# **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>

# **PROPOSALS**

AGENCY: 94-270 Commission on Governmental Ethics and Election Practices

**CHAPTER NUMBER AND TITLE: Ch. 1, Procedures**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P118**

**BRIEF SUMMARY:** The proposed changes would update agency rules to reflect P.L. 2019, ch. 534 (contributions by lobbyists); incorporate a new statutory term, “public communication;” reflect P.L. 2025, ch. 181 (contributions to unenrolled candidates); authorize agency staff to provide informal legislative ethics advice; recognize that a candidate has received a contribution when another person has republished the candidate’s campaign materials; eliminate an original signature requirement for campaign finance complaints; reflect current practice in notifications of public meetings; and make uniform citations to the Election Law.

**PUBLIC HEARING:**

Wednesday, September 24, 2025 @ 9:00 a.m.

Commission Office, 45 Memorial Circle, Second Floor, Augusta, Maine

**COMMENT DEADLINE:** 5:00 p.m. on Monday, October 6, 2025

**CONTACT PERSON FOR THIS FILING:**

Julie Aube, Commission Assistant

Commission on Governmental Ethics and Election Practices,

135 State House Station, Augusta, ME 04333

(207) 287-4179 phone, (207) 287-6775 fax, Julie.Aube@maine.gov

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

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: No impact

**STATUTORY AUTHORITY FOR THIS RULE:** 1 M.R.S. § 1003(1)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: 1 M.R.S. § 1015-A; 21-A M.R.S. §§ 1001 & 1015.

**AGENCY WEBSITE:** [www.maine.gov/ethics](http://www.maine.gov/ethics)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Julie.Aube@maine.gov

AGENCY: 65-407 Public Utilities Commission

**CHAPTER NUMBER AND TITLE: Ch. 314, Statewide Low-Income Assistance Plan
TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P127**

**BRIEF SUMMARY:** The Commission initiates a rulemaking proceeding to consider possible amendments to Chapter 314 of the Commission’s rules which governs the Statewide Low Income Assistance Plan which provides financial assistance to electricity customers who are unable to pay their electricity bill in full. The intent of the rulemaking is to consider changes to the program and establish the overall program funding for the program year beginning October 1, 2026.

**PUBLIC HEARING:** **September 24, 2025, at 9:00am** at the Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347 and via Microsoft Teams. For those wishing to participate remotely, please contact the Clerk of the Commission’s Office at: maine.puc@maine.gov and reference Docket No. 2025-00241 and the date of the hearing for the link for the Teams meeting.

**COMMENT DEADLINE*:* October 6, 2025**. Written comments on the proposed rule may be filed with the Administrative Director until close of business on **Monday, October 6, 2025.** However, the Commission requests that initial comments be filed by close of business on **Thursday September 18, 2025** to allow for follow up inquiries during the hearing. Supplemental comments may be filed after the hearing by close of business **October 6, 2025.** Written comments should refer to the docket number of this proceeding, Docket No. 2025-00241, and be filed using the Commission’s case management system (CMS) which is accessible from the Commission’s website.

**CONTACT PERSON FOR THIS FILING:** Paulina Collins, 18 State House Station, Augusta, ME 04333; (207) 287- 1566; paulina.collins@maine.gov

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

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: None

**STATUTORY AUTHORITY FOR THIS RULE:** 35-A M.R.S. §§ 104, 111, 704, 1308 and 3214

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

**AGENCY WEBSITE:** [www.maine.gov/mpuc](http://www.maine.gov/mpuc)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** pamela.kowalchuk@maine.gov

AGENCY: 10-144 Department of Health and Human Services, Office for Family Independence

**CHAPTER NUMBER AND TITLE: Ch. 331, Public Assistance Manual Temporary Assistance for Needy Families (TANF)(Maximum Benefit and Standard of Need Chart; TANF Rule #125P – COLA Updates)**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P128**

**BRIEF SUMMARY:** The Department proposes routine technical updates to 10-144 C.M.R. Ch. 331; Public Assistance Manual Temporary Assistance for Needy Families (TANF) consistent with legislative changes made to 22 M.R.S. § 3769-C(1)(D) made by P.L. 2023, Ch. 622, § 2.

The proposed rule change would update the Maximum Benefit and Standard of Need amounts as required by statute. 22 M.R.S. § 3769-C(1)(D) requires that the Department increase the Standard of Need and Maximum Grant, found on page 3 of the Appendix, each October based on the Cost-of-Living Increase, if any, used by the Social Security Administration for that year.

It is the intent of the Department that proposed change to this rule will be in effect as of October 1, 2025 consistent with the statutory requirement. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8)(A) as this update is necessary to comply with statutory requirements, provides a benefit to TANF recipients and does not adversely impact applicants, participants, beneficiaries, or providers.

