# **State of Maine**

# **NOTICE OF STATE AGENCY 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: 94-411 Maine Public Employees Retirement System**

**CHAPTER NUMBER AND TITLE: Ch. 406, Payment or Repayment of Contributions and Interest for the Purchase of Creditable Service**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P115**

**BRIEF SUMMARY:** This rule sets forth the requirements for members to purchase or repurchase creditable service. The proposed amendments to the rule allows Maine Public Employees Retirement System members of the State Employee and Teacher Retirement Program and the Participating Local District Consolidated Plan with prior federal employment to purchase up to five years of service credit at actuarial cost.

**PUBLIC HEARING *(if any)*:** September 11, 2025, 11:30 AM, 139 Capitol Street, Augusta, Maine

**COMMENT DEADLINE:** 4:00 PM, September 22, 2025

**CONTACT PERSON FOR THIS FILING:**

Bill Brown, Director of Actuarial and Legislative Affairs

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**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:** 5 M.R.S. §§17103(4)

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

**AGENCY WEBSITE**: [www.mainepers.org](http://www.mainepers.org)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** rulemaking@mainepers.org

**AGENCY: 94-411 Maine Public Employees Retirement System**

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

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P117**

**BRIEF SUMMARY:** This rule establishes a consolidated retirement plan as required by 5 M.R.S. §18801 et seq. for local districts that are participating local districts under 5 M.R.S. Chapter 425 and Chapter 427. The proposed amendments to the rule allow Participating Local District (PLD) members with prior non-military federal service to purchase up to five years of service credit at actuarial cost. The proposed amendments also allows the chief administrative office of participating local district to clarify ambiguities in actions taken by the governing body regarding plan participation. The proposed amendments also ensures that 401(a) defined contribution plan elections conform with federal plan qualification requirements. The proposed amendments also removes an infrequently used and inefficient provision that permits a member retiring early to forgo cost-of-living adjustments (COLA) until they attain normal retirement age.

**PUBLIC HEARING *(if any)*:** September 11, 2015, 11:30 AM, 139 Capitol Street, Augusta, ME

**COMMENT DEADLINE:** 4:00 PM, September 22, 2025

**CONTACT PERSON FOR THIS FILING:**

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**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:** 5 M.R.S. §§ 17103(4), 18801

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

**AGENCY WEBSITE:** [www.mainepers.org](http://www.mainepers.org)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** rulemaking@mainepers.org

**AGENCY: 94-411 Maine Public Employees Retirement System**

**CHAPTER NUMBER AND TITLE: Ch. 506, Eligibility for Disability Retirement Benefits**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P124**

**BRIEF SUMMARY:** This rule chapter sets forth the standards and processes for determining eligibility for disability retirement benefits. The proposed amendments to the rule eliminate the requirement for continuous service before a member can be eligible for disability retirement without meeting pre-existing condition criteria. The proposed amendments simplify continued eligibility for disability retirement benefits consistent with statute.

**PUBLIC HEARING:** September 11, 2025, 11:30 AM, 139 Capitol Street, Augusta, ME

**COMMENT DEADLINE:** 4:00 PM, September 22, 2025

**CONTACT PERSON FOR THIS FILING**:

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**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:** 5 M.R.S. §§ 17103(4)

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

**AGENCY WEBSITE:** [www.mainepers.org](http://www.mainepers.org)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** rulemaking@mainepers.org

# **ADOPTIONS**

**AGENCY: 94-649 Maine Commission on Public Defense Services**

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

**ADOPTION FILING NUMBER: 2025-159**

**CONCISE SUMMARY:**

This Chapter establishes a fee schedule and administrative procedures for payment of Counsel. The Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types. The Chapter also establishes rules for the payment of mileage and other expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires that all vouchers for attorney fees and reimbursable expenses must be submitted using the PDS electronic case management system.

**EFFECTIVE DATE: Sunday, August 17, 2025**

**AGENCY CONTACT PERSON:** Darcy Fisher

AGENCY NAME: Maine Commission on Public Defense Services

ADDRESS: 154 State House Station, Augusta, ME 04330

TELEPHONE: 207-287-3263

**AGENCY: 94-649 Maine Commission on Public Defense Services**

**CHAPTER NUMBER AND TITLE: Ch. 301-B, Requirements for Payment of Paralegal and Secretarial Services**

**ADOPTION FILING NUMBER: 2025-160**

**CONCISE SUMMARY:**

This Chapter establishes a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases.

**EFFECTIVE DATE: Sunday, August 17, 2025**

**AGENCY CONTACT PERSON:** Darcy Fisher

AGENCY NAME: Maine Commission on Public Defense Services

ADDRESS: 154 State House Station, Augusta, ME 04330

TELEPHONE: 207-287-3263

**AGENCY: 01-672 Department of Agriculture, Conservation & Forestry, Maine Land Use Planning Commission
CHAPTER NUMBER AND TITLE: Ch. 15, Guidelines for Private Roads or Ways in the Land Use Planning Commission’s Management Districts**

**ADOPTION FILING NUMBER: 2025-161**

**CONCISE SUMMARY:**

The Maine Land Use Planning Commission has repealed Chapter 15 as it was inconsistent with the Commission’s authority over forestry-related uses, including land management roads in management districts. Other road construction, repair, and relocation activities are addressed by Chapter 10 of the Commission’s rules.

