**State of Maine: Notice of Agency Rulemaking – June 22, 2022**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 620**, Service Standards for Water Utilities (*formerly* Ch. 62)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P092**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking to amend Ch. 62 – *Service Standards for Water Utilities*, of the Commission’s rules. The proposed amendments are intended to add provisions for Maine’s water utilities to more effectively respond to water supply emergencies, better reflect modern metering technology and make changes to sections which cover service lines, seasonal service, service interruptions, low pressure areas, and conditions of service. In addition, the Commission is updating and modernizing the Rule, including changing the designation of the rule from Ch. 62 to Ch. 620 to conform with the Commission’s current rule organization conventions and proposing other non-substantive editorial amendments.

PUBLIC HEARING: July 14, 2022 - 11:00 a.m., Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. *Interested persons wishing to participate in the hearing remotely may file a letter requesting remote participation in Docket No. 2021-00334 stating the reasons why remote participation is required.*

COMMENT DEADLINE: July 28, 2022. Interested persons may file initial written comments on the proposed amendments to the Rule using the Commission's Case Management System (CMS) on or before Friday, July 1, 2022.Interested persons may file final written comments on the proposed Rule in CMS no later than Thursday, July 28, 2022. Commenters should refer to Docket No. 2021-00334 when submitting comments. All comments will appear in CMS.

MPUC CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION: Jordan McColman, Maine Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-3831. Email: Jordan.D.McColman@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §111

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

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

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@Maine.gov.

AGENCY: **14-197** - Department of Health and Human Services (DHHS), **Office of Aging and Disability Services (OADS)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Rights and Basic Protections of Persons with an Intellectual Disability, Autism Spectrum Disorder or Acquired Brain Injury

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P093**

BRIEF SUMMARY: This proposed new rule sets forth the rights and basic protection of persons with an intellectual disability, Autism Spectrum Disorder or acquired brain injury in accordance with 22 MRS §3089 and 34-B MRS §5605.

PL 2021 Ch. 284 extended certain rights and basic protections set forth in 34-B MRS §5605 to persons with an acquired brain injury; directed the Commissioner to convene a task force to make recommendations on rules and procedures regarding the rights and basic protections of persons with acquired brain injuries; and directed the Department to consider the task force’s recommendations and to adopt rules regarding the rights and basic protections of individuals with an acquired brain injury.

Because the Department had not previously undertaken rulemaking regarding the rights and basic protections of persons with an intellectual disability or Autism Spectrum Disorder, the proposed rule also states the statutory rights and basic protections of these persons. Most of these rights and basic protections apply to all persons with an intellectual disability, Autism Spectrum Disorder, or acquired brain injury – not just those who receive services from a provider that is funded or licensed by the Department. This distinction is reflected in the rule.

The proposed rule also describes the procedures for notifying persons receiving services of their rights and basic protections, and states the remedies available for alleged violations of rights and basic protections.

PUBLIC HEARING: Friday, July 15, 2022, at 10 a.m. *This hearing will be held virtually via Zoom. Anyone wishing to attend should email Hilary Gove at* *Hilary.Gove@Maine.gov* *to register. A Zoom link will be sent following registration. The Department requests that any interested party requiring accommodations to attend the hearing contact Hilary Gove at* *Hilary.Gove@Maine.gov* *prior to Friday, July 8, 2022.*

COMMENT DEADLINE: Monday, July 25, 2022, by 11:59 p.m. Written comments may be submitted by mail, email, 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 / SMALL BUSINESS IMPACT INFORMATION / OADS RULEMAKING LIAISON: Hilary Gove, Policy Writer, Maine Department of Health and Human Services, Office of Aging and Disability Services, 41 Anthony Avenue – 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 446-8305. Fax: (207) 287-9915. TTY: 711 (Deaf or Hard of Hearing). Email: Hilary.Gove@Maine.gov.

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

STATUTORY AUTHORITY FOR THIS RULE: PL 2021 Ch. 284; 22 MRS §3089(3); 34-B MRS §5605

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

OADS WEBSITE: <https://www.maine.gov/dhhs/oads>.

