**State of Maine: Notice of Agency Rulemaking – April 10, 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: **06-096 - Department of Environmental Protection**

CHAPTER NUMBER AND TITLE: **Ch. 2,** Rule Concerning the Processing of Applications and Other Administrative Matters

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P269** *(Comment deadline extension)*

BRIEF SUMMARY: Proposed amendments to the existing Chapter 2 were posted to public comment in December 2023. Since the posting the Legislature has taken up bills requiring additional changes to Chapter 2 and the Department has made substantive changes to the draft. These changes require reposting the rule to an additional public comment period. The purpose of the rulemaking is to revise or establish new procedural requirements and improve the clarity and organization of the rule based on the Department’s experience applying Chapter 2 across a wide range of programs, and to incorporate recent legislative changes to the Board’s responsibilities and duties.

PUBLIC HEARING: A public hearing was held on January 18, 2024, at the Augusta Civic Center

COMMENT DEADLINE: May 13, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Bill Hinkel, 17 State House Station, Augusta, ME 04333-0017. Telephone: 207-314-1458. Email: Bill.Hinkel@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. § 8051 and 38 M.R.S. § 341-H

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Mark.T.Margerum@maine.gov

AGENCY: **94-270 - Commission on Governmental Ethics and Election Practices**

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P052** *(Comment deadline extension)*

BRIEF SUMMARY: On November 7, 2023, Maine voters approved a new law, 21-A M.R.S. § 1064, which forbids foreign governments and businesses or associations they own or control from making expenditures to influence candidate and ballot question elections in Maine. On January 31, 2024, the Commission proposed amendments to its rules to implement the new law. In response to comments received, the Commission is inviting a second round of comments on changes to the amendments proposed in January.

PUBLIC HEARING: N/A

COMMENT DEADLINE: 5:00 p.m. on Wednesday, May 1, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Julie Aube, Commission Assistant, Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, ME 04333. Telephone: (207) 287-4179, Fax: (207) 287-6775. Email: Julie.Aube@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: No impact

STATUTORY AUTHORITY FOR THIS RULE:M.R.S.A § 1003(1); 21-A M.R.S.A. § 1064

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: None

AGENCY WEBSITE:<http://www.maine.gov/ethics>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:Julie.Aube@maine.gov

AGENCY: **90-590 - Maine Health Data Organization**

CHAPTER NUMBER AND TITLE: **Ch. 243,** Uniform Reporting System for Health Care Claims Data Sets

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P108**

BRIEF SUMMARY: The proposed rule changes incorporate feedback from the reporting entities specific to the structure for reporting capitation data to the Maine Health Data Organization. These changes will improve the process by which payors report capitated data to the MHDO including payments and services.

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 287-6722.

PUBLIC HEARING: **May 1, 2024**, at 9:00 A.M. **(Remote only\*\*)**

**\*\*Please note:** This public hearing will be held virtually. To attend via zoom, select the link below or call the number provided to attend via conference call.

**Zoom meeting link**:
<https://mainestate.zoom.us/j/82592304854?pwd=MU9mdWgyUGJSRlVMYURJU3RxQzJaZz09> ***(or)***

**Call in number:** 1-646-876-9923

**Meeting ID**: 825 9230 4854
**Passcode:** 31931598

COMMENT DEADLINE: **May 13, 2024** at 5:00 P.M.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Debra Dodge, Maine Health Data Organization, 151 Capitol Street, 102 State House Station, Augusta, ME 04333, Telephone 287-6724, FAX 287-6732. Email: Debra.J.Dodge@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any). This rule will not have a fiscal impact on municipalities, counties or small businesses.

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S.A., §§8703(1), 8704(4), 8708(6-A) and 8712(2)

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Debra.J.Dodge@maine.gov

AGENCY: **90-590 - Maine Health Data Organization**

CHAPTER NUMBER AND TITLE: **Ch. 340,** Uniform Reporting System for Reporting 340B Drug Program Data Sets

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P109**

BRIEF SUMMARY: This new rule is being proposed to implement the provisions in Title 22 M.R.S. §1728(2)(A-D)(3).

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 287-6722.

PUBLIC HEARING: **May 1, 2024**, at 9:00 A.M. **(Remote only\*\*)**

**\*\*Please note:** This public hearing will be held virtually. To attend via zoom, select the link below or call the number provided to attend via conference call.

**Zoom Meeting Link:**

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**Call in number**: 1-646-876-9923

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COMMENT DEADLINE: **May 13, 2024**, at 5:00 P.M.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Debra Dodge, Maine Health Data Organization, 151 Capitol Street, 102 State House Station, Augusta, ME 04333. Telephone 287-6724, FAX 287-6732. Email: Debra.J.Dodge@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any). This rule will not have a fiscal impact on municipalities, counties or small businesses.

