**State of Maine: Notice of Agency Rulemaking – May 1, 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: 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
EXTENDED COMMENT DEADLINE:  May 24, 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](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.credit.maine.gov%2F&data=05%7C02%7CMark.E.Susi%40maine.gov%7C1508e9222e6b4b42483908dc66052ce6%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638497419624259518%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=DrDB3IeNvbGVoD%2BmQzzGZrBOImp%2Fqe7Z5x%2Fy5M8DW%2BI%3D&reserved=0)
EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Linda.Conti@maine.gov

AGENCY: 99-346 Maine State Housing Authority

CHAPTER NUMBER AND TITLE: Chapter 24, Home Energy Assistance Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P124

CONTACT PERSON FOR THIS FILING: Ashley Carson, Chief Counsel, Maine State Housing Authority, State House Station #89, 26 Edison Drive, Augusta, Maine 04330-6046, (207) 626-4600 (telephone), (800) 452-4668 (voice in state only) or Maine Relay 711, acarson@mainehousing.org (e-mail)

Upon sufficient notice, this notice and the proposed rule will be made available in alternative formats for persons with disabilities and in alternative languages for persons with limited English proficiency.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Same as Contact Person

PUBLIC HEARING (if any): A public hearing will be held on Tuesday, May 21, 2024 at 9:30 a.m. at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine. To listen or testify virtually, please contact the Board Administrator prior to the hearing at MaineHousing, 26 Edison Drive, Augusta, Maine 04330-6046; (207) 626-4600 (voice); 1-800-452-4668 (voice in state only); or 711 (Maine Relay) or via e-mail: BoardAdmin@mainehousing.org. Upon sufficient notice, appropriate communications auxiliary aids and services will be provided to persons with disabilities and persons with limited English proficiency.

COMMENT DEADLINE: Friday, May 31, 2024 at 5:00 PM

BRIEF SUMMARY: This replacement rule repeals and replaces in its entirety the current Home Energy Assistance Program Rule. The Rule establishes standards for administering fuel assistance, emergency fuel assistance, TANF Supplemental Benefits, weatherization, heat pumps, and heating system repair and replacement funds to low-income households in the State of Maine. This replacement rule: removes unnecessary definitions and language from the Rule and places it within the HEAP Handbook and other relevant guidance; clarifies existing definitions; modifies the requirements for Categorical Income Eligibility; reorganizes the sections for a more logical flow; adds additional alternatives to the allowable documentation Applicants must provide to verify citizenship/legal status, identity and social security numbers; establishes a new points system for determining Benefits that will assist with the move to mostly online Applications; and clarifies the limited circumstances in which MaineHousing will allow a waiver of the Rule. A copy of the proposed replacement rule may be found at https://www.mainehousing.org/about/rules

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None

STATUTORY AUTHORITY FOR THIS RULE: 30-A M.R.S. §§4722(1)(W), 4741 (1) and (15), and 4991 et seq.; 42 U.S.C.A. §§8621, et seq.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): Same as above

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: acarson@mainehousing.org

AGENCY: Department of Defense, Veterans and Emergency Management – Maine Bureau of Veterans’ Services

CHAPTER NUMBER AND TITLE: Ch. 4 (New), Expanded Burial Eligibility in the Maine Veterans’ Memorial Cemetery System

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P125

BRIEF SUMMARY: This rule governs expanded burial eligibility in the Maine Veterans Memorial Cemetery, pursuant to 37-B M.R.S. § 504(B-1)(4)(2024).

PUBLIC HEARING *(if any)*: N/A

COMMENT DEADLINE: Friday, May 31, 2024

CONTACT PERSON FOR THIS FILING: Steven Lanning, Deputy Director; 117 State House Station, Augusta, Maine 04333; Phone: 207-287-7020; Fax: 207-626-4471; steven.d.lanning@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: 37-B M.R.S. § 504(4)(B-1)(2024), enacted by P.L. 2021, ch. 593, “An Act Regarding Eligibility for the Maine Veterans’ Memorial Cemetery”; and Burial Equity for Guard and Reserves Act, Pub. L. No. 117-103, Div. CC, § 102 (2022).

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: steven.d.lanning@maine.gov

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

CHAPTER NUMBER AND TITLE: Chapter 110, BUREAU ORGANIZATION, ADMINSTRATION, AND PROCEDURE

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P126

BRIEF SUMMARY: This rule repeals and replaces the existing Chapter 110 pertaining to the organization of the Bureau of Consumer Credit Protection and the Bureau’s maintenance of records, response to consumer complaints, issuance of advisory rulings, and conduct of adjudicatory proceedings under the Maine Consumer Credit Code. It extends application of the rule to matters regulated by the Bureau pursuant to regulatory authority outside the Code. It adds new provisions regarding the use of criminal history record information in adjudicatory proceedings.

