**State of Maine: Notice of Agency Rulemaking – August 5, 2020**

**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 #09-20**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P145**

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:August 20, 2020, Thursday, starting at 10:30 a.m. *Because* *of the COVID-19 Public Health Emergency and pursuant to 1 MRS §403-A, enacted by PL 2020 ch. 617 part G (eff. March 18, 2020), this hearing could be held remotely by telephonic conference. Directions on how to attend the hearing telephonically will be posted on the Milk Commission website and sent to the interested persons list in advance of June 18, 2020. If the civil emergency is not extended the meeting will be held in Room 101, Deering Building, Augusta, Maine.*

COMMENT DEADLINE:August 20, 2020

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

AGENCY: **02-031** - Professional and Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 365** *(New)*, Standards for Independent Dispute Resolution of Emergency Medical Service Bills

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P146**

BRIEF SUMMARY: The purpose of the proposed rule is to implement the Independent Dispute Resolution (IDR) process established by PL 2019 ch. 668, *An Act To Protect Consumers from Surprise Emergency Medical Bills*.

PUBLIC HEARING: August 26, 2020 at 1:00 p.m., from the Department of Professional and Financial Regulation, Bureau of Insurance, 76 Northern Avenue, Gardiner, ME 04345. *Instructions for attending the hearing remotely will be posted on the Bureau’s website before the hearing.*

COMMENT DEADLINE: 4:30 p.m., September 8, 2020, by mail or email to the Contact Person.

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Karma Lombard, 34 State House Station, Augusta, ME 04333-0034. Telephone: (207) 624-8540. Email: [Karma.Y.Lombard@Maine.gov](mailto:Karma.Y.Lombard@Maine.gov) .

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 4303-E.

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

AGENCY RULEMAKING LIAISON: [Benjamin.Yardley@Maine.gov](mailto:Benjamin.Yardley@Maine.gov) .

AGENCY WEBSITE: <https://www.maine.gov/pfr/insurance/> .

AGENCY: **02-031** - Professional and Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 950** *(New)*, Navigator Certification and Training for Health Benefit Marketplaces

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P147**

BRIEF SUMMARY: The purpose of the proposed rule is to establish standards and procedures for the certification of navigators to perform the activities and duties identified in 24-A MRS §2188 and sub-§1311(i) of the federal *Affordable Care Act*.

PUBLIC HEARING: August 27, 2020 at 1:00 p.m., from the Department of Professional and Financial Regulation, Bureau of Insurance, 76 Northern Avenue, Gardiner, ME 04345. *Instructions for attending the hearing remotely will be posted on the Bureau’s website before the hearing.*

COMMENT DEADLINE: 4:30 p.m., September 8, 2020, by mail or email to the Contact Person.

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Karma Lombard, 34 State House Station, Augusta, ME 04333-0034. Telephone: (207) 624-8540. Email: [Karma.Y.Lombard@Maine.gov](mailto:Karma.Y.Lombard@Maine.gov) .

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 2188.

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

AGENCY RULEMAKING LIAISON: [Benjamin.Yardley@Maine.gov](mailto:Benjamin.Yardley@Maine.gov) .

AGENCY WEBSITE: <https://www.maine.gov/pfr/insurance/> .

AGENCY: **16-633** - Department of Public Safety (DPS), **Gambling Control Board**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Internal Controls (*including* Appendix A, “Minimum Internal Controls”)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P148**

CONCISE SUMMARY: The rule package replaces rules that were inadvertently removed during the last repeal process.

PUBLIC HEARING: None (written comment only)

DEADLINE FOR COMMENTS: September 4, 2020

BOARD CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Milton Champion, Executive Director, Gambling Control Unit, 45 Commerce Drive - Suite 3, Augusta ME 04333-0087. Telephone: (207) 626-3901. Email: [Milton.F.Champion@Maine.gov](mailto:Milton.F.Champion@Maine.gov) .

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 8 MRS §1003(1)(B) & (C)

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/> .

