**State of Maine: Notice of Agency Rulemaking – September 21, 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: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

TITLE: Endangered and Threatened Species Listing

PROPOSED RULE NUMBER: N/A

BRIEF SUMMARY: In accordance with Title 12 §12803, the Department of Inland Fisheries and Wildlife is proposing to recommend additions and modifications to the list of endangered and threatened species to the Maine State Legislature for their consideration and approval. The law requires that prior to recommending additions, deletions or other changes to the list, the Commissioner shall provide for public notice and public hearings on the proposed recommendation to the Legislature. A copy of the complete proposal can be requested from the Agency Contact Person.

PUBLIC HEARING: Tuesday, October 11, 2022 @ 4:00 p.m., Inland Fisheries and Wildlife, 353 Water Street - Room 400, Augusta, ME

COMMENT DEADLINE: October 21, 2022

CONTACT PERSON FOR THIS FILING / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §12803

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

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

AGENCY: **29-250** - Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Physical, Emotional and Mental Competence to Operate a Motor Vehicle

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P172**

BRIEF SUMMARY: These rules are being repealed and replaced to reflect changes and/or updates in health care, to more closely align with some recent research on medical conditions and their impact on safe operation of a motor vehicle, and to decrease the burden on drivers, healthcare providers and Bureau of Motor Vehicle staff in reviewing and processing certain medical conditions. They describe the standards to be used by the Secretary of State in determining physical, emotional and mental competence of persons to operate motor vehicles. The rules establish a reporting system that requires persons to submit medical information to the Secretary of State. Persons found incompetent to operate a motor vehicle in accordance with procedures outlined in these rules may have their driving privileges suspended, revoked or restricted.

The changes reflect recommendations from Medical Advisory Board members through May 16, 2022.

PUBLIC HEARING: October 13, 2022 - 10:00 a.m., Burton M. Cross Building - Room 103 A&B, 111 Sewall Street, Augusta, Maine, 04330.

COMMENT DEADLINE: October 23, 2022

CONTACT PERSON FOR THIS FILING / BMV RULEMAKING LIAISON: Tina B. Corkum, Bureau of Motor Vehicles, 29 State House Station, Augusta, Maine 04333-0029. Telephone: (207) 624-9000. Fax: (207) 624-9013. TTY: Use Maine Relay 711. Email: [PublicComment.SOS@Maine.gov](mailto:PublicComment.SOS@Maine.gov)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 29-A §1258

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

BMV WEBSITE: [www.maine.gov/sos/bmv](http://www.maine.gov/sos/bmv).

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.06**, Registration, Data Collection and Tagging of Big Game and Furbearing Animals

PROPOSED RULE NUMBER: **2022-173**

BRIEF SUMMARY: In accordance with [Public Law 2022 Ch. 704](http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1478&item=3&snum=130), this rule amends Ch. 16 to allow hunters, beginning with the Spring 2023 wild turkey hunting season, to register wild turkeys electronically. Hunters will be required to attach a tag bearing the seal number issued by the electronic registration system until the turkey is processed and packaged for consumption. The rule also clarifies that if a wild turkey is registered electronically, all radio transmitters, leg bands, and wing tags must be submitted to the Department within 5 business days. A copy of the complete proposal can be requested from the Agency Contact Person.

PUBLIC HEARING: Thursday, October 13, 2022 @ 4:00 p.m., Inland Fisheries and Wildlife, 353 Water Street - Room 400, Augusta, ME

COMMENT DEADLINE: October 24, 2022

CONTACT PERSON FOR THIS FILING / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 12301-B

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

IFW WEBSITE: [www.maine.gov/ifw](http://www.maine.gov/ifw).

