**State of Maine: Notice of Agency Rulemaking – June 26, 2024 ONLINE**

**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: 10-144 Department of Health and Human Services, Office for Family Independence**

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 331; Public Assistance Manual Temporary** **Assistance for Needy Families (TANF) – Maximum Benefit and Standard of Need Chart**

**TANF Rule #121P – P.L. 2024, Ch. 622**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P193

BRIEF SUMMARY: The proposed rule change would update the Public Assistance Manual Temporary Assistance for Needy Families (TANF) consistent with legislative changes made to 22 M.R.S. § 3769-C made by P.L. 2024, Ch. 622, *An Act to Reduce the Number of Children Living in Deep Poverty by Adjusting Assistance for Low-income Families.*

The proposed rule change would update the Maximum Benefit and Standard of Need Chart by increasing the maximum amount of monthly TANF assistance by an amount equal to 20% of the maximum payments that were in effect on January 1, 2024. In addition, 22 M.R.S. § 3769-C(1)(D) requires that the Department increase Appendix Chart, page 3, Standard of Need and Maximum Grant, each October based on the Cost-of-Living Increase used by the Social Security Administration.

It is the intent of the Department that proposed changes to this rule will be in effect as of October 1, 2024 consistent with SSA COLA increases.

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

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S. §§ 42(1); 3769-C

PUBLIC HEARING: No public hearing is scheduled.

COMMENT DEADLINE: Monday, July 29, 2024, at 5:00 p.m. ET.

Written public comments may be submitted via the link at <https://www.maine.gov/dhhs/about/rulemaking>

CONTACT PERSON FOR THIS FILING:

Alexandria Lauritzen, TANF Program Manager

Department of Health and Human Services

Office for Family Independence

109 Capitol Street

Augusta, ME 04330-6841

Phone: (207) 624-4109/Fax: (207) 287-3455

TT Users Call Maine Relay – 711

Alexandria.Lauritzen@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

AGENCY WEBSITE: [https://www.maine.gov/dhhs/ofi](https://www.maine.gov/dhhs/ofi/arules)

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Emily.A.Cathcart@maine.gov

**AGENCY: 09-137 Department of Inland Fisheries & Wildlife**

**CHAPTER NUMBER AND TITLE: Chapter 1. Open Water and Ice Fishing Regulations; Chapter 1-A. State Heritage Fish Waters**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P194

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing regulation changes for the upcoming ice fishing and open water fishing seasons. These regulations are needed to provide for the effective conservation of Maine’s inland fisheries and to enhance fishing opportunities throughout the State. This rule-making packet includes 23 individual proposals presented in the following “theme” categories: State Heritage Fish Waters; Special Need; Salmonid Growth, Condition, and Performance; Expanded Angler Opportunity; and Errors, Conflicts, and Confusion. The complete list of proposals may be obtained from the Agency Contact Person or online at: <https://www.maine.gov/ifw/news-events/rulemaking-proposals.html>. The proposals, if adopted, will become effective January 1, 2025. Members of the public are encouraged to review the proposals and provide comments by submitting written comments by mail or email to the contact person for this filing or by participating in the public hearing. (All comments must be related to this rulemaking packet.) Note: Written comments are given equal consideration to testimony given at the public hearing.

PUBLIC HEARING: Monday, July 15, 2024 @ 4:00pm – IFW, 353 Water Street, 3rd floor conference room, Augusta, ME

COMMENT DEADLINE: July 25, 2024

CONTACT PERSON FOR THIS FILING: Becky Orff, Inland Fisheries & Wildlife, 353 Water Street, #41 State House Station, Augusta, ME 04333; becky.orff@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS Sections 10104, 12452 & 12461

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Becky.Orff@maine.gov

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

**CHAPTER NUMBER AND TITLE: Chapter 60: Designation of Critical Pesticide Control Areas**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P195

