**State of Maine: Notice of Agency Rulemaking – August 30, 2023**

**NOTICE OF STATE RULEMAKING**

**Public Input for Rules**

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions**: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). **World‑Wide Web**: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

**PROPOSALS**

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 101**, Visible Emissions Regulation

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P115** *(2nd publication)*

BRIEF SUMMARY: Ch. 101 establishes visible emission standards, also known as opacity limits, for facilities, both licensed and unlicensed, and is a part of the State Implementation Plan (SIP) to fulfill requirements of the *Clean Air Act*. The Department is proposing various amendments to this existing rule to comply with federal requirements. A public hearing was held on June 15, 2023, and the comment period closed on June 26, 2023. In response to public comments, and after discussions with EPA, substantive changes were made to the proposed amendments. The Department is now accepting public comments on the revised draft.

Due to the potential need for affected facilities to reprogram existing data collection systems, the amendments are proposed to become effective the first day of the first calendar quarter that is at least 60 days after final adoption of the rule.

PUBLIC HEARING: A public hearing was held June 15, 2023.

COMMENT DEADLINE: September 29, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Lynn Muzzey, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 332-1279. Email: [Lynn.Muzzey@Maine.gov](mailto:Lynn.Muzzey@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §§ 585, 585-A

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

DEP WEBSITE: <https://www.maine.gov/dep>.

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov).

DEP WEBSITE: <https://www.maine.gov/dep/>.

AGENCY: **29-250** - Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 101** *(New)*, Electronic Lien Titling Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P175**

BRIEF SUMMARY: 29-A MRS §651-A allows the Secretary of State, Bureau of Motor Vehicles, to operate an electronic system for maintaining vehicle lien and title information. The Bureau of Motor Vehicles has created this system, known as the Electronic Lien Titling Program (“ELT”), which allows ELT Lienholders to perform select title transactions through a computerized interface. Because of the considerable costs involved if the Bureau were to create a stable and secure computerized interface with individual ELT Lienholders, the Bureau has decided to enter into a MOU with third party ELT Service Providers. The ELT Service Providers will be responsible for establishing a computerized interface between BMV and ELT Lienholders. If ELT Lienholders wish to use the ELT, they must engage the services of an ELT Service Provider. As per §651-A, participation in the program is optional for ELT Lienholders. The proposed rule stipulates requirements for enrolling in the program as required by statute. Additionally, the rule outlines expectations for participants regarding work to be performed, future development, and privacy.

PUBLIC HEARING: Hybrid meeting on Monday, September 18, 2023 at 3 p.m. in Burton M. Cross Office Building - Room 103A, 111 Sewall Street, Augusta Maine 04333, and via Microsoft Teams: *https://teams.microsoft.com/l/meetup-join/19%3ameeting\_YjMyMjg0ZDAtNWE0OC00NGNiLWIxMjktYjYzYzIzZTYzMGVh%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%222f1a4ae2-5cb6-4f66-b5ba-8433bd296d83%22%7d*

COMMENT DEADLINE: September 29, 2023 @ 5:00 p.m.

CONTACT PERSON FOR THIS FILING: David Strohl, Bureau of Motor Vehicles, 29 State House Station, Augusta, Maine 04333-0029. Telephone: (207) 624-9189. Fax: (207) 624-9013. TTY: Use Maine Relay 711. Email: [PublicComment.SOS@Maine.gov](mailto:PublicComment.SOS@Maine.gov)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 29-A MRS §651-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

BMV WEBSITE: [www.maine.gov/sos/bmv](http://www.maine.gov/sos/bmv).

BMV RULEMAKING LIAISON: [Tina.B.Corkum@Maine.gov](mailto:Tina.B.Corkum@Maine.gov).

AGENCY: **90-699 - Maine Retirement Savings Board (MRSB)**

CHAPTER NUMBER AND TITLE: **Ch. 101** *(New)*, Maine Retirement Savings Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P176**

BRIEF SUMMARY: The Maine Retirement Savings Program, is established to automatically enroll Maine employees who do not otherwise have access to a retirement savings plan through their employer in an Individual Retirement Account. This rule establishes the deadlines, procedures and requirements for Covered Employers to register with the Program. The rule identifies the default payroll deduction, auto escalation and investments for Program Accounts and the process for Covered Employees to Opt-Out of the Program or any default options.

