**State of Maine: Notice of Agency Rulemaking – August 28, 2024 ONLINE**

**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: 12-702 Department of Labor, Paid Family and Medical Leave Program**

**CHAPTER NUMBER AND TITLE: Ch. 1, Rules Governing Paid Family and Medical Leave**

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER:** **2024-P142**

**DETAILED SUMMARY:**

The purpose of this chapter is to provide definitions and procedures for implementing the paid family and medical leave (PFML) program, which was adopted in 2023. This new law, codified at 26 M.R.S. §§ 850-A through 850-R, will apply to most employees and employers in the State of Maine. PFML will provide up to 12 weeks of paid leave per benefit year for family, medical or safe leave, with such benefits beginning in mid-2026. Premium contributions will begin January 2025.

This Rule is being reposted with changes to certain sections after considering comments from the initial public comment period that ended July 8, 2024 to further ensure proper implementation of the PFML program. The revised proposed Rule, among other small changes:

* Clarifies the definition of family member.
* Clarifies the role of employee leasing companies.
* Determines employer liability based uponan employer’s established payroll in 20 or more calendar workweeks in the 12-month period preceding September 30th of each year by Federal Employer Identification Number (FEIN).
* Clarifies the circumstances under which volunteers are not covered by the law.
* Clarifies that an applicant must be employed on or before the day the approved leave will begin.
* Clarifies eligibility for leave that runs concurrently with the Federal Family Medical Leave Act in the year before benefits for the Paid Family and Medical Leave Program are taken.
* Amends provisions regarding notice and undue hardship.
* Clarifies that fraud means “willful” acts.
* Changes certain timelines.
* Explains and clarifies the role of the Maine Bureau of Insurance and the Maine Department of Labor regarding the review of fully-insured private plans.
* Clarifies the definition of income for self-employed individuals to elect coverage.
* Amends the reasons an employee or employer may seek an appeal and notification to parties for appeals.
* Amends the factors to determine minimum criteria for substitute plans.
* Amends the process for submitting applications for substitute plans beginning April 1, 2025. Amends the start of premium exemption and benefit coverage relative to private plan substitution approvals.
* Establishes application fee for substitution of private plans.
* Adds a section establishing the process for requesting advisory rulings.

**PUBLIC HEARING:** September 17, 2024; Time: 9am

Frances Perkins Room, 45 Commerce Drive, Augusta, Maine 04330

**COMMENT DEADLINE:** September 30, 2024 at 5 p.m.

**CONTACT PERSON FOR THIS FILING:**

Isaac H. Gingras, Department of Labor

54 State House Station, Augusta, Maine 04333-0054

207-626-6232 - Phone

Isaac.H.Gingras@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:** 26 MRS § 850-Q.

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:** 26 MRS §§ 850-A to 850-R

AGENCY WEBSITE: <http://www.maine.gov/labor/pfml>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Isaac.H.Gingras@maine.gov

**AGENCY: 99-346 Maine State Housing Authority**

**CHAPTER NUMBER AND TITLE:** **Ch. 19, Homeless Solutions Rule**

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER: 2024-P255**

**BRIEF SUMMARY:** The Maine State Housing Authority uses funds from certain federal and state resources to give grants to agencies for a variety of activities to assist people who are experiencing homelessness. This Rule governs MaineHousing’s allocation of resources for such programs, program design, the publication and distribution of program guides, and potential selection criteria. Some resources are distributed according to a funding formula set forth in the applicable Program Guide and Application. Other resources may be distributed according to programs designed by MaineHousing.

**PUBLIC HEARING *(if any)*:** A public hearing will be held on Tuesday, September 17, 2024 at 9:30 AM at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330. To listen or testify virtually, please contact Board Admin no later than 5:00 p.m. on Thursday, September 12, 2024 at MaineHousing, 26 Edison Drive, Augusta, Maine 04330-6046; (207) 626-4600 (voice); 1-800-452-4668 (voice in state only); or 711 (Maine Relay) or via e-mail: BoardAdmin@mainehousing.org.

