**State of Maine: Notice of Agency Rulemaking – May 25, 2022**

**PROPOSALS**

AGENCY: **02-031** – Department of Professional and Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch.** **851**, Clear Choice Designs for Individual and Small Group Health Plans

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P065** *(2nd publication)*

BRIEF SUMMARY: The purpose of the proposed rule amendment is to revise the process for developing health plan cost share designs for individual and, as applicable, small group health plans to conform to amendments to 24-A MRS §2793 by PL 2021 Ch. 361 §3 (LD 1725, *An Act To Clarify the Deferral of the Pooled Market and Link Small Employer Clear Choice to Pooling in the Made for Maine Health Coverage Act*), and to make technical changes related to implementation issues observed during the Clear Choice program’s first year.

PUBLIC HEARING: June 2, 2022, at 10:00 a.m. from the Department of Professional and Financial Regulation, Bureau of Insurance, 76 Northern Avenue, Gardiner, ME 04345. *Instructions for registering for and attending the hearing remotely, by audio-visual link or telephone, are on the Bureau of Insurance website,* <https://www.maine.gov/pfr/insurance/news-public-notices/public-event-notices>.

COMMENT DEADLINE (*extended*): 4:30 p.m., June 27, 2022, by mail or email to the Contact Person.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Brittnee Greenleaf, Bureau of Insurance, 34 State House Station, Augusta, ME 04333-0034. Telephone: (207) 624-8491. TTY users use Maine Relay 711. Email: Brittnee.L.Greenleaf@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: none

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 2793.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: n/a

BUREAU RULEMAKING WEBSITE: <https://www.maine.gov/pfr/insurance/legal/rules/index.html#proposed>.

BUREAU WEBSITE: <https://www.maine.gov/pfr/insurance/>.

BUREAU RULEMAKING LIAISON: Benjamin.Yardley@Maine.gov.

AGENCY: **12-181** - Department of Labor (DOL), **Maine Apprenticeship Program**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Rules Relating to Labor Standards for Registration of Apprenticeship Programs

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P072**

BRIEF SUMMARY: The proposed amendments clarify that Maine Apprenticeship Program has the authority for approval, registration and deregistration of apprenticeships. The proposed amendments update the standards for approval and registration of apprenticeships.

PUBLIC HEARING: None planned unless requested.

COMMENT DEADLINE: June 27, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DOL RULEMAKING LIAISON: 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:

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §3212

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

DOL RULEMAKING WEBSITE: <https://www.maine.gov/labor/proposedrulemaking/>.

DOL WEBSITE: <https://www.maine.gov/labor/>.

AGENCY: **12-181** - Department of Labor (DOL), **Maine Apprenticeship Program**

CHAPTER NUMBER AND TITLE: **Ch. 2**, Rules Pertaining to Equal Opportunity for Employment in Registered Apprenticeship Programs in the State of Maine

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P073**

BRIEF SUMMARY: The amendments to these rules update the requirements surrounding equality of opportunity in apprenticeship programs required under 29 CFR 30.

DETAILED SUMMARY: The amendments to these rules update the requirements surrounding rules are adopted to establish, define and provide for the recruitment and selection of apprentices and contain guidelines to promote equality of opportunity and affirmative action in apprenticeship programs.

PUBLIC HEARING: None planned unless requested.

COMMENT DEADLINE: June 27, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DOL RULEMAKING LIAISON: 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:

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §3212

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

DOL RULEMAKING WEBSITE: <https://www.maine.gov/labor/proposedrulemaking/>.

DOL WEBSITE: <https://www.maine.gov/labor/>.

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS)**

CHAPTER NUMBER AND TITLE:

(1) **Ch. 101 Ch. II Section 45**, Hospital Services

(2) **Ch. 101 Ch. III Section 45**, Principles of Reimbursement for Hospital Services

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P074**

CONCISE SUMMARY: This rulemaking proposes the following changes.

**Ch. II**

Adds language to Ch. II, 45.07-1, “Discharge Planning”, that requires Hospital Emergency Departments to establish procedures for referring eligible individuals with chronic conditions who seek or need treatment in a hospital emergency department to designated Health Home providers as required under the *Social Security Act* (SSA), Title 19, 42 USC section 1945(d).

Adds language for a new service, “Partial Hospitalization Services”.

**Ch. III**

Amends Ch. III Section 45.01, “Definitions”, to include Accountable Communities (AC) Initiative.

