**NOTICE OF STATE RULEMAKING**

**PUBLIC INPUT FOR RULES**  A list of state agency rule proposals is published here each Wednesday. You can get a copy of a proposed rule by contacting the person listed in the notice. You can comment on a proposed rule by submitting a written comment to the agency or by attending the public hearing, if one is scheduled. If no hearing is scheduled, you can request one.  The agency must hold a hearing if it receives 5 or more requests.  If you have a disability and need assistance to participate in a hearing you should tell the agency at least 7 days before the hearing. **ONLINE INFORMATION** Weekly notices, full text of adopted rules, and a list of agency rulemaking contacts are available at this website: [https://www.maine.gov/sos/cec/rules/index.html](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fsos%2Fcec%2Frules%2Findex.html&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7C645b27059f0346864d7008dc94834bf0%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638548538834447354%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=K93i9Iukz%2F4M1hnG1XnmVSNiEpRD2zB99vb6RheIZ8A%3D&reserved=0)

**PROPOSALS**

**AGENCY: 10-148 Maine Department of Health and Human Services - Office of Child and Family Services**

**CHAPTER NUMBER AND TITLE: 10-148 C.M.R. Ch. 6, Child Care Affordability Program Rules (currently Child Care Subsidy Program Rules)**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P200

BRIEF SUMMARY: The Department determines that adoption of this rule is necessary to comply with Maine statute. P.L. 2023 ch. 412 pt. VVV and P.L. 2024 ch. 643 pt. SS and TT, which made multiple amendments to the statutory authority for what was formerly known as the Child Care Subsidy Program including changing the name of the program to "Child Care Affordability Program" and increasing household income eligibility from 85% of State Median Income to 125% of State Median Income.

PUBLIC HEARING: Monday, July 29, 2024, at 1:00 p.m. The hearing will be conducted via Zoom. Registration can be accessed at:

<https://mainestate.zoom.us/meeting/register/tZ0tfuqurzIrH9YPGGIpdiL5SZYXXzarTSiR>

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before July 26, 2024 at 1:00 p.m. Written comments may be submitted for consideration prior to the hearing and/or after the hearing until 5:00pm on August 9th, via Fax: 207-287-6308 or by email to Tara Williams at [Tara.Williams@Maine.gov](mailto:Tara.Williams@Maine.gov)

COMMENT DEADLINE: 5 p.m., August 9, 2024

CONTACT PERSON FOR THIS FILING: Tara Williams, Associate Director of Early Care and Education, 2 Anthony Avenue, 11 State House Station, Augusta, ME 04333 207-624-7971, [tara.williams@maine.gov](mailto:tara.williams@maine.gov) - Maine Relay 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different):* None

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

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S.§§ 3731-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different):* 42 U.S.C. 9858 *et seq.,* 45

C.F.R. Pt. 98

AGENCY WEBSITE: [https://www.maine.gov/dhhs/ocfs](http://www.maine.gov/dhhs/ocfs)

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Emlly.A.Cathcart@Maine.gov](mailto:Emlly.A.Cathcart@Maine.gov)

**AGENCY: 02-392, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Board of Pharmacy**

**CHAPTER NUMBER AND TITLE: Chapter 7: Licensure and Employment of Pharmacy Technicians (Amend); Chapter 41: Sale of Nonprescription Drugs Through Vending Machine Outlets (Amend); Chapter 43: Prescribing, Dispensing and Administering HIV Prevention Drugs (New); Chapter 44: Pharmacist Authorization to Make Certain Contraception Accessible (New)**

TYPE OF RULE (check one): Routine Technical

PROPOSED RULE NUMBER: 2024-P201 to 2024-P104

BRIEF SUMMARY: These proposed set of rules are in response to several laws enacted by the 131st Legislature:

1) Chapter 7 is amended in accordance with PL 2023 Chapter 245, by setting standards by which a pharmacy technician may qualify to be certified to administer vaccines;

2) Chapter 41 Sale of Nonprescription Drugs Through Vending Machines. Public Law 2023 Chapter 160 repeals the 12-item limit for drug outlet vending machines. Chapter 41 is amended to bring the rule in compliance with the amended law.