PUBLIC HEARING *(if any)*: N/A

COMMENT DEADLINE: June 14, 2024

CONTACT PERSON FOR THIS FILING: Mark E. Susi, Staff Attorney, Bureau of Consumer Credit Protection; 35 State House Station, Augusta, ME 04333; mark.e.susi@maine.gov; Phone: (207) 624-8527;

Fax: (207) 582-7699; TTY Users Call Maine Relay 711

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

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

STATUTORY AUTHORITY FOR THIS RULE: 37-B M.R.S. § 504(4)(B-1)(2024), enacted by P.L. 2021, Ch. 593, “An Act Regarding Eligibility for the Maine Veterans’ Memorial Cemetery”; and Burial Equity for Guard and Reserves Act, Pub. L. No. 117-103, Div. CC, § 102 (2022).

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: steven.d.lanning@maine.gov

AGENCY: 03-201 Maine Department of Corrections

CHAPTER NUMBER AND TITLE: Ch. 10, Sec. 2.15: Agreements with Community Agencies - Fiscal Management

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P127

BRIEF SUMMARY: This rule will be repealed because the statutory authority for the rule (Title 34-A, Section 1205) has been repealed and the rule is therefore moot. Copies of the proposed rules are available upon request by contacting the Department contact person or on the Department of Corrections website at <https://www.maine.gov/corrections/policies>

PUBLIC HEARING *(if any)*: None

COMMENT DEADLINE: June 19, 2024

Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include the name of the commenter and the organization represented, if any.

CONTACT PERSON FOR THIS FILING: Mary Lucia; Department of Corrections; 111 SHS, Augusta ME 04333; Phone: (207) 530-0983; Fax: (207) 287-4370; mary.a.lucia@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: Title 34-A, Section 1205 (repealed)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: mary.a.lucia@maine.gov

ADOPTIONS

AGENCY: 90-590 Maine Health Data Organization

CHAPTER NUMBER AND RULE TITLE: Chapter 270: Uniform Reporting System for Quality Data Sets (MAJOR SUBSTANTIVE RULE)

ADOPTED RULE NUMBER: 2024-098

CONCISE SUMMARY: The focus of the changes to Chapter 270 include; adding a new measure for Maine nursing facilities under healthcare associated infections (HAI); adding a new measure for Maine hospitals for antimicrobial resistance (AR), and for both types of facilities a new requirement to report a subset of NHSN’s direct patient identifiers that are non-required fields in NHSN. This information will inform analysis in health inequities. This rule will not have a fiscal impact on municipalities, counties or small businesses. Copies of this rule can be reviewed and printed from the MHDO website at <http://mhdo.maine.gov/imhdo/recentlyadoptedrules.aspx> or, to receive a paper copy call 287-6722.

EFFECTIVE DATE: Thursday, May 23, 2024

AGENCY CONTACT PERSON: Debra Dodge, Health Planner; Maine Health Data Organization; 151 Capitol Street, 102 State House Station, Augusta, ME 04333-0102; 287-6724

AGENCY: Department of Environmental Protection

CHAPTER NUMBER AND TITLE: Chapter 534: Wastewater Treatment Plant Operator Certifications - Revocation or Suspension

ADOPTED RULE NUMBER: 2024-099

CONCISE SUMMARY: This rule establishes procedures that may be used by the Department to consider revoking or suspending a wastewater treatment plant operator certification. The purpose of this rule is to provide a specific procedure that is compliant with the Maine Administrative Procedures Act.

EFFECTIVE DATE: Tuesday, April 30, 2024

AGENCY CONTACT PERSON: Matthew Hight, Department of Environmental Protection, 17 State House Station, 207-719-0703, matt.hight@maine.gov

AGENCY: Department of Environmental Protection

CHAPTER NUMBER AND TITLE: Chapter 80: Reduction of Toxics in Packaging

ADOPTED RULE NUMBER: 2024-100

CONCISE SUMMARY: This rulemaking updates the existing Chapter 80 to include the new section 5, establishing a sales prohibition on the use of specific applications of intentionally added PFAS to certain types of food packaging. This is a major substantive rulemaking that has been reviewed and approved by the legislature for final adoption.

EFFECTIVE DATE: Saturday, May 25, 2024

AGENCY CONTACT PERSON: Kerri Malinowski; 17 State House Station, Augusta, ME 04333-0017; (207) 215-1894; Kerri.Malinowksi@Maine.Gov