**COMMENT DEADLINE:** Friday, September 27, 2024 at 5:00 PM

**CONTACT PERSON FOR THIS FILING:** Ashley Carson, Chief Counsel, Maine State Housing Authority, State House Station #89, 26 Edison Drive, Augusta, Maine, 04330-6046, (207) 626-4600 (telephone), (800) 452-4668 (voice in state only) or Maine Relay 711, [acarson@mainehousing.org](mailto:acarson@mainehousing.org) (e-mail).

**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:** 30-A M.R.S. §§4741 (1) and (18); §4766; §4994-A; 42 U.S.C. §§11301, *et seq.*

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

**AGENCY WEBSITE:** [www.mainehousing.org/about/rules](http://www.mainehousing.org/about/rules)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [acarson@mainehousing.org](mailto:acarson@mainehousing.org)

**AGENCY: 16-163 Emergency Medical Services Board (Maine EMS)**

**CHAPTER NUMBER AND TITLE:** **Ch. 19: Community Paramedicine**

**TYPE OF RULE:** Routine Technical

**PROPOSED RULE NUMBER: 2024-P256**

**BRIEF SUMMARY:** The Emergency Medical Services Board is seeking to repeal and replace Chapter 19 of its rules, Community Paramedicine, to provide licensure requirements for both services and personnel providing Community Paramedicine Services within the State of Maine. This rule also outlines a process for providers currently practicing Community Paramedicine in the State to receive conditional licensure at the personnel level and licensing at the service level to ensure continuity of care. Those agencies and personnel looking to establish services have clear guidelines inclusive of scope of practice, formulary, and education standards to receive licenses at three levels: community paramedicine-affiliate, community paramedicine-technician, and community paramedic. This rule will support in providing standardized practice throughout the state of Maine, ensuring the same quality of care for all patients regardless of location.

**DETAILED SUMMARY:**

The Emergency Medical Services Board is proposing to repeal and replace its existing rules related to community paramedicine, to support and standardize the practice of community paramedicine throughout the State of Maine in accordance with requirements established in 32 M.R.S. §84(4). The Board is seeking to establish the requirements, application, and approval process of community paramedicine services, compliance with the Maine Background Check Center Act, conduct initial and ongoing training of all staff regarding their obligations as mandatory reporters, meet licensing standards consistent with those required by 22 M.R.S §2145(3) &(4), and coordinate with home health agencies. This rule is intended to protect the health, safety, and welfare of the public by providing a scope of practice, formulary, educational standards, and definition of the practice of community paramedicine and ensuring consistency in services delivered throughout the State of Maine. This rule establishes three levels of clinician licensure; Community Paramedicine Affiliate, Community Paramedicine Technician, and Community Paramedic, with associated scopes of practice, formulary, and educational requirements. The Emergency Medical Services System in the State of Maine currently has designated community paramedicine services and providers. This rule, upon its inception, provides a licensure process for those currently performing community paramedicine services to be conditionally licensed so that they can continue to provide services within their current scope of practice and provides a pathway by which those individuals can achieve licensure at the new licensure levels with the formulary and scope of practice incorporated into this rule by reference. For those individuals not currently providing those services, this rule provides for the requirements and qualifications that would lead to licensure as a community paramedicine provider. This rule also continues agency designations until November 30, 2025, at which time agencies who are not currently providing services will follow a licensure pathway defined within this rule. For agencies that are currently designated, this rule provides a licensure pathway for those agencies to transition from designation to licensure. A copy of the proposed rule may be obtained by writing to Maine EMS, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152.

**PUBLIC HEARING *(if any)*:** No hearings are set for this rulemaking. A hearing may be requested by the petition of no less than five (5) interested persons through the submission of such petition in writing to Maine EMS, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152

**COMMENT DEADLINE:** 11:59 P.M. on Friday, September 27, 2024.

Comments on the proposed rule may be submitted to Maine EMS no later than 11:59 P.M. on Friday, September 27th, 2024. Interested parties may submit comments to Maine EMS in the following manner(s):

* Navigating to https://www.maine.gov/ems and filling out our “Maine EMS Rules Public Comment Submission” form. (Preferred)
* By email to: rulemaking.maineems@maine.gov
* In writing: Address comments to Maine Emergency Medical Services, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152