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 110**, Regulations Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities

ADOPTED RULE NUMBER: **2020-169**

CONCISE SUMMARY: This rulemaking permanently adopts measures to improve nursing home infection control, surveillance, and infection mitigation; and to improve facilities' crisis staffing plans in response to any future pandemic in Maine's skilled nursing and nursing facilities. The rule includes all provisions adopted by the emergency rulemaking effective April 28, 2020.

EFFECTIVE DATE: August 1, 2020

DLC CONTACT PERSON: Jonathan Leach, Compliance Analyst, Division of Licensing and Certification, 41 Anthony Avenue - 11 State House Station Augusta, Maine 04333-0011. Telephone: (207) 287-5825. Fax: (207) 287-9252. TTY users call Maine relay 711. Email: [Jonathan.H.Leach@Maine.gov](mailto:Jonathan.H.Leach@Maine.gov).

DLC RULEMAKING WEBSITE: <https://www.maine.gov/dhhs/dlc/rulemaking/index.shtml>.

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

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

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 #08-20**

ADOPTED RULE NUMBER: **2020-170** *(Emergency)*

CONCISE SUMMARY: Minimum August 2020 Class I price is $23.03/cwt. plus $1.63/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $0.47/cwt. handling fee for a total of $26.37/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: August 2, 2020

MMC CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / MMC 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) .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 5**, Tracks: **Section 5**, Purse Money

ADOPTED RULE NUMBER: **2020-171** *(Emergency)*

CONCISE SUMMARY: On July 28, the Maine State Harness Racing Commission adopted an emergency amendment to ch. 5 section 5 which defines the allocation of funds from the period of August 1, 2020 through November 1, 2020 for purpose of purse distributions.

EFFECTIVE DATE: July 31, 2020

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 7**, Racing: **Section 75**, Purse Money; **Section 76**, Dashes; **Section 85**, Temporary Pandemic Fees

ADOPTED RULE NUMBER: **2020-172** *(Emergency)*

CONCISE SUMMARY: On July 28, the Maine State Harness Racing Commission adopted an emergency amendment to ch. 7 section 75, which allows the payment of more than 6 finish places from August 4, 2020 through November 4, 2020. Section 76 was also amended to allow for an agreement between a racing Association and the state wide association of horseman relative to purse distribution payments. An amendment to section 85 allows any association the ability to charge a COVID-19 mitigation fee not to exceed $150 with the approval of the commission.

EFFECTIVE DATE: July 31, 2020

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 15** *(New)*, Death with Dignity Act Reporting Rule

TYPE OF RULE: Major Substantive

ADOPTED RULE NUMBER: **2020-173** *(Final adoption, major substantive)*

CONCISE SUMMARY: The final adoption of this major substantive rule permanently implements the *Maine Death with Dignity Act* (“Act”), 22 MRS §2140, and the Department’s authority to collect certain data from health care providers related to patient-directed care at the end of life and to establish criteria for witnesses to patients making written requests for life-ending medications when the patients reside in long-term care facilities. Under this rule, physicians prescribing life-ending medication must submit required forms to the Department in the manner and frequency described and retain forms as part of the qualified patient’s medical record. Department-prescribed forms are available online and by request. Required data collection includes, but is not limited to, qualified patient’s written request for life-ending medication, assurances that the patient is making an informed decision regarding end-of-life care and life-ending medication, and medication prescription records. The terms of the rule are consistent with those set forth in the Act and the existing 10-146 CMR ch. 15, adopted on an emergency basis. The 129th Maine Legislature authorized the final adoption of the provisionally adopted rule, as submitted. (Resolve 2019 ch. 130.) The final adoption of this rule ensures continuousness of the established processes under the Act. (5 MRS §8072.)

EFFECTIVE DATE: August 30, 2020

MAINE CDC CONTACT PERSON: Bridget Bagley, Maine CDC, 286 Water Street - 11 State House Station, Augusta, ME, 04333-0011. Telephone: (207) 287-9394. TTY 711. Fax: (207) 287-2887. Email: [Bridget.Bagley@Maine.gov](mailto:Bridget.Bagley@Maine.gov) .

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

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

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

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