Adds Section 45.02-9, “Value-Based Purchasing (VBP) Supplemental Sub-Pool”, pursuant to PL 2021 Ch. 398. The Value-Based Supplemental Sub-Pool distributes $600,000 to eligible hospitals (acute care non-critical access, critical access, and hospitals reclassified to a wage area outside of Maine) that participate in MaineCare programs that incent improved health outcomes and reduced cost of care for the MaineCare program. Standards for distribution of the pool funds can be found on the OMS website, and the public can obtain a printed copy by calling OMS.

Amends Ch. III Section 45.03 to provide reimbursement for members discharged from Southern Maine Health Care’s psychiatric inpatient unit in the amount of $10,166 per distinct discharge effective October 1, 2021, pursuant to Resolves 2021 Ch. 119, *Resolve, Regarding Reimbursement for Providing Inpatient Care to Individuals with Acute Mental Health Care Needs*. This change can be made retroactively pursuant to 22 MRS Sec. 42(8), as the change has a positive impact on the provider.

Additionally, in order to eliminate the need for annual rulemaking to update supplemental pool amounts, the Department proposes the following changes to Ch. III Sections 45.04 and 45.07.

Section 45.04-1(C): Removal of supplemental pool dollar amounts from the rule and addition of a link to the MaineCare website and a phone number which the public can call for detailed information on annual supplemental pool amounts.

Section 45.07: Removal of supplemental pool dollar amounts and addition of a link to the MaineCare website and a phone number which the public can call for detailed information on annual supplemental pool amounts.

Replaces references to "substance abuse" with references to "substance use disorder" pursuant to PL 2017 Ch. 407, “An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Respectful Language”, Part B.

See for rules and related rulemaking documents.

DATE FILED WITH THE SECRETARY OF STATE’S OFFICE: May 17, 2022

DATE, TIME. AND PLACE OF PUBLIC HEARING: June 14, 2022, 9:00 a.m. Eastern Time (US and Canada)

Due to the ongoing threat posed by COVID-19, DHHS has determined that its public hearing will be conducted solely remotely, via Zoom. This is in accordance with the DHHS Remote Rulemaking Hearings Policy issued September 10, 2021.

Zoom Meeting Link: <https://mainestate.zoom.us/j/84162152721>

Meeting ID: 841 6215 2721

One tap mobile

 +13017158592,,84162152721# US (Washington DC)

 +13126266799,,84162152721# US (Chicago)

Dial by your location

 +1 301 715 8592 US (Washington DC)

 +1 312 626 6799 US (Chicago)

 +1 646 876 9923 US (New York)

 +1 669 900 6833 US (San Jose)

 +1 253 215 8782 US (Tacoma)

 +1 346 248 7799 US (Houston)

 +1 408 638 0968 US (San Jose)

Meeting ID: 841 6215 2721

Find your local number: <https://mainestate.zoom.us/u/kdNityBE7z>.

In addition to the public hearing, individuals may submit written comments to DHHS by the date listed in this notice.

DEADLINE FOR COMMENTS: Comments must be received by 11:59 p.m. on June 24, 2022.

OMS CONTACT PERSON: Derrick Grant, MaineCare Policy, MaineCare Services, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 624-6931. Fax: (207) 287-6106. TTY: 711 (Deaf or Hard of Hearing). Email: Derrick.Grant@Maine.gov.

IMPACT ON MUNICIPALITIES OR COUNTIES: The Department anticipates that this rulemaking will not have any impact on municipalities or counties.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION: N/A

STATUTORY AUTHORITY: Resolves 2021 Ch. 119; PL 2017 Ch. 407 part B; PL 2021 Ch. 398; 22 MRS Ch. 855 §3173

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

OMS WEBSITE: <https://www.maine.gov/dhhs/oms>.

OMS RULEMAKING LIAISON: Jennifer.Patterson@Maine.gov.

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov.

AGENCY: **16-633** - Department of Public Safety (DPS), **Gambling Control Unit**

CHAPTER NUMBER AND TITLE: **Ch. 32**, Rules Relating to Games of Chance

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P075**

BRIEF SUMMARY: These rules are to update areas of concern from prior changes that include immediate family member definition, authority to close sealed ticket games, posting of top awards, the reporting of winners of five dollars or more and the repeal of registrants from sub 6 reports and records required.