**CONTACT PERSON FOR THIS FILING:** Jason J. Cooney, 152 State House Station, Augusta, ME 04333-0152

207-626-3864 – Phone

207-287-3659 – TTY

207-287-6251 - Fax

[jason.j.cooney@maine.gov](mailto:jason.j.cooney@maine.gov)

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

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any):***The Emergency Medical Services Board does not anticipate any specific financial impact on municipalities or counties, other than those municipalities or counties that own/operate an agency engaging in community paramedicine services, which would have to account for the cost of compliance with the Maine Background Check Center for its personnel.

**STATUTORY AUTHORITY FOR THIS RULE:** 32 M.R.S. §§ 84(1) & (4).

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

**AGENCY WEBSITE:** <https://www.maine.gov/ems/>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [jason.j.cooney@maine.gov](mailto:jason.j.cooney@maine.gov)

**ADOPTIONS**

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

**CHAPTER NUMBER AND TITLE: 815 Amendments to Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities**

**ADOPTED RULE NUMBER: 2024-187**

**CONCISE SUMMARY:**

The Commission amends its Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities to include substantial modifications intended to 1) reduce the uncollectible accounts of utilities thereby reducing upward pressure on rates for all customers, 2) amend the dispute resolution procedures, 3) respond to recent legislation, and 4) make routine, stylistic and updating changes.

**EFFECTIVE DATE: Thursday, August 29, 2024**

**AGENCY CONTACT PERSON:**

Pam Kowalchuk

AGENCY NAME: Maine Public Utilities Commission

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

TELEPHONE: 207-287-1564

EMAIL ADDRESS: [pamela.kowalchuk@maine.gov](mailto:pamela.kowalchuk@maine.gov)

**AGENCY:** **12-179 Department of Labor, Board of Occupational Safety and Health**

**CHAPTER NUMBER AND TITLE: Chapter 6, Recording Occupational Injuries and Illnesses in the Public Sector**

**ADOPTED RULE NUMBER:** **2024-189**

**CONCISE SUMMARY:**

The purpose of this chapter is to update this rule to reflect changes to the incorporated by reference rules governing the recording of occupational injuries and illnesses as promulgated by the Federal Occupational Safety and Health Administration at 29 CFR Part 1904, most recently amended on January 1, 2024

**EFFECTIVE DATE: Sunday, August 25, 2024**

**AGENCY CONTACT PERSON:**

Isaac H. Gingras

AGENCY NAME: Department of Labor

ADDRESS:54 State House Station, Augusta, ME 0433-0054

TELEPHONE: 207-626-6232

EMAIL ADRESS: [Isaac.H.Gingras@maine.gov](mailto:Isaac.H.Gingras@maine.gov)

**AGENCY: 12-170 Department of Labor, Bureau of Labor Standards**

**CHAPTER NUMBER AND TITLE: Chapter 9, Rules Governing Administrative Civil Money Penalties**

**ADOPTED RULE NUMBER:** **2024-190**

**CONCISE SUMMARY**:

The Bureau of Labor Standards is proposing amendments to this Rule to simplify and increase the effectiveness of the administrative civil money penalties, to modify the appeal process to remove the possible perception of bias, and to ensure that Bureau resources are allocated in a more effective and accountable manner.

**EFFECTIVE DATE: Thursday, September 19, 2024**

**AGENCY CONTACT PERSON:**

Isaac H. Gingras

AGENCY NAME: Department of Labor

ADDRESS:54 State House Station, Augusta, ME 0433-0054

TELEPHONE: 207-626-6232

EMAIL ADRESS: [Isaac.H.Gingras@maine.gov](mailto:Isaac.H.Gingras@maine.gov)

