**State of Maine: Notice of Agency Rulemaking – September 14, 2022**

**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: **10-148** - Maine Department of Health and Human Services (DHHS), **Office of Child and Family Services (OCFS)**

CHAPTER NUMBER AND TITLE: **Ch. 31**, Quality Rating Improvement System Rules: Rising Stars for ME

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P167**

BRIEF SUMMARY: Maine’s Quality Rating and Improvement System (QRIS), Rising Stars for ME, is designed to increase awareness of the basic standards of Early Care and Education; recognize and support Early Care and Education Programs providing care above and beyond those Standards; and educate the community about the benefits of higher quality care. In addition, Maine’s Rising Stars for ME, includes specific program indicators that define and promote quality in early care and education and Out-of-School Time (OST) settings across seven (7) standards. The focus is on program improvement and ensuring access to quality early care and education settings for all children.

The proposed Quality Rating and Improvement System Rules will:

**\*** Recognize Early Care & Education Programs that provide quality care, encourage Program Owners to increase their level of quality, and provide parents with identifiable standards of quality.

**\*** Outline procedures for Early Care & Education Programs’ enrollment with Rising Stars for ME.

**\*** Establish standards and requirements for each Star Rating by program type;

**\*** Explain how a program can attain a Star Rating.

**\*** Explain how a program can maintain its Star Rating or advance to the next Star Rating; and/or

**\*** Explain how to appeal their Star Rating.

DATE, TIME, AND LOCATION OF PUBLIC HEARING: Wednesday, October 5, 2022. 1:00 p.m. - 3:00 p.m.

<https://mainestate.zoom.us/j/87016619445?pwd=L3NuLzdOUWVnNkI0dTRTNElnWnpHdz09>

Meeting ID: 870 1661 9445. Passcode: 46015996

COMMENT DEADLINE: The public has ten (10) calendar days after the public hearing to comment.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Crystal Arbour, Child Care Services Program Manager, 2 Anthony Avenue - 11 State House Station, Augusta, ME 04333. Telephone: (207) 626-8683. Fax: (207) 287-6308. TTY: Maine Relay 711. Email: Crystal.Arbour@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42, 3737

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

OCFS WEBSITE: <https://www.maine.gov/dhhs/ocfs>

OCFS RULEMAKING LIAISON: Sara.Gagne-Holmes@Maine.gov.

AGENCY: **02-313 - Maine Board of Dental Practice** (*Affiliated with the* Department of Professional and Financial Regulation)

TYPE OF RULE: Routine Technical

CHAPTER NUMBER AND TITLE: **Ch. 14**, Rules for Use of Sedation and General Anesthesia

PROPOSED RULE NUMBER: **2022-P168**

BRIEF SUMMARY: This is an amendment to an existing rule that clarifies the advanced life support certification requirements when a dentist is utilizing sedation and/or general anesthesia as follows:

**1**. Requires a dentist who applies for a permit to provide sedation and/or general anesthesia services to patients to obtain and maintain life support certification in basic life support (BLS), and advanced life support certification in Advanced Cardiac Life Support (ACLS). Advanced life support certification in Pediatric Advanced Life Support (PALS) is required when providing sedation services to pediatric patients and may be used in meeting the ACLS advanced life support certification requirements.

**2**. Requires an operating dentist who applies for a 14 Day Notification to utilize the services of a sedation provider to obtain and maintain life support certification in BLS, and advanced life support certification in Advanced Cardiac Life Support (ACLS). Advanced life support certification in Pediatric Advanced Life Support (PALS) is required when providing sedation services to pediatric patients and may be used in meeting the ACLS advanced life support certification requirements.

**3**. Clarifies that as part of the 14 Day Notification application requirements, a sedation provider must hold current life support certifications in BLS, ACLS and PALS. As noted in the previous sections, PALS certification is required only when providing sedation services to pediatric patients and may be used in meeting the ACLS advanced life support certification requirements.

**4**. Removes duplicative notification language when a dentist who holds a permit under Chapter 14 is part of a 14 Day Notification application. No additional application or notification is required by the dentist providing services as the sedation provider.

