**State of Maine: Notice of Agency Rulemaking – April 3, 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: **16 – 633 –** Department of Public Safety, **Gambling Control Board**

CHAPTER NUMBER AND TITLE OF THE RULE: **Ch. 28,** Advanced Deposit Wagering

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P212** (Third publication)

BRIEF SUMMARY: This rule is to comply with changes in state law under 8 M.R.S.A., Chapter 31, Subchapter 7 Advanced Deposit Wagering

PUBLIC HEARING: Non applicable – written comment only

DEADLINE FOR COMMENTS: May 3, 2024

AGENCY CONTACT PERSON: Milton Champion, Executive Director, Gambling Control Board, 45 Commerce Drive, Suite 3, Augusta ME 04333-0087. Telephone: 207-626-3901. Email: Milton.F.Champion@maine.gov

FISCAL IMPACT: This rule will not have a fiscal impact on municipalities.
STATUTORY AUTHORITY: 8 M.R.S.A. §1003(1)(B)(I), (3)(J); 8 M.R.S.A. § 1031(1).
AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html>.

AGENCY: **65-407 - Public Utilities Commission**

CHAPTER NUMBER AND TITLE: **Ch. 815,** Amendments to Consumer Protection Standards for Electric and Gas Trans-mission and Distribution Utilities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P056** (Comment deadline extension)

BRIEF SUMMARY: The Commission initiates a rulemaking proceeding to consider proposed amendments to the Commission’s Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities (Chapter 815). The proposed amendments include substantial modifications intended to 1) reduce the uncollectible accounts of utilities thereby reducing upward pressure on rates for all customers, 2) amend the dispute resolution procedures, 3) respond to recent legislation, and 4) make routine, stylistic and updating changes.

PUBLIC HEARING: **March 6, 2024 at 1:00PM** at the Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. Persons unable to attend this conference in person may elect to participate virtually by emailing dale.coty@maine.gov at the Commission and requesting a Microsoft Teams invitation. Those unable to attend via video may participate by phone using the dial-in information that appears on the Microsoft Teams invitation (obtained as described above).

COMMENT DEADLINE: **Comment deadline extended to April 19, 2024.** Written comments should refer to the docket number of this proceeding, Docket No. 2023-00323; be directed to the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018; and be filed electronically in the Commission’s Case Management System.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Eric Bryant 18 State House Station, Augusta, ME 04333. Telephone: (207) 287- 1313. Email: Eric.J.Bryant@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 35-A M.R.S. §§ 104, 111, 704, 719, 1308; P.L. 2021 ch. 347, P.L. 2021, ch. 586.

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

AGENCY WEBSITE: [www.maine.gov/mpuc](http://www.maine.gov/mpuc)

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Pamela.Kowalchuk@maine.gov

AGENCY: **01-015 –** **Maine Department of Agriculture, Conservation and Forestry**

CHAPTER NUMBER AND TITLE:**Ch. 61,** Maine Milk Pool Cost of Administration

PROPOSED RULE NUMBER: **2024-P094**

BRIEF SUMMARY: The principal reason for this rule is to set the cost for administering the Maine Milk Pool. While it falls under the statutory jurisdiction of the Commissioner of the Department of Agriculture, Conservation and Forestry, the Milk Pool has historically been managed by the Maine Milk Commission on a fee-for-service basis.

As per 7 M.R.S. Chapter 611 §3154, the costs incurred by the Maine Milk Pool for personnel services and operational administration were approximately $60,000 in 2023. Using those figures as a guide, it is estimated that the Pool costs for will remain approximately the same in the immediate future.

The Pool Administrator proposes to set the rate to administer the Maine Milk Pool for the calendar year 2024 at $0.01 per hundredweight (100 lbs) of milk. This represents no change from the previous years.