PUBLIC HEARING: June 17, 2022 @ 9:00 a.m. at 45 Commerce Drive, Augusta

COMMENT DEADLINE: July 18, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Milton Champion, Executive Director, Gambling Control Unit, 45 Commerce Drive - Suite 3, Augusta ME 04333. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 17 MRS Ch. 62 §1843, §317

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

AGENCY RULEMAKING LIAISON: Christopher.Parr@Maine.gov.

AGENCY: **01-026** - Department of Agriculture, Conservation, and Forestry (DACF), **Board of Pesticides Control**

CHAPTER NUMBER AND TITLE: **Ch. 41**, Special Restrictions on Pesticide Use

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P076**

**BRIEF SUMMARY**: The proposed rules amendments were sought to address the directives in the following bills passed by the 130th Maine Legislature: LD 316 and LD 155. These proposed rule amendments prohibiting the use of chlorpyrifos and restricting the use of most neonicotinoids for residential landscape (turf and ornamental vegetation) management.

**DETAILED SUMMARY**: Two amendments are proposed:

**1**. Add a new section pertaining to neonicotinoids (dinotefuran, clothianidin, imidacloprid or thiamethoxam) to restrict registration and prohibit use in outdoor residential landscapes for the purposes of managing pests in turf and ornamental vegetation. Add an allowance for management of invasive invertebrate pests in ornamental vegetation and an emergency permitting process.

**2**. Add a new section prohibiting the use of chlorpyrifos, except for licensed applicators who obtain a use permit from the Board to apply chlorpyrifos products purchased prior to December 31, 2022.

**PUBLIC HEARING**: Remote meeting, Friday, June 17, 2022 @ 9:00 a.m. via Microsoft Teams ([https://teams.microsoft.com/l/meetup-join/19%3ameeting\_ZDVmNmE2ZGMtYWEwMS00MjBmLTg3Y2MtNzM5NzYzZDBhMjQ3%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22ed6764cf-969a-43c1-907c-b3249fe5d929%22%7d](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_ZDVmNmE2ZGMtYWEwMS00MjBmLTg3Y2MtNzM5NzYzZDBhMjQ3%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22ed6764cf-969a-43c1-907c-b3249fe5d929%22%7d)).

COMMENT DEADLINE: 8:00 a.m., Monday, June 27, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Megan Patterson, Agriculture - Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-2731. Email: Megan.L.Patterson@Maine.gov; Pesticides@Maine.gov.

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

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §§ 8051 *et seq*.; 7 MRS §§ 601-610; 22 MRS §§ 1471-A-D *and* M

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 26**, Sea Urchin (2022-2023 Season)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P077**

BRIEF SUMMARY: This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2022-2023 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2022-2023, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2021-2022 season. For Zone 1, the daily tote limit is nine (9), the same as in the 2021-2022 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2022-2023, from which harvesters may only fish up to 30 days of their choosing. This proposal has the same number of fishing days and opportunity days as the 2021-2022 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2022-2023. For Zone 2, the daily tote limit is six (6), the same as in the 2021-2022 season.

The Blue Hill Bay Limited Access Area designation sunset on April 1, 2022 and that language has been removed from the regulation.

PUBLIC HEARING: June 13, 2022, 6:00 p.m., DMR HQ, Room 118 Marquardt Building (32 Blossom Lane, Augusta ME), *with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit:* [*www.maine.gov/dmr*](http://www.maine.gov/dmr)*. Instructions will be posted on DMR’s homepage under meetings and events.* Hearing facilities: *If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

COMMENT DEADLINE: June 24, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6749

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>.

DMR WEBSITE: <http://www.maine.gov/dmr/>.

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 50**, Spiny Dogfish and Coastal Sharks: **50.02(A)**, Harvest, Possession, and Landing Restrictions

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P078**

BRIEF SUMMARY: On May 1, 2022, the Department of Marine Resources (DMR) adopted an emergency rule that increased the spiny dogfish commercial trip limit in Maine state waters to 7,500 pounds per calendar day or 24-hour period. The increased trip limit aligned Maine’s regulations with the 2022 fishing year spiny dogfish specifications published by NOAA Fisheries on April 7, 2022 and with a recent vote at the Atlantic States Marine Fisheries Commission to mirror the federal waters trip limit in state waters. As emergency rules are temporary, this proposed rule would adopt the May 1, 2022 emergency rule making it part of DMR’s regular rules.

PUBLIC HEARING: None scheduled.

