**State of Maine: Notice of Agency Rulemaking – March 18, 2020**

**PROPOSALS: none this week**

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 266**, Hemlock Woolly Adelgid Quarantine

ADOPTED RULE NUMBER: **2020-048**

CONCISE SUMMARY: This rule modifies the existing Hemlock Woolly Adelgid quarantine by adding 51 Minor Civil Divisions and one county in Maine and additional counties in other states that have been found to be infested with this pest to the area under quarantine.

EFFECTIVE DATE: March 15, 2020

DACF CONTACT PERSON / RULEMAKING LIAISON: Shannon Ayotte, Department of Agriculture, Conservation and Forestry, 22 State House Station, Augusta, ME 04333. Telephone: (207) 287-5976. Email: Shannon.Ayotte@Maine.gov .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 275**, Emerald Ash Borer Quarantine

ADOPTED RULE NUMBER: **2020-049**

CONCISE SUMMARY: This chapter establishes a quarantine against the Emerald Ash Borer (*Agrilus planipennis*) (EAB) to prevent its movement to un-infested parts of the State, in order to protect Maine’s forest and timber resources. This adoption extends the quarantined area to all of Cumberland County and the southwestern corner of Oxford County.

EFFECTIVE DATE: March 15, 2020

DACF CONTACT PERSON / RULEMAKING LIAISON: Shannon Ayotte, Department of Agriculture, Conservation and Forestry, 22 State House Station, Augusta, ME 04333. Telephone: (207) 287-5976. Email: Shannon.Ayotte@Maine.gov .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 324**, Small Generator Interconnection Procedures

ADOPTED RULE NUMBER: **2020-050**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to the Commission’s *Small Generator Interconnection Procedures* Rule (Ch. 324). These amendments ensure the timeliness of the small generator interconnection process under Ch. 324 as directed by the Legislature pursuant to Public Law 2019 ch. 478.

EFFECTIVE DATE: March 15, 2020

MPUC CONTACT PERSON / RULEMAKING LIAISON: Jamie Waterbury, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1360. Email: Jamie.A.Waterbury@Maine.gov .

MPUC WEBSITE: http://www.maine.gov/mpuc/ .

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

CHAPTER NUMBER AND TITLE: **Ch. 287** *(Repeal),* Rules for Family Planning Funding

ADOPTED RULE NUMBER: **2020-051**

CONCISE SUMMARY: This rule was established to ensure that all State contracts for family planning services include assurances that State contractors are in compliance with federal Title X Program Guidelines for Project Grants for Family Planning Services. Recent changes to the federal Title X Program Guidelines would not permit Maine health care providers who receive Title X funding to discuss all possible health care options with their clients. The Department finds that the repeal of 10-144 CMR ch. 287 is necessary to ensure continued access to a wider variety of health care services by allowing the State to set its own requirements for program standards through contract negotiations with providers. The *Rules for Family Planning Funding* did not contain enforcement mechanisms. Nor was there a statutory authority cited in the rule.

EFFECTIVE DATE: March 16, 2020

AGENCY CONTACT PERSON: Andrew Hardy, 11 State House Station - 286 Water Street, Augusta ME 04333-0011. Telephone: (207) 287-4490. Email: Andrew.Hardy@Maine.gov .

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

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

DHHS WEBSITE: http://www.maine.gov/dhhs/ .

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

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

AGENCY: **90-590 - Maine Health Data Organization (MHDO)**

CHAPTER NUMBER AND TITLE: **Ch. 300**, Uniform Reporting System for Hospital Financial Data

ADOPTED RULE NUMBER: **2020-052**

BRIEF SUMMARY: This rule change will add the requirement that hospitals and parent entities be required to submit consolidated financial data along with organizational information. This change will provide greater transparency to the public into the finances of the hospital and parent entities.

There is no fiscal impact on state municipalities, counties or businesses. Copies of these proposed rules can be reviewed and printed from the MHDO website at https://mhdo.maine.gov/rules.htm or, to receive a paper copy call (207) 287-6722.

IMPACT ON MUNICIPALITIES OR COUNTIES: This rule will not have a fiscal impact on municipalities, counties or small businesses.

EFFECTIVE DATE: March 16, 2020

MHDO CONTACT PERSON: Karynlee Harrington, Executive Director, Maine Health Data Organization, 151 Capitol Street - 102 State House Station, Augusta, ME 04333-0102. Telephone: (207) 287-6722. Email: Karynlee.Harrington@Maine.gov .

MHDO WEBSITE: https://mhdo.maine.gov/ .