BRIEF SUMMARY: The Eagle Lake Water & Sewer District has petitioned the Board to create a critical pesticide control area designation within a 500-foot radius of its two public drinking water wellheads located on Eagle Lake. The district seeks to protect these wellheads by preventing the use of pesticides in this area. The town has attempted to create a wellhead protection plan ordinance in the past, but these attempts failed. The district has observed pesticide applications occurring in this zone at abutting properties and have requested that owners stop these practices. This request could impact up to eight nearby property owners by preventing them from using pesticides on their property and from hiring commercial applicators to make pesticide applications for their homes, lawns, gardens, and forests. This zone also intersects a railway that would prohibit the of use pesticides for track maintenance. The Board is seeking public comment regarding this designation request prior to proposing rule amendments as required by Chapter 60: Designation of Critical Pesticide Control Areas.

PUBLIC HEARING *(if any)*: July 19, 2024 at 9:00 AM in Deering Building Rm 101 at 90 Blossom Lane, Augusta, ME 04333 or via Microsoft Teams: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\_ZDIzNWU4NzktNGJiYy00MzM3LWE3OGEtZGNiMzU5YjNiYjZl%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22068e9650-857e-4a65-996a-b329781eead7%22%7d](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_ZDIzNWU4NzktNGJiYy00MzM3LWE3OGEtZGNiMzU5YjNiYjZl%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22068e9650-857e-4a65-996a-b329781eead7%22%7d)

COMMENT DEADLINE: July 29, 2024 at 11:59 PM

CONTACT PERSON FOR THIS FILING:

Karla Boyd

28 SHS

Augusta, ME 04333

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: Currently, there is not fiscal impact expected. There may be fiscal impacts identified during the public comment period.

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. §§ 8051–8064 and 22 M.R.S. §§ 1471-F, -M(4).

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

AGENCY WEBSITE: thinkfirstspraylast.org

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: pesticides@maine.gov

**AGENCY: 10-144 Department of Health and Human Services - Maine Center for Disease Control and Prevention**

**CHAPTER NUMBER AND TITLE: 10-144 CMR chapter 269, Rules Governing Self-Contained Breath Alcohol Testing Equipment**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P196

BRIEF SUMMARY: The Department is proposing this routine technical rulemaking following the adoption of amendments by emergency rulemaking effective May 28, 2024, that qualified the use of a dry gas standard under 10-144 CMR chapter 269 - Rules Governing Self-Contained Breath Alcohol Testing Equipment. The Department is ensuring that the dry gas standard provisions added for calibrating units in the emergency rule do not expire on August 26, 2024, with the emergency rule (5 MRS 8054(3)). Additionally, the Department is proposing minor changes to correct clerical errors and update the rule structure and formatting conventions for conformity with agency standards, including updating the rule’s title to “Self-Contained Breath Alcohol Testing Equipment Rule”.

PUBLIC HEARING *(if any)*: No public hearing is scheduled. A public hearing may be requested by emailing the contact person identified below for this filing. (5 MRS § 8053(3)(B).)

COMMENT DEADLINE: Friday, July 26, 2024 (5 MRS § 8052(5)(A))

CONTACT PERSON FOR THIS FILING: Bridget Danis, Policy Analyst, 286 Water Street, 11 SHS, Augusta, Maine, 04330; (207) 287-9394; Bridget.Danis@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: 29-A MRS § 2524(6)

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

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

DHHS RULE-MAKING LIAISON: emily.cathcart@maine.gov

AGENCY WEBSITE: <https://www.maine.gov/dhhs/mecdc/>

**AGENCY: 16-163 Emergency Medical Services Board (Maine EMS)**

**CHAPTER NUMBER AND TITLE: Chapter 21: Immunization Requirements**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P197

BRIEF SUMMARY: The Emergency Medical Services Board is proposing to amend its current rules regarding Immunization requirements to add licensed ambulance operators into the definition of a “Covered Emergency Medical Services Person”, and to change the effective date by which a Covered Emergency Medical Services Person must have a valid Certificate of Immunization, Proof of Immunity, or documentation of a Medical Exemption for diseases contained within the chapter that are not Influenza (Seasonal Influenza), so that the requirement is effective at the point a Covered Emergency Medical Services Person is added to the entity’s roster. This proposal also amends its reporting requirements to reflect the changes to the effective date.

