**State of Maine: Notice of Agency Rulemaking – April 17, 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: **94-411 - Maine Public Employees Retirement System**

CHAPTER NUMBER AND TITLE: **Ch. 201,** Employer Reporting and Payments

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P116**

BRIEF SUMMARY: This rule governs payroll reporting by employers. The current rule has not been amended since it was adopted in 1985. The proposed rule repeals and replaces the current rule. The new proposed rule would set expectations for payroll reporting, submission of contributions, and payment of Group Life Insurance premiums and provide for late fees and interest.

PUBLIC HEARING: May 9, 2024, 10:45 a.m., Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: May 20, 2024

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Kathy J. Morin, Director, 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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: Costs to participating employers could result in terms of fees and interest, as established in the rule, if reporting deadlines are not met.

STATUTORY AUTHORITY FOR THIS RULE: 3 M.R.S. § 731(2); 4 M.R.S. § 1231(2); 5 M.R.S. §§ 17103(4), 17203(1), 18053, 18653

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

AGENCY WEBSITE: MainePERS.org

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kathy.Morin@mainepers.org

AGENCY: **09-137 - Department of Inland Fisheries and Wildlife**

CHAPTER NUMBER AND TITLE: **Ch. 16,** Hunting: **16.08** – Moose Hunting (depredation hunt)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P117**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing amendments to Chapter 16 rules as they apply to the Depredation Hunt for moose. Currently, depredation hunt locations are limited to the ten (10) towns listed in the rule. Extending the locations to WMDs 3 and 6 will provide greater flexibility and increased ability to respond to immediate crop depredation by moose where it is happening outside the towns currently established in rule. Please contact the agency contact person for a complete copy of the rule proposal.

PUBLIC HEARING: None scheduled.

COMMENT DEADLINE: May 17, 2024

CONTACT PERSON FOR THIS FILING: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street 41 SHS, Augusta, ME 04333; phone: 207-287-5202; fax: 207-287-6395; e-mail: Becky.Orff@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 11551, 11552

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Becky.Orff@maine.gov

AGENCY: **12-179 – Department of Labor, Board of Occupational Safety and Health**

CHAPTER NUMBER AND TITLE: **Ch. 6,** Recording Occupational Injuries and Illnesses in the Public Sector

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P118**

DETAILED SUMMARY:

The purpose of this chapter is to update this rule to reflect changes to the incorporated by reference rules governing the recording of occupational injuries and illnesses as promulgated by the Federal Occupational Safety and Health Administration at 29 CFR Part 1904, most recently amended on January 1, 2024

**OSHA Recordkeeping changes effective January 1, 2024:**

OSHA has amended its occupational injury and illness recordkeeping regulation to require certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. Specifically, OSHA amended its regulation to require establishments with 100 or more employees in certain designated industries **(Appendix B to Subpart E - new)** to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year. OSHA will not collect employee names or addresses, names of health care professionals, or names and addresses of facilities where treatment was provided if treatment was provided away from the worksite from the Forms 300 and 301. Establishments with 20 to 249 employees in certain industries (**Appendix A to Subpart E- updated**) will continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. All establishments with 250 or more employees that are required to keep records under OSHA's injury and illness regulation will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis.

OSHA also updated the NAICS codes used in appendix A, which designates the industries required to submit their Form 300A data, and is adding appendix B, which designates the industries required to submit Form 300 and Form 301 data. In addition, establishments will be required to include their company name when making electronic submissions to OSHA. OSHA intends to post some of the data from the annual electronic submissions on a public website after identifying and removing information that could reasonably be expected to identify individuals directly, such as individuals' names and contact information.

