**State of Maine: Notice of Agency Rulemaking – June 29, 2022**

**PROPOSALS**

AGENCY: **02-416** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Social Worker Licensure**

CHAPTER NUMBER AND TITLE: **Ch. 13**, Licensure

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P051** *(Revised and republished)*

BRIEF SUMMARY: The principal reason for this proposed rulemaking is to incorporate changes to the rule that was advertised for notice and comment on April 20, 2022, in response to comments received from the public.

The proposed changes add to the categories of licensees that may serve as consultants for a licensed master social worker conditional (clinical) licensee to satisfy the requirement of hours needed to obtain the licensed clinical social worker level of license. The rule would expand the categories of acceptable licensees to serve as consultants to include licensed marriage and family therapists, licensed psychologists, licensed psychiatrists, or any similarly-credentialed licensee from any state or country.

The proposed changes would also clarify the board’s intent that the hours of consultation required for either (i) an active social worker-conditional license applying to be a licensed social worker or (ii) a licensed master social worker conditional clinical must be in-person, or via live, synchronous video technology, or any combination thereof, and may be completed individually or in a group of not more than eight (8) members. Audio-only technology is not permitted. For the consultation for the licensed master social worker conditional clinical level of license, a minimum of 72 of the 96 hours must be completed through individual consultation for those individuals with master’s degrees in clinical concentrations and for those with degrees in nonclinical concentrations, 144 hours must be completed through individual consultation.

For a copy of the rulemaking documents, please visit the agency’s website or contact Kristina M. Halvorsen, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8420. TTY: Maine relay 711. Email: Kristina.M.Halvorsen@Maine.gov.

PUBLIC HEARING: N/A. *Pursuant to 5 MRS §8052(1) and §8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing*.

COMMENT DEADLINE: Friday, July 29, 2022, at 5:00 p.m. Submit comments to Kristina M. Halvorsen, 35 State House Station, Augusta, ME 04333. Email: Kristina.M.Halvorsen@Maine.gov

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Kristina M. Halvorsen, Board of Social Worker Licensure, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8420. TTY: Maine relay 711. Email: Kristina.M.Halvorsen@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 7030(2), 7053 and 7060.

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

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/state-board-social-worker-licensure>.

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services (MRS) – Taxation)**

CHAPTER NUMBER AND TITLE: **Ch. 211**, Deferred Collection of Homestead Property Taxes

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P111**

BRIEF SUMMARY: The Deferred Collection of Homestead Property Taxes Program, 36 MRS §§ 6250-6266 (the “Deferral Program”), allows seniors and disabled resident homeowners to defer property tax on their primary residence if they meet certain criteria. The proposed rule explains the documentation for the disability qualification portion of the Deferral Program. MRS has already adopted this rule by emergency, effective May 9, 2022, and MRS now seeks to adopt this rule through regular rulemaking.

PUBLIC HEARING: N/A

COMMENT DEADLINE: July 30, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MRS RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 51 Commerce Drive, Augusta, Maine 04330. Telephone: (207) 624-9712. Email: Alexander.J.Weber@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Minimal as this is a deferral.

STATUTORY AUTHORITY FOR THIS RULE: 36 MRS §§ 4641(1-A)(C), 4641-E

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

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

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

AGENCY: **02-313** - Maine Board of Dental Practice (*Affiliated with the* Department of Professional and Financial Regulation - PFR)

TYPE OF RULE: Routine Technical

CHAPTER NUMBER AND TITLE: **Ch. 15** *(New)*, Practice Requirements for Teledentistry Services

PROPOSED RULE NUMBER: **2022-P112**

BRIEF SUMMARY: This is a new rule identifying the practice requirements when dental professionals licensed by the Board utilize teledentistry services. This rule proposal includes language specific to definitions, general requirements, scopes of practice, supervision and delegation, privacy and security, emergency services, codes of professional conduct, technology and equipment, and patient disclosure requirements.

PUBLIC HEARING: N/A.

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

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / BOARD RULEMAKING LIAISON: Penny Vaillancourt, Executive Director, 143 State House Station, Augusta, ME 04333. Telephone: (207) 287-3333. Fax: (207) 287-8140. TTY 711. Email: Penny.Vaillancourt@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A.

