

CONCISE SUMMARY: The Department adopts this rule as required by 22 M.R.S. § 3737-A (Early childhood educator workforce salary supplements), establishing the Early Childhood Educator Workforce Salary Supplement System. Maine’s Early Childhood Educator Workforce Salary Supplement System is designed to increase early childhood educators’ regular pay through monthly salary supplements; incentivize continuing education of the early childhood workforce; and raise the overall quality of care for young children. This rule:

* Outlines procedures for Early Childhood Educator Workforce Salary Supplements.
* Provides that the Department will provide monthly Salary Supplements to the Programs.
* Complies with 22 M.R.S. § 3737-A by providing a three tier system for salary supplements, based on the education and experience level of child care providers and early childhood educators.
* Complies with 22 M.R.S. § 3737-A by providing that the 2nd tier provides a salary supplement that is 50% greater than the first tier, and the 3rd tier provides a salary supplement that is 50% great than the 2nd tier.
* Complies with 22 M.R.S. § 3737-A by requiring the child care facility or family child care provider to pay the supplement to employees who provide direct services to children.
* Explains how a program enrolls in the Early Childhood Educator Workforce Supplement Program.
* Describes an appeal process for overpayments and underpayments.

EFFECTIVE DATE: March 11, 2024

AGENCY CONTACT PERSON: Crystal Arbour, Child Care Services Program Manager, DHHS, Office of Child and Family Services, 2 Anthony Avenue, Augusta, ME 04330. Telephone: (207) 626-8683. Email: Crystal.Arbour@maine.gov

AGENCY WEBSITE: <https://www.maine.gov/dhhs/ocfs>
EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Emily.A.Cathcart@Maine.gov

AGENCY: **12-597** - Department of Labor, **Bureau of Employment Services**

CHAPTER NUMBER AND TITLE: **Ch. 2,** Rule Governing the Competitive Skills Scholarship Program

ADOPTED RULE NUMBER: **2024-051**

CONCISE SUMMARY: This rulemaking is to repeal and replace a rule pertaining to the Competitive Skills Scholarship Program. The amended rule clarifies existing definitions and adds new definitions; clarifies the eligibility requirements; clarifies the documents needed to verify financial eligibility, identity, and Maine residence; clarifies the process for eligibility determination; clarifies the duration of the education or training; makes changes in accordance with P.L. 2023, Ch. 184 for participants in registered apprenticeship and certified preapprenticeship programs and provides for cost of licensing or certification.

EFFECTIVE DATE: March 16, 2024

AGENCY CONTACT PERSON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, ME 0433-0054. Telephone: 207-626-6232.

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

AGENCY: **01-001 - Department of Agriculture, Conservation and Forestry**

CHAPTER NUMBERS AND TITLES: **Ch. 400,** Administrative Cost Grants; **Ch. 401,** Income Replacement; **Ch. 402,** Support for No-Cost Technical Assistance; **Ch. 403,** Infrastructure Investment Grants; **Ch. 404,** Assistance Obtaining New Loans; **Ch. 405,** Real Estate Purchases; **Ch. 406,** Competitive Research Grants; **Ch. 407,** Financial Support for Blood Serum Testing; **Ch. 408,** Financial Support for Mental Health Care

ADOPTED RULE NUMBERS: **2024-052 to 2024-060**

CONCISE SUMMARY: These rules are based on the *Plan for Administration of the Fund to Address PFAS Contamination* which is the result of a public planning process conducted in response to Title 7, chapter 10-D and PL 2021, chapter 635, section XX-3. The plan includes 23 distinct strategies to support commercial farms impacted by PFAS contamination, acquire and manage PFAS-impacted property, fund research, and support blood testing, mental health care, and other health initiatives. Public comments were also considered during the development of the rules.

EFFECTIVE DATE: March 17, 2024

AGENCY CONTACT PERSON:Beth Valentine, PFAS Fund Director, Department of Agriculture, Conservation and Forestry, 22 State House Station, Augusta, ME 04333-0022. Telephone: 207-313-0962. Email: Beth.Valentine@maine.gov

AGENCY WEBSITE:  [PFAS Fund Advisory Committee: Maine Department of Agriculture, Conservation and Forestry](https://www.maine.gov/dacf/about/commissioners/pfasfund/advisory-committee.shtml)
EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Shannon.Ayotte@maine.gov