**State of Maine: Notice of Agency Rulemaking – April 26, 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: **01-017** – Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Administration; *and* **Ch. 3**, Officials and Race Track Personnel

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P083, P084**

BRIEF SUMMARY: The proposed rule changes to each chapter include the following:

**Chapter 1**

* Definitions, Sec. 1. Adding and modifying definitions for Commission Veterinarian, Licensed Agricultural Fair, Trainer of Record, and Racing Officials.
* Rules of Construction, Sec. 2. Adding Situations not addressed by a rule, which proposes that the Commission will reference the USTA rule book when MHRC rules do not address any situation.
* State Steward, Sec 4. Providing that the State Steward shall act as the Presiding judge at all races.
* Sulky Approval, Sec 9. Changing this section to the current USTA Sulky requirements.
* Judge Licensing Requirements, Sec. 10. Gives requirements for Associate Judge and Presiding Judge licensure and requires continuing education to stay current with that license.
* General Provisions, Sec. 13. Changes registration certificate to electronic eligibility.
* Eligibility To Race in Maine, Sec. 14. Allows horses 15 Years old eligible to race under certain conditions.
* Licensing a Commission Veterinarian, Sec 17. Requires all veterinarians to hold a valid MSHRC license to be considered a Commission Veterinarian and under the umbrella of the Commission.
* Postmortem Examination, Sec. 20. Gives the power to the Commission Veterinarian and the State Steward to decide whether a horse that has expired at a race track needs a postmortem examination.

**Chapter 3**

* Officials employed by associations, Sec 2. Removes Patrol Judge and adds Starter/Patrol Judge for this is one person. Presiding Judge is removed from this list as the State Steward will act as the Presiding Judge at race meets.
* Official’s restrictions, Sec 4. Changes restrictions on officials to a specific race, and not an entire race day when there is a conflict of interest.
* Judge’s Duties, Sec. 5. Adds Commission Veterinarian, Race Secretary, and Starter/Patrol Judge to the list of positions under the supervision of the Presiding Judge. It also eliminates 10 day Gate security and Patrol Judge.

Language has been added for an Associate Judge to act as the Presiding Judge if for any reason the Presiding Judge is unable to perform his duties.

* Track Conditions, Sec. 5. Allows a participant who wishes not to race on a questionable surface to be excused by the Presiding Judge.
* Presiding Judge and Associate Judges. Sec. 5. Changes the language for a No Contest to focus more on safety and extraordinary circumstances.
* Duties of the Race Secretary, Sec. 6. Makes the Race Secretary accountable to the Presiding Judge for his performance.
* Starter/Patrol Judge, Sec. 8. Changes Starting Judge to Starter/Patrol Judge and also adds the responsibilities of the Patrol Judge to this section.
* Horse Identifier, Sec. 10. Adds language requiring the person to read a microchip to identify a horse and also requires identifying horses prior to entering the track for the post parade.
* Gate Security, Sec. 17. Adds language that requires persons seeking admission to the paddock present a valid license when necessary.

**The proposed changes above will promote and ensure the efficiency and integrity of racing meets.** The proposed changes will be beneficial to the Harness Racing Industry by means of referring to the United States Trotting Association rules when appropriate and changing language in the MSHRC rules to make the existing rules more definite for both the participants and the officials. The changes are to keep current with the more modern technology that is available such as microchipping and freeze branding. The proposed rules also give definition to official’s positions and added responsibilities.

PUBLIC HEARING: May 16, 2023. Starting Time: 9:00 a.m. - Maine State Harness Racing Commission, Room 101 - Deering Building, 90 Blossom Lane, Augusta, Maine.

COMMENT DEADLINE: May 30, 2023 - 11:55 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Shane Bacon, Harness Racing, 28 State House Station, Augusta, ME 04333-0028. Telephone: (207) 287-7568. Email: Shane.Bacon@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §§ 263-A, 268, 275-C, 279-A, 279-B, 281

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

AGENCY WEBSITE: <https://www.maine.gov/daf/harnessracing/index.shtml>.

