**State of Maine: Notice of Agency Rulemaking – July 28, 2021**

**PROPOSALS**

AGENCY: **05-071 - State Board of Education**

CHAPTER NUMBER AND TITLE: **Ch. 115**, The Credentialing of Education Personnel

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2021-P126**

BRIEF SUMMARY:

**Part I: Selection of changes**

* Add applicability to Charter Schools
* Add “at least” a Bachelor’s degree, equivalent academic experience
* Interstate School Leaders Licensure Consortium (ISLLC) Standards to be replaced with Professional Standards for Educational Leaders (PSEL)
* Added Department-approved programs for Ed Tech as alternative to credit requirements
* Other Teaching Assignments added: Add language immersion teacher as an example of international teacher, and add alternative education teacher
* Added emergency teacher certificate and reciprocal professional certificates

**Part II: Selection of changes**

*Administrator*

* The Interstate School Leaders Licensure Consortium (ISLCC) standards no longer exist and were replaced with the Professional Standards for Educational Leaders (PSEL), which were developed with guidance from the Council of Chief State School Officers (CCSSO) and the National Policy Board for Educational Administration (NPBEA).
* Requirements for advancing a certificate by the second renewal were eliminated.
* Submission of a portfolio was added as an option for demonstrating that PSEL standards have been met.
* Removal of assessment requirements

*Career and Technical Education (CTE)*

* Aligned endorsement areas with annually-approved CTE programs
* Removal of assessment requirements
* Creates flexibility for certified teachers to become CTE instructors through the application of equivalent courses for the pedagogical course requirements

*Special Education*

* Grade levels changed to Pre-K to grade 12 in alignment of Part B IDEA
* More specific course requirements in accordance with skills of special education identified in IDEA, High Leverage Practices from the Council for Exceptional Children and the CEEDAR Center, and trends in education
* For conditional certificates, add language for a “mentor teaching program endorsed by the Maine Department of Education.”
* Added an additional pathway to certification for current Ed Techs who (a) have a BA/BS, (b) experience as ET III for three years, (c) positive evaluations
* Parents - parents/guardians
* Person first language: from: “Teacher of blind or visually impaired students” – to: “Teacher of students with visual impairments”
* Removal of:

– 515 Adapted PE Teacher

– 079 Special Ed Consultant

– 293 Speech and Language Consultant

*Teachers*

* Grade span recommendations, adding Pre-K to any spans starting with K: Pre-K – 3, Pre-K-8, 6-12, Pre-K-12
* Any “Social Studies” requirements will be expanded to include “or Social Sciences” –would expand the disciplines to include Psychology and Sociology
* Addition of 6 credit hours for required coursework:

– 3 hours of coursework in the area of diversity

– 3 hours of coursework in one of the following areas: Human Development, Educational Psychology, Developmental Psychology, Adolescent Psychology or Child Development.

* 081 Early Childhood – Extend through K, add student teaching
* 020 Elementary Teacher – Add 9 credits of literacy methods
* World Language group: Extend down to Pre-K and Add: American Sign Language, Hebrew, Arabic
* 660 English as a Second Language
* “English for Speakers of Other Languages”
* Specific course requirements

*Ed Specialist*

* 071 – Library Media Specialist

– Course specificity

– Pathway for currently-certified teachers

* 075 – School Counselor

– Standards review

* 093 – School Psychologist

– Letters of reference

– Flexible coursework requirements

– Recognition of MDOE approved programs

PUBLIC HEARING: August 16, 2021, 2:00 - 3:00 p.m. Two options to attend: Cross Office Building, 111 Sewall St, Augusta, ME 04333, Room 500, OR as space will be limited, participants are encouraged to attend virtually:

Join Zoom Meeting

<https://us02web.zoom.us/j/83325074977?pwd=SVBEY1R4VUtSLzhwVVdqVTdmK1MzQT09>

Meeting ID: 833 2507 4977

Passcode: Qgki8b

One tap mobile

+16465588656,,83325074977#,,,,\*870851# US (New York)

+13017158592,,83325074977#,,,,\*870851# US (Washington DC)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 833 2507 4977

Passcode: 870851

Find your local number: <https://us02web.zoom.us/u/kbYrUln8vp>

COMMENT DEADLINE: September 15, 2021 at close of business

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Jaci Holmes, 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: N/A

STATUTORY AUTHORITY FOR THIS RULE: 20-A MRS §13006-A; Public Law 2021 Ch. 228, signed by the Governor June 16, 2021

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

AGENCY RULES WEBSITE: <https://www.maine.gov/doe/about/laws/rulechanges> .