PUBLIC HEARING: September 20, 2023 at 1:15 p.m. in Room 300, Burton Cross State Office Building, 111 Sewall Street, Augusta, ME, and virtually on Microsoft Teams.

COMMENT DEADLINE: October 2, 2023 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Elizabeth Bordowitz, Executive Director, c/o Office of State Treasurer, 39 State House Station, Augusta, ME 04333-0039. Telephone: (207) 888-4706. Fax: (207) 287-2367. Email: [info@mainesaves.org](mailto:info@mainesaves.org).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §174

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

AGENCY WEBSITE: <https://MaineSaves.org/>.

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

CHAPTER NUMBER AND TITLE: **Ch. 36**, License Fee and Renewal, and **Ch. 41**, Licensee Records, Annual Reporting and Audits.

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P177, P178**

BRIEF SUMMARY: The rule package is being updated to reflect the true costs to the Unit of investigations and review of first-time applicants. It also is being updated to ensure that Fantasy Contest Operators’ systems ensure security, confidentiality, processing integrity, availability, and privacy consistent with current standards.

PUBLIC HEARING: Written comment only.

COMMENT DEADLINE: September 29, 2023

CONTACT PERSON FOR THIS FILING / RULEMAKING LIAISON: Milton Champion, Gambling Control Board, 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).

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE:8 MRS §§ 1102(1)(D) and 1103(5) & 8 MRS §§ 1102(1)(D), 1102(1)(G) and 1103(3)(G)-(I).

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

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

CHAPTER NUMBER AND TITLE: **Ch. 601**, The Maine State Grant Program (MSGP), *Amendment 13*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P179**

**BRIEF SUMMARY**: This rule defines criteria necessary to be met for student and institution eligibility for participation in the Maine State Grant Program and establishes a procedure for awarding grants.

**DETAILED SUMMARY:** The rule amendments implement recent changes by the Legislature to the governing program statute. These changes include removing various references to the previously-used term “Expected Family Contribution” or “EFC” and replacing them with the new term “Student Aid Index” or “SAI.”

**PUBLIC HEARING**: None

COMMENT DEADLINE: October 2, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: William Norbert, Esq., Finance Authority of Maine, PO Box 949 - 5 Community Drive, Augusta, ME 04332-0949. Telephone: (207) 623-3263. Email: [WNorbert@FameMaine.com](mailto:WNorbert@FameMaine.com).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 10 MRS §969-A; 20-A MRS §§ 11617(2); PL 2023 Ch. 23

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

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

FAME RULEMAKING LIAISON: [CRoney@FameMaine.com](mailto:CRoney@FameMaine.com).

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

CHAPTER NUMBER AND TITLE: **Ch. 619**, Foreign Credentialing and Skills Recognition Revolving Loan Program, *Amendment 2*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P180**

**BRIEF SUMMARY**: This rule establishes the criteria to be met and procedures to be followed by individuals seeking to participate in the Foreign Credentialing and Skills Recognition Grant Program.

**DETAILED SUMMARY**:The rule amendments implement recent changes by the Legislature to the governing program statute. These changes include changing the program from a loan to a grant and increasing maximum available grant amounts from up to $700 to up to $1,000 per eligible recipient.

**PUBLIC HEARING**: None

COMMENT DEADLINE: October 2, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: William Norbert, Esq., Finance Authority of Maine, PO Box 949 - 5 Community Drive, Augusta, ME 04332-0949. Telephone: (207) 623-3263. Email: [WNorbert@FameMaine.com](mailto:WNorbert@FameMaine.com).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 10 MRS §§ 969-A, 1100-AA

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

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

FAME RULEMAKING LIAISON: [CRoney@FameMaine.com](mailto:CRoney@FameMaine.com).

