**State of Maine: Notice of Agency Rulemaking – September 18, 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: 15-215 Department of Defense, Veterans and Emergency Management – Maine Bureau of Veterans’ Services**
**CHAPTER NUMBER AND TITLE: Ch. 4 (New), Expanded Burial Eligibility in the Maine Veterans’ Memorial Cemetery System**
**TYPE OF RULE: Routine Technical**
**PROPOSED RULE NUMBER: 2024-P269**
**BRIEF SUMMARY:** This rule governs expanded burial eligibility in the Maine Veterans Memorial Cemetery, pursuant to 37-B M.R.S.  Sec. 504(B-1)(4)(2024).
**PUBLIC HEARING *(if any)*:** N/A
**COMMENT DEADLINE:** Friday, October 18, 2024
**CONTACT PERSON FOR THIS FILING:**
Steven Lanning, Deputy Director
117 State House Station, Augusta, Maine 04333
Phone: 207-287-7020
Fax: 207-626-4471
steven.d.lanning@maine.gov
**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*: N/A
**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: None
**STATUTORY AUTHORITY FOR THIS RULE:** 37-B M.R.S.  Sec. 504(4) (B-1) (2024), enacted by P.L. 2021, ch. 593, “An Act Regarding Eligibility for the Maine Veterans’ Memorial Cemetery”; and Burial Equity for Guards and Reserve Act (within the Consolidated Appropriations Act, 2022), Pub. L. No. 117-103, 136 Stat. 49, 1109-10, Div. CC,  Sec. 102.
**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: same as above
**AGENCY WEBSITE:** <https://www.maine.gov/veterans/>
**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** steven.d.lanning@maine.gov

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

**CHAPTER NUMBER AND TITLE: Chapter 328 Rule Governing the Interconnection Ombudsman Fee and Fund
TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P276**

**BRIEF SUMMARY:** The Commission initiates a rulemaking proceeding to establish an Interconnection Ombudsman Fee and an Interconnection Ombudsman Fee Fund, pursuant to P.L. 2023, Chapter 307, as amended by P.L. 2024, Chapter 643, Sec. WWW-1.

**PUBLIC HEARING** *(if any)*: **October 9, 2024 at 1:00pm**at the Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. Persons unable to attend this conference in person may elect to participate virtually by emailing pamela.kowalchuk@maine.gov at the Commission and requesting a Microsoft Teams invitation. Those unable to attend via video may participate by phone using the dial-in information that appears on the Microsoft Teams invitation (obtained as described above).

**COMMENT DEADLINE:****October 21, 2024**. Comments on the proposed rule may be filed electronically using the Commission’s Case Management System (CMS) or may be sent in writing to the Administrative Director on or before **October 21, 2024**. Written comments should refer to the docket number of this proceeding, Docket No. 2024-00218, and be sent to the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

**CONTACT PERSON FOR THIS FILING**: Liz Wyman, 18 State House Station, Augusta, ME 04333; (207) 287- 1321; liz.wyman@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 35-A M.R.S.A. Secs. 104, 111, and P.L. 2023, c. 307, as amended by P.L. 2024, c. 643, Sec. WWW-1, codified at 35-A M.R.S. Sec. 3474.

**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: 65-407 Public Utilities Commission**

**CHAPTER NUMBER AND TITLE: Chapter 830** **Political Activities, Charitable Contributions, Educational Expenditures, Institutional Advertising, Promotional Advertising, and Promotional Allowances by Public Utilities.
TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P277**

**BRIEF SUMMARY:** To repeal Chapter 83 of the Commission’s rules, which governs political activities, institutional advertising, promotional advertising, and promotional allowances by public utilities, and replace it with Chapter 830 to implement recently enacted legislation.

**PUBLIC HEARING** *(if any)*: October 10, 2024 at 9:00am at the Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. For those wishing to participate remotely, please contact Dale Coty at: Dale.Coty@maine.gov and reference Docket No. 2024-00239 and the date of the hearing for the link for the Teams meeting. (obtained as described above).

**COMMENT DEADLINE:**October 21, 2024. Written comments on the proposed rule may be filed with the Administrative Director until close of business on October 21, 2024. However, the Commission requests that initial comments be filed by close of business on October 4, 2024 to allow for follow up inquires during the hearing. Supplemental comments may be filed after the hearing by October 21, 2024. Written comments should refer to the docket number of this proceeding, Docket No. 2024-00239, 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- 1321; paulina.collins@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 35-A M.R.S.A. Secs.104, 111, 112, 302 and 302-A

**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: 29-250 Secretary of State, Bureau of Motor Vehicles**

**CHAPTER NUMBER AND TITLE: Chapter 157 THE ADMINISTRATION OF OVER DIMENSION AND OVERWEIGHT PERMITS**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P278**

**BRIEF SUMMARY:** This rule establishes requirements and standards for the permitting of non-divisible, over-dimensional and overweight vehicles and loads (collectively overlimit loads) which are loads exceeding the size and weight limits established in Title 29-A. The Secretary of State is authorized to issue overlimit permits pursuant to Title 29-A M.R.S.A Sec.2382. This rule also establishes requirements and standards for Pilot and Police Escort vehicles.