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

AGENCY: **14-197** - Department of Health and Human Services (DHHS), **Office of Aging and Disability Services (OADS)**

CHAPTER NUMBER AND TITLE: Office of Aging and Disability Services Policy Manual, **Ch. 8**, Grievance Process for Persons with an Intellectual Disability, Autism Spectrum Disorder or Acquired Brain Injury

TYPE OF RULE *(check one)*: Routine Technical

PROPOSED RULE NUMBER: **2022-P094**

BRIEF SUMMARY: This rule establishes the procedures by which a recipient of services with an intellectual disability, autism spectrum disorder, or an acquired brain injury may grieve and seek resolution of complaints regarding the actions or inactions of the Department or providers.

The Department is proposing to update and clarify requirements for its grievance procedure rule. Specifically, this rule provides individuals with an acquired brain injury the right to submit a grievance in conformance with PL 2021 Ch. 284, *An Act to Improve the Rights and Basic Protections of Persons with Acquired Brain Injuries,* §§ A-2, A-8*.* This rule revises the definition of grievance and provides new deadlines for the resolution of grievances and includes a six-month savings clause for grievances that accrued prior to the effective date of the proposed rule. Further, the Department is proposing to clarify the grievance procedure for a person receiving services if an individual has a grievance against his or her case manager. This rule also clarifies the role of Maine’s Protection and Advocacy Agency and affords the Commissioner discretion whether to issue an Order of Reference when an administrative hearing is requested, and thus reserve the final decision for herself.

PUBLIC HEARING: Thursday, July 14, 2022, at 10 a.m. *This hearing will be held virtually via Zoom. Anyone wishing to attend should email Hilary Gove at* *Hilary.Gove@Maine.gov* *to register. A Zoom link will be sent following registration. The Department requests that any interested party requiring accommodations to attend the hearing contact Hilary Gove at* *Hilary.Gove@Maine.gov* *prior to Thursday, July 7, 2022.*

COMMENT DEADLINE: Monday, July 25, 2022, by 11:59 p.m. Written comments may be submitted by mail, email, 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 / SMALL BUSINESS IMPACT INFORMATION / OADS RULEMAKING LIAISON: Hilary Gove, Policy Writer, Maine Department of Health and Human Services, Office of Aging and Disability Services, 41 Anthony Avenue – 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 446-8305. Fax: (207) 287-9229. TTY: 711 (Deaf or Hard of Hearing). Email: Hilary.Gove@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §206(4); 34-B MRS §5604(3)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

OADS WEBSITE: <https://www.maine.gov/dhhs/oads>.

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

AGENCY: **02-041** - Department of Professional and Financial Regulation (PFR), , Office of Professional and Occupational Regulation (OPOR), **American Sign Language Interpreters**

TYPE OF RULE: Routine Technical

CHAPTER NUMBERS AND TITLES:

**Ch. 50**, Definitions

**Ch. 51**, Requirements for Initial Licensure and Licensure by Endorsement

**Ch. 52**, License Renewal, Inactive Licensure Status and Continuing Education

**Ch. 54**, Disclosure Statement (*repeal and replace with* Code of Ethics and Ethical Standards)

**Ch. 55**, Complaints and Investigations (*repeal*)

PROPOSED RULE NUMBERS: **2022-P095** *thru* **P099**

BRIEF SUMMARY: This is a comprehensive rulemaking effort to repeal and replace existing chapters to align with various statutory changes, streamline the licensure provisions, remove duplicative and/or obsolete terms, identify licensure by endorsement requirements, clarify the continuing education and renewal requirements, outline the requirements for inactive licensure status, and identify standards of professional and ethical conduct.

PUBLIC HEARING: N/A

COMMENT DEADLINE: July 31, 2022 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / PFR RULEMAKING LIAISON: Anne L. Head, Director, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8500. Fax: (207) 624-8140. TTY 711. Email: Anne.L.Head@Maine.gov.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 1522(1), 1524-B, 1524(C), 1528, 1528-A, 10 MRS §§ 8003-H, 8003-5-A(D)

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 420**: Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P100**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking to amend Ch. 420, *Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators*. The proposed amendments are intended to update and modernize the Commission's gas safety rules.

