**State of Maine: Notice of Agency Rulemaking – March 17, 2021**

**PROPOSALS**

AGENCY: **12-152** – Department of Labor (DOL), **Bureau of Rehabilitation Services (BRS)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Rules

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P044**

**BRIEF SUMMARY**: This rule makes changes to conform to requirements in the federal rules for Vocational Rehabilitation (34 CFR Part 361) – specifically related to determination of ‘Order of Selection’. This rule makes other minor changes to language.

**DETAILED SUMMARY**: The Rule governs the administration of Maine’s vocational rehabilitation program. The amendment to the rule is primarily in the Order of Selection. The amended rule adds a fourth category of priority, for “all other eligible individuals,” to be served only after all individuals in Categories #1, #2, and #3 receive services.

The rule also makes minor changes to language for clarification and for consistency with the language used in the federal *Rehabilitation Act*. The eligibility criteria section is amended to include eligibility for an individual to advance in employment, which was previously inadvertently omitted.

PUBLIC HEARING: None, unless requested pursuant to 5 MRS §8052(1).

COMMENT DEADLINE: April 23, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DOL RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov) .

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

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §1412-E

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

AGENCY WEBSITE: <https://www.maine.gov/labor> .

AGENCY: **12-152** - Department of Labor (DOL), **Bureau of Rehabilitation Services (BRS)**

CHAPTER NUMBER AND TITLE: **Ch. 12**, Rules for the Communication Equipment Fund Program for People with Disabilities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P045**

BRIEF SUMMARY: The rules govern the provision of funds for purchase, lease, upgrading, installation, maintenance and repair of specialized customer telecommunication equipment for persons with disabilities. Revisions are needed for consistency with amended state statute that more accurately reflects current communication technology, which no longer requires an emergency alert notification system for deaf or hard-of-hearing persons.

PUBLIC HEARING: None, unless requested pursuant to 5 MRS §8052(1).

COMMENT DEADLINE: April 23, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DOL RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov) .

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

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §1419-A

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

AGENCY WEBSITE: <https://www.maine.gov/rehab/> .

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 104**, Limitations on Earnable Compensation for Purposes of Calculating Average Final Compensation of State Employee and Teacher Members

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P046**

BRIEF SUMMARY: This rule implements 5 MRS §17001(13)(C), the provisions in the Maine Public Employees Retirement System statute relating to limitations or “caps” on earnable compensation for the purposes of determining average final compensation for state employee and teacher members. Under the current, increases in earnable compensation included in benefit calculations for most state employees and teachers is capped at 5% over the prior year and 10% over of the highest three years used in the average final compensation calculation. The proposed amendment implements the provisions of PL 2019 c. 395, which excludes collectively bargained salary and wage increases and job promotions from the 5%/10% cap. Under the proposed amendment, those increases received in a member’s primary position are excluded from the cap, and increases from a member’s non-primary position are subject to review upon request. The proposed amendment also removes obsolete language

PUBLIC HEARING: None

COMMENT DEADLINE: April 16, 2021, 5:00 p.m. ET

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: [rulemaking@mainepers.org](mailto:rulemaking@mainepers.org) .

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Kathy J. Morin, Manager - Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3190. Email: [Kathy.Morin@MainePERS.org](mailto:Kathy.Morin@MainePERS.org) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §17103(4)

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

AGENCY WEBSITE: [www.mainepers.org](http://www.mainepers.org) .

AGENCY: **18-553** – Department of Administrative and Financial Services (DAFS), **Bureau of Alcoholic Beverages and Lottery Operations (BABLO) / Maine State Liquor and Lottery Commission**

CHAPTER NUMBER AND TITLE: **Ch. 20**, Powerball Rules

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P047**

BRIEF SUMMARY: This amendment updates the existing rules governing the jackpot draw game Powerball. This amendment makes necessary changes to add one additional drawing per week, technical changes to clarify language, and fix typographical errors.

Copies of the rule are available by contacting the Maine Bureau of Alcoholic Beverages and Lottery Operations, 8 State House Station, Augusta, Maine 04333-0008.

PUBLIC HEARING: No public hearing.