3) Chapter 43 is enacted in accordance with PL 2021 Chapter 265 to establish standards for authorizing pharmacists to prescribe, dispense and administer HIV prevention drugs, set adequate training requirements and protocols for when there is no prescription drug order, standing order or collaborative practice agreement;

4) Chapter 44 is enacted in accordance with Public Law 2023 Chapter 115 to implement requirements to increase access to birth control by making certain contraception accessible from a pharmacist. This rule sets training for pharmacists to prescribe, dispense and administer contraceptives that reflect evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.

PUBLIC HEARING: August 1, 2024, 8:30 a.m. Maine Board of Pharmacy, Gardner Annex, 76 Northern Ave., Gardiner ME in-person or join virtually by using this Zoom link <https://mainestate.zoom.us/j/9733636344?pwd=ZHdIVnI5NWRvMlZrZkVjR0lkRFVsZz09&omn=82216714770>

For a copy of the proposed rules visit <https://www.maine.gov/pfr/professionallicensing/professions/board-pharmacy/home/board-meeting-information>, pharmacy board meeting information, under 2024 board meeting link August 1, 2024

COMMENT DEADLINE: Monday, August 12, 2024, 5:00 p.m. (EST)

CONTACT PERSON FOR THIS FILING: Jeri Betts, Regulatory Board Manager, 35 State House Station, Augusta, ME 04333-0035, 207-624-8625, TTY users call Maine Relay 711, [Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov).

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S.A. §§13720, 13721(1)(H), 13723; 32 M.R.S.A. §§ 13751, 13792(2); 32 M.R.S.A. §§ 13720, 13786-E; 32 M.R.S.A. § 13826 (5)

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-pharmacy>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [kristin.racine@maine.gov](mailto:kristin.racine@maine.gov)

**AGENCY: 06-096 Department of Environmental Protection**

**CHAPTER NUMBER AND TITLE: Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act**

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: 2024-P057

BRIEF SUMMARY: In P.L. 2023 ch. 448, the Legislature directed the Department to establish a compensation fee program for renewable energy development projects, specifically solar energy development, wind energy development, and high-impact transmission lines that trigger the Site Location of Development law. The new statute requires this program to allow for the payment of a compensation fee when the Department determines that off-site habitat improvement or preservation is necessary to mitigate the adverse effects of a renewable energy development on large undeveloped habitat blocks, important wildlife corridors, and other habitat types identified in consultation with the Department of Inland Fisheries and Wildlife. The Department is proposing to amend Chapter 375, No Adverse Environmental Effect Standards of the Site Location of Development Act, to define these habitat resources and establish a compensation fee program. This is a re-posting of the proposed rule, with changes based on the first round of public input.

The Department is particularly interested in public comments regarding the definition of large undeveloped habitat blocks in Western, Northern and Downeast Maine (outside of the Southern and Central Interior and Midcoast ecoregions), the appropriateness of the proposed compensation ratios, and the potential for the use of term easements or deed restrictions as a form of compensation. More information and a link to maps intended to help understand the proposed rule revision is available at the Department’s rulemaking website: <https://www.maine.gov/dep/rules/index.html>

PUBLIC HEARING: A public hearing was held March 7, 2024. The proposed rule is being reposted for additional written comment.

COMMENT DEADLINE: September 9, 2024

CONTACT PERSON FOR THIS FILING:

Naomi Kirk-Lawlor

17 State House Station

Augusta, Me 04333

Phone: (207) 287-7844

[naomi.kirk-lawlor@maine.gov](mailto:naomi.kirk-lawlor@maine.gov)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different): N/A

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

STATUTORY AUTHORITY FOR THIS RULE: P.L. 2023, ch. 448 and 38 MRSA § 341-H

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov)

**AGENCY: 06-096 Department of Environmental Protection**

**CHAPTER NUMBER AND TITLE: Chapter 428: Stewardship Program for Packaging**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P058

BRIEF SUMMARY: This rule provides details for implementing the Packaging Stewardship Program pursuant to 38 M.R.S. § 2146, with the goals of reducing the burden to municipalities of managing packaging material and improving the design and management of packaging material. It characterizes packaging material, provides a method for determining municipal reimbursement and producer fees, provides a method and criteria for investing in infrastructure and education, details alternative collection programs, establishes a cap for the packaging stewardship fund, and provides mechanisms for ongoing assessment and updates to the program. This is a re-posting of the proposed rule, with changes based on the first round of public input.