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

AGENCY: **03-201 - Maine Department of Corrections (MDOC)**

CHAPTER NUMBER AND TITLE: **Ch. 2** *(Repeal)*, Change of Use, Downsizing, or Closure of Correctional Facilities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P127**

### BRIEF SUMMARY: This rule will be repealed because the State Board of Corrections and its statutory authority no longer exist and the rule is therefore unenforceable. The original purpose of the rule was to outline the process and standards governing any change of use, including the reassignment of services, downsizing, or closure of a state adult correctional facility or county jail pursuant to 34-A MRS §1803 sub-§2, which has been repealed.

Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include the name of the commenter and the organization represented, if any.

PUBLIC HEARING: None

COMMENT DEADLINE: August 31, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MDOC RULEMAKING LIAISON: Mary Lucia, Department of Corrections, 111 State House Station, Augusta ME 04333. Telephone: (207) 530-0983. Fax: (207) 287-4370. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 34-A MRS §1403

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: None

MDOC WEBSITE: <https://www.maine.gov/corrections/> .

AGENCY: **10-148** - Department of Health & Human Services (DHHS), **Office of Child and Family Services (OCFS)**

CHAPTER NUMBER AND TITLE: **Ch. 34**, Child Care Provider (Child Care Facilities and Family Child Care Providers) Background Check Licensing Rule

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2021-P128**

BRIEF SUMMARY: This is a new major substantive rule pursuant to 22 MRS §§ 8302-A(1), 8302-A(2). On September 25, 2020, the Commissioner adopted an emergency Ch. 34 major substantive rule. However, pursuant to 5 MRS §8073, that emergency major substantive rule will expire on September 24, 2021. In order to avoid a lapse in the application of the rule, which has been in effect since September 25, 2020, the Department proposes this rule with a legal applicability date of September 25, 2021.

Although, pursuant to 5 MRS §8072(1), the provisionally adopted rule has legal effect only after review by the Legislature, followed by final adoption by the Department, the Legislature can approve this rulemaking with what will be a retroactive legal applicability effective date.

The proposed rule implements 22 MRS §8302-A(1)(J) and §8302-A(2)(K) which requires that the Department adopt rules for child care facilities and family child care providers which require a criminal background check that meets the requirements of 42 USC §9858f. The proposed rule thus provides necessary protection to children who receive child care in licensed child care settings. It also provides protection to the child care facilities and family and child care providers. By law, 22 MRS §8302-A(3), the Maine Legislature has provided that the criminal background checks be paid by the Department from the funds available under the federal *Child Care and Development Block Grant Act of 1990*, as amended by the federal *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104-193, 110 Stat 2105. The Child Care Providers and staff members bear no cost for the expense of the criminal background checks.

The proposed rule is also necessary for continued compliance with the federal background check requirements of the 2014 reauthorization of the *Child Care and Development Block Grant (CCDBG)*, 42 USC §9858f(b) and 22 MRS §8302-A(1)(J), (2)(K). CCDBG provides significant funding annually to improve access to and quality of child care. Maine will receive a financial penalty of approximately $800,000.00 if the components of the comprehensive background check established by means of emergency major substantive rulemaking lapse.

Currently, the Department has proposed 10-148 CMR Ch. 32, *Child Care Facility Licensing Rule - Child Care Centers, Nursery Schools, Small Child Care Facilities, Other Programs*. This proposed routine technical rule includes a provision - Section 2(D) - for compliance with 10-148 Ch. 34, *Child Care Provider Background Check Licensing Rule*. Additionally, the Department adopted 10-148 Ch. 33, *Family Child Care Provider Licensing Rule,* by means of an emergency major substantive adoption on May 27, 2021 and this rule also includes a provision - Section 2(D) - for compliance with 10‑148 Ch. 34, *Child Care Provider Background Check Licensing Rule*.

