**State of Maine: Notice of Agency Rulemaking – July 7, 2021**

**PROPOSALS**

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 #08-21**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P115**

BRIEF SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

PUBLIC HEARING: July 22, 2021, Thursday, starting at 10:30 a.m., Room 106, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine

COMMENT DEADLINE: July 22, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: [Tim.Drake@Maine.gov](mailto:Tim.Drake@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §8054; 7 MRS §2954

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

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

AGENCIES: **10-144** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**; *jointly with* **05-071 - Department of Education (DOE)**

CHAPTER NUMBERS: **10-144 CMR ch. 261**; **05-071 CMR ch. 126**

CHAPTER TITLE: Immunization Requirements for School Children

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2021-P116, P117**

BRIEF SUMMARY: The Department of Health and Human Services - Maine Center for Disease Control and Prevention (DHHS) and the Maine Department of Education (DOE) are jointly proposing these routine technical rule changes to implement PL 2019 ch. 154, *An Act to Protect Maine Children and Students from Preventable Disease by Repealing Certain Exemptions from the Laws Governing Immunization Requirements* (the “Act”). The Act prohibits the rule from including any provision governing medical exemptions and repeals the exemption from required immunization for school students who object, based solely on a sincere religious belief or philosophical reason, effective September 1, 2021, with exemptions for certain students. Those students who may have declined immunizations based on religious or philosophical objection and are otherwise not eligible for exemptions permitted under Maine’s immunization laws, including those attending elementary or secondary schools for pre-kindergarten instruction, will be subject to current immunization requirements for the certain specified diseases. This rule proposes to require schools to include in their annual report any stricter immunization requirements that may be adopted by ordinance or policy, in addition to the immunization status of all students, including immune students, exempt and non-immunized excluded students. Additionally, these proposed rule changes include new and revised definitions; add a vaccine schedule for pre-kindergarten students; clarify existing authority and responsibility to dismiss or exclude a child from school when there is a public health threat (20-A MRS §6301; 22 MRS ch. 250); and clarify superintendent and school authority and responsibility related to recordkeeping and attendance tracking for those students exempt from immunization requirements. Finally, changes are proposed to the format of the rule for conformity with Maine CDC rulemaking standards.

PUBLIC HEARING: Virtual Public Hearing on July 26, 2021 at 9:00 a.m.

<https://mainestate.zoom.us/j/86404327981?pwd=TXdOalFzT1YyakJVdlZTTXdRNEVKZz09> .

Meeting ID: 864 0432 7981 .

Passcode: XeNRq!D2 .

*Hearings may be conducted virtually until July 30, 2021, in accordance with 1 MRS §403-A (C) (PL 2020 c. 617).*

COMMENT DEADLINE: August 5, 2021 at 5:00 p.m.

CONTACT PERSONS FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENTS:

DHHS-Maine CDC: Bridget Bagley, DHHS, 286 Water Street - 11 State House Station, Augusta, ME, 04333-0011. Telephone: (207) 287-4490 or 711. Fax: (207) 287-2887. Email: [Bridget.Bagley@Maine.gov](mailto:Bridget.Bagley@Maine.gov) .

DOE: Jaci Holmes, DOE, 23 State House Station, Augusta, Maine 04333. Telephone: (207) 831-3168. Email: [Jaci.Holmes@Maine.gov](mailto:Jaci.Holmes@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 20-A MRS §6358(1); 22 MRS §806

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: PL 2019 c. 154

MAINE CDC RULES WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/> .

MAINE CDC RULEMAKING LIAISON: [Tera.Pare@Maine.gov](mailto:Tera.Pare@Maine.gov) .

DOE RULEMAKING LIAISON: [Jaci.Holmes@Maine.gov](mailto:Jaci.Holmes@Maine.gov) .

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

DOE WEBSITE: <https://www.maine.gov/doe/home> .