AGENCY: **90-351 - Workers' Compensation Board (WCB)**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Medical Fees; Reimbursement Levels; Reporting Requirements, *and* **Ch. 17**, Expenses and Fees

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P085, P086**

**BRIEF SUMMARY**: This rule clarifies the process to be used when a medical bill is missing required information; clarifies the process for requesting medical information; changes the process used to request records related to psychological matters; and amends two medical releases.

**DETAILED SUMMARY**: Requiring the signature of an attorney or advocate to obtain medical records related to psychological matters resulted in the denial of cases arising under 39-A MRS §201(3-A) (Mental injury caused by stress). The rule removes that requirement and also changes the release for records related to psychological matters. The proposed amendment strikes a balance between protecting sensitive information with efficient processing of claims arising under §201(3-A).

The rule also clarifies how bills that are missing required information must be processed. The proposed amendment ensures all parties have necessary information so bills for medical treatment can be processed in a timely and efficient manner.

**PUBLIC HEARING**: May 17, 2023 at 10:00 a.m., 442 Civic Center Drive - Suite 100, Augusta, ME, and via Zoom Meeting ID: 878 1718 4996 Passcode: 30197535 <https://mainestate.zoom.us/j/87817184996?pwd=YTBpQXRMd1JMQ1hCMlFOdmtWc3ovZz09>.

COMMENT DEADLINE: Oral 5-17-23, written 5-26-23

CONTACT PERSON FOR THIS FILING: Richard Hewes, Workers’ Compensation Board, 27 State House Station, Augusta, ME 04333-0027. Telephone: (207) 287-7086. Fax: (207) 287-7198. Email: Richard.Hewes@Maine.gov. TTY is 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*:

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 39-A MRS §§ 208 and 209-A; 39-A MRS §§ 312, 315, 611

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

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

WCB RULEMAKING LIAISON: Deborah.Hutchins@Maine.gov.

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #05-23**

ADOPTED RULE NUMBER: **2023-058** *(Emergency)*

CONCISE SUMMARY: Minimum Mary 2023 Class I price is $22.82/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 $26.16/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: April 30, 2023

MMC CONTACT PERSON / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission, DACF, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

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

AGENCY: **28-248 – Office of the State Treasurer**

CHAPTER NUMBER AND TITLE: **Ch. 104** *(New)*, Certain Payments Not Immediate

ADOPTED RULE NUMBER: **2023-059** *(Major Substantive)*

CONCISE SUMMARY: The purpose of this rule is to establish procedures for a department or agency to accept payments using automated processes and computer-driven technology that is not immediately deposited into the State treasury. Pursuant to 5 MRS §131 as enacted by HP 1482 – LD 1995, the Treasurer of State and the state Controller shall adopt rules.

EFFECTIVE DATE: May 24, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Gregory Olson, Office of the State Treasurer, 39 State House Station, Augusta, ME 04333. Telephone: (207) 624-7468. Email: Gregory.Olson@Maine.gov.

AGENCY WEBSITE: <https://www.maine.gov/treasurer/>.

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

CHAPTER NUMBER AND TITLE: **Ch. 3**, Physical, Emotional and Mental Competence to Operate a Motor Vehicle

ADOPTED RULE NUMBER: **2023-060**

CONCISE SUMMARY: These rules, first published in 1979 and last repealed and replaced in 2016, describe the standards to be used by the Secretary of State in determining physical, emotional and mental competence of persons to operate motor vehicles. The rules establish a reporting system that requires persons to submit medical information to the Secretary of State. Persons found incompetent to operate a motor vehicle in accordance with procedures outlined in these rules may have their driving privileges suspended, revoked, or restricted. These rules are being amended to reflect the changes and/or updates in health care, to more closely align them with some recent research on medical conditions and their impact of safe operation of a motor vehicle, and to decrease the burden on drivers, healthcare providers and Bureau of Motor Vehicles staff in reviewing and processing certain medical conditions.

EFFECTIVE DATE: May 3, 2023

BMV CONTACT PERSON: Christopher Ireland, Bureau of Motor Vehicles, 101 Hospital Street – 29 State House Station, Augusta, ME 04333. Telephone: (207) 624-9124. Email: Christopher.Ireland@Maine.gov.

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

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