**5**. Other technical changes include clarification as follows:

 **a**. An operating dentist must file an application when utilizing a sedation provider as part of a 14 Day Notification requirement;

 **b**. Life support certification requirements for a permit renewal;

 **c**. Online life support/advanced life support certification training not accepted unless hands-on participation with the instructor as a component of the training is verified; and

 **d**. Removing sections from the rule referencing dates for compliance after the rule was last amended in 2017.

PUBLIC HEARING: No public hearing is scheduled. *Written comments can be mailed to the Maine Board of Dental Practice, 143 State House Station, Augusta, ME 04333; or can be emailed to Penny Vaillancourt, Executive Director at* *Penny.Vaillancourt@Maine.gov*.

COMMENT DEADLINE: October 28, 2022 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / BOARD RULEMAKING LIAISON: Penny Vaillancourt, Executive Director, Maine Board of Dental Practice, 143 State House Station, Augusta, ME 04333. Telephone: (207) 287-3333. Fax: (207) 287-8140. TTY 711. Email Penny.Vaillancourt@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None known.

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 18324, 18379

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

BOARD WEBSITE: [www.maine.gov/dental](http://www.maine.gov/dental).

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

PROPOSED RULE NUMBER: **2022-P169**

CHAPTER NUMBER AND TITLE: **Ch. 100**, Enforcement Procedures *(Major Substantive)*

BRIEF SUMMARY: This proposed rule change is necessary to align the enforcement requirements in Public Law 2021 Ch. 603 and in 90-590 CMR Ch. 247, with the enforcement provisions described in 90-590 CMR Ch. 100, *Enforcement Procedures*. These proposed changes add a new provision under Section 3. Penalties; fines, for a payor that fails to file supplemental health care data sets and/or to meet the standards for data as defined in 90-590 Ch. 247. Additionally, the definitions for manufacturer and wholesale drug distributor have been updated to align the definitions in 22 MRS Ch. 1683 and 90-590 CMR Ch. 570.

PUBLIC HEARING: October 6, 2022, at 9:00 a.m. *(Remote only).* ***Please note****: This public hearing will be held virtually. To attend via zoom, select the link below or call the number provided to attend via conference call.*

**Zoom meeting link:** <https://mainestate.zoom.us/j/87636979149?pwd=MTZzbmVJdkxpVUFsZ3FUSUhkK0F4QT09>. **Call in number:** 1 646 931 3860 US. **Meeting ID:** 876 3697 9149

COMMENT DEADLINE: October 17, 2022 at 5:00 p.m.

This rule will not have a fiscal impact on municipalities, counties or small businesses. 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.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MHDO RULEMAKING LIAISON: Debra Dodge, Health Planner, 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 OR COUNTIES. This rule will not have a fiscal impact on municipalities, counties, or small businesses.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §8705-A; 24-A MRS §6951

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

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

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

PROPOSED RULE NUMBER: **2022-P170**

CHAPTER NUMBER AND TITLE: **Ch. 247**, Uniform Reporting System for Non-Claims

Based Primary Care Payments *(Routine Technical)*

BRIEF SUMMARY: The primary reason for this rulemaking is for the MHDO Board to adopt the changes to 90-590 CMR Ch. 247, needed because of PL 2021 c. 603. Once the changes are adopted by the board the rule will align with the law.

PUBLIC HEARING: October 6, 2022, at 9:00 a.m. *(Remote only).* ***Please note****: This public hearing will be held virtually. To attend via zoom, select the link below or call the number provided to attend via conference call.*

**Zoom meeting link**: <https://mainestate.zoom.us/j/87636979149?pwd=MTZzbmVJdkxpVUFsZ3FUSUhkK0F4QT09>. **Call in number:** 1 646 931 3860 US. **Meeting ID**: 876 3697 9149

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IMPACT ON MUNICIPALITIES OR COUNTIES. 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)&(4); 24-A MRS §6951

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

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

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

PROPOSED RULE NUMBER: **2022-P171**

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

BRIEF SUMMARY: This rule change is necessary to align the requirements in PL 2021, c305, “An Act To Increase Prescription Drug Pricing Transparency”, with the requirements in 90-590 CMR Ch. 570.

PUBLIC HEARING: October 6, 2022 at 9:00 a.m. *(Remote only).* ***Please note:*** *This public hearing will be held virtually. To attend via zoom, select the link below or call the number provided to attend via conference call.*

**Zoom meeting link:** <https://mainestate.zoom.us/j/87636979149?pwd=MTZzbmVJdkxpVUFsZ3FUSUhkK0F4QT09>. **Call in number**: 1 646 931 3860 US. **Meeting ID:** 876 3697 9149

COMMENT DEADLINE: October 17, 2022, at 5:00 p.m.