PUBLIC HEARING: A public hearing was held March 7, 2024. The proposed rule is being reposted for additional written comment.

COMMENT DEADLINE: August 26, 2024

CONTACT PERSON FOR THIS FILING:

Brian Beneski

17 State House Station

Augusta, ME 04333

(207) 592-0248

[MainePackagingEPR@maine.gov](mailto:MainePackagingEPR@maine.gov)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): No significant fiscal impact on municipalities or counties is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 38 M.R.S. § 2146. Stewardship Program for Packaging

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Mark.T.Margerum@maine.gov](mailto:Mark.T.Margerum@maine.gov)

**AGENCY: 16-227 – Department of Public Safety, Maine Criminal Justice Academy Board of Trustees**

**CHAPTER NUMBER AND TITLE:** **Chapter 15 (proposed): Standards of Conduct**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P205

BRIEF SUMMARY: This chapter establishes standards of conduct for certificate holders or applicants for a certificate issued by the Maine Criminal Justice Academy Board of Trustees, the violation of which will constitute grounds for imposing discipline pursuant to 25 M.R.S. § 2806-A(5)(M).

DETAILED SUMMARY:

**DETAILED SUMMARY:** This proposed rule creates Chapter 15: Standards of Conduct for the Department of Public Safety, Maine Criminal Justice Academy Board of Trustees.

The proposed rule establishes standards of conduct for certificate holders or applicants for a certificate issued by the Maine Criminal Justice Academy Board of Trustees, the violation of which will constitute grounds for imposing discipline pursuant to 25 M.R.S. § 2806-A(5)(M).

The standards are established in the following two categories and delineated as follows:

1. **General Standards of Conduct.** All certificate holders and applicants are expected to comply with the high standard of professionalism that has defined Maine’s law enforcement and corrections agencies throughout its history.

All certificate holders and applicants for certificates must:

1. Maintain a professional demeanor at all times;
2. Be truthful and honest;
3. Treat all persons with dignity; and
4. Act in obedience with state and federal laws and regulations.
5. **Unprofessional Conduct.** A certificate holder or applicant for a certificate violates the standards of conduct and is subject to discipline pursuant to 25 M.R.S. § 2806-A(5)(M) if the certificate holder or applicant:
6. Engages in conduct constituting harassment of someone because of race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin, or familial status. For the purposes of this subsection, “harassment” means unwelcome advances because of protected class (e.g., sexual advances or request for sexual favors), comments, jokes, acts, and other verbal or physical conduct related to protected class (e.g., of a sexual, racial, or religious nature) or directed toward a person because of protected class. “Harassment” includes conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
7. Makes any misrepresentation or is found to be untruthful in obtaining or attempting to obtain a certificate from the Board.
8. Makes any misrepresentation or is found to be untruthful in connection with their official duties as the holder of a certificate including, but not limited to, falsifying written or verbal communications, in official reports or records, or in interactions with another person or organization when it is reasonable to expect that the information may be relied upon due to their position as a certificate holder or applicant. *(Except the use of misleading information during interviews, interrogations or special investigations in order to elicit information in the course of conducting official investigations).*
9. Discloses information that the certificate holder or applicant knew, or should have known, was confidential information and was privileged to them due to their official capacity as a holder of a certificate.
10. While on duty or in public in uniform engages in conduct that would significantly diminish the public's confidence in or discredit the certificate holder or other certificate holders or adversely impact the efficiency, professionalism, or integrity of the law enforcement profession.
11. Possesses controlled substances, including marijuana, as delineated in 21 C.F.R. § 1308.11 (revised April 11, 2024) in violation of federal law 21 U.S.C. § 844(a) (2024).
12. Is a chief administrative officer of a law enforcement or corrections agency and fails to report a conviction or misconduct by a certificate holder as required by 25 M.R.S. § 2807.
13. Is a chief administrative officer of a law enforcement or corrections agency and fails to investigate and report the findings and provide copies of the investigative reports to the Board within 30 days after having been requested in writing to do so by the Board’s Complaint Review Committee pursuant to 25 M.R.S. § 2805-C(3).
14. Is a chief administrative officer of a law enforcement or corrections agency and knowingly allows a subordinate officer to engage in conduct which could result in disciplinary sanctions under 25 M.R.S. § 2806-A and fails to take action to stop the conduct and report it to MCJA.