AGENCY: **02 – Department of Professional and Financial Regulation (PFR):**

**02-373 - Board of Licensure in Medicine;**

**02-380 - State Board of Nursing;**

**02-383 - Board of Osteopathic Licensure**

CHAPTER NUMBER AND TITLE: **Ch. 12**, Joint Rule Regarding Office Based Treatment of Opioid Use Disorder

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P181, P182, P183**

BRIEF SUMMARY: The Board of Licensure in Medicine, State Board of Nursing, and Board of Osteopathic Licensure propose amendments to a joint rule regarding office-based treatment of opioid use disorder to make the rule consistent with recent changes to federal laws and regulations.

PUBLIC HEARING: None planned. *Requests to hold a public hearing by any interested person may be submitted in writing to the identified agency contact person.*

COMMENT DEADLINE: Friday, September 29, 2023 - 4:30 p.m.

CONTACT PERSONS FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISONS:

Timothy E. Terranova, Assistant Executive Director, Board of Licensure in Medicine, 137 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-6930. Fax: (207) 287-6590. Email: [Tim.E.Terranova@Maine.gov](mailto:Tim.E.Terranova@Maine.gov).

Kimberly S. Esquibel, Executive Director, State Board of Nursing, 158 State House Station, Augusta, ME 04333-0158. Telephone: (207) 287-1148. Fax: (207) 287-1149. [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov).

Susan E. Strout, Acting Executive Secretary, Board of Osteopathic Licensure, 142 State House Station, Augusta, ME 04333-0142. Telephone: (207) 287-2480. Fax: (207) 536-5811. Email: [Susan.E.Strout@Maine.gov](mailto:Susan.E.Strout@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 3269(3),(7), 3300-F, 3300-EE (Board of Licensure in Medicine); 32 MRS §§ 2102(2-A), 2153-A(1), 2210, 2270 (State Board of Nursing); 32 MRS §§ 2562, 2600-C, 2600-EE (Board of Osteopathic Licensure)

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

AGENCY WEBSITES: <https://www.maine.gov/md> (Board of Licensure in Medicine); [https://www.maine.gov/boardofnursing](http://www.maine.gov/boardofnursing) (State Board of Nursing); [https://www.maine.gov/osteo](http://www.maine.gov/osteo) (Board of Osteopathic Licensure)

AGENCY: **02** **– Department of Professional and Financial Regulation (PFR):**

**02-373 – Board of Licensure in Medicine;**

**02-380 – State Board of Nursing;**

**02-383 – Board of Osteopathic Licensure**

**02-396 – Board of Licensure of Podiatric Medicine**

CHAPTER NUMBER AND TITLE: **Ch. 21**, Use of Controlled Substances for Treatment of Pain

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P184, P185, P186, P187**

BRIEF SUMMARY: The Board of Licensure in Medicine, State Board of Nursing, Board of Osteopathic Licensure and Board of Licensure of Podiatric Medicine propose amendments to a joint rule regarding the use of controlled substances for treatment of pain to make the rule consistent with recent changes to federal laws and regulations.

PUBLIC HEARING: None planned. *Requests to hold a public hearing by any interested person may be submitted in writing to the identified agency contact person.*

COMMENT DEADLINE: Friday, September 29, 2023 - 4:30 p.m.

CONTACT PERSONS FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISONS:

Timothy E. Terranova, Assistant Executive Director, Board of Licensure in Medicine, 137 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-6930. Fax: (207) 287-6590. Email: [Tim.E.Terranova@Maine.gov](mailto:Tim.E.Terranova@Maine.gov).

Kimberly S. Esquibel, Executive Director, State Board of Nursing, 158 State House Station, Augusta, ME 04333-0158. Telephone: (207) 287-1148. Fax: (207) 287-1149. Email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov).

Susan E. Strout, Acting Executive Secretary, Board of Osteopathic Licensure, 142 State House Station, Augusta, ME 04333-0142. Telephone: (207) 287-2480. Fax: (207) 536-5811. Email: [Susan.E.Strout@Maine.gov](mailto:Susan.E.Strout@Maine.gov).