**This rule will not have a fiscal impact on municipalities, counties or small businesses.** 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.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MHDO RULEMAKING LIAISON: Debra Dodge, Health Planner, 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 OR COUNTIES. This rule will not have a fiscal impact on municipalities, counties, or small businesses.

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

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

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

**ADOPTIONS**

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (OFM)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Stationary Combustion Engines and Gas Turbines

ADOPTED RULE NUMBER: **2022-170**

CONCISE SUMMARY: This rule will incorporate the 2021 edition of National Fire Protection Association’s Standard #37, *Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines*. The new edition will address safety issues for both portable and stationary engines.

EFFECTIVE DATE: August 23, 2022

OFM CONTACT PERSON / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

OFM WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (OFM)**

CHAPTER NUMBER AND TITLE: **Ch. 14**, National Fuel Gas Code

ADOPTED RULE NUMBER: **2022-171**

CONCISE SUMMARY: This rule incorporates the 2021 edition of National Fire Protection Association’s Code #54, *National Fuel Gas Code*. This code is a safety code that shall apply to the installation of fuel gas piping systems, appliances, equipment and related accessories.

EFFECTIVE DATE: August 23, 2022

OFM CONTACT PERSON / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

OFM WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (OFM)**

CHAPTER NUMBER AND TITLE: **Ch. 16**, Storage and Handling of Liquefied Petroleum Gases

ADOPTED RULE NUMBER: **2022-172**

CONCISE SUMMARY: This rule incorporates the 2021 edition of National Fire Protection Association’s Standard #59, *Utility LP-Gas Plant Code Gas Code*. This code applies to the storage, handling, transportation, and use of LP-Gas and the design, construction, location, installation, operation, and maintenance of refrigerated and nonrefrigerated utility gas plants.

EFFECTIVE DATE: August 23, 2022

OFM CONTACT PERSON / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

OFM WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (OFM)**

CHAPTER NUMBER AND TITLE: **Ch. 21**, Tents, Grandstands, Air Supported Structures for Places of Assembly Turbines

ADOPTED RULE NUMBER: **2022-173**

CONCISE SUMMARY: This will incorporate the 2021 edition of National Fire Protection Association’s Standard #102, *Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures.*

EFFECTIVE DATE: August 23, 2022

OFM CONTACT PERSON / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

OFM WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (OFM)**

CHAPTER NUMBER AND TITLE: **Ch. 22**, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances

ADOPTED RULE NUMBER: **2022-174**

CONCISE SUMMARY: This rule will incorporate the 2019 edition of National Fire Protection Association’s Standard #211, *Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances*. The rule provides guidance for the removal of waste gases, the reduction of fire hazards associated with construction and installation of chimneys, fireplaces and venting systems for residential, commercial and industrial appliances and the installation of solid fuel burning appliances.

EFFECTIVE DATE: August 23, 2022

OFM CONTACT PERSON / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

OFM WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (OFM)**

CHAPTER NUMBER AND TITLE: **Ch. 25**, Rules for the Display of Fireworks

ADOPTED RULE NUMBER: **2022-175**

CONCISE SUMMARY: This rule incorporates the 2022 edition of National Fire Protection Association’s Code #1123, *Code for Fireworks Display*. The rule establishes the rules and regulations for the manufacture, transportation, storage and display of fireworks, pyrotechnic articles, and model rocketry.

EFFECTIVE DATE: August 23, 2022

OFM CONTACT PERSON / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

OFM WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **16-219** – Department of Public Safety (DPS), **Office of the Maine State Fire Marshal (OFM)**

CHAPTER NUMBER AND TITLE: **Ch. 26**, Standard for the Use of Pyrotechnics before a Proximate Audience

ADOPTED RULE NUMBER: **2022-176**

CONCISE SUMMARY: This rule incorporates the 2021 edition of National Fire Protection Association’s Standards #1126, *Standard for the Use of Pyrotechnics before a Proximate Audience*, and the 2021 edition of NFPA Standard #160, *Standard for the Use of Flame Effects before an Audience*. The rule provides much needed guidance to individuals and organizations using pyrotechnics entertainment devices before a proximate audience. This rule provides clarification with regard to the definition of effect simulation equipment.

EFFECTIVE DATE: August 23, 2022

OFM CONTACT PERSON / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, Maine 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

OFM WEBSITE: <https://www.maine.gov/dps/fmo/>.