STATUTORY AUTHORITY FOR THIS RULE:22 M.R.S. §§ 8703(1), 8704(1) & (4) and PL 2023, Ch. 276 [22 M.R.S. § 1728]

SUBSTANTIVE STATE OR FEDERAL LA W BEING IMPLEMENTED (if different): N/A

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Debra.J.Dodge@maine.gov

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

CHAPTER NUMBER AND TITLE: **Ch. 4,** Licensee Records; **Ch. 5,** Internal Controls and Appendix A; **Ch, 6,** Ticket Redemption; **Ch. 10,** Slot Machine Maintenance; **Ch. 11,** Transportation of Slot Machines and Table Games, **Ch. 19,** Slot Machine Testing and Certification.

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P110 to 2024-P115**

BRIEF SUMMARY: These rules are to comply with changes in state law under 8 M.R.S.A. Chapter 35.

PUBLIC HEARING: None applicable

COMMENT DEADLINE: May 10, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Milton Champion, 45 Commerce Drive, Suite 3, Augusta ME 04333-0087. Telephone: 207-626-3901. Email: Milton.F.Champion@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 8 M.R.S. § 1003(1)(B) and (3)(I)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Paul.F.Cavanaugh@maine.gov

**ADOPTIONS**

AGENCY: **10-149 -** Department of Health and Human Services, **Office of Aging and Disability Services**

CHAPTER NUMBER AND TITLE: **Ch. 1,** Adult Protective Services System (Repeal); **Ch. 2, Sec. 1**, Adult Protective Services System (New)

ADOPTED RULE NUMBER: **2024-085, 2024-086**

CONCISE SUMMARY:The Department is proposing comprehensive amendments of the Adult Protective Services System rule, and the recodification of the rule as 10-149 C.M.R. Chapter 2, Section 1 - Adult Protective Services System.

This adopted rule makes the following changes:

Pursuant to P.L. 2019, ch. 661, § 3, the adopted rule provides that Adult Protective Services (APS) substantiations of reports of suspected abuse, neglect, or exploitation of dependent or incapacitated adults will result in the listing of substantiated persons on a Substantiation Registry. The adopted rule defines “APS Substantiation Registry,” and states who will be listed on the Registry, including final determinations in other venues that afforded the party due process and an opportunity to appeal.

Consistent with the Adult Protective Services Act, this rulemaking also broadens the category of caregivers who may be substantiated for having abused, neglected, or exploited their clients, from those who assist adults with intellectual disabilities or autism to those who support any incapacitated or dependent adult. The adopted rule also amends the definitions of “Dependent Adult” and “Incapacitated Adult” to better align with definitions provided in Maine law.

Section numbering in the rule is changed to maintain consistent formatting across the Department’s rules, including numbering the Summary as Section 1.01.

Section 1.04 describes the responsibility of APS staff for documentation, review, determinations, and report closures.

Section 1.05-3 (previously codified as Section 1.04-3) includes a new provision requiring the Department to provide Maine’s Protection and Advocacy Agency with APS records when requested.

Section 1.07 (previously codified as Section 1.06) eliminates the characterization of substantiations in the extant rule as either Level I or Level II Substantiations. This section retains, with limited clarifications, the examples of actions or omissions that justify substantiation, and states that an investigation may result in one of four conclusions: “Substantiated,” “Substantiated – Other,” “Not Substantiated,” and “Unable to Determine.”

Section 1.08 was added to the rule for organizational clarity. This section now includes (1) the Department’s responsibility to provide written notice to the alleged perpetrator of a substantiation; (2) due process and appeal rights of the alleged perpetrator; and (3) hearing procedures as described in the Administrative Hearings Regulations, 10-144 C.M.R. Chapter 1. Subsection 1.08 also states when a registry listing may be made based on a determination in another proceeding.

The regulations governing programs administered by the Office of Aging and Disability Services (OADS) are currently divided into two Titles in the Code of Maine Rules: Title 10, Unit 149 (formerly the Office of Elder Services) and Title 14, Unit 197 (formerly the Office of Adults with Cognitive and Physical Disability Services). OADS is completing the process of combining these two former State agencies into one by eliminating use of 14-197 and creating a single comprehensive OADS Policy Manual under 10-149. The rulemaking also proposes formatting corrections in conformance with other OADS regulations, use of gender-neutral language, and clarifying edits.

EFFECTIVE DATE: April 14, 2024

AGENCY CONTACT PERSON:Esther Miller, Department of Health and Human Services, Office of Aging and Disability Services, 41 Anthony Avenue, 11 State House Station, Augusta, Maine 04333-0011. Telephone:207-441-8349, TTY: 711 (Deaf or Hard of Hearing).

AGENCY WEBSITE: <https://www.maine.gov/dhhs/oads>
E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:Emily.Cathcart@maine.gov