COMMENT DEADLINE: April 27, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Michael Boardman, Deputy Director Lottery, Bureau of Alcoholic Beverages and Lottery Operations, 8 State House Station, Augusta, ME 04333-0008. Telephone: (207) 287-4614. Fax: (207) 287-6769. Email: [Michael.Boardman@Maine.gov](mailto:Michael.Boardman@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: None

IDENTIFICATION OF PRIMARY SOURCE OF INFORMATION: Multi-State Lottery Association and Professional Judgment

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §§ 374, §372 sub-§2 ¶I

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

BABLO RULEMAKING LIAISON: [Tim.Poulin@Maine.gov](mailto:Tim.Poulin@Maine.gov) .

BABLO WEBSITE: <https://www.maine.gov/dafs/bablo/> .

DAFS RULEMAKING LIAISON: [Anya.Trundy@Maine.gov](mailto:Anya.Trundy@Maine.gov) .

AGENCY: **18-553** – Department of Administrative and Financial Services (DAFS), **Bureau of Alcoholic Beverages and Lottery Operations (BABLO) / Maine State Liquor and Lottery Commission**

CHAPTER NUMBER AND TITLE: **Ch. 50**, Lucky for Life Rules

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P048**

BRIEF SUMMARY: This amendment updates the existing rules governing the draw game Lucky for Life. This amendment makes necessary changes to update the number of drawings, technical changes to clarify language, and fix typographical errors.

Copies of the rule are available by contacting the Maine Bureau of Alcoholic Beverages and Lottery Operations, 8 State House Station, Augusta, Maine 04333-0008.

PUBLIC HEARING: No public hearing.

COMMENT DEADLINE: April 27, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Michael Boardman, Deputy Director Lottery, Bureau of Alcoholic Beverages and Lottery Operations, 8 State House Station, Augusta, ME 04333-0008. Telephone: (207) 287-4614. Fax: (207) 287-6769. Email: [Michael.Boardman@Maine.gov](mailto:Michael.Boardman@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: None

IDENTIFICATION OF PRIMARY SOURCE OF INFORMATION: Lucky for Life game group and Professional Judgment

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §§ 374, §372 sub-§2 ¶I

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

BABLO RULEMAKING LIAISON: [Tim.Poulin@Maine.gov](mailto:Tim.Poulin@Maine.gov) .

BABLO WEBSITE: <https://www.maine.gov/dafs/bablo/> .

DAFS RULEMAKING LIAISON: [Anya.Trundy@Maine.gov](mailto:Anya.Trundy@Maine.gov) .

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

CHAPTER NUMBER AND TITLE: **Ch. 283**, Newborn Bloodspot Screening Rule

TYPE OF RULE: Hybrid Rule, both Routine Technical and Major Substantive

PROPOSED RULE NUMBER: **2021-P049**

BRIEF SUMMARY: The Department proposes to establish an expanded list of congenital, genetic and metabolic conditions for Maine’s newborn bloodspot screening (NBS) panel to include the following four conditions recently added to the U.S. DHHS Recommended Universal Screening Panel and recommended by the Maine Joint Advisory Committee for Newborn Bloodspot Screening: Pompe, Mucopolysaccharidosis Type 1 (MPS-1), X-linked Adrenoleukpdystrophy (X-ALD), and Spinal Muscular Atrophy (SMA). This change is consistent with rule changes implemented by emergency rule adoption March 11, 2021 and due to expire within 90 days.

Major Substantive Rule Proposal: In this same rulemaking, pursuant to 5 MRS §8072, the Department is also proposing a major substantive rule change to increase the filter paper fee from $110 to $220, which is required for NBS specimen collection. (22-A MRS § 210).

On March 11, 2021, the Department adopted an Emergency Routine Technical/Major Substantive Rule with these proposed changes. The purpose of this rulemaking is to make permanent the changes made in the Emergency routine technical rule, and to provisionally adopt this Major Substantive rule.

The emergency routine technical rule will be effective for up to 90 days after the effective date, in accordance with 5 MRS §8054(3) However, in accordance with 5 MRS §8073, the emergency Major Substantive rule changes (increasing the filter paper fee) may be in effect for up to twelve months, or until the Maine Legislature has completed its review.