PUBLIC HEARING: July 12, 2022, 1:30 p.m., Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine. *Interested persons wishing to participate in the hearing remotely may file a letter requesting remote participation in Docket No. 2022-00155 stating the reasons why remote participation is required.*

COMMENT DEADLINE: July 22, 2022. Interested persons may file initial comments on the proposed amendments to the rule using the Commission's Case Management System (CMS), in Docket No. 2022-00155, on or before Tuesday, July 5, 2022.Interested persons may file final written comments on the proposed Rule in CMS no later than Friday, July 22, 2022. Commenters should refer to Docket No. 2022-00155 when submitting comments. All comments will appear in CMS.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Jordan McColman, Maine Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1365. Email: Jordan.D.McColman@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 111, 4508, 4515, 4516-A, and 4705-A

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

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

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@Maine.gov.

AGENCY: **16-163** – Department of Public Safety (DPS), **Maine Emergency Medical Services (Maine EMS)**

CHAPTER NUMBER AND TITLE: Multiple:

**\*** **Ch. 2** - Definitions

**\*** **Ch. 5** - Personnel Licenses

**\*** **Ch. 5B** - Emergency Medical Services Ambulance Operator Licenses

**\*** **Ch. 17** - Minimum Required Equipment Lists for Maine EMS Services and Regional EMS Radio Frequencies

**\*** **Ch. 22** - Emergency Medical Services Data

**\*** **Ch. 23** - Registry of Automated External Defibrillators

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2022-P101** *thru* **P106**

**BRIEF SUMMARY:**

**\*** **Ch. 2** - Definitions is updated to reflect the addition of the definition of an Emergency Medical Services Ambulance Operator

**\*** **Ch. 5** – Personnel Licenses is updated to aid in the transition to the National Continued Competency Program Hour Requirements for EMS clinicians and to allow Maine EMS to accept continuing education hours for the duration of an issued license period.

**\*** **Ch. 5B** - Emergency Medical Services Ambulance Operator Licenses, is a new chapter that will allow Maine EMS to issue EMS licenses to individuals who operate an Ambulance in emergency response mode or when transporting a patient.

**\*** **Ch. 17** - Minimum Required Equipment Lists for Maine EMS Services and Regional EMS Radio Frequencies, has several updates to account for recent changes to Maine EMS protocols and to make the required equipment list current.

**\*** **Ch. 22** - Emergency Medical Services Data, will allow Maine EMS to receive data into our reporting system from Health Info Net, the State of Maine’s health Information Exchange, regarding patient outcomes. Additionally, Ch. 22 requires direct entry of patient care reports into the State of Maine provided run reporting system.

**\*** **Ch. 23** - Registry of Automated External Defibrillators, allows Maine EMS to implement a registry of publicly accessible automated external defibrillators that are located within the State for the purpose of assisting a person or a law enforcement officer, firefighter or emergency medical services person who calls for assistance in an emergency situation.

**DETAILED SUMMARY:**

**Full copies of all of the proposed rules can be found on the Maine EMS Website at** [**https://www.maine.gov/ems/protocols-resources/statutes**](https://www.maine.gov/ems/protocols-resources/statutes)**.**