The updated rule proposes changes to non-divisible load permits related to ocean going containers, special hauls, mobile and modular homes, it establishes a permit for unladen over-with lowbed equipment trailers in Aroostook County, repeals instant permits, allows for certain loads to be moved on Saturday mornings, allows certain modular or mobile homes to be moved during Saturday morning hours on certain roadways and makes non-substantive changes to the structure of the rule. The changes intend to support commerce when traffic is lightest while preserving safety during periods of heavier traffic.

Additionally, a pilot project was established in Aroostook County for certain movements of unlanded trailers during specific dates and times of the year. These amendments formalize the pilot into rule.

**PUBLIC HEARING** *(if any)*: Wednesday October 11, 2024 at 10:00 AM in Burton M. Cross Office Building, Room 400, 111 Sewall Street, Augusta Maine 04333

**COMMENT DEADLINE:** October 23, 2024

**CONTACT PERSON FOR THIS FILING:**

Nelson M. Peters, Senior Section Manager

State of Maine

BMV Vehicle Services

29 State House Station, Augusta, Me, 04333-0029

Nelson.M.Peters@maine.gov

207-624-9063

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 29-A M.R.S.A. Sec. 2382

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

**AGENCY WEBSITE**: www.maine.gov/sos/bmv

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Tina.B.Corkum@maine.gov

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

**CHAPTER NUMBER AND TITLE: Chapter 5, Co-counsel Requirements**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P279**

**BRIEF SUMMARY:** This rule establishes a process for requesting Co-counsel, expectations of Co-counsel, parameters for payment of Co-counsel, and guidelines for the delegation of tasks in assigned cases.

**PUBLIC HEARING** *(if any)*: None

**COMMENT DEADLINE:** October 18, 2024

**CONTACT PERSON FOR THIS FILING:** Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, jim.billings@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:** 4 M.R.S.A. 1804(2)(G) and (4)(D)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: None

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

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** jim.billings@maine.gov

**AGENCY: 16-633 Department of Public Safety – Gambling Control Unit**

**CHAPTER NUMBER AND TITLE:** **Chapter 32 – Rules Relating to Games of Chance**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P280**

**BRIEF SUMMARY**: This rule package seeks to repeal provision 16-633 C.M.R., chapter 32, Sec. 4(5)(F).

**PUBLIC HEARING** *(if any)*: Non applicable – written comments only

**COMMENT DEADLINE:** October 18, 2024

**CONTACT PERSON FOR THIS FILING:** Milton Champion, Executive Director, 45 Commerce Dr. Suite 3, Augusta ME 04333, 207-626-3901, Milton.f.champion@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:** 17 M.R.S.A. Chapter 62 Sec.1843

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

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

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules; Section 999-2**

**SNAP Rule #234P – ABAWD Geographic Exemptions**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P281**

**BRIEF SUMMARY:**Federal Supplemental Nutrition Assistance Program (SNAP) regulations only allow able-bodied adults without dependents (ABAWDs) to receive SNAP for three months in a 36-month period, unless they work 20 hours or more per week (averaged monthly) or participate in and comply with requirements of a work program. Individuals who reside in certain geographic areas can qualify for an exception to this time limit.

The Department submitted a request to the U.S.D.A. – Food and Nutrition Services (FNS) to waive these work requirements for certain ABAWDs residing in geographic areas that have unemployment rates at or above 10% or have insufficient jobs for recipients residing in those areas. The geographic areas include 213 qualifying municipalities. Pending U.S.D.A. – FNS approval and the adoption of this rule, ABAWDs residing in those areas will not have to meet the work requirements to receive SNAP effective October 1, 2024.

Retroactive rulemaking is permissible under 22 M.R.S. Sec. 42(8)(C) as this update provides a benefit to SNAP recipients who meet the ABAWD definition and does not adversely impact applicants, participants, beneficiaries, or providers.

**PUBLIC HEARING** *(if any)*: No public hearing is scheduled.

**COMMENT DEADLINE:** Friday, October 18, 2024, at 5:00 p.m. Eastern Time.

**CONTACT PERSON FOR THIS FILING:**

Evan Denno, SNAP Program Manager

Department of Health and Human Services

Office for Family Independence

109 Capitol Street

Augusta, ME 04330-6841

Phone: (207) 624-8045/Fax: (207) 287-3455

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Evan.Denno@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. Sec. 42(1) and (8)(C); 7 C.F.R. Sec. 273.24(f)

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

**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, Office for Family Independence**

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules; Section 999-3**

**SNAP Rule #236 – FFY25 Budgeting Figures**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P282**

**BRIEF SUMMARY:** Federal rules require that income and asset allowances, standard utility allowances, shelter deductions, and minimum and maximum benefit limits, are updated each year, effective October 1st. The final income and asset allowances, standard deductions, excess shelter deductions and minimum and maximum benefit levels were distributed by the USDA FNS on August 2, 2024. The standard utility allowance (SUA) calculations are based on the change in the Consumer Price Index for fuel and utilities, between June 2023 and June 2024. FNS approved Maine’s SUAs for FFY 2025 on August 15, 2024. The Department proposes to incorporate these figures effective October 1, 2024. These changes would make SNAP benefits and the related SNAP Employment and Training (E&T) services available to more Maine households.