PUBLIC HEARING: Not scheduled

COMMENT DEADLINE: Wednesday, March 17, 2021

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

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

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 1532,1533; 22-A MRS §210

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

MAINE CDC RULES WEBSITE: <https://www.maine.gov/dhhs/mecdc/rules/maine-cdc-rules.shtml> .

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

MAINE CDC RULEMAKING LIAISON: [Tera.Pare@Maine.gov](mailto:Tera.Pare@Maine.gov) .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

**ADOPTIONS**

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services – MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Sales for Resale and Sales of Packaging Materials

ADOPTED RULE NUMBER: **2021-061**

CONCISE SUMMARY: Rule 301 establishes procedures for making sales for resale, certain sales to lessors and service providers, and sales of packaging materials without collecting sales tax, and sets forth requirements for certification of such sales.

Rule 301 is being amended to reflect that MRS no longer issues a “provisional” resale certificate. Additionally, the language in the rule is clarified throughout to reflect that a sale for resale is not an “exemption,” but rather an exclusion from retail sale, and therefore sales tax need not be collected on such sales, provided the selling retailer receives the appropriate documentation from the purchaser.

EFFECTIVE DATE: March 15, 2021

MRS CONTACT PERSON / RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, P.O. Box 1060, Augusta, ME 04332-1060. Telephone: (207) 624-9712. Email: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

MRS WEBSITE: <https://www.maine.gov/revenue/> .

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services – MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Sales to Governmental Agencies and Exempt Organizations

ADOPTED RULE NUMBER: **2021-062**

CONCISE SUMMARY: Rule 302 establishes administrative rules regarding tax-exempt sales and explains the circumstances under which a retailer or service provider will be relieved of its burden of proving that sales to an entity described in Title 36 sections 1760 or 2557, including an agency or instrumentality of the federal government or of the State of Maine, are exempt from Maine sales, use, or service provider tax.

EFFECTIVE DATE: March 15, 2021

MRS CONTACT PERSON / RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, P.O. Box 1060, Augusta, ME 04332-1060. Telephone: (207) 624-9712. Email: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

MRS WEBSITE: <https://www.maine.gov/revenue/> .

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

CHAPTER NUMBER AND TITLE: **Ch. 283**, Newborn Bloodspot Screening Rule

TYPE OF RULE: Hybrid Emergency Rule, both Routine Technical and Major Substantive

ADOPTED RULE NUMBER: **2021-063**

CONCISE SUMMARY: This rule is a routine technical rule, except for Section 14 (Fees), which is a major substantive rule, pursuant to 5 MRS §8071(3)(B).

The emergency routine technical rule change expands the list of congenital, genetic and metabolic conditions on Maine’s newborn bloodspot screening (NBS) panel to include the following four conditions recently added to the U.S. DHHS Recommended Universal Screening Panel and recommended by the Maine Joint Advisory Committee for Newborn Bloodspot Screening:

**\*** Pompe (2013)

**\*** MPS-1 (2105)

**\*** X-ALD (2015)

**\*** SMA (2018)

The emergency major substantive rule increases the filter paper fee from $110/per infant tested, to $220/per infant tested. This fee increase is necessary to off-set anticipated costs corresponding to the added conditions (i.e. genetic clinic contracts, resource material, follow-up services and other related program operations).

The Department has determined that adding these four conditions for newborn screening immediately is necessary to avoid an immediate threat to public health, safety or general welfare, as it will reduce mortality and morbidity from certain heritable conditions. The fee increase is necessary to offset anticipated costs corresponding to the added conditions.

EFFECTIVE DATE: March 11, 2021

MAINE CDC CONTACT PERSON: Bridget Bagley, Maine CDC, 286 Water Street - 11 State House Station, Augusta, ME 04333. Telephone: (207) 287-9394. Email: [Bridget.Bagley@Maine.gov](mailto:Bridget.Bagley@Maine.gov) .

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

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MAINE CDC RULEMAKING LIAISON: [Tera.Pare@Maine.gov](mailto:Tera.Pare@Maine.gov) .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .