**State of Maine: Notice of Agency Rulemaking – September 15, 2021**

**PROPOSALS**

**CORRECTION: REVISED NOTICE OF MEETING (REMOTE ONLY)**

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

PROPOSED RULE NUMBERS: **2021-P147, P148, P149**

TYPE OF RULE: Routine Technical

CHAPTER NUMBERS AND TITLES:

**Ch. 241**, Uniform Reporting System for Hospital Inpatient Data Sets and Hospital Outpatient Data Sets

**Ch. 243**, Uniform Reporting System for Health Care Claims Data Sets

**Ch. 247**, Uniform Reporting System for Non-Claims Based Primary Care Payments

The Maine Health Data Organization will hold a Public Hearing and Board meeting on Thursday, September 23, 2021 – 9 a.m. Remotely. There will not be an in-person option as previously advertised. Remote access to the meeting is as follows:<https://mainestate.zoom.us/j/81753001616> **OR** 1-646-876-9923 meeting ID: 81753001616

CONTACT PERSON: Debra Dodge, Maine Health Data Organization, 151 Capitol Street - 102 State House Station, Augusta, ME 04333. Telephone: (207) 287-6722. Fax: (207) 287-6732. Email: [Debra.J.Dodge@Maine.gov](mailto:Debra.J.Dodge@Maine.gov) .

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

CHAPTER NUMBERS AND TITLES:

**Ch. 1**, Definitions

**Ch. 2**, Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities

**Ch. 3**, Qualifications for Expanded Function Dental Assistant Licensure

**Ch. 5**, Qualifications for Denturist Licensure

**Ch. 6**, Qualifications for Dentist Licensure:

**Ch. 11**, Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities

**Ch. 17**, Requirements for Establishing a Board Approved Dental Hygiene Therapy Program

TYPE OF RULES: Routine Technical

PROPOSED RULE NUMBERS: **2021-P152** *to* **P158**

BRIEF SUMMARY: The proposed changes are to fully implement the amendments to the qualifications for licensure based on the following emergency legislation:

**Public Law 2021, chapter 44**: An Act to Remove the Advanced Cardiac Life Support Certification Requirement for Dental Therapists – *effective May 5, 2021*.

**Public Law 2021, chapter 88**: An Act to Modify the Qualifications for Resident Dentist Licensure effective June 8, 2021.

**Public Law 2021, chapter 163**: An Act to Modify Dental Licensure Requirements to Consider Credentialed Individuals from Other Jurisdictions - *effective June 11, 2021*.

In addition, the proposed changes to Board Rules Ch. 17 reflect a statutory amendment that removed the term hygiene from the dental therapy educational qualifications in 2019 – See 32 MRS §10345(2)(C) and (F).

PUBLIC HEARING: October 8, 2021 at 8:30 a.m.; Maine Board of Dental Practice, Conference Room, 161 Capitol Street, Augusta, ME

COMMENT DEADLINE: October 18, 2021 at 5:00 p.m.

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 18323(3), 18324

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

AGENCY: **99-639 - ConnectMaine**

CHAPTER NUMBER AND TITLE: Ch. 101, ConnectMaine

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P159**

**BRIEF SUMMARY**: This rule makes needed changes to update the 10 cent surcharge per line enacted as part of (PL 2021 ch. 398 section AA). It also updates the definition of underserved, and makes programmatic changes to the infrastructure and planning grants.

**DETAILED SUMMARY**: This rule makes the required changes to implement PL 2021 ch. 398, section AA, which expands the 10 cents per line surcharge to additional phone lines.

It includes in the required data reporting section, data that will be needed to use new federal funding to determine eligibility for grants.

The rule also changes the definition of underserved to reflect the recent changes in ConnectMaine’s unserved definition.

It makes changes in the infrastructure grant program to reflect the input ConnectMaine has received as a result of public outreach, and the increase in federal funding coming to broadband. These changes will allow ConnectMaine greater flexibility in developing applications and scoring. It also updates to the required reporting for grantees.

It simplifies the Community Planning grant process for communities.

**PUBLIC HEARING**: October 4th, 2021 - 1:00 p.m.: [https://networkmaine.zoom.us/meeting/register/tZAocOyrpzkiEt0ISMU8YgVB5V7Ca-PuEde7](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnetworkmaine.zoom.us%2Fmeeting%2Fregister%2FtZAocOyrpzkiEt0ISMU8YgVB5V7Ca-PuEde7&data=04%7C01%7CPeggy.Schaffer%40maine.gov%7Cb50bc99626ee4fb3045108d9720d7f42%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637666224561034794%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=%2Br6QgYyLswvlXaebFijZ%2FlaGz%2BEucbxF8Uc8EIUm4k4%3D&reserved=0)

COMMENT DEADLINE: October 14, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / CONNECTMAINE RULEMAKING LIAISON: Stephenie MacLagan, ConnectMaine, 59 State House Station, Augusta ME 04333. Telephone: (207) 624-9849. Email: [Connect.ME@Maine.gov](mailto:Connect.ME@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 35 MRS ch. 93

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

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

AGENCY: **12-179** - Department of Labor (DOL), **Board of Occupational Safety and Health**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Occupational Safety and Health Standards for Public Safety Diving

PROPOSED RULE NUMBER: **2021-P160**

BRIEF SUMMARY: The purpose of this chapter is to establish standards and procedures to protect public safety divers from the hazards of diving.

PUBLIC HEARING: None, unless requested pursuant to 5 MRS §8052(1).

COMMENT DEADLINE: October 15, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: [lsaac.H.Gingras@Maine.gov](mailto:lsaac.H.Gingras@Maine.gov) .

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

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §565

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

DEPARTMENT WEBSITE: <http://www.maine.gov/labor> .

AGENCY: AGENCY: **12-179** - Department of Labor (DOL), **Board of Occupational Safety and Health**

CHAPTER NUMBER AND TITLE: **Ch. 6**, Recording Occupational Injuries and Illnesses in the Public Sector

PROPOSED RULE NUMBER: **2021-P161**

BRIEF SUMMARY: The purpose of this chapter is to incorporate by reference rules governing the recording of occupational injuries and illnesses as promulgated by the Federal Occupational Safety and Health Administration at 29 CFR part 1904, most recently amended on June 3, 2021

PUBLIC HEARING: None, unless requested pursuant to 5 MRS §8052(1).

COMMENT DEADLINE: October 15,2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: [lsaac.H.Gingras@Maine.gov](mailto:lsaac.H.Gingras@Maine.gov) .

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

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §565

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

DEPARTMENT WEBSITE: <http://www.maine.gov/labor> .

AGENCY: **02-031** – Department of Professional and Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 856**, Combination of the Individual and Small Business Health Insurance Risk Pools

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P162**

BRIEF SUMMARY: The purpose of the proposed rule is to establish the necessary conditions and procedures for implementation of the pooled individual and small group health insurance market, and the extension of Maine Guaranteed Access Reinsurance Association (MGARA) coverage to small group health insurance.

PUBLIC HEARING: October 12, 2021, at 1:00 p.m. from the Department of Professional and Financial Regulation, Bureau of Insurance, 76 Northern Avenue, Gardiner, ME 04345. Instructions for registering for and attending the hearing remotely, by either audio-visual link or telephone, are on the Bureau of Insurance website, [www.maine.gov/pfr/insurance](http://www.maine.gov/pfr/insurance).

COMMENT DEADLINE: 4:30 p.m., October 25, 2021, by mail or email to the Contact Person.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Brittnee Greenleaf, Bureau of Insurance, 34 State House Station, Augusta, ME 04333-0034. Telephone: (207) 624-8491. TTY users use Maine Relay 711. Email: [Brittnee.L.Greenleaf@Maine.gov](mailto:Brittnee.L.Greenleaf@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: none

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 2792(5).