This proposed rulemaking changes the title of the rule from “Child Care Provider Background Check Licensing Rule” to “Child Care Provider (Child Care Facilities and Family Child Care Providers) Background Check Licensing Rule” in order to clarify that statute requires the Department to do this rulemaking for child care facilities and family child Care providers. The proposed rule makes no substantive changes to the September 25, 2020 emergency major substantive rule. The provisions currently in effect through the emergency September 25, 2020 major substantive rule include added requirements to pre-employment and pre-licensure comprehensive background checks to include:

* Mandatory fingerprinting with search of the Federal Bureau of Investigation (FBI) and State Bureau of Identification (SBI) as well as, the National Crime Information Center (NCIC) National Sex Offender Registry.
* Searching state criminal repositories, state child abuse and neglect registries/databases and state sex offender registries in each state where the individual has resided in the previous five years.
* Prescribing specific disqualifying offenses in which an individual is deemed eligible or ineligible.
* Individuals required to receive a qualifying result pursuant to a comprehensive background check as provided for in the Child Care Provider Background Check Licensing Rule now include: all current and prospective staff members, all adult household members in a family child care, and any other individual whose activities involve the care or supervision of children or who has unsupervised access to children.

PUBLIC HEARING: Monday, August 16, 2021. Monday, August 16, 2021 at 1p.m.,

at 2 Anthony Avenue, Augusta. *The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before Friday, August 13, 2021 at 1 p.m.*

COMMENT DEADLINE: Thursday, August 26, 2021 at 5 p.m.

CONTACT PERSON FOR THIS FILING: Janet Whitten, OCFS, 2 Anthony Avenue - 11 State House Station, Augusta, ME 04333-0011. Telephone: (287) 7068. Email: [LicensingRules.OCFS@maine.gov](mailto:LicensingRules.OCFS@maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: The proposed rule poses no fiscal impact to counties or municipalities.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42(1), 8302-A (1)(J),(2)(K); 42 USC §9858f(b).

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: same as above

OCFS POLICY WEBSITE: <https://www.maine.gov/dhhs/ocfs/policy.shtml> .

OCFS WEBSITE: <https://www.maine.gov/dhhs/ocfs> .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

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

CHAPTER NUMBER AND TITLE: **Ch. 36**, Consumer Fireworks Sales License

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P129**

BRIEF SUMMARY: This rule provides a standard for the storage of consumer fireworks for organizations to follow to ensure the public safety.

PUBLIC HEARING: n/a

COMMENT DEADLINE: September 3, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Richard McCarthy, Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052. Telephone: (207) 626-3886. Email: [Richard.McCarthy@Maine.gov](mailto:Richard.McCarthy@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §236; 25 MRS §2452

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

FMO WEBSITE: [https://www.maine.gov/dps/fmo/](https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed) .

FMO RULEMAKING LIAISON: [Richard.E.Taylor@Maine.gov](mailto:Richard.E.Taylor@Maine.gov) .

AGENCY: **16-222** - Department of Public Safety (DPS), **Maine State Police (MSP)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Maine Motor Vehicle Inspection Manual

PROPOSED RULE NUMBER: **2021-P130**

BRIEF SUMMARY: The principal reason for proposing this amendment to the existing regulation is to update and make various changes – **some technical, some substantive** – to the regulation to ensure for the effective administration of Maine motor vehicle inspection program.

PUBLIC HEARING: No public hearing will be held.

COMMENT DEADLINE: 5 p.m. Tuesday, 31 August 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Christopher Parr, Maine State Police, 42 State House Station - 45 Commerce Drive - Suite 1, Augusta, ME 04333-0042. Telephone: (207) 624-7200. Fax: (207) 287-3042. TTY: (207) 287-3659. Email: [Christopher.Parr@Maine.gov](mailto:Christopher.Parr@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 29-A MRS §1769

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

MSP RULES WEBSITE: <http://www.maine.gov/dps/msp/regulations/index.html> .

MSP WEBSITE: <https://www.maine.gov/dps/msp/> .

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 324**, Small Generator Interconnection Procedures

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P131**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking proceeding to consider proposed amendments to the Commission’s *Small Generator Interconnection Procedures* rule (Ch. 324). This rulemaking proceeding follows an Inquiry conducted by the Commission. The Inquiry was initiated in a February 9, 2021 Notice of Inquiry and was conducted for the limited purpose of gathering information regarding (1) the screening process for interconnecting Level 2 generating facilities, and (2) potential penalties for utility non-compliance with the timing and schedule requirements of Ch. 324.