**PUBLIC HEARING:** No public hearing is scheduled.

**COMMENT DEADLINE:** Monday, October 6, 2025, at 5:00 p.m. Eastern Time.

**CONTACT PERSON FOR THIS FILING:**

Alexandria Lauritzen, TANF Program Manager

Department of Health and Human Services

Office for Family Independence

109 Capitol Street

Augusta, ME 04330-6841

Phone: (207) 215-7496/Fax: (207) 287-3455

TT Users Call Maine Relay – 711

Alexandria.Lauritzen@Maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*:** N/A.

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:** None anticipated.

**STATUTORY AUTHORITY FOR THIS RULE:** 22 M.R.S. §§ 42(1) and (8); 3769-C(1)(D)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:** No.

**AGENCY WEBSITE:** [https://www.maine.gov/dhhs/ofi](https://www.maine.gov/dhhs/ofi/arules)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Emily.A.Cathcart@maine.gov

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

**CHAPTER NUMBER AND TITLE:** **Ch. 108, Home and Community Support Service Agencies Licensing Rule**

**RULE TYPE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P129**

**BRIEF SUMMARY:** This routine technical rulemaking operationalizes the statutory requirements of 34-B MRS 1203-B, Licenses for agencies that provide services to adults with certain conditions. Under this rule, any agency that provides a service, if that service is funded in whole or in part by the Department, to an adult with an intellectual disability, autism spectrum disorder, a related condition or an acquired brain injury, including a service provided under 22 M.R.S. § 3089 must obtain a license. By statute, licensure is required for providers of services regarding case management or care coordination, home support, community support, employment support, personal support, residential services, and residential care facilities.

The new rule provides standards pertaining to administration, staff, quality of care, health and safety of clients, among other things, that will be used to determine whether an agency is qualified for licensure and to regulate licensed agencies. The rule also establishes licensing procedures, enforcement procedures, and violations.

**PUBLIC HEARING:** The public hearing will be held in person at 109 Capitol Street, Augusta, ME on 9/22/25 from 3-5 pm. Interested parties may also participate in the public hearing virtually via Zoom by pre-registering at the following link: [https://mainestate.zoom.us/meeting/register/w6FSW-6qS\_CZ\_GVRXEfOKQ](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmainestate.zoom.us%2Fmeeting%2Fregister%2Fw6FSW-6qS_CZ_GVRXEfOKQ&data=05%7C02%7CJonathan.H.Leach%40maine.gov%7Ca5e1b6a560c546c04fb608dde3d39d56%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638917220191324519%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=22njCgjs48emhHwMPLSUUSTHseiHeqJMLIJXmQdYqgY%3D&reserved=0)

If you require accommodation for this hearing, please inform the contact person below at least 7 days before the hearing.

**COMMENT DEADLINE:** Written comments will be accepted until at least 10 days after the public hearing, in accordance with 5 MRS §8053. The deadline for submission of written comments will be midnight on October 2, 2025.

**CONTACT PERSON FOR THIS FILING:**

Jonathan Leach, Compliance Manager

Division of Licensing and Certification

41 Anthony Ave

11 State House Station

Augusta, ME 04333-0011

Tel:     (207) 287-5825

Fax:    (207) 287-5807

TTY:  Call 711 (Maine Relay)

Jonathan.H.Leach@maine.gov

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

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: No fiscal impact on municipalities or counties is expected.

**STATUTORY AUTHORITY FOR THIS RULE:** 22 MRS § 42, 34-B MRS §§ 1203-B; 5605

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

**AGENCY WEBSITE:** <https://www.maine.gov/dhhs/about/rulemaking>

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** emily.a.cathcart@maine.gov

AGENCY:12-152 Department of Labor, Bureau of Rehabilitation Services

**CHAPTER NUMBER AND TITLE: Ch. 5, Brain Injury Extended Support Program**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P131**

**BRIEF SUMMARY:**

This is a technical change to the rule:

1. Updating definitions to align with the wording in the Code of Federal Regulations (34 CFR § 361.5);
2. Realigning case management roles and responsibilities;
3. Decreasing maximum annual expenditures for services;
4. Adding wording related to an individual’s return to Vocational Rehabilitation Services; and
5. Updating eligibility requirements.

