**State of Maine: Notice of Agency Rulemaking – May 31, 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: **02-031** – Department of Professional and Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 865** *(New)*, Standards for Fertility Coverage

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P116**

BRIEF SUMMARY: The proposed rule establishes standards to implement the fertility care coverage requirements of 24-A MRS §4320-U.

PUBLIC HEARING: June 20, 2023, at 1:30 p.m. by audio/visual link from the Department of Professional and Financial Regulation, Bureau of Insurance. *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*](https://www.maine.gov/pfr/insurance/news-public-notices/public-event-notices)*.*

COMMENT DEADLINE: 4:30 p.m., June 30, 2023 by mail or email to the Contact Person.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Karma Lombard, 34 State House Station, Augusta, ME 04333-0034. Telephone: (207) 624-8540. TTY users use Maine Relay 711. Email: [Karma.Y.Lombard@Maine.gov](mailto:Karma.Y.Lombard@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: none

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 4320-U.

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

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

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

AGENCY RULEMAKING LIAISON: [Benjamin.Yardley@Maine.gov](mailto:Benjamin.Yardley@Maine.gov) .

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

CHAPTER NUMBER AND TITLE: **Ch. 324**, Small Generator Interconnection Procedures

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P117**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking proceeding to consider proposed amendments to the Commission’s *Small Generator Interconnection Procedures* rule (Ch. 324). This rulemaking implements the requirements of “An Act To Support the Continued Access to Solar Energy and Battery Storage by Maine Homes and Businesses” (LD 1100). In addition, this rulemaking makes additional changes to facilitate the interconnection process for all levels of generation facilities and adds provisions related to export control and energy storage.

PUBLIC HEARING: June 22, 2023 at 1:00 p.m. in the Simpson Hearing Room at the offices of the Maine Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347*.* *Interested persons wishing to participate in the hearing using video may contact the Hearing Officer by email at* [*Leslie.Raber@Maine.gov*](mailto:Leslie.Raber@Maine.gov) *for a link.*

COMMENT DEADLINE: July 7, 2023 in Docket No. 2023-00103.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Leslie Raber, Maine Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. Telephone: (207) 287-1562. Email: [Leslie.Raber@Maine.gov](mailto:Leslie.Raber@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 3474; PL 2021 Ch. 264

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

MPUC WEBSITE: [www.maine.gov/mpuc](http://www.maine.gov/mpuc).

MPUC RULEMAKING LIAISON: [Deirdre.Schneider@Maine.gov](mailto:Deirdre.Schneider@Maine.gov).

**ADOPTIONS**

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 332**, MaineCare Eligibility Manual: **MaineCare Rule #302A**, Penalty Divisor Rule: **Chart 4.3**, Nursing Care Private Rate

ADOPTED RULE NUMBER: **2023-077**

CONCISE SUMMARY: The adopted rule updates the average nursing care private rate, listed in Chart 4.3 of the *MaineCare Eligibility Manual*, to the most current figure available from the Department’s internal audit team. Effective June 1, 2023, the average nursing care private rate is determined from rates reported by nursing facilities on the MaineCare Cost Report.

The adopted rule added a description of how the rate is used to calculate the penalty periods for disposing of assets for less than fair market value on or after the look-back penalty. The adopted rule ensures asset transfer penalties are based on the average of current facility rates. Because nursing care private rates increase over time, penalty periods will decrease. The adopted rule does not change any process for nursing facilities or members.

See <https://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

EFFECTIVE DATE: June 5, 2023

OFI CONTACT PERSON: Lea Studholme, MaineCare Senior Program Manager, Office for Family Independence - Department of Health & Human Services, 109 Capitol Street -11 State House Station, Augusta, ME 04333. Telephone: (207) 624-4106. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email:.[Lea.Studholme@Maine.gov](mailto:Lea.Studholme@Maine.gov).

OFI RULEMAKING LIAISON: [Dan.Cohen@Maine.gov](mailto:Dan.Cohen@Maine.gov).

OFI WEBSITE: <https://www.maine.gov/dhhs/ofi/>.

DHHS RULEMAKING LIAISON: [Emily.A.Cathcart@Maine.gov](mailto:Emily.A.Cathcart@Maine.gov).

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