MHDO RULEMAKING LIAISON: Debra.J.Dodge@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 331** ch. I, Maine Public Assistance Manual (TANF), **TANF #C19E** (Change to In‑person Requirements)

ADOPTED RULE NUMBER: **2020-053**

CONCISE SUMMARY: The recently active Novel Coronavirus is responsible for a new disease, COVID19, and the United States Centers for Disease Control and Prevention (CDC) are still learning how the virus spreads. The CDC reports that the virus is spread mainly by person-to-person contact between people who are within six feet of one another, through respiratory droplets produced when an infected person coughs or sneezes. The CDC has advised that all symptomatic community members remain home to prevent further spread of the virus. The *Maine Public Assistance Manual* currently requires that a face-to-face interview be completed with each TANF application and requires all mandatory ASPIRE-TANF participants to attend an orientation. A face-to-face interview is also required at the time of annual recertification for TANF. Language has been modified through this rule change to allow for all orientation and interview activities to be completed over the telephone. This rule will allow for the continuation of services in the case of DHHS regional office closure to the public.

Pursuant to 5 MRS §8054, the Department finds that emergency rulemaking is necessary to implement these changes as soon as possible to aid in the reduction of the spread of the new virus while continuing to provide TANF and ASPIRE supports to some of Maine’s most vulnerable residents. This emergency rule removes the face-to-face requirement for the application and recertification interviews for TANF and ASPIRE-TANF orientation. Removal of the face-to-face component adheres to the recommendation of the CDC to prevent the spread of the virus by avoiding person-to-person contact.

Modification of the usual rulemaking procedures under the *Maine Administrative Procedure Act* is necessary to ensure the public health, safety and welfare of Maine residents.

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

EFFECTIVE DATE: March 13, 2020

AGENCY CONTACT PERSON: Alexandria Lauritzen, TANF Program Manager, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street, Augusta, ME 04333-0011. Telephone: (207) 624-4109. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Alexandria.Lauritzen@Maine.gov .

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

DHHS WEBSITE: https://www.maine.gov/dhhs/ .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

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

AGENCY: **94-178 - Kim Wallace Adaptive Equipment Loan Program Fund Board**

CHAPTER NUMBER AND TITLE: **Ch. 502**, Procedures Governing Administration of the Adaptive Equipment Loan Program Fund Board

ADOPTED RULE NUMBER: **2020-054**

CONCISE SUMMARY: The rule amends Ch. 502, which sets the procedures for the Adaptive Equipment Loan Program Fund Board. A recent change in statute allows the Board to contract with a financial services provider which approves or denies loan applications, with a right to appeal to the Board. The rule sets forth the process for such appeals. The rule makes other clarifications and simplifications to the procedures of the Board.

EFFECTIVE DATE: March 18, 2020

AGENCY CONTACT PERSON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS)**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual (MBM): **Ch. I Section 4**, Telehealth Services

ADOPTED RULE NUMBER: **2020-055** *(Emergency)*

CONCISE SUMMARY: This emergency rulemaking will remove the MaineCare Benefits Manual (MBM), Ch. I Section 4, “Telehealth Services”, blanket prohibition against providers utilizing telehealth to deliver services under the MBM, Ch. II Section 80, *Pharmacy Services*. Pursuant to 5 MRS §8054, the Department has determined that immediate adoption of this rule is necessary to avoid a potentially severe and immediate threat to public health, safety or general welfare. The Department’s findings of emergency are set forth in detail in the Emergency Basis Statement. Maine is facing a substantial public health threat posed by the global spread of the 2019 Novel Coronavirus (COVID-19). On March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic. As a preemptive action by the Department, Pharmacy Services will be available via telehealth when medically necessary and appropriate.

This emergency rule change will take effect upon adoption and will be in effect for 90 days (5 MRS §8054). The Department is concurrently engaging in the routine technical rulemaking process for Section 4 to prevent a lapse in the rule and added services.

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

EFFECTIVE DATE: March 17, 2020

OMS CONTACT PERSON: Nicole Jurdak, Comprehensive Health Planner, Division of Policy, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. TELEPHONE: (207)-624-4058 FAX: (207) 287-6106. TTY users call Maine relay 711. Email: Nicole.Jurdak@Maine.gov .

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

DHHS WEBSITE: https://www.maine.gov/dhhs/ .

OFI RULEMAKING LIAISON: Thomas.Leet@Maine.gov .

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

AGENCY: **12-179** - Department of Labor (DOL), Bureau of Labor Standards (BLS), **Board of Occupational Safety and Health (BOSH)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Occupational Safety and Health Standards for Construction Industry Employment in the Public Sector

ADOPTED RULE NUMBER: **2020-056**

CONCISE SUMMARY: The purpose of this chapter is to incorporate by reference certain rules governing Occupational Safety and Health in construction industry employment as promulgated by the Federal Occupational Safety and Health Administration at 29 CFR Part 1926 as most recently amended as of December 5, 2019.

EFFECTIVE DATE: March 22, 2020

AGENCY CONTACT PERSON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov .