**State of Maine: Notice of Agency Rulemaking – July 15, 2020**

**PROPOSALS**

**ADOPTIONS**

AGENCY: **10-146** – Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBER AND TITLE: **Ch. 16** *(New)*, Gender Marker on Birth Record Rule

ADOPTED RULE NUMBER: **2020-154**

CONCISE SUMMARY: This rule is adopted to be consistent with changes in policy and practice at the State and national levels to recognize an additional gender marker that is not exclusively male or female, as an option for birth record. As authorized by 22 MRS §2761, the adopted rule establishes administrative processes within the Maine CDC Office of Data, Research and Vital Statistics (DRVS) for designating X as the gender marker on a birth record at birth and for issuing a new birth record with changes requested specifically to align with gender identity. Under the adopted rule, a new birth record may be issued to an applicant requesting changes to the designated gender marker to align with gender identity. The new birth record may be issued with the requested changes to the first and middle name without a court order when requested at the time a new birth record with the appropriate gender marker is requested. Parental consent and a medical provider's signature may be required under certain specified circumstances. When a new certificate of birth is established in accordance with this rule, the original certificate is confidential and available to only the registrant or the registrant's legal representative, unless otherwise ordered by a court. The final rule provides for an administrative hearing procedure for an aggrieved person to appeal decisions issued under this rule. This rule promotes consistency in State identity documents and protects the privacy of individuals requesting new records that align with their gender identity.

EFFECTIVE DATE: July 13, 2020

MAINE CDC CONTACT PERSON: Bridget Bagley, 286 Water Street – 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 287-9394. Email: Bridget.Bagley@Maine.gov .

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

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

MAINE CDC RULEMAKING LIAISON: Tera.Pare@Maine.gov .

DHHS WEBSITE: https://www.maine.gov/dhhs/ .

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

AGENCY: **29-250** - Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Rules Governing Motorcycle Rider Education

ADOPTED RULE NUMBER: **2020-155**

CONCISE SUMMARY: The revisions and changes to these rules governing motorcycle rider education, will clarify the law and standards used by the motorcycle rider education schools and instructors.

These rules will further detail the schools and instructor licensing requirements, such as but not limited to facilities, required teaching aids, literature, and forms.

These rules clarify the procedures for responding to complaints by the public against schools and instructors. These rules will help the Secretary of State enforce the laws, (Title 29-A sub. 1352 and 1353) rules, and regulations governing the motorcycle rider education program.

The complete Motorcycle Rider Education rules can be viewed on the Secretary of States website, www.maine/sos/bmv.

EFFECTIVE DATE: July 4, 2020

BMV CONTACT PERSON: David Guilmette, Bureau of Motor Vehicles, 29 State House Station, Augusta Maine, 04330. Telephone: (207) 624-9000 ext. 52128. Email: David.W.Guilmette@Maine.gov .

BMV WEBSITE: https://www.maine.gov/sos/bmv/ .

BMV RULEMAKING LIAISON: Leslie.Soares@Maine.gov .

AGENCY: **29-250** - Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 103**, Rules For Vehicle Dealers, Auctions, Transporters, Recyclers, Mobile Crushers, and Loaners

ADOPTED RULE NUMBER: **2020-156**

CONCISE SUMMARY: The revisions and changes to these rules governing vehicle dealers, auctions, transporters, recyclers, mobile crushers, and loaners, will clarify the law and standards that apply to the ch. 103 rules.

These rules will further detail the business licensing requirements and regulations, such as but not limited to: business application, locations, facilities, equipment, dealer registration plates.

These rules further clarify the restrictions and use of dealer plates and temporary registration plates issued by dealers. These rules will help the Secretary of State enforce all the applicable laws and regulations governing dealers, auctions, transporters, recyclers, mobile crushers, and loaners.

The complete ch. 103 rules can be viewed on the Secretary of States website, www.maine/sos/bmv.

EFFECTIVE DATE: July 4, 2020

BMV CONTACT PERSON: David Guilmette, Bureau of Motor Vehicles, 29 State House Station, Augusta Maine, 04330. Telephone: (207) 624-9000 ext. 52128. Email: David.W.Guilmette@Maine.gov .

BMV WEBSITE: https://www.maine.gov/sos/bmv/ .

BMV RULEMAKING LIAISON: Leslie.Soares@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 511**, Standards for Actively Seeking Work

ADOPTED RULE NUMBER: **2020-157**

CONCISE SUMMARY: This rule sets out the standards and definitions to be applied in determining under 5 MRS §§ 1729(2)(B)(1) and 18529(2)(B)(1) whether a disability retirement benefit recipient is actively seeking work. The current rule requires that a disability retirement benefit recipient who is found to be able to engage in substantially gainful activity must actively seek work. The amendment temporarily suspends that requirement due to the COVID-19 crisis for the period starting March 1, 2020, and continuing until 30 days after the termination of the state of emergency declared by the Governor in accordance with title 37-B section 742 due to the outbreak of COVID-19.

EFFECTIVE DATE: July 18, 2020

MAINEPERS CONTACT PERSON / RULEMAKING LIAISON: Kathy J. Morin, Manager, 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 .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 601**, Group Life Insurance

ADOPTED RULE NUMBER: **2020-158**

CONCISE SUMMARY: This rule sets out the categories of employees eligible to participate in the Group Life Insurance Program administered by the Maine Public Employees Retirement System, and other regulations relating to the Program. The current rule requires a lapse of insurance coverage when insurance premiums are not timely paid during a period of lay-off or unpaid leave of absence. The amendment provides that, commencing January 1, 2020, coverage does not lapse as long as due premiums, plus regular interest, are paid within 60 days after returning to paid status. The amendment also provides that, in the event of the participant’s death within the 60-day period and prior to the payment of all premiums due, the remaining amount due is deducted from any benefit payments. The amendment also makes void any claim arising during a period of time for which due premiums are not paid.

EFFECTIVE DATE: July 18, 2020

MAINEPERS CONTACT PERSON / RULEMAKING LIAISON: Kathy J. Morin, Manager, 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 .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 702**, Appeals of the Decisions of the Executive Director

ADOPTED RULE NUMBER: **2020-159**

CONCISE SUMMARY: This rule sets out the process for appeals of decisions of the Executive Director to the Board of Trustees. It provides for the appointment of a hearing officer to conduct an appeal and to prepare a recommended decision for action by the Board. The current rule requires that non-expert witnesses in an appeal provide testimony orally before the hearing officer. The amendment requires that all hearings will be conducted using audio or video conferencing during the state of emergency declared by the Governor in accordance with Title 37-B section 742 due to the outbreak of COVID-19 and continuing for 30 days thereafter. Hearings may be conducted in person after the requirement to conduct hearings by audio or video conferencing has expired.

EFFECTIVE DATE: July 18, 2020

MAINEPERS CONTACT PERSON / RULEMAKING LIAISON: Kathy J. Morin, Manager, 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 .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 803**, Participating Local District Consolidated Retirement Plan

ADOPTED RULE NUMBER: **2020-160**

CONCISE SUMMARY: This rule governs the Consolidated Plan for Participating Local Districts. Under the current rule, local districts may only join the Plan or change their plans effective the next July 1 or January 1. Due to delays in meetings of local districts’ governing bodies resulting from the COVID-19 crisis, local districts may be unable to meet these deadlines. The amendment grants the Executive Director temporary authority to permit a local district to join the Plan or change their plans on dates other than July 1 or January 1, or to do so retroactively to July 1, 2020.

EFFECTIVE DATE: July 18, 2020

MAINEPERS CONTACT PERSON / RULEMAKING LIAISON: Kathy J. Morin, Manager, 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 .

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