Kristina M. Halvorsen, Regulatory Board Manager, Board of Licensure of Podiatric Medicine, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8420. Fax: (207) 624-8637. Email: [Kristina.M.Halvorsen@Maine.gov](mailto:Kristina.M.Halvorsen@Maine.gov).

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 3269(3),(7), 3300-F (Board of Licensure in Medicine); 32 MRS §§ 2102(2-A), 2153-A(1), 2210 (State Board of Nursing); 32 MRS §§ 2562, 2600-C (Board of Osteopathic Licensure); 32 MRS §§ 3605-B, 3657 (Board of Licensure of Podiatric Medicine)

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

AGENCY WEBSITES: [www.maine.gov/md](http://www.maine.gov/md) (Board of Licensure in Medicine); [www.maine.gov/boardofnursing](http://www.maine.gov/boardofnursing) (State Board of Nursing); [www.maine.gov/osteo](http://www.maine.gov/osteo) (Board of Osteopathic Licensure); <https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-podiatric-medicine> (Board of Licensure of Podiatric Medicine).

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 355**, Coastal Sand Dune Rules

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2023-P188**

BRIEF SUMMARY: The Department proposes to update the Ch. 355 Section 3(H) definition of coastal sand dune systems to reference the current coastal sand dune maps prepared by the Maine Geological Survey in accordance with the best available science. Areas of the State that meet the definition of coastal sand dune systems are protected natural resources pursuant to the *Natural Resources Protection Act* (NRPA) and the Department’s Ch. 355, *Coastal Sand Dune Rules*.

Maine Geological Survey (MGS) has developed, over time, an increasingly complete map of coastal sand dune systems across the State. However, Ch. 355 currently references outdated maps, which may cause confusion for the regulated public. The outdated map reference has also resulted in the inconsistent application of the definition of coastal sand dune systems by the Department.

Concurrent with this rulemaking, the Department will require activities in all mapped coastal sand dune systems to meet the Ch. 355 standards. While these newly mapped systems already meet the definition of coastal sand dune systems and are therefore subject to the jurisdiction of NRPA and Ch. 355, the Department recognizes that it proposes to change how it currently implements this definition in practice, which will change how certain properties and activities are regulated. As such, an opportunity for public input is appropriate.

PUBLIC HEARING: September 21, 2023 - 9:00 a.m., Augusta Civic Center, 76 Community Drive, Augusta, Maine.

COMMENT DEADLINE: October 4, 2023

CONTACT PERSON FOR THIS FILING: Naomi Kirk-Lawlor, DEP, 17 State House Station, Augusta, Me 04333. Telephone: (207) 287-7844. Email: [Naomi.Kirk-Lawlor@Maine.gov](mailto:Naomi.Kirk-Lawlor@Maine.gov).

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §341-H and §§ 480-A to 480-JJ

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

DEP WEBSITE: <https://www.maine.gov/dep/>.

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov).

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS) - Division of Policy**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual (MBM): **Ch. II Section 71**, National Diabetes Prevention Program Services

PROPOSED RULE NUMBER: **2023-P189**

CONCISE SUMMARY: This proposed rulemaking seeks to make the following changes:

This proposed rulemaking establishes *MaineCare Benefits Manual* Ch. II Section 71, “National Diabetes Prevention Program (NDPP) Services”, which allows MaineCare to reimburse providers for delivering the National Diabetes Prevention Program Lifestyle Change Program (National DPP LCP).

The National DPP LCP is an evidence-based, intensive lifestyle behavior change program designed and overseen by the United States Centers for Disease Control and Prevention (CDC) to teach participants the skills to change and maintain physical activity levels and dietary habits to prevent or delay type 2 diabetes. Members are eligible for the National DPP LCP when they have a qualifying body mass index in addition to a positive screening for prediabetes or a qualifying blood test. To enroll as a MaineCare National DPP LCP Provider (Provider), providers must have recognition awarded by the CDC’s Diabetes Prevention Recognition Program (DPRP) and adhere to the “Centers for Disease Control and Prevention Diabetes Prevention Recognition Program Standards and Operating Procedures,” (DPRP Standards) published by the CDC on May 1, 2021 (OMB No. 0920-0909, Exp. Date: 04/30/2024), which outlines provider requirements for delivering the National DPP LCP. The DPRP Standards is incorporated by reference in the rule and is available on the CDC’s National DPP webpage at: <https://www.cdc.gov/diabetes/prevention/requirements-recognition.htm>.