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| **Size**  | **Submission Requirements up to 12/31/2023**  | **Submission Requirements as of 01/01/2024**  |
| 1-19  | Injury Tracking Application (ITA) does not apply  | Injury Tracking Application (ITA) does not apply  |
| 20-99  | 300A if NAICS in Appendix A to Subpart E  | 300A if NAICS in Appendix A to Subpart E  |
| 100-249  | 300A if NAICS in Appendix A to Subpart E  | 300A if NAICS in Appendix A to Subpart E ***300/301 if NAICS in Appendix B to Subpart E***  |
| 250+  | 300A if NAICS *not* in Appendix A to Subpart B  | 300A if NAICS *not* in Appendix A to Subpart B ***300/301 if NAICS in Appendix B to Subpart E***  |

*Appendix A to Subpart B: Partially exempt industries not ordinarily required to keep OSHA Record. Unchanged.*

The Bureau is proposing to update existing language in section 6.8 to reference the newly updated Appendix A to Subpart E for employers who were already required to electronically submit their OSHA 300A log, as well as require public establishments with 100 or more workers to electronically submit their OSHA 300 and OSHA 301 log if their NAICS code appears in the newly added Appendix B to Subpart E.

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

COMMENT DEADLINE: May 17, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: 207-626-6232. Email: Isaac.H.Gingras@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S.A. §565

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

AGENCY WEBSITE: http://www.maine.gov/labor/rulemaking

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

**ADOPTIONS**

AGENCY: **10-144 -** Department of Health and Human Services, **MaineCare Services**

CHAPTER NUMBER AND TITLE: 10-144 C.M.R. **Chapter 101,** MaineCare Benefits Manual,

Chapter II, Section 94, Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT)

ADOPTED RULE NUMBER: **2024-087**

**CONCISE SUMMARY:**

The Department of Health and Human Services (Department) finally adopts the rule changes in 10-144 C.M.R., Chapter 101, MaineCare Benefits Manual, Chapter II, Section 94, Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT).

This adopted rulemaking makes the following changes:

* Addition of well-child visit: In response to the COVID-19 pandemic, on May 13, 2020, the Department adopted on an emergency basis MaineCare Benefits Manual, Ch. I, Section 5, COVID-19 Public Health Emergency Services, which allowed members to receive a second well-child visit when an initial visit was completed via telehealth. This adopted rule permanently adds that extra visit as a new service in Section 94.06-1 to expand access to services.
* Immunizations: The adopted rule adds coverage for immunization counseling in Section 94.04-4 in response to the Center for Medicare & Medicaid Services State Health Official letter #22-002.
* Bright Futures Periodicity Schedule: The adopted rule deletes Appendix I – Recommendations for Preventive Pediatric Health Care Committee on Practice and Ambulatory Medicine. After conferring with the Office of the Attorney General, the adopted rule provides that MaineCare has adopted the 2022 4th edition of the American Academy of Pediatrics Bright Futures Recommendations for Preventive Pediatric Health Care (Bright Futures Periodicity Schedule) and incorporates it by reference in the rule. The Bright Futures Periodicity Schedule is available online at the American Academy of Pediatrics website and upon request to the Office of MaineCare Services at https://www.maine.gov/dhhs/oms and a copy of such was filed with the Secretary of State’s office with this rulemaking, in accord with 5 M.R.S. 8056(B).

Section 94.02-2 (Eligibility for Services): The Department has decided to not adopt the proposed provision which would have added a certain group of pregnant individuals as being eligible for EPSDT services, after conferring with the Office of the Attorney General. That group of pregnant individuals, eligible under what is also known as the “Unborn Child Option”, is eligible for services under the Maine CHIP program. See 67 Fed. Reg. 61974 (Oct. 2, 2002)(42 C.F.R. Sec. 457.10, amending the definition of “child”). Maine offers medical services to this group under its CHIP program, see MaineCare Eligibility Manual, 10-144 CMR Ch. 332, Part 3, Section 2.3(III)(Coverage for Pregnant Individuals for the Health of Unborn Children), including EPSDT-like services.

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

EFFECTIVE DATE:April 22, 2024

AGENCY CONTACT:

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