Retroactive rulemaking is permissible under 22 M.R.S. Sec. 42(8)(A) as this update is necessary to comply with federal requirements, provides a benefit to SNAP recipients and does not adversely impact applicants, participants, beneficiaries, or providers.

**PUBLIC HEARING** *(if any)*: No public hearing is scheduled.

**COMMENT DEADLINE:** Friday, October 18, 2024, at 5:00 p.m. Eastern Time.

**CONTACT PERSON FOR THIS FILING:**

Michael Downs, Senior Program Manager — SNAP

Department of Health and Human Services

Office for Family Independence

109 Capitol Street

Augusta, ME 04330-6841

Phone: (207) 624-4135/Fax: (207) 287-3455

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Michael.E.Downs@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. Secs. 42(1) and (8)(A); 3104

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: Federal rule 7 C.F.R. Secs. 273.9(a)(3), 273.9 (d)(6)(ii) and (iii)(B), 273.10(e)(4), and 273.11(r)(2)(ii)

**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

**ADOPTIONS**

**AGENCY: 06-096 Department of Environmental Protection**

**CHAPTER NUMBER AND TITLE: Chapter 2: Processing of Applications and Other Administrative Matters**

**ADOPTED RULE NUMBER: 2024-212**

**CONCISE SUMMARY:**

This rulemaking repeals and replaces Chapter 2, *Rule Concerning the Processing of Applications and Other Administrative Matters*, to improve the clarity, organization and grammar of the rule and to incorporate recent legislative changes to the Board’s responsibilities and duties. Additionally, the new rule revises or establishes procedural requirements based on the Department’s experience applying Chapter 2 across a wide range of programs since the rule was last amended in 2018.

**EFFECTIVE DATE: Sunday, September 15, 2024**

**AGENCY CONTACT PERSON:**

Bill Hinkel

DEP, 17 SHS, Augusta, ME 04333-0017

(207) 314-1458

bill.hinkel@maine.gov

**AGENCY: 94-590 Maine Health Data Organization 90-590**

**CHAPTER NUMBER AND TITLE: Chapter 340: Uniform Reporting System for Reporting 340B Drug Program Data Sets (routine technical)**

**ADOPTED RULE NUMBER: 2024-213**

**CONCISE SUMMARY:**

This new rule is being adopted to implement the provisions in Title 22 M.R.S. Sec. 1728.

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 287-6722.

This rule is not expected to have any adverse economic impact on small businesses.

**EFFECTIVE DATE: Tuesday, September 17, 2024**

**CONTACT PERSON: Karynlee Harrington, Acting Executive Director**

AGENCY NAME: Maine Health Data Organization

ADDRESS 151 Capitol Street, 102 State House Station, Augusta, ME 04333-0102

TELEPHONE: (207) 287-6722

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

**CHAPTER NUMBER AND TITLE: 10-144 CMR Chapter 175 -** **Amyotrophic Lateral Sclerosis Incidence Registry Rule**

**ADOPTED RULE NUMBER: 2024-214**

**CONCISE SUMMARY:**

The adoption of Maine’s Amyotrophic Lateral Sclerosis Incidence Registry Rule, a new rule administered by the Maine Center for Disease Control and Prevention, establishes data collection requirements and data release protocols specific to reportable cases of patients diagnosed with amyotrophic lateral sclerosis (ALS). For the purpose of the statewide ALS registry required by 22 MRS Sec. 1411, this rule directs healthcare practitioners and facilities that screen for, diagnose or provide therapeutic services to patients with ALS to submit, in the form and manner prescribed by the Department, information including, but not limited to, patient employment information as specified in the law, patient demographics and diagnostic information included in the patient’s medical record, and residential history and known risk factors reported by the patient. ALS registry data release for approved research, inclusion in the national registry or other legitimate purpose must be in accordance with this rule. The Department may contact the reporter for information concerning a reportable case. The Department added facsimile as an additional secure method for submitting the ALS report form, based on public comment, as well as minor changes to format to the final adopted rule.

**EFFECTIVE DATE: Monday, September 16, 2024**

**AGENCY CONTACT PERSON:**

NAME: Bridget Danis, Policy Analyst

ADDRESS: 11 State House Station

Augusta, Maine 04330

TELEPHONE: (207)287-9394

E-MAIL ADDRESS: bridget.danis@maine.gov

**DHHS RULES WEBSITE:** [**https://www.maine.gov/dhhs/about/rulemaking**](https://www.maine.gov/dhhs/about/rulemaking)