The National DPP LCP is comprised of twenty-two sessions delivered over the course of one year, and Providers must use the CDC’s PreventT2 Curriculum or another CDC-approved curriculum. The first sixteen core sessions occur during the first six months and the final six maintenance sessions occur monthly during the last six months. Trained lifestyle coaches deliver sessions in-person and/or via telehealth for approximately sixty minutes per session. The allowed amount for each session is 100% of Medicare’s current total reimbursement for all sessions without weight loss included in the Medicare Diabetes Prevention Program (MDPP) divided by the total number of sessions required by the DPRP Standards.

Providers are eligible for two performance payments if members achieve weight loss or HbA1C goals. The allowed amount for each performance payment is 100% of Medicare’s current maximum reimbursement for payments related to weight loss included in the MDPP divided by two.

This rulemaking complies with PL 2021 Ch. 639, *An Act to Codify MaineCare Rate System Reform*, codified in 22 MRS §3173-J. The Department issued a Rate Determination Initiation Notice on December 16, 2022. The Department held a public rate forum on February 6, 2023, to collect stakeholder input and comments to inform the Rate Determination process for the NDPP and accepted written comments through February 27, 2023. The Department published responses to comments on April 25, 2023.

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

STATUTORY AUTHORITY: 22 MRS §§ 42, 3173; PL 2021 Ch. 398 Part A §A-17; 22 MRS §3173-J

DATE, TIME, AND PLACE OF PUBLIC HEARING: 9:00 a.m., Monday, September 18, 2023. *The Department will hold a combined in-person and remote (via Zoom) public hearing.*

Location: State Office Building, Conference Rooms A and B, 109 Capitol Street, Augusta, ME

Zoom Meeting link: <https://mainestate.zoom.us/j/82820541752>

Meeting ID: 828 2054 1752

*Some devices may require downloading a free app from Zoom prior to joining the public hearing event. The Department requests that any individual requiring special arrangements to attend the hearing in person contact the agency person listed below 5 days in advance of the hearing.*

*In addition to the public hearing, individuals may submit written comments to DHHS by the date listed in this notice.*

DEADLINE FOR COMMENTS: Comments must be received by 11:59 p.m. on September 28, 2023.

AGENCY CONTACT PERSON: Henry Eckerson, Comprehensive Health Planner II, MaineCare Services, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 624-4085. Fax: (207) 287-6106. TTY: 711 (Deaf or Hard of Hearing). Email: [Henry.Eckerson@Maine.gov](mailto:Henry.Eckerson@Maine.gov).

IMPACT ON MUNICIPALITIES OR COUNTIES: The Department anticipates that this rulemaking will not have any impact on municipalities or counties.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION: N/A

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42, 3173; PL 2021 Ch. 398 Part A §A-17; 22 MRS §3173-J

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

OMS WEBSITE: <https://www.maine.gov/dhhs/oms/>.

OMS RULEMAKING LIAISON: [Jennifer.Patterson@Maine.gov](mailto:Jennifer.Patterson@Maine.gov).

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

DHHS RULEMAKING LIAISON: [Emily.A.Cathcart@Maine.gov](mailto:Emily.A.Cathcart@Maine.gov).

**ADOPTIONS**

AGENCY: **02-331** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **State Board of Funeral Service**

CHAPTER NUMBER AND TITLE: **Ch. 12**, Transportation of Human Remains *(Repeal and replace)*

ADOPTED RULE NUMBER: **2023-133**

CONCISE SUMMARY: This is the final adoption of a major substantive rule that was approved by the Legislature through LD 374 (Resolve 2023 c. 20). The rule establishes minimum standards for how containers, platforms, or transportation equipment must be secured in vehicles owned, leased or otherwise used by a practitioner of funeral service.