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

**CHAPTER NUMBER AND TITLE: Ch. 269, Rules Governing Self-Contained Breath Alcohol Testing Equipment**

**ADOPTED RULE NUMBER: 2024-191**

**CONCISE SUMMARY:**

The Department adopted amendments to Maine’s Rules Governing Self-Contained Breath Alcohol Testing Equipment to coincide with the expiration of the current rule adopted on an emergency basis and effective on May 28, 2024. (5 MRS 8054(3)). Consistent with the proposed rule, this routine technical rule qualifies the use of a dry gas standard, ensuring that testing equipment for calibrating units under 10-144 CMR Chapter 269 remains current with industry practice for performing accuracy checks and calibration adjustments on most evidential breath alcohol testing instruments. The adopted rule reflects the amended title, "Self-Contained Breath Alcohol Testing Equipment Rule,” and includes the minor changes that correct clerical errors and update the rule structure to conform with agency standards.

**EFFECTIVE DATE: Tuesday, August 27, 2024**

**AGENCY CONTACT PERSON:**

Bridget Danis, Policy Analyst; Maine CDC

ADDRESS: 286 Water Street, Augusta, ME 04333-0011

TELEPHONE: Tel: (207) 287-9394; TTY: 711

E-MAIL ADDRESS: [bridget.danis@maine.gov](mailto:bridget.danis@maine.gov)

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

DEPARTMENT RULES WEBSITE:<https://www.maine.gov/dhhs/about/rulemaking>

**AGENCY: 02-371, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Nursing Home Administrators Licensing Board**

**CHAPTER NUMBER AND TITLE:**

**Repeal of Rule**

**Chapter 20: Definitions**

**Chapter 21: Advisory Rulings**

**Chapter 22: Administrator-in-Training Program for Multi-level Long-Term Care Facility Administrators**

**Chapter 23: Multi-level Long Term Care Facility Administrators: Licensure by Examination**

**Chapter 25: Licensure of Nursing Home Administrators**

**Chapter 26: Licensure of Residential Care Facility Administrators**

**Chapter 27: Temporary Licensure of Administrators**

**Chapter 28: License Renewal, Continuing Education and Inactive Status**

**Chapter 29: Approval of Preceptor Training Programs**

**Chapter 30: Code of Ethics**

**ADOPTED RULE NUMBER: 2024-192 to -201**

**CONCISE SUMMARY:**

This proposed rulemaking will constitute a complete repeal and replacement of the Board’s rules, which have not been updated since 2000. It is expected that the rulemaking will clarify terms used throughout the rules, revise requirements for examination approval and qualifying for licensure, and align the Board’s rules with the standards and protocols established by the National Association of Long Term Care Administrator Boards (“NAB”), to better align the requirements in Maine with those in other states to ensure greater licensure mobility.

**EFFECTIVE DATE: Tuesday, August 27, 2024**

**AGENCY CONTACT PERSON:** Holly Poirier, Regulatory Board Manager

AGENCY NAME: Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation

ADDRESS: 35 State House Station, Augusta, ME 04333-0035

TELEPHONE: (207) 624-8601

**AGENCY: 02-288** **Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine State Board of Licensure for Architects, Landscape Architects and Interior Designers**

**CHAPTER NUMBER AND TITLE: Chapter 13, Licensure of Landscape Architects**

**ADOPTED RULE NUMBER: 2024-202**

**CONCISE SUMMARY:**

The rulemaking repeals and replaces of Chapter 13: Licensure of Landscape Architects. Changes to this rule are required as a result of PL 2023, c. 548, An Act to Amend Licensing Requirements for Landscape Architects, effective March 19, 2024. The revised law allows landscape architect exam applicants to apply directly to the Council of Landscape Architectural Registration Boards (CLARB) without first paying a fee to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers or completing education and experience requirements.