AGENCY: **02–502** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Complementary Health Care Providers**

CHAPTER NUMBER AND TITLE: **Ch. 6-C** *(New)*, Standards for Vaginal Birth after Cesarean Section (VBAC)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P118**

BRIEF SUMMARY: During its public hearing December 16, 2020, to adopt rules to implement the licensing and practice requirements for professional midwives and certified professional midwives, the Board received an overwhelming number of comments on the matter of limitations on scope of practice for certified professional midwives, specifically as it relates to home births where the likelihood of a vaginal birth after a cesarean section (VBAC) condition exists, as described in 32 MRS §12536 section 1. The rule proposed at that time did not address midwives performing home births where there is a condition of vaginal birth after a cesarean section (VBAC) because it did not have the statutory authority to unilaterally adopt rules on the limitations on scope of practice prior to January 2021. The purpose of this rule proposal is to address the limitations on scope of practice for standards for vaginal birth after cesarean section (VBAC).

PUBLIC HEARING: July 26, 2021, 9:00 a.m. EST

Location:*Public hearing will be held virtually. Information to listen in to this meeting will be posted on the Board’s website at* [Information to join the Zoom meeting online](https://www.maine.gov/pfr/professionallicensing/professions/complementary/board_meetings.shtml) .

COMMENT DEADLINE: August 5, 2021 - 5:00 p.m. (EST)

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Geraldine L. Betts, Administrator, 35 State House Station, Augusta ME 04333. Telephone: (207) 624-8625. TTY users call Maine relay 711. Email: [Geraldine.L.Betts@Maine.gov](mailto:Geraldine.L.Betts@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 12503, 12536(2)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

OPOR RULEMAKING LIAISON: [Kristin.Racine@Maine.gov](mailto:Kristin.Racine@Maine.gov) (OPOR Staff Attorney)

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBERS AND TITLES:

**Ch. 1**, Open Water and Ice Fishing Regulations;

**Ch. 1-A**, State Heritage Fish Waters

TYPE OF RULES: Routine Technical

PROPOSED RULE NUMBERS: **2021-P119, P120**

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 rulemaking packet includes 246 individual proposals presented in the following “theme” categories: Special Need; State Heritage Fish Waters; Expanded Winter Angling Opportunity; Simplify to General Law; Errors, Conflicts, Confusions; and North Zone Fall Season Consistency. 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, 2022. 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 virtual 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 26, 2021 @ 4:00 p.m. – via video conference (Microsoft Teams). *Contact the Agency Contact Person by close of business on Friday July 23, 2021 for details.*

COMMENT DEADLINE: August 5, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 284 State Street - #41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5201. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

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

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

**ADOPTIONS**

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 #07-21**

ADOPTED RULE NUMBER: **2021-137** *(Emergency)*

CONCISE SUMMARY: Minimum July 2021 Class I price is $20.67/cwt. plus $1.63/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $0.93/cwt. handling fee for a total of $24.47/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: July 4, 2021

MMC CONTACT PERSON / RULEMAKING LIAISON: Tim Drake, Maine Milk Commission (Agriculture), 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: [Tim.Drake@Maine.gov](mailto:Tim.Drake@Maine.gov) .

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

DACF RULEMAKING LIAISON: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov) .

AGENCY: **01-017** – Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 7**, Racing

ADOPTED RULE NUMBER: **2021-138**

CONCISE SUMMARY: The amendments involve various important updates to this chapter. First, the chapter now requires that all claimed entries must have a sample collected for testing purposes. Second, the Commission added language around the presence of trainers/or responsible individuals in the paddock and clarity that the horse that is entered into a race must be the same horse that starts and that such a horse is required to remain in the paddock until it is tested or dismissed. Finally, the Commission adopted the latest United States Trotting Association rules pertaining to appropriate use of whips.

EFFECTIVE DATE: July 4, 2021

COMMISSION CONTACT PERSON / RULEMAKING LIAISON: Henry Jennings, Maine State Harness Racing Commission, 28 State House Station, Augusta, Maine 04333-0028. Telephone: (207) 287-7568. Email: [Henry.Jennings@Maine.gov](mailto:Henry.Jennings@Maine.gov) .

COMMISSION WEBSITE: <https://www.maine.gov/dacf/harnessracing/index.shtml> .

DACF RULEMAKING LIAISON: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov) .

AGENCY: **01-017** – Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 9**, Sire Stakes

ADOPTED RULE NUMBER: **2021-139**

CONCISE SUMMARY: The first amendment eliminates the requirement that stakes horses must comply with the 45 day rule found in ch. 7. The other two proposed amendments pertaining to prohibiting coupling of entries and disallowing segregation of horses with common ownership into separate divisions were both rejected by the Commission.

