**State of Maine: Notice of Agency Rulemaking – August 12, 2020**

**PROPOSALS**

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE:

**Ch. 1**, Open Water and Ice Fishing Regulations;

**Ch. 1-A**, State Heritage Fish Waters

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2020-P149, P150**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing regulation changes for the upcoming ice fishing and open water fishing seasons. These regulations are needed to provide for the effective conservation of Maine’s inland fisheries and to enhance fishing opportunities throughout the State. This rule-making packet includes 142 individual proposals presented in the following “theme” categories: Special Need; Lake Trout (Togue) Growth; Landlocked Salmon Growth; State Heritage Fish Waters (one proposed for addition; two proposed for removal); Angling Opportunity; New Special Regulation Listing; Simplify to General Law; Trout to Brook Trout; and Errors, Conflicts, Confusions. The complete list of proposals may be obtained from the agency contact person or online at: <https://www.maine.gov/ifw/news-events/rulemaking-proposals.html> . The proposals, if adopted, will become effective January 1, 2021.

Members of the public are encouraged to review the proposals and provide comments by submitting written comments by mail or email to the contact person for this filing or by participating in the virtual public hearing. (All comments must be related to this rulemaking packet.) Note: Written comments are given equal consideration to testimony given at the virtual public hearing.

PUBLIC HEARING: Monday, August 31, 2020 @ 4:00 p.m. – via video conference (Microsoft Teams). *Contact the agency contact person by close of business on Friday August 28, 2020 for details.*

COMMENT DEADLINE: September 10, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Email: Becky.Orff@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 12452 & 12461

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

IFW WEBSITE: [www.maine.gov/ifw](http://www.maine.gov/ifw) .

AGENCY: **90-590 - Maine Health Data Organization (MHDO)**

CHAPTER NUMBER AND TITLE: **Ch. 243**, Uniform Reporting System for Health Care Claims Data Sets

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P151**

BRIEF SUMMARY: This proposed rule change will update the current definition of Pharmacy Benefit Manager (consistent with statutory revision made earlier this year), resume collection of race and ethnicity data, and add fields to indicate if a provider is in a payer’s network.

Copies of these proposed rules can be reviewed and printed from the MHDO website at <https://mhdo.maine.gov/rules.htm> or, to receive a paper copy call (207) 287-6722.

PUBLIC HEARING: September 3, 2020, at 9:00 a.m. *(Virtually)*, Maine Health Data Organization, 151 Capitol Street, Augusta, ME 04333. *Please note: This meeting will be held virtually. Check the MHDO website one week before the hearing date for instructions on attending virtually.*

COMMENT DEADLINE: September 14, 2020 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / MHDO RULEMAKING LIAISON: Debra Dodge, Maine Health Data Organization, 151 Capitol Street - 102 State House Station, Augusta, ME 04333. Telephone: (207) 287-6724. Fax: (207) 287-6732. Email: Debra.J.Dodge@Maine.gov .

IMPACT ON MUNICIPALITIES, COUNTIES OR SMALL BUSINESSES. This rule will not have a fiscal impact on municipalities, counties or small businesses.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 8703(1), 8704(4), 8708(6-A), 8712(2)

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

MHDO WEBSITE: <https://mhdo.maine.gov/> .

AGENCY: **90-590 - Maine Health Data Organization (MHDO)**

CHAPTER NUMBER AND TITLE: **Ch. 570**, Uniform Reporting System for Prescription Drug Price Data Sets

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2020-P152**

BRIEF SUMMARY: The proposed revisions clarify the requirements for the reporting entities defined in rule ch. 570, which will ensure more uniform data submission, and streamline the data collection and validation process.

Copies of these proposed rules can be reviewed and printed from the MHDO website at <https://mhdo.maine.gov/rules.htm> or, to receive a paper copy call (207) 287-6722.

PUBLIC HEARING: September 3, 2020, at 9:00 a.m. *(Virtually)*, Maine Health Data Organization, 151 Capitol Street, Augusta, ME 04333. *Please note: This meeting will be held virtually. Check the MHDO website one week before the hearing date for instructions on attending virtually.*

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IMPACT ON MUNICIPALITIES, COUNTIES OR SMALL BUSINESSES. This rule will not have a fiscal impact on municipalities, counties, or small businesses.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 8703(1), 8704(1), 8705-A, 8705-A(3), 8731, 8732, 8733, 8734, 8735, 8737

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

MHDO WEBSITE: <https://mhdo.maine.gov/> .

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

CHAPTER NUMBER AND TITLE: **Ch. 311**, Portfolio Requirement

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P153**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking proceeding to amend its Renewable Portfolio Standard (RPS) rule (ch. 311) as required to implement recently enacted legislation.