* **Chapter 2- Definitions** is updated to reflect the addition of the definition of an Emergency Medical Services Ambulance Operator
	+ **EMERGENCY MEDICAL SERVICES AMBULANCE OPERATOR** means a person associated with a licensed ground ambulance service who operates an ambulance in emergency mode or transports patients and is not licensed under 32 M.R.S. §85.
* **Chapter 5 – Personnel Licenses** is updated to aid in the transition to the National Continued Competency Program Hour Requirements for EMS clinicians and to allow maine EMS to accept continuing education hours for the duration of an issued license period. (Summarized Below)
	+ The scopes of practice for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians, and Paramedics are defined by the U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA) document, "National EMS Scope of Practice Model 2019.” (Report No. DOT HS 812-666). Accordingly, the following document is incorporated by reference: National Association of State EMS Officials. National EMS Scope of Practice Model 2019 (Report No. DOT HS 812-666). Washington, DC: National Highway Traffic Safety Administration. Copies of this document are available at Maine EMS.
	+ For license renewals on or after November 1, 2023, continuing education requirements will be based upon a two-year licensing cycle and shall be in accordance with the National Registry of Emergency Medical Technicians’ 2016 National Continued Competency Program Hour Requirements listed below.
		- Emergency Medical Responder (EMR) - 16 Total Hours consisting of 8 hours in National Continued Competency Requirements (NCCR), 4 hours in Maine-EMS-approved Local Continued Competency Requirements (LCCR), and 4 hours in Individual Continued Competency Requirements.
		- Emergency Medical Technician (EMT) - 40 Total Hours consisting of 20 hours in National Continued Competency Requirements (NCCR), 10 hours in Maine-EMS-approved Local Continued Competency Requirements (LCCR), and 10 hours in Individual Continued Competency Requirements.
		- Advanced Emergency Medical Technician (AEMT) - 50 Total Hours consisting of 25 hours in National Continued Competency Requirements (NCCR), 12.5 hours in Maine-EMS-approved Local Continued Competency Requirements (LCCR), and 12.5 hours in Individual Continued Competency Requirements.
		- Paramedic - 60 Total Hours consisting of 30 hours in National Continued Competency Requirements (NCCR), 15 hours in Maine-EMS-approved Local Continued Competency Requirements (LCCR), and 15 hours in Individual Continued Competency Requirements.
	+ Licensees selected for audit will be notified to submit documentation of the continuing education hours that were certified by the licensee at the time of renewal if they are not already available to Maine EMS. Licensees will have ten (10) business days from the date of notification to submit all requested documentation. Continuing education hours that cannot be verified in accordance with the documentation requirements determined by the Board or that do not satisfy the requirements for continuing education contained in these Rules will be disallowed.
	+ Verification of skills practice competency is a requirement for license renewal at any level of licensure after November 1, 2023. Skills practice competency validation affirms that the EMS professional has been verified as competent for level-specific skills and care practice performance and any necessary remediation has been undertaken.
		- Continued competency to practice may be validated by psychomotor or skills assessment and other performance measurement tools and may be verified through any of the following methods:
			* Quality assurance or quality improvement programs
			* Direct observation of the skills being performed in a patient care setting
			* Other means of skills evaluation (for example, practical testing, skills and/or scenario training or review, etc.)
		- For a licensee renewing a license at any level, or for a licensee who is applying for a license within two years of license expiration, continued competency may be verified by:
			* A Service Director, Training Officer, or Service-Level Medical Director of a Maine-licensed EMS service that is permitted at or above the level at which the applicant or licensee is seeking licensure and with which the licensee is affiliated; or,
			* The Director of a Maine EMS Authorized Training Center, or his or her designee; or
			* Successful completion of a Board approved cognitive exam and practical skills evaluation at the level of licensure being sought, within two years of the application date.
* **Chapter 5B - Emergency Medical Services Ambulance Operator Licenses**, is a new chapter that will allow Maine EMS to issue EMS licenses to individuals who operate an Ambulance in emergency response mode or when transporting a patient. (Summarized below)
	+ A person not licensed under MRS 32 Chapter 2-B section 85 who is associated with a ground ambulance service shall obtain a license under this chapter to operate an emergency medical services ambulance.
		- "Associated with" means a person who has a formal relationship with a transporting EMS agency, such as membership or employment, that creates a reasonable expectation that the person may be tasked with operating an ambulance as part of an emergency response or transport of a patient.
* **Chapter 17 - Minimum Required Equipment Lists for Maine EMS Services and Regional EMS Radio Frequencies**, has several updates to account for recent changes to Maine EMS protocols and to make the required equipment list current. (Summarized below)
	+ Maine EMS may accept other equipment or supplies that it judges to be equivalent to these listed, however, specific approval from Maine EMS must be obtained before such a substitution is made. **There may be instances where the Maine EMS Prehospital Treatment Protocols allow for additional skills or therapies not listed in this chapter.**
		- Added the following items
			* CPAP(optional) for EMT agencies
			* Tube Securing Device or Umbilical tape
			* Povidone Iodine to the surgical airway kit
			* 12 lead monitoring, paper strip ECG recordings, And ECG Electrodes to the EMT level as optional
			* An occlusive dressing
			* A Pediatric Length/Weight Based Tape
			* N-95 masks (small & large)
			* A pediatric Transport Device
		- We made clear the difference between inline capnography equipment and nasal capnography equipment
* **Chapter 22 - Emergency Medical Services Data**, will allow Maine EMS to receive data into our reporting system from Health Info Net, the State of Maine’s health Information Exchange, regarding patient outcomes. Additionally, chapter 22 requires direct entry of patient care reports into the State of Maine provided run reporting system. (Summarized below)