PUBLIC HEARING: August 17, 2021, 2:30 p.m. *The Commission will conduct the hearing remotely via Microsoft Teams. Interested persons wishing to participate in the hearing by telephone may dial (207) 209-4724 and enter conference ID 732 680 602#. Interested persons wishing to participate in the hearing using video may contact the Presiding Officer by email at* [*Leslie.Raber@Maine.gov*](mailto:Leslie.Raber@Maine.gov) *for a link.*

COMMENT DEADLINE: August 27, 2021. Written comments on the proposed rule may be filed with the Administrative Director until close of business on August 27, 2021. However, the Commission requests that comments be filed by close of business on August 11, 2021, to allow for follow-up inquiries during the hearing; supplemental comments may be filed after the hearing. Written comments should refer to the docket number of this proceeding, Docket No. 2021-00167, and be filed using the Commission’s case management system which is accessible from the Commission’s website.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Leslie Raber, MPUC, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1562. Email: [Leslie.Raber@Maine.gov](mailto:Leslie.Raber@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Minimal

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 3482

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

MPUC WEBSITE: [www.maine.gov/mpuc](http://www.maine.gov/mpuc) .

MPUC RULEMAKING LIAISON: [Jamie.A.Waterbury@Maine.gov](mailto:Jamie.A.Waterbury@Maine.gov) .

AGENCY: **94-457 - Finance Authority of Maine (FAME)**

CHAPTER NUMBER AND TITLE: **Ch. 611**, Maine Education Savings Program *(formerly known as* Maine College Savings Program*)*, **Amendment 18**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P132**

BRIEF SUMMARY: The rule amendments (a) make adjustments consistent with changes to the provisions of the *Internal Revenue Code* governing qualified tuition plans, and corresponding State legislation; (b) remove provisions that are no longer applicable to the program; (c) make adjustments to service provider terminology to reflect future multiple service providers to the program; and (d) make various clarifications which are not considered material.

PUBLIC HEARING: None. One would be scheduled at the request of 5 or more parties.

COMMENT DEADLINE: August 27, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Katryn Gabrielson, Deputy General Counsel, Finance Authority of Maine, PO Box 949 - 5 Community Drive, Augusta, ME 04332-0949. Telephone: (207) 620-3515 or 1 (800) 228-3734. Fax: (207) 213-2615. TTY: (207) 626-2717. Email: [kgabrielson@famemaine.com](mailto:kgabrielson@famemaine.com) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 10 MRS §969-A; 20-A MRS §11485

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: *Setting Every Community Up For Retirement Enhancement (SECURE) Act*; Maine PL 2021 Ch. 17, *An Act to Amend the Maine Education Savings Program*

FAME WEBSITE: [www.famemaine.com](http://www.famemaine.com) .

FAME RULEMAKING LIAISON: Christopher Roney: [croney@famemaine.com](mailto:croney@famemaine.com) .

**ADOPTIONS**

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Food Supplement Program: **Section FS 777-7**, Administrative Procedures, Electronic Benefit Transfer (EBT): **FS218**, Updates to Card Replacement and Benefit Use and Expungement

ADOPTED RULE NUMBER: **2021-147**

CONCISE SUMMARY: This rule change has three components: expungement, purchasing options and card replacement. None of these changes increase the administrative burden on the Department, or participants. The changes to purchasing and replacement will, in fact, reduce the burden.

A rule change is necessary to remain in compliance with 7 USC Ch. 51 §2016(h)(12)(C) as amended by PL 115-334 §4006 and subsequent amendments to 7 CFR §274.2(i). Each has reduced the threshold for expungement of unused benefits to nine months after issuance or immediately (without notice) if the Department has verified that all household members are deceased. Expungement of benefits for households in which all members are deceased will be implemented upon adoption of this rule. Expungement of benefits for households that must be given notice will be implemented as soon as possible allowing for noticing requirements. The basic process of noticing and expungement continues. The notice will now be sent after 240 days rather than 90, and the expungement will take place after 274 days instead of 365. Expungement will take place more rapidly when the Department has verified that all household members are deceased and the benefits will be rendered inaccessible immediately upon verification.