EFFECTIVE DATE: July 4, 2021

COMMISSION CONTACT PERSON / RULEMAKING LIAISON: Henry Jennings, Maine State Harness Racing Commission, 28 State House Station, Augusta, Maine 04333-0028. Telephone: (207) 287-7568. Email: [Henry.Jennings@Maine.gov](mailto:Henry.Jennings@Maine.gov) .

COMMISSION WEBSITE: <https://www.maine.gov/dacf/harnessracing/index.shtml> .

DACF RULEMAKING LIAISON: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov) .

AGENCY: **18-125** - Department of Administrative & Financial Services (DAFS), **Maine Revenue Services (MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 102**, Electronic Funds Transfers (EFT)

ADOPTED RULE NUMBER: **2021-140**

CONCISE SUMMARY: MRS has amended Rule 102 to make various clarification and formatting changes; to update certain processes related to mandatory EFT participation and the filing of payment-related forms; to update the EFT waiver provision of the rule to reflect modern banking practices; and to update the interest and penalties provision of the rule to better reflect how the waiver/abatement provisions in Title 36 apply to payment-related penalties.

EFFECTIVE DATE: July 4, 2021

MRS CONTACT PERSON: Peter Lacy, Office of General Counsel, Maine Revenue Services, 24 State House Station, Augusta, Maine 04333. Telephone: (207) 624-9708. Email: [Peter.W.Lacy@Maine.gov](mailto:Peter.W.Lacy@Maine.gov) .

MRS WEBSITE: <https://www.maine.gov/revenue/> .

MRS RULEMAKING LIAISON: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

AGENCY: **18-125** - Department of Administrative & Financial Services (DAFS), **Maine Revenue Services (MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 103**, Recordkeeping and Retention

ADOPTED RULE NUMBER: **2021-141**

CONCISE SUMMARY: MRS has amended Rule 103 to make various clarification and formatting changes and to update section 9 (“Records retention—time period”) to reflect that, in addition to Title 36 ch. 575, Maine’s law on the estate tax now also includes Title 36 ch. 577, which was enacted after Rule 103 was last updated.

EFFECTIVE DATE: July 4, 2021

MRS CONTACT PERSON: Peter Lacy, Office of General Counsel, Maine Revenue Services, 24 State House Station, Augusta, Maine 04333. Telephone: (207) 624-9708. Email: [Peter.W.Lacy@Maine.gov](mailto:Peter.W.Lacy@Maine.gov) .

MRS WEBSITE: <https://www.maine.gov/revenue/> .

MRS RULEMAKING LIAISON: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

AGENCY: **18-125** - Department of Administrative & Financial Services (DAFS), **Maine Revenue Services (MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 104**, Filing of Maine Tax Returns

ADOPTED RULE NUMBER: **2021-142**

CONCISE SUMMARY: MRS has amended Rule 104 to make various clarification and formatting changes and to update section .01 (“Definitions”) and section .05 (“Mandatory participation – income tax withholding, competitive skills scholarship fund, and unemployment compensation insurance returns”) to reflect changes in MRS and Maine Department of Labor processes that have occurred since Rule 104 was last updated.

EFFECTIVE DATE: July 4, 2021

MRS CONTACT PERSON: Peter Lacy, Office of General Counsel, Maine Revenue Services, 24 State House Station, Augusta, Maine 04333. Telephone: (207) 624-9708. Email: [Peter.W.Lacy@Maine.gov](mailto:Peter.W.Lacy@Maine.gov) .

MRS WEBSITE: <https://www.maine.gov/revenue/> .

MRS RULEMAKING LIAISON: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

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

CHAPTER NUMBER AND TITLE: **Ch. 167** *(New)*, Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions

ADOPTED RULE NUMBER: **2021-143**

CONCISE SUMMARY: This rule establishes methods for measuring and estimating greenhouse gas emissions from various source categories, and for calculating gross and net annual greenhouse gas emissions for the State as a whole, to be tracked and reported to the Legislature as required by 38 MRS §576-A(4).

EFFECTIVE DATE: July 7, 2021

DEP CONTACT PERSON: Stacy Knapp, Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-2235. Email: [Stacy.R.Knapp@Maine.gov](mailto:Stacy.R.Knapp@Maine.gov) .

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

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov) .