AGENCY: **10-149 -** Department of Health and Human Services (DHHS), **Office of Aging and Disability Services (OADS)**

CHAPTER NUMBER AND RULE TITLES:

(1) 10-149 CMR Ch. 5, Introduction, Table of Contents, Rule History (AMEND)

(2) 10-149 CMR Ch. 5 Section 63, In-Home and Community Support Services for Elderly and Other Adults (REPEAL)

(3) 14-197 CMR Ch. 11, Consumer Directed Personal Assistance Services (REPEAL)

(4) 10-149 CMR Ch. 5, Section 63, Home Based Supports and Services for Older and Disabled Adults (NEW RULE TO REPLACE REPEALED RULES)

TYPE OF RULE:

(1) 10-149 CMR Ch. 5, Introduction, Table of Contents, Rule History (ROUTINE TECHNICAL)

(2)10-149 CMR Ch. 5, Section 63 (In Home and Community Support Services for Elderly and Other Adults) (“HYBRID” ROUTINE TECHNICAL & MAJOR SUBSTANTIVE RULE.) This rule is Routine Technical except for §63.11 (Consumer Payments) which is a Major Substantive Rule provision pursuant to 34-B MRS §5439(9)).

(3) 14-197 CMR Ch. 11 (Consumer Directed Personal Assistance Services) (“HYBRID” ROUTINE TECHNICAL & MAJOR SUBSTANTIVE RULE.) This rule is Routine Technical except for §11.09 (Consumer Payments), which is a Major Substantive Rule provision pursuant to 34-B MRS §5439(9)).

(4) 10-149 CMR Ch. 5, Section 63 (Home Based Supports and Services for Older and Disabled Adults) (“HYBRID” ROUTINE TECHNICAL & MAJOR SUBSTANTIVE RULE. This proposed new rule will be all Routine Technical except for §63.12 (Consumer Payments), which is Major Substantive rule provision pursuant to 34-B MRS §5439(9).

PROPOSED RULE NUMBERS: **2022-P174, P175**

BRIEF SUMMARY: This proposed rulemaking proposes to:

(1) AMEND 10-149 CMR Ch. 5, Introduction, Table of Contents, Rule History.

(2) REPEAL 10-149 CMR Ch. 5, Section 63 (“Section 63”), In-Home and Community Support Services for Elderly and Other Adults.

(3) REPEAL 14-197 CMR Ch. 11 (“Chapter 11”), Consumer-Directed Personal Assistance Services.

(4) REPLACE the Section 63 rule and the Ch. 11 rule with a new Section 63 rule, Home Based Supports and Services for Older and Disabled Adults.

**The Department is proposing an effective date of July 1, 2023, for the amendment of the Ch. 5 Introduction rule, for the repeal of the current Ch. 11 and Section 63 rules, and for the replacement of those repealed rules with the new Section 63 rule. The current Ch. 11 rule and Section 63 rule will remain in effect through June 30, 2023.**

**10 149 CMR Ch. 5, Introduction, Table of Contents, Rule History**: The Department is updating the Introduction, deleting the Section 63 Table of Contents from the Ch. 5 Table of Contents, and updating the Rule History.

**Section 63 and Ch. 11 rulemakings**:

Resolves 2011 Ch. 71 directed the Department to adopt a long-term services and supports plan, known as the “Lean Implementation Plan,” and make its action items a work priority. One of the action items listed in the plan required the Department to prioritize the consolidation of two state-funded in-home care and community support services programs for elderly and other adults, currently codified as Section 63 and Ch. 11.

Stakeholder Engagement: In May 2019, the Department hosted a “Convening on Aging and Long-Term Services and Supports” with stakeholders to establish priorities for aging and long-term services and supports (LTSS) reform. This rulemaking implements one of the priorities recommended by stakeholders which was to update LTSS policies to bring programmatic inconsistencies into alignment where appropriate.

In July 2022, the Department held a “listening session” with various stakeholders to receive comments and suggestions on the merging of the two rules. Stakeholders included providers, consumers, the service coordination agencies, prospective sub-contractors, and the Long-Term Care Ombudsman Program. Stakeholders expressed support for the Department’s plan to merge the rules but recommended that the Department “grandfather” Ch. 11 consumers so that these consumers would not be subject to the household asset limits in Section 63. Furthermore, stakeholders shared concerns that merging the rules could negatively impact consumers and urged the Department to maintain the same services wherever possible.

The differences between the proposed Section 63 rule and the current Section 63 and Ch. 11 rules include the following:

1. Updates the title of the rule to “Home Based Supports and Services (HBSS) for Older and Disabled Adults” to reflect current terminology;

2. Updates the definition of “Liquid Asset” in Section 63.02-25 to include revocable and irrevocable trusts;

3. Updates the eligibility section of the rule, Section 63.03-1(B), to require an eligible consumer to be “a resident of Maine”;

4. Clarifies in rule that only the Department may terminate HBSS in Section 63.04-2;

5. Adds Section 63.04-4 which lists the reasons that an Assessing Service Agency, Service Coordination Agency or the Department can deny or terminate the consumer from receiving Consumer-Directed Services;

6. Removes diagnostic services under Section 63.05;

7. Clarifies the list of non-covered services in Section 63.06;

8. Creates a new subsection titled “Limits” (Section 63.07) to outline the total monthly costs of services for consumers receiving each level of care;

9. Creates a new subsection, Section 63.10, titled “Responsibilities of the Assessing Services Agency and the Service Coordination Agency” to organize all Assessing Services Agency and Service Coordination Agency responsibilities in one subsection of the rule;

10. Streamlines Section 63.10-4 to specify that program reports must align with the provisions in the contract between the Department and the Service Coordination Agencies;

11. §63.03-1(C) continues the current Section 63 requirements for liquid assets, except that Ch. 11 Consumers who are receiving Ch. 11 services on June 30, 2023, are exempt from this liquid asset requirement.

12. §63.12-2 (Consumer Payment Formula for Former Ch. 11 Consumers), proposes a separate consumer payment formula for those Ch. 11 Consumers who were receiving Ch. 11 services on June 30, 2023.

13. §63.12-3(A)(1)(a) (Waiver of Consumer Payment) proposes a separate household asset amount for determining eligibility for waiver of consumer payment for those Ch. 11 Consumers who were receiving Ch. 11 services on June 30, 2023.

14.Removes unnecessary and unused definitions and references to the Office of Elder Services.

PUBLIC HEARING: October 13, 2022, at 1 p.m. Due to the ongoing threat posed by COVID-19, DHHS has determined that its public hearings will be conducted solely remotely, via ZOOM. This is in accordance with the DHHS Remote Rulemakings Hearings Policy issued September 10, 2021. To register, please use this link: <https://mainestate.zoom.us/j/88197875343?pwd=WUkvSHNsL2tOVTd0MWw1VHRGbVpxQT09>. After registering, you will receive a confirmation email containing information about joining the hearing. Interpreter services will be provided during the hearing upon request.

COMMENT DEADLINE: Comments must be received by 11:59 p.m. on October 24, 2022.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Hilary Gove, Policy Writer, Maine Department of Health and Human Services, Office of Aging and Disability Services, 41 Anthony Avenue - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 446-8305. Fax: (207) 287-9915. TTY: 711 (Deaf or Hard of Hearing). Email: [Hilary.Gove@Maine.gov](mailto:Hilary.Gove@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: The Department does not anticipate a financial impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §7303(2); 34-B MRS §5439(9); Resolves 2011 Ch. 71

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

OADS WEBSITE: <https://www.maine.gov/dhhs/oads>.

AGENCY CONTACT PERSON: [Sara.Gagne-Holmes@Maine.gov](mailto:Sara.Gagne-Holmes@Maine.gov).

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS CONTACT PERSON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov).

AGENCY: **19-499** - Department of Economic and Community Development (DECD), **Office of Business Development**

CHAPTER NUMBER AND TITLE: **Ch. 303**, Rural Workforce Recruitment and Retention Grant Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P176**

BRIEF SUMMARY: This proposed rule outlines the procedures, criteria and program review requirements governing the Rural Workforce Recruitment and Retention Grant Program as required by statute enacted by PL 2021 Ch. 420 (LD 492).

PUBLIC HEARING: None

COMMENT DEADLINE: October 21, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Ben Sturtevant; DECD, 59 State House Station, Augusta, ME 04333. Telephone: (207) 624-9869. Email: [Ben.Sturtevant@Maine.gov](mailto:Ben.Sturtevant@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 5 §13056-I

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

DECD WEBSITE: [www.maine.gov/decd](http://www.maine.gov/decd).

DECD RULEMAKING LIAISON: [Ben.Goodman@Maine.gov](mailto:Ben.Goodman@Maine.gov).

**ADOPTIONS**

AGENCY: **12-170** - Department of Labor (DOL), **Bureau of Labor Standards (BLS)**

CHAPTER NUMBER AND TITLE: **Ch. 9** *(Major substantive)*, Rules Governing Administrative Civil Money Penalties

ADOPTED RULE NUMBER: **2022-177**

CONCISE SUMMARY: The Bureau of Labor Standards adopts amendments to Ch. 9 to clarify and expand upon the process for calculation of penalties for wage and hour violations, specifically to add multipliers for repeat and willful violations, and to provide for combining or grouping violations. The rule expands upon the process for appeals of such penalties, by explaining in more detail the conduct of an appeal hearing, the role of the Hearing Officer in conducting the hearing and issuing a Recommended Decision, the role of the Bureau Director in issuing a final agency decision, and the right of appeal to Superior Court. The rule adds definitions and explains the respective roles of the Division Director and the Bureau Director.

EFFECTIVE DATE: September 21, 2022

DOL CONTACT PERSON / RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov).

BUREAU WEBSITE: <https://www.maine.gov/labor/bls/>.

AGENCY: **02-298** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Real Estate Appraisers**

CHAPTER NUMBERS AND TITLES:

**Ch. 220**, Educational Course Requirements

**Ch, 230**, Supervising Appraiser Duties

ADOPTED RULE NUMBERS: **2022-178,179**

CONCISE SUMMARY: The adopted Ch. 220 removes the continuing education rule requirement that program attendees must be in the actual physical presence of the instructor, and further amends the rule to permit synchronous distance education programs. Board approval of a program is valid for both in-person and synchronous delivery.

The adopted Ch. 230 removes the requirement that a supervising appraiser, who is responsible for the training and direct supervision of a trainee real property appraiser, personally inspect a certain number of appraised properties with the trainee. The AQB requires a supervising appraiser to personally inspect each appraised property with the trainee appraiser until the supervising appraiser determines the trainee is competent to inspect the property in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice (USP AP) for the property type. The adopted rule removes the requirement that the supervising appraiser personally inspects each appraised property with the trainee for the first fifty (50) appraisals at a minimum and, instead, allows the supervising appraiser to determine when the trainee is competent in accordance with the Competency Rule of USPAP and no longer needs personal supervision for a particular property type. Accordingly, the adopted rule removes, as no longer necessary, the requirement that in the event the trainee had a series of supervising appraisers, the determination of competency must be made by the trainee's most recent supervising appraiser on the basis of at least 25 supervised inspections.

EFFECTIVE DATE: September 18, 2022

BOARD CONTACT PERSON: Catherine Pendergast, Board Administrator, Department of Professional and Financial Regulation - Office of Professional and Occupational Regulation, Board of Real Estate Appraisers, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8518. TTY users call Maine Relay 711. Email: [Catherine.Pendergast@Maine.gov](mailto:Catherine.Pendergast@Maine.gov).

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-real-estate-appraisers>.

OFOR RULEMAKING LIAISON: [Kristin.Racine@Maine.gov](mailto:Kristin.Racine@Maine.gov).

AGENCY: **99-346 - Maine State Housing Authority (MaineHousing)**

CHAPTER NUMBER AND TITLE: **Ch. 29**, Multi-family Mortgage Loans

ADOPTED RULE NUMBER: **2022-180**

CONCISE SUMMARY: This replacement rule repeals and replaces in its entirety the current Multi-family Mortgage Loansrule. The rule provides the framework and basic requirements for MaineHousing Multi-family lending programs and governs the allocation of resources for such programs, program design, the publication and distribution of program guides, eligibility standards, loan standards, construction and rehabilitation requirements, management requirements, and potential selection criteria. This replacement rule adds an additional New Construction and Rehabilitation Requirement for Developments Financed with Project Labor Agreement Funds.

EFFECTIVE DATE: September 9, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Ashley Janotta, Chief Counsel, Maine State Housing Authority, Edison Drive, Augusta, Maine 04330-6046. Telephone: (207) 626-4600; Maine Relay 711. Email: [AJanotta@MaineHousing.org](mailto:AJanotta@MaineHousing.org).

MAINE HOUSING WEBSITE: <https://www.mainehousing.org/>.

AGENCY: **01-026** - Department of Agriculture, Conservation and Forestry (DACF), **Board of Pesticides Control (BPC)**

CHAPTER NUMBER AND TITLE: **Ch. 41**, Special Restrictions on Pesticide Use

ADOPTED RULE NUMBER: **2022-181**

CONCISE SUMMARY: Two amendments are adopted:

**1**. Add a new section pertaining to neonicotinoids (dinotefuran, clothianidin, imidacloprid or thiamethoxam) to restrict registration and prohibit use in outdoor residential landscapes for the purposes of managing pests in turf and ornamental vegetation. Add an allowance for management of invasive invertebrate pests on ornamental vegetation and an emergency permitting process.

**2**. Add a new section prohibiting the use of chlorpyrifos, except for licensed applicators who obtain a use permit from the Board to apply chlorpyrifos products purchased prior to December 31, 2022

EFFECTIVE DATE: September 20, 2011

BOARD CONTACT PERSON / RULEMAKING LIAISON: Megan Patterson, Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-2731. Email: [Megan.L.Patterson@Maine.gov](mailto:Megan.L.Patterson@Maine.gov).

BOARD WEBSITE: <https://www.maine.gov/dacf/php/pesticides/index.shtml>.

AGENCY: **02-041** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **American Sign Language Interpreters**

CHAPTER NUMBERS AND TITLES:

**Ch. 50**, Definitions *(Repeal and replace)*

**Ch. 51**, Requirements for Initial Licensure and Licensure by Endorsement *(Repeal and replace)*

**Ch. 52**, License Renewal, Inactive Licensure Status and Continuing Education *(Repeal and replace)*

**Ch. 54**, Code of Ethics and Ethical Standards *(Repeal and replace)*

**Ch. 55**, Complaints and Investigations *(Repeal)*

ADOPTED RULE NUMBERS: **2022-182** *thru* **186**

CONCISE SUMMARY: This is a comprehensive rulemaking effort to repeal and replace existing chapters to align with various statutory changes, streamline the licensure provisions, remove duplicative and/or obsolete terms, identify licensure by endorsement requirements, clarify the continuing education and renewal requirements, outline the requirements for inactive licensure status, and identify standards of professional and ethical conduct.

EFFECTIVE DATE: September 20, 2022

AGENCY CONTACT PERSON: Anne L. Head, Director, Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8511. Email: [Anne.L.Head@Maine.gov](mailto:Anne.L.Head@Maine.gov).

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/american-sign-language-interpreters>.

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 509**, Determination of Inability to Perform the Essential Functions of the Employment Position

ADOPTED RULE NUMBER: **2022-187**

CONCISE SUMMARY:

This rule specifies the standard and definitions to be applied under 5 MRS §§ 17921 and 18521 in determining whether a disability applicant is unable to perform the essential functions of the employment position with reasonable accommodation. The amendments incorporate the provisions of PL 2021 Ch. 277 that change the standard that must be met in order for an applicant to be found eligible for disability retirement benefits. The adopted rule also makes non-substantive changes and removes obsolete language.

EFFECTIVE DATE: September 20, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Kathy Morin, Director of Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3108. Email: [Kathy.Morin@MainePERS.org](mailto:Kathy.Morin@MainePERS.org).

WEBSITE: <https://www.mainepers.org>.

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 702**, Appeals of Decisions of the Chief Executive Officer

ADOPTED RULE NUMBER: **2022-188**

CONCISE SUMMARY: This rule sets out the process for appeals of decisions of the Chief Executive Officer to the Board of Trustees. It provides for the appointment of a hearing officer to conduct an appeal and to prepare a recommended decision for action by the Board. The amendments incorporate the provisions of PL 2021 Ch. 277 that: (1) include a mechanism for the appellant to participate in selection of the hearing officer, and (2) provide a process for a successful appellant to receive attorney’s fees. The changes also incorporate the title change from Executive Director to Chief Executive Officer and remove obsolete language.

EFFECTIVE DATE: September 20, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Kathy Morin, Director of Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3108. Email: [Kathy.Morin@MainePERS.org](mailto:Kathy.Morin@MainePERS.org).

WEBSITE: <https://www.mainepers.org>.