Additionally, purchasing power is extended to online purchases including delivery or curbside pick-up when a physical point of sale “swipe” of the card is not the best option. The Department is modifying this section to reflect the ability of participants to use EBT accounts to purchase approved foods, seeds, and seedlings from online platforms. This contactless purchasing expands access and supports the overall safety and well-being of Food Supplement recipients especially at times when travel may be challenging or impossible, or there is a heightened risk of illness such as a national public health emergency. Initially, Maine will be participating as a demonstration project under 7 USC §2016(k)(4) with the intent of full participation under paragraph 1 of the same.

Changes are also being made to card replacement. The process of requesting replacement cards will be unchanged other than participants will be able to secure their third and fourth replacement cards with the same ease as the first and second in a 12-month period. Previously, three replacement cards in a 12-month period were determined “excessive”. The Department is increasing that threshold to five cards in a 12-month period consistent with 7 CFR §274.6(b)(5). This increase improves access to benefits for individuals and reduces the administrative burden on the Department and its vendor. This change is being made retroactively to April 23, 2020 to coincide with the expiration of Food and Nutrition Service’s Waiver number 2180009. Retroactive rulemaking is authorized by the Legislature in accordance with 22 MRS §42(8) because this rule provides a benefit to recipients or beneficiaries and does not have an adverse financial effect on either providers or beneficiaries or recipients.

No fees will be charged for any replacement cards. This rule change removes any reference to collecting a fee for card replacement consistent with current practice. The cost of implementing a fee collection procedure is anticipated to exceed any savings that would result from such collections. Additionally, references to contacting a local office are being generalized to contacting the Office for Family Independence (OFI). This change reflects the statewide processing and accessibility of OFI staff and removes a geographic burden for those requesting replacement cards.

Finally, the following stylistic and grammatical changes are being made to modernize the manual and enhance readability.

**1)** Minor corrections are being made to typographical errors.

**2)** Numbering and lettering of subsections, paragraphs, etc. is being added or standardized as part of an ongoing effort to standardize them not only within this manual but across OFI manuals and facilitate easier citations and cross references.

**3)** Several terms that had been used interchangeably are being consolidated to consistent terms with preference given to terms that are defined within the manual.

**4)** Whole numbers through ten are represented only by writing out the word. All other figures are represented, only, in numerical form. This change is part of an Office wide standardization effort to improve the flow of the manual by not representing each figure twice.

**5)** Some sentences are being modified to spell out responsibilities and responsible parties instead of reading like an instruction manual for Department staff.

**6)** Gender specific pronouns are being replaced with gender neutral ones as part of an Office wide effort toward inclusivity.

**7)** Redundant language is removed where possible to enhance the readability of the manual.

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

EFFECTIVE DATE: August 2, 2021

OFI CONTACT PERSON: Ian Miller, Senior Program Manager – Food Supplement, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4138. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: [Ian.Miller@Maine.gov](mailto:Ian.miller@maine.gov) .

OFI RULEMAKING LIAISON: [Dan.Cohen@Maine.gov](mailto:Dan.Cohen@Maine.gov) .

FOOD SUPPLEMENT WEBSITE: <https://www.maine.gov/dhhs/ofi/programs-services/food-supplement> .

OFI WEBSITE: <https://www.maine.gov/dhhs/ofi> .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBER AND TITLE: **Ch. 124** *(New)*, Emergency Medical Services Personnel Reporting Rule

TYPE OF RULE: Major Substantive

ADOPTED RULE NUMBER: **2021-148**

CONCISE SUMMARY: Pursuant to 22 MRS §820(1)(C), this is a major substantive rule. Pursuant to Resolve 2021 Ch. 51, the Department of Health and Human Services (Department) finally adopts this new major substantive rule, 10-144 CMR Ch. 124, *Emergency Medical Services Personnel Reporting Rule*.

On April 22, 2020, the Department adopted an emergency major substantive rule, which, per 5 M.R.S. §8073, was effective one year, through April 21, 2021. The Department then proposed a major substantive rule. After the comment period, the rule was provisionally adopted and submitted to the Legislature for its review pursuant to 5 MRS §8072. Resolve Ch. 51 authorized final adoption of this rule and directed that immediate enactment of the Resolve was necessary, and therefore directed that the Resolve took effect when approved. The Resolve was approved by the Governor on June 11, 2021. In accordance with 5 MRS §8072(8), the Department has finally adopted this rule within 60 days of the effective date of the legislation approving this rule.