**EFFECTIVE DATE: Wednesday, August 28, 2024**

**AGENCY CONTACT PERSON:** Catherine E, Pendergast, Board Administrator

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine State Board of Licensure for Architects, Landscape Architects and Interior Designers

ADDRESS: 35 State House Station, Augusta, ME 04333

TELEPHONE: 207-624-8518, TTY users call Maine Relay 711

**AGENCY: 02-030 Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection**

**CHAPTER NUMBER AND TITLE: Chapter 710 ESTABLISHMENT OF LICENSE AND RENEWAL FEES AND APPLICATION REQUIREMENTS FOR MAINE’S PAYROLL PROCESSOR LICENSING AND REQUIREMENT FOR LICENSING THROUGH THE NATIONWIDE MULTISTATE LICENSING SYSTEM (NMLS)**

**ADOPTED RULE NUMBER: 2024-203**

**CONCISE SUMMARY:**

This rule repeals and replaces current Chapter 710 to clarify the requirements for the types of records that can be used by an applicant for licensure as a payroll processor to show its financial condition. The rule is intended to make clear that evidence of financial condition must be submitted and that audited financial statements, although preferred, are not the only documents that may be used as evidence of financial condition. The rule also extends the period of transition to NMLS for payroll processors and modifies certain requirements for licensure.

**EFFECTIVE DATE: Saturday, August 31, 2024**

**AGENCY CONTACT PERSON: Mark Susi**

AGENCY NAME: Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection; ADDRESS: 35 State House Station, Augusta, ME 04333; TELEPHONE: (207) 624-8527; TTY users call Maine relay 711; EMAIL: [mark.e.susi@maine.gov](mailto:mark.e.susi@maine.gov)

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

**CHAPTER NUMBER AND TITLE: Chapter 301, Fee Schedule and Administrative Procedures For Payment of Court or Commission-Assigned Counsel**

**ADOPTED RULE NUMBER: 2024-204**

**CONCISE SUMMARY:**

This rule will provide authority to the Executive Director that if counsel submits a voucher for work completed that, upon investigation, the Executive Director concludes violated any of the Maine Rules of Professional Conduct or Commission Rules, the voucher may be rejected—in whole or in part—and the Executive Director may deny payment for the same.

**EFFECTIVE DATE**: **Sunday, September 1, 2024**

**AGENCY CONTACT PERSON: Jim Billings, Executive Director**

AGENCY NAME: Maine Commission on Public Defense Services

ADDRESS: 154 State House Station, Augusta, ME 04333

TELEPHONE: 207-287-3254

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

**CHAPTER NUMBER AND TITLE: Chapter 4, Caseload Standards for Assigned Counsel and Contract Counsel**

**ADOPTED RULE NUMBER: 2024-205**

**CONCISE SUMMARY:**

This rule will establish caseload standards for assigned and contract counsel in homicide cases and when counsel serves as a PDS Liaison. The rule also sets the parameters for counsel setting their workload percentage and establishes how lawyer of the day points will be calculated.

**EFFECTIVE DATE**: **Sunday, September 1, 2024**

**AGENCY CONTACT PERSON: Jim Billings, Executive Director**

AGENCY NAME: Maine Commission on Public Defense Services

ADDRESS: 154 State House Station, Augusta, ME 04333

TELEPHONE: 207-287-3254

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

**CHAPTER NUMBER AND TITLE: Chapter 301-A, Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings**

**ADOPTED RULE NUMBER: 2024-206**

**CONCISE SUMMARY:**

This rule clarifies that for multiday trainings, the 75% attendance requirement to qualify for payment will be applied based on counsel’s attendance at the entire training, rather than a per-day basis. This rule also provides that untimely vouchers for payment or reimbursement of expenses governed by Chapter 301-A will not be paid.

**EFFECTIVE DATE**: **Sunday, September 1, 2024**

**AGENCY CONTACT PERSON: Jim Billings, Executive Director**

AGENCY NAME: Maine Commission on Public Defense Services

ADDRESS: 154 State House Station, Augusta, ME 04333

TELEPHONE: 207-287-3254

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

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

**ADOPTED RULE NUMBER: 2024-207**

**CONCISE SUMMARY:**

This rule removes the requirement that an application for funds for expert or investigative assistance must be in writing and repeals the email application requirement and replaces with a requirement that the applications be completed on a form designated by the Executive Director.

**EFFECTIVE DATE**: **Sunday, September 1, 2024**

**AGENCY CONTACT PERSON: Jim Billings, Executive Director**

AGENCY NAME: Maine Commission on Public Defense Services

ADDRESS: 154 State House Station, Augusta, ME 04333

TELEPHONE: 207-287-3254