**Patient Care Report Requirements and Reporting Timeframe Summarized**

* + Patient care reporting of EMS incidents by an EMS clinician or unit shall be made by providing the information in the Maine EMS Data Dictionary, as applicable, electronically, using software developed or purchased through contract, and distributed by Maine EMS.
	+ When a patient is transported to a hospital/facility, the EMS clinician shall complete a patient care report and submit it to the hospital/facility in accordance with the Maine EMS Protocols.
		- To ensure optimum continuity of care between EMS clinicians and hospital staff, the EMS clinician shall submit the patient care report to the hospital/facility as follows:
			* electronically, within 24 hours.
				+ In the event a full patient care report cannot be left at the receiving facility prior to the departure of the ambulance crew, a Maine EMS approved hand-written short form must be left in all circumstances
			* The provider shall submit the patient care report to the receiving hospital/facility.
	+ Maine EMS shall provide standard, non-mobile access to the standard offering of the electronic patient care reporting system at no cost to an EMS Agency.

**Outcome data requesting summarized:**

* + Maine Emergency Medical Services electronically transmits EMS patient care reports to Maine Health Info Net (HIN) for storage in the State of Maine Health Information Exchange (HIE).
	+ The following data elements will be requested on all patients receiving emergency medical treatment as defined in Chapter 2 of these rules:
		- Emergency Department Disposition
		- Hospital Disposition
		- External Report ID/Number Type
		- External Report ID/Number
		- Other Report Registry Type
		- Emergency Department Chief Complaint
		- First ED Systolic Blood Pressure
		- Emergency Department Recorded Cause of Injury
		- Emergency Department Procedures
		- Emergency Department Diagnosis
		- Date/Time of Hospital Admission
		- Hospital Procedures
		- Hospital Diagnosis
		- Total ICU Length of Stay
		- Total Ventilator Days
		- Date/Time of Hospital Discharge
		- Outcome at Hospital Discharge (e.g., Cerebral Performance Category Score or Scale at Hospital Discharge)
			* Records identifying a patient, in any format, that include HIV or AIDS status or test results, or that relate to referral, treatment or services for a behavioral or mental health disorder or substance use disorder are excluded from this requested data.
* **Chapter 23** **- Registry of Automated External Defibrillators**, allows Maine EMS to implement a registry of publicly accessible automated external defibrillators that are located within the State for the purpose of assisting a person or a law enforcement officer, firefighter or emergency medical services person who calls for assistance in an emergency situation. (Summarized below)
	+ "Automated external defibrillator" or "AED" means a medical device that combines a heart monitor and a defibrillator approved by the United States Food and Drug Administration that:
		- Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia.
		- Is capable of determining, without intervention by an operator, whether defibrillation should be performed on an individual; and
		- Upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.
	+ “Automated external defibrillator registry” means a registry of publicly accessible automated external defibrillators, as defined above, that are located within the State for the purpose of assisting a person or a law enforcement officer, firefighter or emergency medical services person who calls for assistance in an emergency situation.
	+ For entities wishing to have their fully automated external defibrillator in the registry, the following is the minimum information that must be collected and entered into the automated external defibrillator registry identified by Maine EMS.
		- The name of the registrant of an automated external defibrillator; and email address of the registrant
		- telephone contact information of the registrant; and
		- The precise location of the automated external defibrillator, including the address and the place in which the automated external defibrillator is stored; and
		- The make and model number of the automated external defibrillator; and
		- The expiration date and type of each automated external defibrillator pad stored with the automated external defibrillator; and
		- The expiration date of each automated external defibrillator battery