Through its authority in 22 MRS §820(1)(C), the Department is establishing a uniform system of reporting requirements, to enable statewide surveillance of the response capacity of the State of Maine’s healthcare workforce, specifically emergency medical service (EMS) personnel, during a declared Extreme Public Health Emergency (22 MRS §802(2-A)). This rule ensures the Department’s continued coordination and integration of activities and resources related to emergency medical services, to inform the overall planning, evaluation, coordination, facilitation and operations of an effective comprehensive statewide emergency medical services system.

This rule requires EMS organizations and emergency medical dispatch (EMD) centers to report information about EMS personnel who, during a declared Extreme Public Health Emergency, have been removed from the workforce temporarily because they have been exposed to a Notifiable Disease or Condition, or because they have developed symptoms of a Notifiable Disease, in accordance with the guidance issued by the Department, in partnership with the Department of Public Safety Maine EMS. Under this rule, EMS organizations and EMD centers are responsible for compliance with electronic reporting. Reporting must be completed within 24 hours of when the EMS personnel is removed from service. Reporting of certain subsequent events must also be completed within 24 hours. Information collected specific to EMS personnel, which includes licensed emergency medical service responders, emergency medical transportation services and dispatch, will be used for public health surveillance purposes and will inform decisions regarding healthcare workforce capacity as a key element of a comprehensive and effective emergency medical services system. Accurate and reliable statewide data is essential for coordinating with municipal localities, other State offices, federal emergency management agencies and healthcare systems across the State, in order to prepare for and respond to public health emergency needs.

EFFECTIVE DATE: August 20, 2021

MAINE CDC CONTACT PERSON: Bridget Bagley, Policy Analyst, 286 Water Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 287-9394. EMAIL: .[Bridget.Bagley@Maine.gov](mailto:Bridget.Bagley@Maine.gov)

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

MAINECDC RULES WEBSITE: <http://www.maine.gov/dhhs/mecdc/> .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

AGENCY: **94-649 - Maine Commission on Indigent Legal Services (MCILS)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel

ADOPTED RULE NUMBER: **2021-149** *(Emergency major substantive)*

CONCISE SUMMARY: This rule amends the MCILS fee schedule and administrative procedures for payment of Commission assigned counsel to set the hourly rate paid to attorneys providing indigent legal services at $80.00/hr. for fiscal year 2021-2022 and for fiscal year 2022-2023.

EFFECTIVE DATE: July 21, 2021

MCILS CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION: Justin Andrus, Interim Executive Director, Maine Commission on Indigent Legal Services, 154 State House Station – 3 Blossom Lane 4th floor, Augusta, ME 04333. Telephone: (207) 287-3254. Email: [Justin.Andruks@Maine.gov](mailto:Justin.Andruks@Maine.gov) .

MCILS WEBSITE: <https://www.maine.gov/mcils/> .

MCILS RULEMAKING LIAISON: [Eleanor.Maciag@Maine.gov](mailto:Eleanor.Maciag@Maine.gov) .

AGENCY: **94-649 - Maine Commission on Indigent Legal Services (MCILS)**

CHAPTER NUMBER AND TITLE: **Ch. 302**, Procedures Regarding Funds for Experts and Investigators

ADOPTED RULE NUMBER: **2021-150**

CONCISE SUMMARY: This chapter establishes the procedures for attorneys and pro se defendants to request funds for experts and investigators from the Commission and provides that the Executive Director shall make the determination to grant or deny the request. It also establishes the procedures for payment of expert and investigator services authorized in this chapter. 4 MRS §1804(3)(L). This amended rule provides that the request for funds must be filed according to the procedure directed by the Executive Director. This change would create flexibility on how the information is received by the Commission staff.

EFFECTIVE DATE: August 1, 2021

MCILS CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Eleanor Maciag, Deputy Executive Director, Maine Commission on Indigent Legal Services, 154 State House Station – 3 Blossom Lane 4th floor, Augusta, ME 04333. Telephone: (207) 287-3258. Email: [Eleanor.Maciag@Maine.gov](mailto:Eleanor.Maciag@Maine.gov) .

MCILS WEBSITE: <https://www.maine.gov/mcils/> .