PUBLIC HEARING *(if any)*: None. A hearing may be requested by the petition of no less than five (5) interested persons through the submission of such petition in writing to Maine EMS, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152

COMMENT DEADLINE: 11:59 P.M. on Friday, June 14, 2024. **This deadline is extended until of July 10th, 2024,** **at 11:59 P.M**. Comments on the proposed rule may be submitted to Maine EMS no later than 11:59 P.M. on Wednesday, July 10th, 2024. Interested parties may submit comments to Maine EMS in the following manner(s):

* 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: Address comments to Maine Emergency Medical Services, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152

CONTACT PERSON FOR THIS FILING:

Jason J. Cooney

152 State House Station

Augusta, ME 04333-0152

207-626-3864 – Phone

207-287-3659 – TTY

207-287-6251 – Fax

jason.j.cooney@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: Maine EMS estimates that this rule will not have any fiscal impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §84(1)(A)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: None

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jason.j.cooney@maine.gov

**AGENCY: 16-163 Emergency Medical Services Board (Maine EMS)**

**CHAPTER NUMBER AND TITLE: Chapter 26: Community Grant Program**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P198

BRIEF SUMMARY: The Emergency Medical Services Board (“Board”) is required under 32 M.R.S. §97(4) to adopt rules establishing a grant application and selection process to award funds to municipalities or group(s) of municipalities for the review and consideration of the provision of effective and efficient emergency medical services. The Board is proposing rules that address the administration of the grant program, including the application process and requirements; evaluation criteria; evaluation/review process; and the reporting required of a recipient of funding.

PUBLIC HEARING *(if any)*: None. A hearing may be requested by the petition of no less than five (5) interested persons through the submission of such petition in writing to Maine EMS, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152

COMMENT DEADLINE: 11:59 P.M. on Friday, June 14, 2024. **This deadline is extended until July 10th, 2024, at 11:59 P.M.** Comments on the proposed rule may be submitted to Maine EMS no later than 11:59 P.M. on Wednesday, July 10th, 2024. Interested parties may submit comments to Maine EMS in the following manner(s):

* 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: Address comments to Maine Emergency Medical Services, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152.

CONTACT PERSON FOR THIS FILING:

Jason J. Cooney

152 State House Station

Augusta, ME 04333-0152

207-626-3864 – Phone

207-287-3659 – TTY

207-287-6251 - Fax

jason.j.cooney@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: This rule will provide for the awarding of $200,000 in non-lapsing funds, where unexpended funds are carried over to the next fiscal year until all funds are expended, directly to municipalities or groups of municipalities.

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §84(1)(A), 32 M.R.S. §97(4)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jason.j.cooney@maine.gov

**ADOPTIONS**

**AGENCY: 01-001 Department of Agriculture, Conservation and Forestry**

**CHAPTER NUMBER AND TITLE: 213, Rules for the Salmonella Enteritidis Risk Reduction and Surveillance Program for Commercial Egg-Type Flocks**

**ADOPTED RULE NUMBER: 2024-144**

CONCISE SUMMARY:

The principal reason for this rule is to bring Maine’s commercial poultry producers into compliance with the Food and Drug Administration’s Egg Safety Rule, Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation, 21 CFR Parts 16 and 118, July 9, 2009. The purpose of the rule is to prevent SE-contaminated eggs from entering the food chain, ensure SE-clean birds reside and produce in SE-clean houses, and control and eradicate SE contamination if it is found within a commercial egg-type flock.