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 18324, 18394

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

BOARD WEBSITE: [www.maine.gov/dental](http://www.maine.gov/dental).

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Stationary Combustion Engines and Gas Turbines

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P113**

BRIEF SUMMARY: This rule will incorporate the 2021 edition of National Fire Protection Associations Standard #37 for Stationary Combustion Engines and Gas Turbines.

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §2452

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

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 14**, National Fuel Gas Code

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P114**

BRIEF SUMMARY: This rule incorporates the 2021 edition of National Fire Protection Association’s Code #54, *National Fuel Gas Code*

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §2452

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 16**, Storage and Handling of Liquefied Petroleum Gases

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P115**

BRIEF SUMMARY: This rule incorporates the 2021 edition of National Fire Protection Association’s Code #59, *Liquefied Petroleum Gas Code*

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §§ 2452, 2482

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 21**, Tents, Grandstands, Air Supported Structures for Places of Assembly

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P116**

BRIEF SUMMARY: This rule will incorporate the 2021 edition of National Fire Protection Association’s Standard #102, *Standards for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures*. The rule defines baseline requirements for life safety as it pertains to fire, storm, collapse, and crowd behavior in tents, membrane structures, and assembly seating.

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §2452

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 22**, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P117**

BRIEF SUMMARY: This rule will incorporate the 2019 edition of National Fire Protection Association’s Standard #211, *Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances*.

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §§ 2452, 2465

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 25**, Rules for the Display of Fireworks

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P118**

BRIEF SUMMARY: This rule incorporates the 2019 edition of National Fire Protection Association’s Code #1123, *Code for Fireworks Display*

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §236

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 26**, Standard for the Use of Pyrotechnics Before a Proximate Audience

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P119**

BRIEF SUMMARY: This rule incorporates the 2021 edition of National Fire Protection Association Standards #1126, *Standard for the Use of Pyrotechnics before a Proximate Audience,* and the 2021 edition of NFPA Standard #160, *Standard for Flame Effects before an Audience.*

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 25 MRS §236

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 27**, Rules and Regulations Governing the Tents and Equipment of Circuses and Traveling Amusement Shows

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P120**

BRIEF SUMMARY: Chapter 27 is being repealed in its entirety.

PUBLIC HEARING: N/A

COMMENT DEADLINE: August 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / FMO RULEMAKING LIAISON: Richard E. Taylor, Planning and Research Analyst, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04330. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §502

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

FMO RULES WEBSITE: <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

**ADOPTIONS**

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 170**, Degassing of Petroleum Storage Tanks, Marine Vessels, and Transport Vessels

ADOPTED RULE NUMBER: **2022-121**

CONCISE SUMMARY: This new rule establishes requirements to minimize emissions from the degassing of certain petroleum storage tanks, marine vessels, and transport vessels, and ensures that these operations do not negatively impact air quality or public health. The standards and requirements in the rule are based on, and consistent with, control requirements in other jurisdictions.

EFFECTIVE DATE: June 27, 2022

DEP CONTACT PERSON: Lynn Muzzey, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2229. Email: Lynn.Muzzey@Maine.gov.

DEP WEBSITE: <https://www.maine.gov/dep/>.

DEP RULEMAKING LIAISON: Mark.T.Margerum@Maine.gov.

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #07-22**

ADOPTED RULE NUMBER: **2022-122** *(Emergency)*

CONCISE SUMMARY: Minimum July 2022 Class I price is $29.12/cwt. plus $1.58/cwt. for Producer Margins, an over-order premium of $1.04/cwt as being prevailing in Southern New England and $0.47/cwt. handling fee for a total Class I Dealer Cost of $32.41/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: July 3, 2022

MMC CONTACT PERSON / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission – DACF, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

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

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 26**, Producer Margins

ADOPTED RULE NUMBER: **2022-123**

CONCISE SUMMARY: The principal reason for this rulemaking is the need to establish producer margins for milk marketing areas within the State of Maine in accordance with 7 MRS §2954.

EFFECTIVE DATE: August 1, 2022

MMC CONTACT PERSON / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission – DACF, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

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