PUBLIC HEARING: April 23, 2024 at 10:30 am in Room 229E, Deering Building, 90 Blossom Lane, Augusta, ME

COMMENT DEADLINE:May 3, 2024 5:00 p.m.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Julie-Marie Bickford, Maine Milk Commission, 28 SHS, Augusta, ME 04333. Telephone: 207-287-7521. Email: Julie-Marie.Bickford@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S.A. Section 8054 and 7 M.R.S.A., Section 2954

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

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Julie-Marie.Bickford@maine.gov

AGENCY: **99-650 -- Combat Sports Authority of Maine**

CHAPTER NUMBERS AND TITLE: **Rules for Kickboxing Competitions, Chapters 1 through 11: Ch. 1,** General Rules for Kickboxing Contests; **Ch. 2,** Technical Requirements for Kickboxing Contests: **Ch. 3,** Judging/Refereeing Kickboxing Competitions; **Ch. 4,** Rules Governing Judges for Kickboxing Contests; **Ch. 5**, Rules Governing Referees for Kickboxing Contests; **Ch. 6,** Rules Governing Promoters of Kickboxing Contests; **Ch. 7,** Requirements for Kickboxers; **Ch. 8**, Rules Governing Managers, Trainers, Seconds, Cutpersons, Scorekeepers, and Cornerpersons for Kickboxing, **Ch. 9,** Rules Governing Attending Physicians for Kickboxing Contests; **Ch. 10**, Rules Governing Inspectors for Kickboxing Contests; **Ch. 11,** Rules Governing Timekeepers for Kickboxing Contests

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P095 to 2024-P105**

DETAILED SUMMARY:

These rules provide comprehensive regulatory oversight for kickboxing competitions occurring in Maine, providing guidance to authorized participants as to permissible conduct. The Authority will enforce the rules through certification, *i.e.,* the licensing process, maintenance of a presence at events, and its ability to sanction violation of its rules or statutes.

Chapter 1 sets forth generally requirements for authorized participants’ certifications, the location of and permissible activities at competitions, the conduct of events, and the powers of members of the Authority.

Chapter 2 identifies technical requirements for weighing in and competitions, including fighting areas’ specifications; equipment; combatants’ apparel and physical appearance; round durations; and the presence of judges, referees, physicians, emergency medical technicians, inspectors, and ambulances.

Chapter 3 sets forth the criteria for judging and refereeing kickboxing to ensure the make Authority rules are consistent with best practices.

Chapter 4 establishes the qualifications for and the duties of judges of kickboxing competitions.

Chapter 5 establishes the qualifications for and duties of referees of kickboxing competitions.

Chapter 6 establishes the qualifications for and duties of promoters of kickboxing competitions. Duties imposed include responsibility for attendance of officials; adequate police, medical, and security presence; venue safety; insurance coverage; financial disclosures; payment of certification and event fees; and arrangements for ensuring employment and payment of inspectors.

Chapter 7 establishes the qualifications for and duties of kickboxing competitors. It mandates pre-fight and post-fight medical examinations and authorizes drug testing by the Authority, with a failed drug test resulting in immediate disqualification and certificate suspension and possible imposition of a monetary penalty. Chapter 7 also outlines certain duties of the Authority regarding provision of interstate notice of disciplinary suspension of participants in kickboxing competitions.

Chapter 8 establishes qualifications for and duties of managers, trainers, seconds, cutpersons, scorekeepers, and cornerpersons. It contains a list of authorized/prohibited activities and equipment at competitions.

 Chapter 9 establishes the qualifications for and duties of attending physicians at kickboxing competitions.

 Chapter 10 establishes the requirements for and duties of inspectors at kickboxing.

 Chapter 11 establishes the qualifications for and duties of timekeepers at kickboxing competitions.