**PUBLIC HEARING**: No public hearings are scheduled. *Comments on the proposed rules may be submitted to the Maine EMS no later than 11:59 p.m., July 22, 2022.*

Interested parties may submit comments to Maine EMS in the following manners:

**\*** Navigating to <https://www.maine.gov/ems/> and filling out our “Maine EMS Rules Public Comment Submission” form (Preferred)

**\*** By email to: rulemaking.maineems@maine.gov

**\*** In writing

 **o** Send comments to Maine Emergency Medical Services Attn.: Rulemaking, 152 State House Station, Augusta, ME 0433-0152

COMMENT DEADLINE: Friday July 22, 2022 at 11:59 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MAINE EMS RULEMAKING LIAISON: Jason A. Oko, Maine Emergency Medical Services, 152 State House Station, Augusta, ME 04333. Telephone: (207) 626-3863. Fax: (207) 287-6251. Email: Jason.A.Oko@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS Ch. 2-B

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

MAINE EMS WEBSITE: <https://www.maine.gov/ems/>.

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 414**, Required Minimum Distributions

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P107**

BRIEF SUMMARY: This rule establishes the date when a member must begin to receive a service retirement benefit or withdraw accumulated contributions under a retirement program pursuant to *Internal Revenue Code* Section 401(a)(9), and any Code requirements on the form of distribution. The proposed amendments to the rule establish the form and timing of the payment of a required minimum distribution to a beneficiary of a deceased vested member who does not otherwise execute a benefit selection form in a timely manner.

PUBLIC HEARING: July 14, 2022 - 11:45 a.m., Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: July 25, 2022

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MAINEPERS RULEMAKING LIAISON: Kathy J. Morin, Director, Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3190. Email: Kathy.Morin@MainePERS.org.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §§ 17103(4), 17603(9), 18205(9)

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

MAINEPERS WEBSITE: <https://www.mainepers.org/>.

AGENCY: **18-691** –Department of Administrative and Financial Services (DAFS), **Office of Cannabis Policy (OCP)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Adult Use Marijuana Program Rule

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P108**

BRIEF SUMMARY: This rulemaking implements statutory changes made to the *Marijuana Legalization Act*, 28-B MRS Ch. 1, specifically PL 2021 Ch. 558, 612, and 667, including changes to the requirements for mandatory testing, the potency of edible cannabis products, and delivery and curbside pickup at cannabis stores.

PUBLIC HEARING: July 13, 2022; 10:00 a.m. EDT, Office of Cannabis Policy, 19 Union Street – 3rd Floor Room 325, Augusta, Maine.

COMMENT DEADLINE: Monday, July 25, 2022 at 11:59 p.m. EDT.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT: Gabi Pierce; Office of Cannabis Policy, 162 State House Station, Augusta, ME 04333. Telephone: (207) 530-0507. Fax: (207) 287-2671. Email: Gabi.Pierce@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 28-B Ch. 1 (Marijuana Legalization Act), including PL 2021 chess. 558, 612, and 667.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A.

AGENCY WEBSITE: <https://www.maine.gov/dafs/ocp/>.

OFFICE RULEMAKING LIAISON: Erik.Gundersen@Maine.gov.

DEPARTMENT RULEMAKING LIAISON: Anya.Trundy@Maine.gov.

AGENCY: **18-691** –Department of Administrative and Financial Services (DAFS), **Office of Cannabis Policy (OCP)**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Rules for the Certification of Cannabis Testing Facilities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P109**

BRIEF SUMMARY: This rulemaking implements statutory changes made to the *Marijuana Legalization Act*, 28-B MRS Ch. 5, specifically PL 2021 Ch. 558 and 612, specifically changes to the requirements for mandatory testing, including the introduction of an allowable variance in the potency of adult use edible cannabis products.