PUBLIC HEARING: August 31, 2020, 3:00 p.m., Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347 - The public hearing will be held by telephone. *The call-in information is as follows: dial in: 877-455-0244, conference code 343 150 2806# (please call in 5 minutes prior to the scheduled start time).*

COMMENT DEADLINE: September 11, 2020. *Written comments on the proposed rule may be filed with the Administrative Director until close of business on September 11, 2020. However, the commission requests that comments be filed by close of business on August 26, 2020 to allow for follow up inquires during the hearing. Supplemental comments may be filed after the hearing. Written comments should refer to the docket number of this proceeding, Docket No. 2020-00212, and be filed using the Commission’s case management system (CMS) which is accessible from the Commission’s website.*

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Paulina Collins, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1566. Email: Paulina.Collins@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact.

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 1301, 3203(9), 3210, 3210-B; Public Law 2019 c. 477

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 .

**ADOPTIONS**

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

CHAPTER NUMBERS AND TITLES:

**Ch. 332**, MaineCare Eligibility Manual, Part 8 – Medicare Savings Program (Buy-In);

**Ch. 333**, Low Cost Drugs for the Elderly and Disabled (DEL).

(Department Internal Reference: **MaineCare Rule #293A** – MSP and DEL Income Limit Changes)

ADOPTED RULE NUMBER: **2020-174, 175**

CONCISE SUMMARY: This rulemaking expands eligibility by increasing income thresholds for beneficiaries in the *MaineCare Eligibility Manual*, Part 8, “Medicare Savings Program (Buy-in)”, 10-144 CMR ch. 332, consistent with legislative appropriations in PL 2019 ch. 343, *An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020, and June 30, 2021* (effective June 17, 2019), and with approval from the Centers for Medicare and Medicaid Services (CMS). In addition, the Department has incorporated into this rule a number of formatting and grammatical changes. The Department is adopting this rule retroactive to February 1, 2020, as approved by CMS, and as authorized 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.

This rulemaking also expands eligibility by increasing income thresholds in the Low Cost Drugs for the Elderly and Disabled (DEL) rule, 10-144 CMR ch. 333, consistent with legislative appropriations in PL 2019 ch. 343 and resulting statutory changes in 22 MRS §254-D(4)(D). The Department is adopting this rule retroactive to July 1, 2019 as required by law and consistent with 22 MRS §42(8).

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

EFFECTIVE DATES:

February 1, 2020 for 10-144 CMR ch. 332; *and*

July 1, 2019 for 10-144 CMR ch. 333

OFI CONTACT PERSON: Esther Bullard, MaineCare Program Manager, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4178. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Esther.Bullard@Maine.gov .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

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

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

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

AGENCY: **02-385** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Manufactured Housing Board**

CHAPTER NUMBER AND TITLE: **Ch. 350**, Licensing – Scope of Practice, Obligations of Licensees, Prohibited Practices (Rules for Licensing Manufacturers, Dealers, Developer Dealers, Installers and Mechanics: *addition of* Statutory Warranty Disclosure and Installation Warranty Disclosure Forms)

ADOPTED RULE NUMBER: **2020-176**

CONCISE SUMMARY: The Innovation, Development, Economic Advancement and Business Committee this session considered LD 875. After careful consideration of the extensive testimony submitted pursuant to the bill, the committee voted the bill as ought not to pass. However, the committee would like to ensure that buyers of manufactured homes receive appropriate notice of their rights and responsibilities in accordance with state law. The committee understands that it is the usual practice for dealers of manufactured housing to provide information, in the form of a warranty sticker, to buyers. However, in order to ensure uniformity in disclosures, the committee requests that the Manufactured Housing Board amend its rules to require the dealer of a manufactured home disclose in writing to the buyer the following: (1) a description of the terms and conditions of the warranty on housing, as described in 10 MRS ch. 1404, and (2) a description of the role of the Manufactured Housing Board and a contact number for the board. The committee also request that the Manufactured Housing Board amend its rules to require that the installed of a manufactured home discloses in writing to the buyer a description of the terms and condition of the installation warranty as described in 10 MRS ch. 1404A.

EFFECTIVE DATE: August 9, 2020

BOARD CONTACT PERSON: Robert LeClair, Executive Director, Maine Office of Professional and Occupational Regulation - Manufactured Housing Board, 35 State House Station, Augusta, Maine. Telephone: (207) 624-8678. Email: Robert.V.LeClair@Maine.gov .

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/manufactured_housing/index.html> .

AGENCY: **17-387** – Department of Transportation (MDOT), **Maine Pilotage Commission**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Rules and Regulations

ADOPTED RULE NUMBER: **2020-177**

CONCISE SUMMARY: Added new definition of Low Volume Area and provided guidance for training and licensing of pilots in Low Volume Areas. This is to provide for the Commission to allow for training of replacement pilots for small Maine ports.

EFFECTIVE DATE: August 10, 2020

AGENCY CONTACT PERSON: Toni L. Kemmerle, Department of Transportation, 16 State House Station, Augusta, Maine 04333, Telephone: (207) 624-3020. Email: Toni.Kemmerle@Maine.gov .

COMMISSION WEBSITE: <https://www.mainepilotage.com/> .

MDOT WEBSITE: <https://www.maine.gov/mdot/> .