COMMENT DEADLINE: June 24, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>.

DMR WEBSITE: <http://www.maine.gov/dmr/>.

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.06(1)(E)**, Submission of Teeth

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P079**

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife is proposing a change to Ch. 16 rules to adjust the information required during mandatory submission of teeth for bobcat at the time of registration. Each tooth will be labeled with species, sex, and seal number; a change from existing labeling requirements of: month and year, sex, species, method of take (trap or hunt), and town of kill. If adopted, this change will reduce the amount of information required on the label while adding seal number as a means of linking all biological data collected on each animal. A copy of the complete proposal can be requested from the Agency Contact Person.

PUBLIC HEARING: Monday, June 13, 2022 @ 4:00 p.m. – Inland Fisheries and Wildlife, 353 Water Street - Room 400, Augusta, ME

COMMENT DEADLINE: June 23, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: Becky.Orff@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10053, 10104, 12301-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.07**, Deer Hunting (Antlerless Deer Permit Allocations and Expanded Archery Areas)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P080**

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife is proposing to adopt antlerless deer permit (ADP) numbers for the 2022 deer hunting seasons and special muzzle-loading season by setting specific permit allocations by Wildlife Management District (WMD) or deer management subunit and also clarify where antlerless harvest without a permit during the youth day and regular archery and crossbow deer hunting seasons will occur. The proposal also includes language to better describe the expanded archery season including information on allowable weapons and required permits. These changes will not affect how the season will function, but add clarification to the rule. Two additions to the expanded archery areas include land area impacting the towns of North Yarmouth and Yarmouth as well as the coastal islands of WMD 27. A complete copy of the proposal may be requested by contacting the Agency Contact Person.

PUBLIC HEARING: Tuesday, June 14, 2022 @ 4:00 p.m. – Inland Fisheries and Wildlife, 353 Water Street - Room 400, Augusta, ME

COMMENT DEADLINE: June 24, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: Becky.Orff@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 11152, 11402

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 17**, Trapping

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P081**

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife is proposing to amend Ch. 17 rules to adjust the information required during mandatory submission of teeth for bobcat, marten, fisher, and river otter at the time of registration. Each bobcat tooth will be labeled with species, sex, and seal number; a change from existing labeling requirements, which include month and year, sex, species, method of take (trapped/hunted), and town of kill. This change reduces the amount of information required on the label while adding seal number as a means of linking all biological data collected on each animal. The proposal also clarifies that the entire lower jaw or canine tooth is acceptable for marten, fisher, and otter. Also included are annual adjustments to the areas where beaver trapping is opened or prohibited and additional changes to beaver and muskrat trapping regulations to simplify rules for trap placement during beaver and muskrat trapping seasons. A standard 5 ft. setback distance is proposed for trapping near beaver houses and dams, near muskrat houses, and near another trapper’s beaver traps. A copy of the complete proposal can be requested from the Agency Contact Person.

PUBLIC HEARING: Monday, June 13, 2022 @ 4:00 p m – Inland Fisheries and Wildlife, 353 Water St, Room 400, Augusta, ME

COMMENT DEADLINE: June 23, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: Becky.Orff@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10053, 10104, 12251

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

AGENCY: **99-346 - Maine State Housing Authority (MaineHousing)**

CHAPTER NUMBER AND TITLE: **Ch. 29**, Multi-family Mortgage Loans

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P082**

BRIEF SUMMARY: This replacement rule repeals and replaces in its entirety the current *Multi-family Mortgage Loans* rule*.* The Rule provides the framework and basic requirements for MaineHousing Multi-family lending programs and governs the allocation of resources for such programs, program design, the publication and distribution of program guides, eligibility standards, loan standards, construction and rehabilitation requirements, management requirements, and potential selection criteria. This replacement rule: adds an additional New Construction and Rehabilitation Requirement for Developments Financed with Project Labor Agreement Funds.

A copy of the proposed replacement rule may be found at [www.mainehousing.org/about/rules](http://www.mainehousing.org/about/rules).

PUBLIC HEARING: A public hearing will be held on Tuesday, June 14, 2022 at 9:30 a.m. at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine. *To listen or testify virtually, please contact Gerrylynn Ricker no later than 5:00 p.m. on Thursday, June 9, 2022 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: gricker@mainehousing.org.*

*Maine State Housing Authority’s office and the hearing room are accessible to persons with disabilities and, 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, June 24, 2022 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Ashley Janotta, Chief Counsel, Maine State Housing Authority, 89 State House Station - 26 Edison Drive, Augusta, Maine 04330-6046. Telephone: (207) 626-4600; (800) 452-4668 (voice in state only) or Maine Relay 711. Email: ajanotta@mainehousing.org.

