**State of Maine: Notice of Agency Rulemaking – April 19, 2023**

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

CHAPTER NUMBER AND TITLE: **Ch. 241**, Maine Subsurface Wastewater Disposal Rules

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P223** *(2nd publication)*

BRIEF SUMMARY: On December 14, 2022, the Maine CDC proposed amendments to the Maine Subsurface Wastewater Disposal Rule and solicited public comments until January 13, 2023. The Department reviewed and considered all comments received, and, as a result, plans to make additional changes to the rule. Two of the Department’s planned rule changes are substantially different from the changes originally proposed; therefore, in accordance with the *Maine Administrative Procedures Act* (5 MRS §8052 (5)(B)), the Department is advertising a second 30-day comment period for the following two proposed changes:

**1. Section 5(B)(6)(a):** The Department originally proposed to add a 20-year period of time for subsurface wastewater disposal systems to be installed in soil fill within the Shoreland Zone, in place of the current cutoff date of July 1, 1974. Based on review of comments received and further analysis, the Department now proposes to replace the July 1, 1974 cutoff date with a requirement for fill to be in place for a minimum of 40 years within the Shoreland Zone; and

**2. Section 8(B)(1):** The Department originally proposed to require that subsurface wastewater disposal systems meet first-time criteria for seasonal conversions. Based on review of comments and further analysis, the Department now proposes to require subsurface wastewater disposal systems to meet replacement system criteria for seasonal conversions.

PUBLIC HEARING: 30-day comment period instead of public hearing

COMMENT DEADLINE: May 19, 2023 - 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Andrew Hardy, 11 State House Station - 286 Water Street, Augusta, ME 04333-0011. Telephone: (207) 287-4490. Email: Andrew.Hardy@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42(3), 42(3-A), 42(3-B); 30-A MRS §§ 4211, 4215 (4), and 4452; 22-A MRS §205 (2)

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

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

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

MAINE DHHS WEBSITE: <http://www.maine.gov/dhhs>.

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

AGENCY: **02-288** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers**

CHAPTER NUMBERS AND TITLES:

*Repeal and Replace:*

**Ch. 10**, Definitions

**Ch. 12**, Licensure of Architects

**Ch. 13**, Licensure of Landscape Architects

**Ch. 17**, Grounds for Disciplinary Action

**Ch. 18**, Documentation

*Repeal:*

**Ch. 15**, Application for Licensure

**Ch. 19**, Incorporation by Reference

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P076** *to* **P082**

BRIEF SUMMARY: The rulemaking proposes a repeal and replace of several chapters to update the board’s rules, including updating definitions, amending the pathways and qualifications for licensure for architects and landscape architects; and proposes repealing chapters and relocating several sections of the current rules to other chapters.

The principal reasons for this proposed rulemaking are to align the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers’ licensure requirements more closely with the requirements of the National Council of Architectural Registration Boards (NCARB) for architect licensure and the Council of Landscape Architectural Registration Boards (CLARB) for landscape architect licensure.

Revised rules will allow the majority of architect and landscape architect exam applicants to apply directly to NCARB/CLARB for the Architect Registration Examination (ARE) and Landscape Architect Registration Exam (LARE) in most instances without first paying an application fee to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.

PUBLIC HEARING: N/A. *Pursuant to 5 MRS §8052(1) and §8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.*

COMMENT DEADLINE: Friday, May 19, 2023 by 5:00 p.m. *Comments may be submitted in writing to Catherine E. Pendergast, Board Manager, Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers, 35 State House Station, Augusta, ME 04333-0035,* *Catherine.Pendergast@Maine.gov**.*

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Catherine E. Pendergast, OPOR, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8518. TTY: Maine relay 711. Email: Catherine.Pendergast@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 214(1), 220, 221

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-of-licensure-architects-landscape-architects-interior-designers>

OPOR RULEMAKING LIAISON: Kristin.Racine@Maine.gov.

**ADOPTIONS**

AGENCY: **19-100 - Department of Economic and Community Development (DECD)**

CHAPTER NUMBER AND TITLE: **Ch. 4** *(New)*, Rule Regarding Housing Opportunity Program Grants

ADOPTED RULE NUMBER: **2023-055**

CONCISE SUMMARY: PL 2021 Ch. 635 Pt. U established the Housing Opportunity Program to encourage and support the development of additional housing units in the State, including housing units that are affordable for low-income and moderate-income individuals and housing units targeted to community workforce housing needs. The Housing Opportunity Program Grants are grants to service providers and municipalities to support municipal ordinance development, planning services and policy amendments, and community housing planning services to support increased housing development. The purpose of the rule is to define the criteria and proposal process for applications for grant funding. The Department will solicit applications for grants through a competitive application process.

EFFECTIVE DATE: April 18, 2023

DECD CONTACT PERSON: Benjamin Averill, Department of Economic and Community Development, 111 Sewall Street, 3rd Floor - 59 State House Station, Augusta, ME 04333. Telephone: (207) 441-9831. Email: Housing.DECD@Maine.gov.

DECD WEBSITE: <https://www.maine.gov/decd/>.

DECD RULEMAKING LIAISON: Ben.Sturtevant@Maine.gov.

AGENCY: **19-100 - Department of Economic and Community Development (DECD)**

CHAPTER NUMBER AND TITLE: **Ch. 5** *(New)*, Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule

ADOPTED RULE NUMBER: **2023-056**

CONCISE SUMMARY: This new rule sets forth provisions which require municipalities to create or amend local ordinances in accordance with PL 2021 Ch. 672. PL 2021 Ch. 672 requires municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

EFFECTIVE DATE: April 18, 2023

DECD CONTACT PERSON: Benjamin Averill, Department of Economic and Community Development, 111 Sewall Street, 3rd Floor - 59 State House Station, Augusta, ME 04333. Telephone: (207) 441-9831. Email: Housing.DECD@Maine.gov.

DECD WEBSITE: <https://www.maine.gov/decd/>.

DECD RULEMAKING LIAISON: Ben.Sturtevant@Maine.gov.

AGENCY: **29-250** - Department of the Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 173** *(New)*, Rules for the Sale, Purchase, Removal, Transport, and Disposal of Catalytic Converters

ADOPTED RULE NUMBER: **2023-057**

CONCISE SUMMARY This rule implements 29-A MRS §1113 subsection 14, which requires the Secretary of State to set forth a process for an individual to request a vehicle identification number for a catalytic converter whose vehicle identification number cannot be identified or that the catalytic converter is too damaged to mark in a manner that is permanent and legible.

Careful consideration was given to the development of adequate processes for the individuals, recyclers, and scrap metal dealers.

This rule is adopted in the interest of advancing public safety, peace, and civility.

EFFECTIVE DATE: April 17, 2023

DMV CONTACT PERSON: Joann Bautista, Department of the Secretary of State, 148 State House Station, Augusta, ME 04333-0148. Telephone: (207) 441-4416. Email: Joann.Bautista@Maine.gov.

BMV WEBSITE: <https://www.maine.gov/sos/bmv/>.

BMV RULEMAKING LIAISON: Tina.B.Corkum@Maine.gov.