EFFECTIVE DATE: Saturday, July 20, 2024

AGENCY CONTACT PERSON: Shannon Ayotte

AGENCY NAME: Dept. of Agriculture, Conservation and Forestry

ADDRESS: 22 SHS, Augusta, ME 04333

TELEPHONE: 207-287-5976

**AGENCY: 90-590 Maine Health Data Organization**

**CHAPTER NUMBER AND TITLE: Chapter 243: Uniform Reporting System for Health Care Claims Data Sets (routine technical)**

**ADOPTED RULE NUMBER: 2024-145**

CONCISE SUMMARY:

The amended rule changes incorporate feedback from the reporting entities specific to the structure for reporting capitation data to the Maine Health Data Organization. These changes will improve the process by which payors report capitated data to the MHDO including payments and services.

This rule is not expected to have any adverse economic impact on small businesses.

EFFECTIVE DATE: Tuesday, June 25, 2024

CONTACT PERSON: Karynlee Harrington, Acting Executive Director

AGENCY NAME: Maine Health Data Organization

ADDRESS: 151 Capitol Street, 102 State House Station, Augusta, ME 04333-0102

TELEPHONE: (207) 287-6722

**AGENCY: 16-163 Emergency Medical Services Board (Maine EMS)**

**CHAPTER NUMBER AND TITLE: Chapter 2: Definitions**

**ADOPTED RULE NUMBER: 2024-146**

CONCISE SUMMARY:

The Emergency Medical Services Board is amending Chapter 2: Definitions, to add two definitions. The addition of a definition for “Routinely” is to clarify a threshold for the number of calls for service that an agency may respond to before their response is considered “routine”, which has an impact on requirements for licensure by the Board. The addition of a definition for a “9-1-1 Primary Response Area” is intended to clarify and operationalize changes to Chapter 3 of its rules.

EFFECTIVE DATE: Tuesday, June 25, 2024

AGENCY CONTACT PERSON: Jason J. Cooney

AGENCY NAME: Emergency Medical Services Board (Maine EMS)

ADDRESS: 152 State House Station, Augusta, ME 04333-0152

TELEPHONE: 207-626-3864

**AGENCY: 16-163 Emergency Medical Services Board (Maine EMS)**

**CHAPTER NUMBER AND TITLE: Chapter 3: Ground Ambulance Service and Non-Transporting Service Licenses**

**ADOPTED RULE NUMBER: 2024-147**

CONCISE SUMMARY:

The Board is amending Chapter 3 of its rules to add rules required by PL 2021, c. 241 §4 for the Board to evaluate the need for any new ambulance service in the State of Maine prior to granting a license, including rules that provide an appeal process for any decision made by the Board. The Board is additionally requiring services to establish a written driver training program and/or standard operating procedures for the operation of Ambulance and Emergency Medical Service Vehicles licensed by Maine EMS.

EFFECTIVE DATE: Tuesday, June 25, 2024

AGENCY CONTACT PERSON: Jason J. Cooney

AGENCY NAME: Emergency Medical Services Board (Maine EMS)

ADDRESS: 152 State House Station, Augusta, ME 04333-0152

TELEPHONE: 207-626-3864

**AGENCY: 02-318, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Electricians’ Examining Board**

**CHAPTER NUMBER AND TITLE: Chapter 120, Electrical Installation Standards**

**ADOPTED RULE NUMBER: 2024-142**

CONCISE SUMMARY

The adopted rulemaking repeals 02-318, Chapter 120, “Electrical Installation Standards” and replaces it with a new rule with the same title and in the same location that adopts and incorporates by reference into board rule the 2023 National Electrical Code, National Fire Protection Association standard #70 (“2023 NEC”), subject to certain amendments and exclusions.

EFFECTIVE DATE: Monday, July 1, 2024

AGENCY CONTACT PERSON: Kristin Racine, Deputy Director, OPOR

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Electricians’ Examining Board

ADDRESS: 35 State House Station, Augusta, ME 04333-0035

TELEPHONE: 207-624-8615, TTY users call Maine Relay 711