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: n/a

BUREAU RULES WEBSITE: <https://www.maine.gov/pfr/insurance/legal/rules/index.html#proposed> .

BUREAU WEBSITE: <https://www.maine.gov/pfr/insurance/> .

BUREAU RULEMAKING LIAISON: [Benjamin.Yardley@Maine.gov](mailto:Benjamin.Yardley@Maine.gov) .

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 815**, Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P163**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking proceeding to consider proposed amendments to the Commission’s *Consumer Protection Standards for Electric and Gas* (Ch. 815). The proposed amendments address notice requirements during the winter disconnection period, as directed by *An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime*, Public Law 2021 ch. 347 §1 (the Act).

PUBLIC HEARING: October 4, 2021 - 1:00 p.m. *The Public Utilities Commission will conduct the hearing remotely via Microsoft Teams. Interested persons wishing to participate in the hearing by telephone may dial (207) 209-4724 and enter Conference ID 102 974 995#.**Interested persons wishing to participate in the hearing using video may contact the Hearing Officer by email at* [*Leslie.Raber@Maine.gov*](mailto:Leslie.Raber@Maine.gov) *for a link.*

COMMENT DEADLINE: October 14, 2021. Written comments on the proposed rule may be filed until close of business on October 14, 2021. However, the Commission requests that initial comments be filed by September 30, 2021 to allow for follow up inquires during the hearing. Supplemental comments may be filed after the hearing. Written comments should refer to the docket number of this proceeding, Docket No. 2021-00266, and be filed using the Commission’s case management system (CMS) which is accessible from the Commission’s website.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Leslie Raber, Maine Public Utilities Commission, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1562. Email: [Leslie.Raber@Maine.gov](mailto:Leslie.Raber@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Minimal

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 704, 1308; Public Law 2021 ch. 347

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

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

MPUC RULEMAKING LIAISON: [Jamie.A.Waterbury@Maine.gov](mailto:Jamie.A.Waterbury@Maine.gov) .

**ADOPTIONS**

AGENCY: **01-672** - Department of Agriculture, Conservation & Forestry (DACF), **Maine Land Use Planning Commission (LUPC)**

CHAPTER NUMBERS AND TITLES:

**Ch. 2** *(New),* Definitions;

**Ch. 10**, Land Use Districts and Standards; *and*

**Ch. 16**, Rules Relating to Large Lot Land Divisions

ADOPTED RULE NUMBERS: **2021-177, 178, 179**

CONCISE SUMMARY: The revisions collectively improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify rule. All other revisions represent typical rule maintenance.

EFFECTIVE DATE: November1, 2021

LUPC CONTACT PERSON / RULEMAKING LIAISON: Judy East, Maine Land Use Planning Commission, Department of Agriculture, Conservation and Forestry, 22 State House Station, Augusta, ME 04333. Telephone: (207) 287-2631. Email: [Judith.C.East@Maine.gov](mailto:Judith.C.East@Maine.gov) .

LUPC WEBSITE: <https://www.maine.gov/dacf/lupc/index.shtml> .

DACF RLEMAKING LIAISON: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov) .

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

CHAPTER NUMBER AND TITLE: **Ch. 28**, Advance Deposit Wagering

ADOPTED RULE NUMBER: **2021-180**

CONCISE SUMMARY The rule package changes the collection of payments from the advance deposit wagering licensee from weekly to monthly.

EFFECTIVE DATE: September 14, 2021

BOARD CONTACT PERSON: Milton Champion, Gambling Control Board, 45 Commerce Boulevard – 87 State House Station, Augusta Maine 04333. Telephone: (207) 626-3901. Email: [Milton.F.Champion@Maine.gov](mailto:Milton.F.Champion@Maine.gov) .

BOARD WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html> .