*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.*

IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 30-A MRS §§ 4722(1)(W), 4741(15), 4991 *et seq.*; 42 USCA §§ 8621 *et seq.*

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same as above.

MAINEHOUSING WEBSITE: <https://www.mainehousing.org/>.

**ADOPTIONS**

AGENCY: **05-071 – Department of Education (DOE)**

CHAPTER NUMBER AND TITLE: **Ch. 115**, The Credentialing of Education Personnel, **Parts I and II**

TYPE OF RULE: Major Substantive

ADOPTED RULE NUMBER: **2022-088**

CONCISE SUMMARY: Refine Ch. 115 to be more understandable and user friendly. A Consensus rulemaking process was undertaken which included many members of the Professional Standards Board. This was followed by a comprehensive review by the State Board. A second comment period was undertaken to review three substantial changes to the original proposal:

**\*** Refined some of the grade spans

**\*** Reinstated Adaptive Physical Education (APE) endorsement

**\*** Revised language per PL 2021 Ch. 348, which requires rules which used the term ‘hearing impaired’ be changed to ‘hard of hearing’

Refinements were made as a result of the Resolve passed by the Legislature and signed into law by the Governor on April 7, 2022.

EFFECTIVE DATE: June 10, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Jaci Holmes, Maine Department of Education, 23 State House Station, Augusta, Maine 04333. Telephone: (207) 215-3003. Email: Jaci.Holmes@Maine.gov.

DOE WEBSITE: <https://www.maine.gov/doe/home>.

AGENCY: **05-071 - State Board of Education**, *and* **Department of Education (DOE)**

CHAPTER NUMBERS AND TITLES:

**Ch. 60**, New School Siting Approval;

**Ch. 61**, Rules for Major Capital School Construction Projects;

**Ch. 125**, Basic Approval Standards *(joint rule with Maine Department of Education)*

ADOPTED RULE NUMBER: **2022-089, 090, 091** *(Final adoption, major substantive)*

CONCISE SUMMARY: As the result of Resolve 2021 Ch. 114, the State Board of Education was required to amend rule Ch. 60, 61 and 125 to require standards governing air quality and ventilation for all public schools including schools with mechanical and non-mechanical ventilation systems.

Therefore, the State Board proposed in a targeted rulemaking for **Ch. 60** to (Insert) New “SECTION 6. Other Considerations” (on page 3) that states “The school administrative unit will utilize the best- available practice national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration.”

Therefore, the State Board proposed in a targeted rulemaking for **Ch. 61** in SECTION 6. SCHOOL CONSTRUCTION ELIGIBILITY AND APPROVAL PROCESS. 2. Eligibility for State Funding. (insert) “I. Ventilation Requirements” (page 15) that states “The school administrative unit will utilize the best- available practice national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration.”

Therefore, the State Board and the Department of Education proposed in a targeted rulemaking for **Ch. 125** to insert SECTION 5. OTHER MINIMUM REQUIREMENTS. 5.10. Health, Sanitation, and Safety Requirements. D. Air Quality (page 14) (insert) that states “The school administrative unit will utilize the best- available practice national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration.”

EFFECTIVE DATE: June 10, 2022

DOE CONTACT PERSON / RULEMAKING LIAISON: Jaci Holmes, Department of Education, 23 State House Station, Augusta, Maine 04333. Telephone: (207) 831-3168. Email: Jaci.Holmes@Maine.gov.

DOE WEBSITE: <https://www.maine.gov/doe/home>.

AGENCY: **01-001 - Department of Agriculture, Conservation & Forestry (DACF)**

CHAPTER NUMBER AND TITLE: **Ch. 273**, Criteria for Listing Invasive Terrestrial Plants

ADOPTED RULE NUMBER: **2022-092**

CONCISE SUMMARY: This chapter establishes criteria to be used in evaluating non-native terrestrial invasive plants that could have adverse impacts on the Maine landscape. It also establishes the list of plants that are evaluated and meet the criteria and the restrictions on the distribution and sale of those plants.