**PUBLIC HEARING:** September 25, 2025 at 2:00 pm at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Drive, Augusta, Maine 04330

**COMMENT DEADLINE:** October 8, 2025

**CONTACT PERSON FOR THIS FILING:**

Libby Stone-Sterling

Department of Labor

15 State House Station

Augusta, Maine 04333-0054

207-215-5688

Libby.Stone-Sterling@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 26 MRSA Chapter 19, Subchapter 2, Article 1

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

**AGENCY WEBSITE:** maine.gov/labor/rulemaking

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Libby.Stone-Sterling@maine.gov

AGENCY:12-152 Department of Labor, Bureau of Rehabilitation Services

**CHAPTER NUMBER AND TITLE: Ch. 6, Basic Extended Support Rules**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P132**

**BRIEF SUMMARY:**

This is a technical change to the rule:

1. Updating definitions to align with the wording in the Code of Federal Regulations (34 CFR § 361.5);
2. Realigning case management roles and responsibilities;
3. Increasing maximum annual expenditures for services;
4. Adding wording related to an individual’s return to Vocational Rehabilitation Services; and
5. Updating eligibility requirements.

**PUBLIC HEARING:** September 25, 2025 at 3:00 pm at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Drive, Augusta, Maine 04330

**COMMENT DEADLINE:** October 8, 2025

**CONTACT PERSON FOR THIS FILING:**

Libby Stone-Sterling

Department of Labor

15 State House Station

Augusta, Maine 04333-0054

207-215-5688

Libby.Stone-Sterling@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 26 MRSA Chapter 19, Subchapter 2, Article 1

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

**AGENCY WEBSITE:** maine.gov/labor/rulemaking

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Libby.Stone-Sterling@maine.gov

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

**CHAPTER NUMBER AND TITLE: Ch. 12, Rules Relating to Equal Pay**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P133**

**BRIEF SUMMARY:**

This is a technical change to the rule, in accordance with P.L. 2025, c. 50:

1. Adding a definition for “Health care employer”
2. Expanding the definition of “seniority system” to include health care employers
3. Re-lettering affected definitions under *I. Definitions* of the Chapter 12 Rules

**PUBLIC HEARING:** Tuesday, September 23, 2025 at 1:00 p.m. at the Department of Labor, Frances Perkins Room, 45 Commerce Drive, Augusta, Maine 04330

**COMMENT DEADLINE:** Friday, October 3, 2025

**CONTACT PERSON FOR THIS FILING:**

Dillon Murray

Department of Labor

54 State House Station

Augusta, Maine 04333-0054

207-530-1885

Dillon.f.murray@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 26 M.R.S.A. §42

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

**AGENCY WEBSITE:** maine.gov/labor/rulemaking

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Dillon.f.murray@maine.gov

# **ADOPTIONS**

AGENCY: Department of Agriculture, Conservation & Forestry, Maine Land Use Planning Commission

**CHAPTER NUMBER AND TITLE: 01-672 C.M.R. Ch. 17, Reestablishment of Commission Jurisdiction**

**ADOPTION FILING NUMBER: 2025-171**

**CONCISE SUMMARY:**

At the time of the Commission’s inception, Highland Plantation was part of the Commission’s jurisdiction (i.e., service area). After a local process to develop a comprehensive plan and land use ordinance, Highland Plantation assumed local land use authority from the Commission in July 2016.

Since 2016, the community has struggled to fill local board vacancies and retain and pay for local code enforcement services. At the annual Plantation meeting on April 26, 2025, residents in attendance voted 11-6 to repeal the comprehensive plan and land use ordinance. Plantation officials subsequently submitted a petition to return to the LUPC service area.

For communities that wish to cede land use authority to the Commission, or in situations where there is evidence that the municipal land use program in a community that has assumed land use authority is less protective than the Commission’s standards, the provisions of 12 M.R.S. §685-A(4-A)(B) are applied. In addition, Chapter 17 of the Commission’s rules guides and documents the reestablishment of Commission jurisdiction.

Pursuant to 12 M.R.S. § 685-A(4-A)(B), the Commission finds that Highland Plantation has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of this subsection or to otherwise protect the resources within the plantation; and the plantation no longer has functioning the administrative bodies and officers necessary to implement the land use program as approved by the Commission in 2016. Chapter 17, as revised, addresses the reestablishment of jurisdiction, incorporates the prior Land Use Guidance Map for Highland Plantation for interim guidance until an update is completed, and includes minor edits involving reorganization and reformatting to improve consistency and functionality.

**EFFECTIVE DATE: Tuesday, September 2, 2025**

**AGENCY CONTACT PERSON:** Tim Beaucage

AGENCY NAME: Maine Land Use Planning Commission,
Department of Agriculture, Conservation and Forestry

ADDRESS: 22 SHS, Augusta, ME 04333

TELEPHONE: 207-287-2631

AGENCY: Department of Health and Human Services, Office of MaineCare Services

**CHAPTER NUMBER AND TITLE:** **10-144 C.M.R. Ch. 101, MaineCare Benefits Manual (Chapter III, Section 45, Principles of Reimbursement for Hospital Services)**

**ADOPTION FILING NUMBER: 2025-172 (EMERGENCY ADOPTION)**

**Findings of Emergency:**

The Maine Legislature granted the Department of Health and Human Services (the Department) authority to adopt emergency rules under 5 M.R.S. Sec. 8054, if determined necessary by the Department to implement those provisions of the Supplemental Budget Act over which the Department has subject matter jurisdiction, without the requirement that it demonstrate that immediate adoption is necessary to avoid a threat to public health, safety or general welfare. P.L. 2023, ch. 643, PART VV, Sec. VV-1. The Department has determined that it is necessary to adopt this emergency rule to implement provisions of the Supplemental Budget Act regarding hospital reimbursement set forth in PART A, Sec. A-14.