There is no anticipated fiscal impact.

A copy of the proposed rule is available on the Maine Criminal Justice Academy website at <https://www.maine.gov/dps/dps/mcja/about/board/rulemaking>

PUBLIC HEARING *(if any)*: N/A

COMMENT DEADLINE: August 11th, 2024

CONTACT PERSON FOR THIS FILING: Assistant Director Lincoln Ryder, Maine Criminal Justice Academy, 15 Oak Grove Road, Vassalboro, ME 04989 Office phone: 207-877-8008, Fax: 207-877-8027 email: lincoln.e.ryder@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: 25 M.R.S § 2803-A(15-A) and (18)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: 25 M.R.S § 2806-A(5)(M)

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [lincoln.e.ryder@maine.gov](mailto:lincoln.e.ryder@maine.gov)

**ADOPTIONS**

**AGENCY: 65-407 Maine Public Utilities Commission**

**CHAPTER NUMBER AND TITLE: Chapter 840 Intervenor and Participant Funding**

**ADOPTED RULE NUMBER: 2024-140**

CONCISE SUMMARY:

The Commission initiated this rulemaking proceeding to amend its Intervenor Funding Rule (Chapter 840) and comply with recently enacted legislation.

EFFECTIVE DATE: Monday, July 8, 2024

AGENCY CONTACT PERSON:

AGENCY NAME: Pam Kowalchuk, pamela.kowalchuk@maine.gov

ADDRESS: 18 State House Station, Augusta, ME 04333-0018

TELEPHONE: 207-287-6074

**AGENCY: 65-407 Maine Public Utilities Commission**

**CHAPTER NUMBER AND TITLE: Chapter 313 Amendments to Net Energy Billing Rule**

**ADOPTED RULE NUMBER: 2024-143**

CONCISE SUMMARY:

The Public Utilities Commission amends its Net Energy Billing (NEB) rule, Chapter 313, to reflect recently enacted legislation. The purpose of this Chapter is to implement the State's policy to encourage electricity generation from renewable resources through the adoption of requirements and standards for customer net energy billing.

EFFECTIVE DATE: Monday, July 8, 2024

AGENCY CONTACT PERSON:

AGENCY NAME: Pam Kowalchuk, pamela.kowalchuk@maine.gov

ADDRESS: 18 State House Station, Augusta, ME 04333-0018

TELEPHONE: 207-287-6074

**AGENCY: 06-096 Department of Environmental Protection**

**CHAPTER NUMBER AND TITLE: Chapter 140: Part 70 Air Emission License Regulation**

**ADOPTED RULE NUMBER: 2024-157**

CONCISE SUMMARY

The Department has amended Chapter 140 to align with changes to Part 70 of the Federal Clean Air Act promulgated by EPA on July 21, 2023. EPA requires affected states to make these changes by August 21, 2024. Additionally, the Department is taking this opportunity to make minor changes that are considered clarifications, that correct grammar, that codify longstanding practices, or that are necessary to utilize an expected future electronic application system.

EFFECTIVE DATE: Monday, July 8, 2024

AGENCY CONTACT PERSON:

Lynn Muzzey

Maine Department of Environmental Protection

17 State House Station

Augusta, ME 04333

(207) 332-1279

[lynn.muzzey@maine.gov](mailto:lynn.muzzey@maine.gov)

**AGENCY: 06-096 Department of Environmental Protection**

**CHAPTER NUMBER AND TITLE: Chapter 145: NOx Control Program**

**ADOPTED RULE NUMBER: 2024-158**

CONCISE SUMMARY:

This rulemaking clarifies that the provisions of Chapter 145 apply to affected sources that are located both within the Ozone Transport Region and in a county that has not received a NOx waiver. This was always the intent of the rule. The affected sources located outside of the current OTR boundaries have consistently been covered by a NOx waiver and have been considered by the Department not to be subject to this regulation. They have historically not been subject to the requirements of Chapter 145; thus this clarification has no effect on any actual or potential emissions from those sources. In addition to the applicability clarification, the rule contains several provisions for interim standards for which the compliance date has passed. This rulemaking removes these obsolete provisions.

EFFECTIVE DATE: Monday, July 8, 2024

AGENCY CONTACT PERSON:

Lynn Muzzey

Maine Department of Environmental Protection

17 State House Station

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