Sources for the rules’ content include Authority members’ previous experience with combat sports, rules promulgated by organizations such as the Association of Boxing Commissions, and experienced kickboxing officials consulted. The public can obtain a copy of the proposed rules by contacting the Authority:

* By mail addressed to:

William Bouffard, Chairperson

 Combat Sports Authority of Maine

 P.O. Box 10525

 Westbrook, ME 04104

* By telephone at (207) 712-6615
* By electronic mail addressed to combatsportsmaine@yahoo.com

PUBLIC HEARING: N/A

COMMENT DEADLINE**:** May 6, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: William Bouffard, Chairperson, Combat Sports Authority of Maine, P.O. Box 10525, Westbrook, ME 04104. Telephone: (207) 712-6615. Email: combatsportsmaine@yahoo.com

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 8 M.R.S. § 523

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

AGENCY WEBSITE: https://www.mainecombatsports.com/contact-us/

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: combatsportsmaine@yahoo.com

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

CHAPTER NUMBER AND TITLE: **Ch. 710,** Establishment of License and Renewal Fees and Application Requirements for Maine’s Payroll Processor Licensing and Requirement for Licensing Through the Nationwide Multistate Licensing System (NMLS)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P106**

BRIEF SUMMARY: This rule repeals and replaces current Chapter 710 to clarify the requirements for the types of records that can be used by an applicant for licensure as a payroll processor to show its financial condition. The rule is intended to make clear that evidence of financial condition must be submitted and that audited financial statements, although preferred, are not the only documents that may be used as evidence of financial condition. The rule also enlarges the period of transition to the Nationwide Multistate Licensing System (NMLS) for payroll processors and modifies certain requirements for licensure.

DETAILED SUMMARY:

The rule:

1. Clarifies that payroll processor licensees and applicants are not required to file audited financial statements in all circumstances. They are required to file audited financial statements if they have the same, but if not they are required to file a signed copy of their most recent year’s tax return and unaudited financial statements as of September 30 of the current licensing year;
2. Extends the time for licensees who held licenses as of the effective date of the current rule to transition to the NMLS system from January 31, 2024 to June 30, 2024;
3. Sets fees for original and renewal license applications;
4. Authorizes the NMLS to perform licensing application functions in conjunction with the Bureau;
5. Establishes the content for license applications.

PUBLIC HEARING: 10:00 AM, Thursday, April 25, 2024, Central Conference Room

Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, ME 04345

COMMENT DEADLINE: May 3, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Linda Conti, Superintendent, Bureau of Consumer Credit Protection, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8527. Fax: (207) 582-7699. Email: Linda.Conti@maine.gov

TTY users call Maine relay 711.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None anticipated

STATUTORY AUTHORITY FOR THIS RULE: 10 M.R.S. § 1495-D(1-A)

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

AGENCY WEBSITE: [www.Credit.Maine.Gov](http://www.Credit.Maine.Gov)

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Linda.Conti@maine.gov

AGENCY: **95-592 - Small Enterprise Growth Board**

CHAPTER NUMBER AND TITLE: **Ch. 701,** Small Enterprise Growth Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P107**

BRIEF SUMMARY: This amendment incorporates legislative changes to the statute governing the Program made by P.L. 2021, Chapter 502, adding the ability of the Board to invest in qualifying venture funds, in addition to qualifying businesses, and establishes the terms and conditions of such fund investments, as well as making other clarifying changes to the Rule.

PUBLIC HEARING: None

COMMENT DEADLINE: May 3, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Christopher Roney, Esq., Finance Authority of Maine, PO Box 949, 5 Community Dr., Augusta, ME 04332-0949. Telephone: 207-623-3520. Email: croney@famemaine.com

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None.

STATUTORY AUTHORITY FOR THIS RULE: 10 M.R.S.A. §385

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

AGENCY WEBSITE: [www.maineventurefund.com](http://www.maineventurefund.com)

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: croney@famemaine.com

**ADOPTIONS**

AGENCY:  **01-015 –** Department of Agriculture, Conservation and Forestry, **Maine Milk Commission**

CHAPTER NUMBER AND TITLE: **Ch. 3,** Schedule of Minimum Prices Order #04-24

ADOPTED RULE NUMBER: **2024-080**

CONCISE SUMMARY: Minimum April 2024 Class I price is $22.43/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 $25.77/cwt. that includes a $0.20/cwt Federal promotion fee.