**CONCISE SUMMARY:**

The Department adopts these emergency rule changes in 10-144 C.M.R. Ch. 101, MaineCare Benefits Manual, Chapter III, Section 45, Principles of Reimbursement for Hospital Services

1. Effective August 29, 2025, Section 45.02-8 (Days Awaiting Placement) has been expanded to include reimbursement days awaiting placement for individuals who await placement in a PNMI E (Community Residence for Persons with Mental Illness). This reimbursement is still capped at $1.5 million per state fiscal year, and includes days awaiting placement for individuals awaiting placement at nursing facilities;
2. Effective retroactive to January 1, 2025, Section 45.04-1(A) and (B) are amended to reduce the reimbursement amount for inpatient and outpatient services for acute care critical access hospitals from 109% to 104.5%, as required by 22 M.R.S. Sec. 1714-D.
3. P.L. 2023, ch 643, Sec. LL-1, amended 22 M.R.S. Sec. 1714-C ending critical access hospital staff enhancement payments effective December 31, 2024, Sec. 45.04-1(D), and
Section 45.04-2 Supplemental Pool is deleted.
4. Effective August 29, 2025, Appendix A, 45.A-4 – Outlier Adjustment, the outlier adjustment formula in the November 6, 2024 rule is effective from July 1, 2024, through August 28, 2025. Effective August 29, 2025 there is a new outlier adjustment formula, which may result in a reduction in reimbursement for certain inpatient stays.

The Department shall submit to the Centers for Medicare & Medicaid Services, and anticipates approval, for State Plan Amendments related to these provisions.

Pursuant to 5 M.R.S §8054, this emergency rule may be effective for up to ninety (90) days. The Department intends to proceed with routine technical rulemaking to permanently adopt these rule changes.

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

STATUTORY AUTHORITY: 5 M.R.S. § 8054; 22 M.R.S. §§ 42, 42(8), 1714-C, 1714-D, 3173-J; P.L. 2023, CH. 643 §§ LL-1, LL-2

**EFFECTIVE DATE: Friday, August 29, 2025**

**AGENCY CONTACT PERSON:** Catherine Coolidge, Comprehensive Health Planner II

AGENCY NAME: Office of MaineCare Services

ADDRESS: 109 Capitol Street

 11 State House Station

 Augusta, Maine 04333-0011

EMAIL: catherine.coolidge@maine.gov

TELEPHONE: 207-624-4082

FAX: (207) 287-6106

TTY: 711 (Deaf or Hard of Hearing)

**AGENCY: Maine Public Employees Retirement System**

**CHAPTER NUMBER AND TITLE: 94-411 C.M.R. Ch. 513, Disability Retirement Compensation and Benefit Offsets**

**ADOPTION FILING NUMBER: 2025-169**

**CONCISE SUMMARY:**

This rule provides guidance on disability compensation limits and benefit offsets. The proposed amended rules eliminates reference to the offset of disability retirement benefits and compensation limits for Social Security benefits received by a member for the same condition.

**EFFECTIVE DATE**: **Tuesday, September 2, 2025**

**AGENCY CONTACT PERSON:** Bill Brown, Director of Actuarial and Legislative Affairs

AGENCY NAME: Maine Public Employees Retirement System

ADDRESS: P.O. Box 349Augusta, ME 04332

TELEPHONE: 1-800-451-9800 or (207) 512-3100

**AGENCY: Maine Public Employees Retirement System**

**CHAPTER NUMBER AND TITLE: 94-411 C.M.R. Ch. 803, Participating Local District Consolidated Retirement Plan**

**ADOPTION FILING NUMBER: 2025-170**

**CONCISE SUMMARY:**

The adopted rule eliminates the offset of MainePERS disability retirement benefits for members who receive Social Security benefits for the same condition.

**EFFECTIVE DATE: Tuesday, September 2, 2025**

**AGENCY CONTACT PERSON:** Bill Brown, Director of Actuarial and Legislative Affairs

AGENCY NAME: Maine Public Employees Retirement System

ADDRESS: P.O. Box 349Augusta, ME 04332

TELEPHONE: 1-800-451-9800 or (207) 512-3100