**State of Maine: Notice of Agency Rulemaking – September 6, 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: **10-144** - Department of Health and Human Services (DHHS), **Division of Licensing and Certification**

CHAPTER NUMBER AND TITLE: **Ch. 123,** Behavioral Health Organizations Licensing Rule

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P190**

BRIEF SUMMARY: The Department proposes rulemaking to adopt 10-144 CMR Ch. 123, Behavioral Health Organizations Licensing Rule.

The Department is proposing the repeal of three existing licensing rules and replacing those rules with one single rule, Behavioral Health Organizations Licensing Rule, to provide a comprehensive, one-stop licensing rule. This proposed rule governs the licensing requirements for mental health and substance use disorder treatment programs. The rules proposed for repeal and replacement include community and residential licensing standards for mental health and substance use disorder treatment services.

The rules to be repealed and replaced by this proposed rulemaking include: Licensing of Mental Health Facilities, 14-193 CMR Ch.6; Licensing of Mental Health Facilities, PNMI, 14-193 CMR Ch. 6A; and Regulations for Licensing and Certifying of Substance Abuse Treatment Programs, 14-118 CMR Ch. 5.

Across the existing rules that are being proposed for repeal, there are many shared requirements, including the governing authority; personnel; organizational structure; physical plant; record keeping for staff and clients; treatment and service planning; quality improvement; client rights; admission and discharge practices; and medication administration among others. The major difference across these rules is in the individual treatment service definitions and requirements.

The new proposed replacement rule creates core licensing standards, addressing in common requirements while keeping individual treatment services separate. Specific treatment services are contained in their own program standards and criteria. The Department’s decision to streamline these existing rules into one is based on the Department’s expertise, similarities and redundancies of the existing licensing rules, and the structure of the current provider network.

PUBLIC HEARING: Friday, September 29, 2023 from 9 am to 11 am at the DHHS office building located at 109 Capitol Street, Augusta, Maine, Conference Room Maine A and B.

COMMENT DEADLINE: Written comments must be submitted by 5 pm on Wednesday, October 13, 2023.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Jonathan Leach, Division of Licensing and Certification, 41 Anthony Avenue, 11 State House Station, Augusta, ME 04333-0011 Telephone: 287-5825, Fax: 287-5807, TTY: 711 (State Relay) Email: [jonathan.h.leach@maine.gov](mailto:jonathan.h.leach@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS § 19205, 5 MRS §§ 2001-2007(A), 22 MRS § 42 (1), 22 MRS §§ 1501-1507, 22 MRS §§ 7801-7807, 22 MRS §§ 8001-8005, 22-A MRS § 205(2), 34-B MRS §§ 1001-1953.

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

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [emily.a.cathcart@maine.gov](mailto:emily.a.cathcart@maine.gov)

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

CHAPTER NUMBER AND TITLE: **Ch. 32**, Rules Relating to Games of Chance

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P191**

BRIEF SUMMARY: This rule package is to create rules to implement the new game night statutory changes in 17 M.R.S. ch. 62 as amended by 2023 PL 2023 ch. 391, that authorize once a calendar year game nights for certain entities. In addition, these amendments include Unit proposed language to clarify recordkeeping and submission requirements for licensees and registrants.

PUBLIC HEARING: Written comments only.

COMMENT DEADLINE: October 6, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Milton Champion, Executive Director, 45 Commerce Dr. Suite 3, Augusta ME 04333, 207-626-3901, [Milton.f.champion@maine.gov](mailto:Milton.f.champion@maine.gov)

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

STATUTORY AUTHORITY FOR THIS RULE: 17 M.R.S.A. Chapter 62 §§1832, 1934, 1835-B & 1840 and 21-A M.R.S.A §1006

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

AGENCY WEBSITE: <https://www.maine.gov/dps/gcu>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [paul.f.cavanaugh@maine.gov](mailto:paul.f.cavanaugh@maine.gov)

AGENCY: **18-691** – Department of Administrative and Financial Services, **Office of Cannabis Policy**

CHAPTER NUMBER AND TITLE: **Ch. 2**, Medical Use of Cannabis Program Rule

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2023-P192**

BRIEF SUMMARY: This major substantive rulemaking updates the existing *Medical Use of Cannabis Program Rule* to strike provisions no longer supported by the enabling statute, 22 MRS, ch. 558-C, the *Maine Medical Use of Cannabis Act*, and includes amendments to Section 10 of that rule to implement the requirements legislation enacted in the first regular and special sessions of the 131st Legislature, specifically PL 2023, ch. 6 (*Emergency*, signed March 15, 2023) and PL 2023, ch. 365. The amendments to section 10 include compliance requirements applicable to registry identification cardholders and registrants, including the implementation of a two-tiered system for assessment of fines for violations of program requirements, and revision of the notice requirements applicable to the State when it identifies violations of program requirements by a registrant or a registrant’s employee or other agent.

PUBLIC HEARING: September 26, 2023; 9:00 a.m.; Office of Cannabis Policy, 19 Union Street., Augusta, Maine, 3rd Floor, Room 325.