PUBLIC HEARING: July 13, 2022 - 10:00 a.m. EDT, Office of Cannabis Policy, 19 Union Street – 3rd Floor Room 325, Augusta, Maine

COMMENT DEADLINE: Monday, July 25, 2022 at 11:59 p.m. EDT.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT: Gabi Pierce; Office of Cannabis Policy, 162 State House Station, Augusta, ME 04333. Telephone: (207) 530-0507. Fax: (207) 287-2671. Email: Gabi.Pierce@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 28-B Ch. 1 (Marijuana Legalization Act), and PL 2021 Ch. 558 and 612.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A.

AGENCY WEBSITE: <https://www.maine.gov/dafs/ocp/>.

OFFICE RULEMAKING LIAISON: Erik.Gundersen@Maine.gov.

DEPARTMENT RULEMAKING LIAISON: Anya.Trundy@Maine.gov.

AGENCY: **02-331** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Maine State Board of Funeral Service**

CHAPTER NUMBER AND TITLE: **Ch. 12** *(repeal and replace)*, Transportation of Human Remains

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2022-P110**

BRIEF SUMMARY: The proposed rule was developed as a result of LD 1214 (enacted by the 130th Legislature and signed into law as PL 2021 c. 268) which directed the Board of Funeral Service to collaborate with stakeholders to develop a rule governing the safety of drivers and passengers of vehicles owned, leased or otherwise used by a practitioner of funeral service or a funeral establishment for the transport of human remains. A stakeholder group met on several occasions, and consisted of individuals with various areas of expertise including a practitioner of funeral service, a representative of the Department of Transportation with expertise in cargo transportation, a representative of the State Police, and a representative of the insurance industry. The stakeholder group issued a report that was used to develop a draft rule that was presented to the Board for its consideration. The proposed rule is the result of both the stakeholder process and the Board’s input.

Copies of the proposed rule and rulemaking documents may be found on the Board’s webpage: <https://www.maine.gov/pfr/professionallicensing/professions/board-funeral-services>. Scroll down to “What’s New” and “Rulemaking.”

PUBLIC HEARING: July 12, 2022 at 9:00 a.m. *The hearing will be held at the Office of Professional and Occupational Regulation, 76 Northern Avenue, Gardiner, ME 04345, unless held entirely virtually in accordance with 1 MRS §403-B and the Board’s Remote Participation Policy. Regardless of whether there will be a physical location for the hearing, remote access will be provided via a Zoom link posted to the Board webpage in advance of the hearing.*

COMMENT DEADLINE: July 29, 2022, 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SUBMISSION OF COMMENTS: Candice Wright, Consumer Assistance and Hearing Coordinator, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8601. TTY: Maine relay 711. Email: Candice.B.Wright@Maine.gov.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 1451 and 1501

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: PL 2021 c. 268

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-funeral-services>.

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

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 41**, Menhaden (Modified 2022 Episodic Fishery Harvest Limit)

CONCISE SUMMARY: **2022-120** *(Emergency)*

CONCISE SUMMARY: Under the Interstate Fishery Management Plan (ISFMP) for Atlantic menhaden, the Episodic Event Set Aside (EESA) program receives 1% of the coastwide total allowable catch (TAC). The estimated EESA quota for FY2022 is 4,285,786 pounds and is a shared quota pool between Northeastern states. Increased participation observed during the FY2022 state allocated fishery requires further limitations in harvest controls for the EESA to reduce a risk of overage of the shared EESA quota. Harvest for EESA is permitted on Tuesdays and Fridays only. Harvesters are restricted to a single landing of 6,000 pounds per vessel daily with same day reporting required.

The Commissioner has determined that it is necessary to take emergency action to reduce the daily landing limit to prevent unusual damage to the menhaden resource by exceeding available quota. The Commissioner hereby adopts this emergency regulation as authorized by 12 MRS §6171(3)(A).

EFFECTIVE DATE: June 21, 2022

DMR CONTACT PERSON: Melissa Smith, Department of Marine Resources, 21 State House Station, Augusta, ME 04333-0021. Telephone: (207) 624-6558. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: Melissa.Smith@Maine.gov.

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

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

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