Multipurpose funeral vehicles owned or leased by funeral establishments or funeral practitioners must be in compliance with the rule as soon as practicable, but no later than five years from the effective date of the rule.

EFFECTIVE DATE: **2023-133**

AGENCY CONTACT PERSON: Holly Poirier, Regulatory Board Manager, Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8601. Email: [Holly.Poirier@Maine.gov](mailto:Holly.Poirier@Maine.gov).

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-funeral-services>.

OPOR CONTACT PERSON: [Kristin.Racine@Maine.gov](mailto:Kristin.Racine@Maine.gov) .

OPOR WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/>.

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 #09-23**

ADOPTED RULE NUMBER: **2023-134**

CONCISE SUMMARY: Minimum September 2023 Class I price is $22.15/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 $25.49/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: September 3, 2023

AGENCY CONTACT PERSON/ RULEMAKING LIAISON: Julie-Marie Bickford, Maine Milk Commission, 28 State House Station, Augusta ME 03333. Telephone: (207) 287-7521. Email [Julie-Marie.Bickford@Maine.gov](mailto:Julie-Marie.Bickford@Maine.gov).

MMC RULES WEBSITE: <https://www.maine.gov/dacf/milkcommission/statutes_rules.shtml>.

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

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

CHAPTER NUMBER AND TITLE: **Ch. 4** *(New)*, Caseload Standards for Assigned Counsel and Contract Counsel

ADOPTED RULE NUMBER: **2023-135**

CONCISE SUMMARY: This rule establishes caseload standards for assigned and contract counsel and a method for tracking and monitoring caseloads on an ongoing basis.

EFFECTIVE DATE: January 1, 2024

CONTACT PERSON FOR THIS FILING: Jim Billings, Executive Director, Maine Commission on Indigent Legal Services, 154 State House Station, Augusta, ME 04333. Telephone: (207) 287-3254. Email: [Jim.Billings@Maine.gov](mailto:Jim.Billings@Maine.gov).

MCILS RULEMAKING LIAISON: Eleanor Maciag, MCILS, 154 State House Station, Augusta, ME 04333. Telephone: (207) 287-3524. Fax: (207) 287-3293. Email: [Eleanor.Maciag@Maine.gov](mailto:Eleanor.Maciag@Maine.gov).

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

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

CHAPTER NUMBER AND TITLE: **Ch. 301**, Supplemental Nutrition Assistance Program (SNAP) Rules: **Sections 111-7, 999-1**: SNAP Rule #228 – FRA 2023

ADOPTED RULE NUMBER: **2023-136**

CONCISE SUMMARY: The adopted rule incorporates the Able-Bodied Adult Without Dependents (ABAWD) work requirements in Section 111-7 pursuant to the *Fiscal Responsibility Act of 2023 (FRA)* and consistent with 7 USC 2015 (6)(o)(2)-(3). The adopted rule is consistent with FRA 2023, which increased the age of those subject to ABAWD time limits to age 52 on September 1, 2023, age 54 on October 1, 2023, and to age 56 on October 1, 2024. FRA 2023 added new exemptions for ABAWD time limits for individuals experiencing homelessness, veterans, and individuals aged 24 or younger and in Foster Care up to the point that they would not be considered age eligible for Foster Care by the state that made the placement. In addition, the adopted rule added definitions for Foster Care and Veteran in Section 999-1.

The Department determined it necessary to make a non-substantial change from the proposed rule to align this rule’s definition of Veteran with the *Fiscal Responsibility Act of 2023* and guidance provided by The U.S. Department of Agriculture, Food and Nutrition Services on June 30, 2023. The adopted rule changes the definition of Veteran to “as defined in Section 5126(f)(13)(F) of the *James M. Inhofe National Defense Authorization Act of 2023*, means an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.”

In addition, the Department corrected a typographical error in Section 999-1, Trafficking (6) 7 CFR §271.2 by removing “U” from (7 CFR §271.2)U as written in the proposed rule.

See <https://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

EFFECTIVE DATE: September 1, 2023

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