EFFECTIVE DATE: May 24, 2022

DACF CONTACT PERSON: Gary Fish, DACF - Division of Animal and Plant Health, Horticulture Program, 28 State House Station, Augusta, ME 04333-0028. Telephone: (207) 287-7545. Email: Gary.Fish@Maine.gov.

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

DACF RULEMAKING LIAISON: Shannon.Ayotte@Maine.gov.

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.08**, Moose Hunting (Permit Allocations)

ADOPTED RULE NUMBER: **2022-093**

CONCISE SUMMARY: The Department of Inland Fisheries and Wildlife has adopted moose permit allocation numbers for moose hunting permits to be issued for the 2022 moose hunting season. Permits will be issued for antlered, antlerless and any-moose. Permit allocations according to Wildlife Management District are as follows:

WMD 1 – 450 antlered / 175 antlerless

WMD 2 – 350 antlered /175 antlerless

WMD 3 – 200 antlered / 125 antlerless

WMD 4 – 400 antlered / 100 antlerless

WMD 4A (adaptive hunt) – 550 antlerless

WMD 5 – 250 antlered / 125 antlerless

WMD 6 – 200 antlered / 60 antlerless

WMD 7 – 125 antlered

WMD 8 – 200 antlered / 100 antlerless

WMD 9 - 125 antlered

WMD 10 – 60 antlered

WMD 11 – 50 antlered

WMD 12 – 25 antlered

WMD 13 – 15 antlered

WMD 14 – 30 antlered

WMD 15 – 25 any-moose

WMD 16 – 15 any-moose

WMD 17 – 10 antlered

WMD 18 – 40 antlered

WMD 19 – 60 antlered

WMD 27 & 28 (combined) – 40 antlered

**TOTAL: 2,630 antlered / 1410 antlerless / 40 any-moose**

EFFECTIVE DATE: May 25, 2022

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: Becky.Orff@Maine.gov.

IFW WEBSITE: <https://www.maine.gov/ifw/>.

AGENCY: **01-017** – Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 21**, General Hearing Procedures

ADOPTED RULE NUMBER: **2022-094** *(Repeal and replace)*

CONCISE SUMMARY: The amendments involve several updates to this chapter, hence the Commission opting to repeal and replace. The Commission found it be of the utmost importance that Ch. 21 aligns with what is contained in statute, and as such it voted to repeal 16 sections of this chapter due to APA redundancy, Title 5 Ch. 375. There were a few other subsections repealed also with the same justification, and a couple of other sections edited to align Ch. 21 with the statute.

EFFECTIVE DATE: May 28, 2022

COMMISSION CONTACT PERSON / RULEMAKING LIAISON: Henry Jennings, Maine State Harness Racing Commission, 28 State House Station, Augusta, Maine 04333-0028. Telephone: (207) 287-7568. Email: Henry.Jennings@Maine.gov.

HARNESS RACING COMMISSION WEBSITE: <https://www.maine.gov/dacf/harnessracing/index.shtml>.

DACF WEBSITE: <https://www.maine.gov/dacf/>.

DACF RULEMAKING LIAISON: Shannon.Ayotte@Maine.gov.

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 870**, Late Payment Charges, Interest Rates to be Paid on Customer Deposits, and Charges for Returned Checks

ADOPTED RULE NUMBER: **2022-095**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to its *Late Payment Charges, Interest Rates to be Paid on Customer Deposits, and Charges for Returned Checks* Rule (Ch. 870). The primary amendment is the adoption of a fixed percentage of 1% a month or 12% annually for the maximum late payment charge that replaces a maximum interest charged based on the Prime Rate plus a fixed adder. In addition, the amended rule exempts customers adhering to terms of a payment arrangement from late payment charges.

EFFECTIVE DATE: May 28, 2022

MPUC CONTACT PERSON / RULEMAKING LIAISON: Jamie Waterbury, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1360. Email: Jamie.A.Waterbury@Maine.gov.

MPUC WEBSITE: <https://www.maine.gov/mpuc/>.

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 314**, Statewide Low-income Assistance Plan

ADOPTED RULE NUMBER: **2022-096**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to its *Statewide Low-income Assistance Plan* rule (Ch. 314) to expand program eligibility.

EFFECTIVE DATE: May 28, 2022

MPUC CONTACT PERSON / RULEMAKING LIAISON: Jamie Waterbury, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1360. Email: Jamie.A.Waterbury@Maine.gov.

MPUC WEBSITE: <https://www.maine.gov/mpuc/>.