COMMENT DEADLINE: Tuesday, October 10, 2023 at 11:59 p.m.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Gabi Pierce; Office of Cannabis Policy, 162 State House Station, Augusta, ME 04333; Phone: (207) 530-0507; Fax: (207) 287-2671; [gabi.pierce@maine.gov](mailto:gabi.pierce@maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: de minimus

STATUTORY AUTHORITY FOR THIS RULE: Title 22, Chapter 558-C (Maine Medical Use of Cannabis Act), including PL 2023, ch. 6 (*Emergency*, signed March 15, 2023) and PL 2023, ch. 365.

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

AGENCY WEBSITE: <https://www.maine.gov/dafs/ocp/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [anya.trundy@maine.gov](mailto:anya.trundy@maine.gov)

AGENCY: 03-201 - **Maine Department of Corrections**

CHAPTER NUMBER AND TITLE: **Ch. 4,** Line of Duty Death Benefit for Corrections Officers & MDOC Law Enforcement Officers

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P193**

BRIEF SUMMARY: The Department is proposing the following changes to its rule because of new legislation, P.L. 2023, ch. 433:

1. Adding death by suicide as a line of duty death if the suicide was the result of events or actions experienced by the officer while in the line of duty; and

2. Changing the responsibility for determining line of duty death benefits from the Maine State Police Chief to the Commissioner of Corrections for MDOC law enforcement officers.

Copies of the proposed rule are available upon request by contacting the Department contact person or on the Department of Corrections website at [**https://www.maine.gov/corrections/policies**](https://www.maine.gov/corrections/policies). Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include the name of the commenter and the organization represented, if any.

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: October 5, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Mary Lucia, Policy Development Coordinator, Department of Corrections, 111 SHS, Augusta ME 04333; Phone: (207) 530-0983, TTY: Relay Service Dial 711, Fax: (207) 287-4370; [mary.a.lucia@maine.gov](mailto:mary.a.lucia@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:  None

STATUTORY AUTHORITY FOR THIS RULE: 25 MRSA § 1612

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

AGENCY WEBSITE: <https://www.maine.gov/corrections/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [mary.a.lucia@maine.gov](mailto:mary.a.lucia@maine.gov)

AGENCY: 65-407 - **Public Utilities Commission (PUC)**

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P194**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking proceeding to amend its Portfolio Requirement rule (Chapter 311) to comply with the requirements of Public Law 2023, chapters 306 and 361. The amended rule will create an alternative compliance payment rate for Class II resources. The amended rule will also require that any alternative compliance payment rate for Class I, Class IA or Class II resources collected are to be used to provide financial assistance for low-income households.

PUBLIC HEARING: September 27, 2023 at 10 a.m. 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 13, 2023. 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 13, 2023. However, the Commission requests that interested persons file initial comments on the proposed amendments to the Rule using the Commission's CMS, in Docket No. 2023-00225, on or before Friday, September 22, 2023.Written comments should refer to the docket number of this proceeding, Docket No. 2023-00225, and be sent to the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Rikka Strong, 18 State House Station, Augusta, ME 04333; (207) 287- 1366; [rikka.strong@maine.gov](mailto:rikka.strong@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Minimal

STATUTORY AUTHORITY FOR THIS RULE: Public Law 2023, chapters 306 and 361 and ; 35-A M.R.S. §§ 104, 111, 1301, 3203(9) and 3210

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [pamela.kowalchuk@maine.gov](mailto:pamela.kowalchuk@maine.gov)

AGENCY: 65- 407 - **Public Utilities Commission (PUC)**

CHAPTER NUMBER AND TITLE: **Ch. 317**, Statewide Arrearage Management Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P195**

BRIEF SUMMARY: On June 9, 2023, The Office of the Public Advocate petitioned the Commission to make the following changes to the Statewide Arrearage Management Program as recommended by the Electric Ratepayer Advisory Council: 1) allow participants to miss two payments before disqualification from the program; 2) allow a ratepayer to participate once every seven years rather than once in a lifetime; 3) allow all Low-income Assistance Program (LIAP) eligible ratepayers to qualify for AMP; and 4) increase the maximum monthly AMP benefit to $500 a month (which increases the total amount eligible for forgiveness to $6000 a year). In addition to the amendments proposed by the OPA, the Commission is proposing to make changes to the enrollment process to ensure that participants are not required to pay for more than one month of service when enrolled in AMP as well as other non-substantive changes to the rule.

PUBLIC HEARING: The Commission will hold a public hearing on the proposed rule on Wednesday, September 27, at 1:00 p.m. The hearing will be held in the Simpson Hearing Room at the offices of the Maine 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 13, 2023 - Comments on the proposed rule may be filed electronically using the Commission’s Case Management System (CMS) (Docket No. 2023-00134) or may be sent in writing to the Administrative Director on or before Friday, October 13, 2023. However, the Commission requests that interested persons file initial comments on the proposed amendments to the Rule using the Commission's CMS, in Docket No. 2023-00134, on or before Friday, September 22, 2023. Written comments should refer to the docket number of this proceeding, Docket No. 2023-00134, and be sent to the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Daya Taylor, Maine Public Utilities Commission, 18 State House Station, Augusta, Maine 04333, (207) 287-3831, daya.taylor@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Minimal

STATUTORY AUTHORITY FOR THIS RULE: 35-A M.R.S. §§ 104, 111, 1714, 3214, 10110

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [pamela.kowalchuk@maine.gov](mailto:pamela.kowalchuk@maine.gov)

**ADOPTIONS**

None this week.