EFFECTIVE DATE: March 31, 2024

AGENCY CONTACT PERSON/RULEMAKING LIAISON:  Julie-Marie R. Bickford, Maine Milk Commission, DACF, 28 SHS, Augusta, ME 04333. Telephone: 207-287-7521.  Email: Julie-Marie.Bickford@Maine.gov

MMC RULES WEBSITE: <https://www.maine.gov/dacf/milkcommission/statutes_rules.shtml>

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

AGENCY:**10-144 -** Department of Health and Human Services, **Division of Licensing and Certification**

CHAPTER NUMBER AND TITLE: **Ch. 111,** Temporary Nurse Agency Registration Rule

ADOPTED RULE NUMBER: **2024-081**

CONCISE SUMMARY:This new rule operationalizes the changes made to 22 MRS § 2313 under PL 2023 Ch 434. The rule reflects the following requirements of statute:

* Increases the registration fee;
* Places requirements for annual reporting on registered Temporary Nurse Agencies (TNAs);
* Authorizes the Department to issue financial penalties to TNAs in certain circumstances;
* Places record-keeping and access to records requirements on TNAs; and
* Establishes employee quality assurance measures for TNAs.

 The proposed routine technical rule also incorporates the statutory restrictions on predatory hiring practices and makes violation of 22 MRS § 2131 a violation of the Maine Unfair Trade Practices Act.

EFFECTIVE DATE: April 6, 2024

AGENCY CONTACT PERSON: Jonathan Leach, Division of Licensing and Certification, 11 SHS, 41 Anthony Ave., Augusta, ME 04333-0011. Telephone: (207) 287-5825. EMAIL ADDRESS:Jonathan.h.leach@maine.gov

AGENCY WEBSITE: <https://www.maine.gov/dhhs/about/rulemaking>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Emily.A.Cathcart@maine.gov

AGENCY: **16-163 –** Department of Public Safety, **Emergency Medical Services Board**

CHAPTER NUMBER AND TITLE: **Ch. 15,** Maine EMS Regions and Regional Councils

ADOPTED RULE NUMBER: **2024-082**

CONCISE SUMMARY:The Emergency Medical Services Board is repealing and replacing its current rules regarding Regions and Regional Councils. This repeal and replacement of the rule consolidates the current six (6) EMS regions into four (4) regions and aligns the regions with existing county boundaries. This change clarifies the process and conditions for a regional council to be recognized in each region, the manner in which regions must report their activities and finances and the manner in which those activities must be carried out, and the structure of the regional council to ensure that it adequately represents each major geographical part and stakeholder required by 32 M.R.S. §89. The rule includes and clarifies the duties of the Regional Medical Director and establishes that a region may elect to have an Associate Regional Medical Director.

EFFECTIVE DATE: April 7, 2024

AGENCY CONTACT PERSON:Jason J. Cooney, Emergency Medical Services Board (Maine EMS), 152 State House Station, Augusta, ME 04333-0152. Telephone:207-626-3864. Email: Jason.J.Cooney@maine.gov
AGENCY WEBSITE: <https://www.maine.gov/ems/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Jason.J.Cooney@maine.gov

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

CHAPTER NUMBER AND TITLE: **Ch. 62,** Geolocation and Remote Access; **Ch. 67,** Involuntary Placement of Persons on the Unauthorized Persons List

ADOPTED RULE NUMBERS: **2024-083, 2024-084**

CONCISE SUMMARY: This rule is to establish rules required under 8 M.R.S. §1203(2)(K)&(G) to create standards for involuntary placement on the unauthorized list and for removal from the list in Chapter 67 and adds the requirements for geolocation providers to furnish the Director with a real time dashboard and data feed in Chapter 62.

EFFECTIVE DATE: April 7, 2024

AGENCY CONTACT PERSON: Milton Champion, Gambling Control Unit, 45 Commerce Drive, Augusta ME 04333. Phone: 207-626-3900. Email: Milton.F.Champion@maine.gov
AGENCY WEBSITE: [Gambling Control Unit (maine.gov)](https://www.maine.gov/dps/gamb-control/index.html)