**EFFECTIVE DATE: Monday, August 18, 2025**

**AGENCY CONTACT PERSON:** Tim Beaucage

AGENCY NAME: Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission
ADDRESS: 22 SHS, Augusta, ME 04333

TELEPHONE: 207-287-2631

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

**CHAPTER NUMBER AND TITLE: Ch. 6, Child Care Affordability Program Rules**

**ADOPTION FILING NUMBER: 2025-162**

**CONCISE SUMMARY:**

This routine technical rulemaking is necessary to comply with Federal Rule updates according to 42 U.S.C. 9858 et seq., 45  C.F.R. Pt. 98, which makes multiple changes to the payment structure of the Child Care Affordability Program, including:

* Changing the payment structure for paying child care providers from paying for services after they are complete to paying for services prospectively.
* Changing the payment structure for paying child care providers from paying by enrollment of a child in child care versus paying by attendance of that child in child care.
* Changing the cap of parent co-payments within the program so that eligible families who make below 85% of State Median Income pay 7% or less of their eligibility income to child care. Families who make between 85% to 125% of State Median Income pay 10% or less of their income to child care.

In addition, changes are being made that are not federally required, but are strongly encouraged and/or are being made to support access to the program including:

* Changing the rates at which the Child Care Affordability Program will pay providers, which will now be set at the State’s market rate, formerly set as the market rate or the private pay rate, whichever was less expensive.
* Simplifying hours of care to part or full-time care only, formerly full-time, part-time, half-time and quarter-time care.
* Expanding the definition of At-Risk Children to support expanded eligibility under the Federal Rules, which allows the State to define who falls under the Child Protective Services definition.

Lastly, P.L 2025, c. 135 will change the definition of “Family Child Care Provider” to allow a person to care for up to four (4) children in their home without a license, effective September 24, 2025. The adopted rule thus changes the description of a License-Exempt Provider to align with the new statutory definition, effective September 24, as described in subsections 8(A)(1)(b)(i)-(ii).

**EFFECTIVE DATE: Monday, August 18, 2025**

**AGENCY CONTACT PERSON:**

Connor Kelley, Quality Assurance Specialist

Maine Department of Health and Human Services

Office of Child and Family Services

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

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

**ADOPTION FILING NUMBER: 2025-163**

**CONCISE SUMMARY:**

The Board of Environmental Protection has finally adopted major substantive amendments to Chapter 375, No Adverse Environmental Effect Standards of the Site Location of Development Act. 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 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 amendments define these habitat resources and establish a compensation fee program.

The provisionally adopted rule received legislative approval, with some changes, through Resolve 2025, ch. 58, which was signed by the Governor June 10, 2025 and became effective immediately. On August 7, 2025, the Board of Environmental Protection finally adopted the rule revision, including the legislatively required changes.

FINAL ADOPTION DATE: August 7, 2025

**EFFECTIVE DATE**: **Sunday, September 14, 2025 (Major Substantive Rule)**

**AGENCY CONTACT PERSON:**

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

**CHAPTER NUMBER AND TITLE: Ch. 379, Compensation for Impacts to High-Value Agricultural Land from Solar Energy Development**

**ADOPTION FILING NUMBER: 2025-164**

**CONCISE SUMMARY:**

The Board of Environmental Protection has finally adopted Chapter 379, Compensation for Impacts to High-Value Agricultural Land from Solar Energy Development implementing 38 M.R.S.§484-C of the Site Location of Development Law. P.L. 2023, ch. 448 directed the Department, in concert with the Department of Agriculture, Conservation, and Forestry (DACF), to create a compensation fee program for impacts to high-value agricultural land from solar energy developments that require a Site Law permit. This rule works in concert with DACF’s Chapter 575, Permitting Solar Energy Development on High-Value Agricultural Land. DACF’s Chapter 575 defines high-value agricultural land, establishes varying tiers based on value, and sets compensation ratios for each tier. The DEP’s Chapter 379 addresses the practical components of approving and accepting compensation fees and compensation projects for impacts to high-value agricultural lands identified during the DACF permitting process.

The provisionally adopted rule received legislative approval, with no changes, through Resolve 2025, ch. 51, which was signed by the Governor June 9, 2025 and became effective immediately. On August 7, 2025, the Board of Environmental Protection finally adopted the rule.

FINAL ADOPTION DATE: August 7, 2025

**EFFECTIVE DATE: Sunday, September 14, 2025 (Major Substantive Rule)**

**AGENCY CONTACT PERSON:**

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**AGENCY: 10-144 Department of Health and Human Services, Division of Licensing and Certification**

**CHAPTER NUMBER AND TITLE: Ch. 113, Assisted Housing Programs Licensing Rule**

**ADOPTION FILING NUMBER: 2025-165**

**CONCISE SUMMARY:**

This rulemaking repeals and replaces the current rule in force, 10-144 CMR Ch. 113, Regulations Governing the Licensing and Functioning of Assisted Housing Programs. The rule in force consists of ten parts, governing Assisted Living programs, four levels of Residential Care Facilities, four levels of Private Non-Medical Institutions, and Infection Prevention and Control. The proposed rule replaces those ten parts with two parts, Part A, Assisted Living Programs, and Part B, Residential Care Facilities. This simplified structure is designed to improve licensee understanding of and compliance with the rule and reflects revisions to 22 MRS §7852 enacted by PL 2023 c. 176. The rule has been updated to reflect current best practices in assisted housing, and include additional documentation, and training requirements, among other things.

**EFFECTIVE DATE: Thursday, September 18, 2025 (Major Substantive Rule)**

**AGENCY CONTACT PERSON:**

NAME: Jonathan Leach

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