**State of Maine: Notice of Agency Rulemaking – September 23, 2020**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 13**, Watercraft Rules: **Ch. 13.07**, Motor Size Restrictions on Certain Internal Waters; **(2)(C)**, Motorboats with More than 10 Horsepower Prohibited (Notched Pond, Gray, Raymond (Cumberland County))

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P193**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife has been petitioned to consider the following watercraft regulations: Notched Pond, Gray, Raymond, Cumberland County – motorboats with more than 10 horsepower prohibited. A complete copy of the proposed rule is available from the agency contact person. Members of the public who wish to comment are encouraged to provide written comments by mail or email to the contact person for this filing or by participating in the virtual public hearing. Note: Written comments are given equal consideration to testimony given at the virtual public hearing.

PUBLIC HEARING: October 15, 2020 @ 4:00 p.m. – via video conference (Microsoft Teams). *Contact the Agency Contact Person by close of business on Wednesday, October 14, 2020 for details.*

COMMENT DEADLINE: October 26, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State 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 §13051

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

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

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

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P194**

**BRIEF SUMMARY**: The Bureau of Labor Standards is proposing amendments to this rule to clarify and expand upon the process for calculation of penalties for wage and hour violations and to provide more detail on the procedure when such penalties are appealed.

**DETAILED SUMMARY**: The Bureau of Labor Standard is proposing 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 proposed 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 proposed rule adds definitions and explains the respective roles of the Division Director and the Bureau Director.

**PUBLIC HEARING**: October 14, 2020 - 3:00 p.m., Zoom Public Hearing (Call-in details will be released at a later date.)

COMMENT DEADLINE: October 24, 2020

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

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

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §§ 42, 53

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

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

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

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

TYPE OF RULE: Routine Technical

CHAPTER NUMBER AND TITLE: **Ch. 7**, Establishment of Fees

PROPOSED RULE NUMBER: **2020-P195**

BRIEF SUMMARY: 32 MRS §18323(3) authorizes the Maine Board of Dental Practice (“the Board”) to establish by rule fees in amounts that are reasonable and necessary to sustain the operations of the Board on an ongoing basis. This is an amendment to an existing rule to stabilize the Board’s collection of fees. Based on financial projections, the fees established in this proposed rule will generate additional revenue necessary to maintain the current level of services necessary for the Board to meet its statutory mandate.

Below is a summary of the proposed changes:

1) Increases initial licensure and renewal of licensure fees in the following categories:

    a) Dentist, faculty dentist, and limited dentist; and

    b) Moderate sedation permits, deep sedation/general anesthesia permit, and itinerant dentist permit.

PUBLIC HEARING: October 16, 2020 at 8:30 a.m.; Maine Board of Dental Practice, Conference Room, 161 Capitol Street, Augusta, ME. *During a State of Civil Emergency, public hearings will be conducted in accordance with Public Law 2020 chapter 617 via Zoom platform at:* *<https://us02web.zoom.us/j/88094198672?pwd=WGVFU2RJVmxsbGc5Vkx2ZjFDSHNpUT09>. Meeting ID: 889 2921 3401. Passcode: 624609.*

COMMENT DEADLINE: October 26, 2020 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / BOARD 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: **14-197** - Department of Health and Human Services (DHHS), **Office of Aging and Disability Services (OADS)**

CHAPTER NUMBER AND TITLE: **Ch. 6**, Crisis Prevention and Intervention Services

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2020-P196**

BRIEF SUMMARY: The proposed rule describes the Department’s crisis services for persons with an intellectual disability or Autism Spectrum Disorder authorized by 34-B MRS §5206. PL 2019 ch. 290 §1 directed the Department to adopt major substantive rules to implement §5206. The proposed rule also describes crisis services available to persons with an acquired brain injury pursuant 22 MRS §3088. The Department’s crisis services support and promote the safety and well-being of adults with intellectual disabilities, acquired brain injuries, or Autism Spectrum Disorder who are in crisis, when such crisis could lead to the loss of their home, program, or employment. The Department maintains a statewide system to provide respite for planned and unplanned interruptions in the care of persons with an intellectual disability or Autism Spectrum Disorder.

See <https://www.maine.gov/dhhs/oads/trainings-resources/policy.html> for rules and related rulemaking documents.

PUBLIC HEARING: Wednesday, October 14, 2020 at 8:00 a.m. *Hearing will be conducted by video/audio conference pursuant to 1 MRS §403-A*

*(PL 2020 ch. 617 §G-1). Contact the Agency Contact Person by close of business on Tuesday,*

*October 13, 2020, for details.*

COMMENT DEADLINE: Monday, October 26, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: 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 anticipates that this rulemaking will not have any impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42(1), 3089(3); 34-B MRS §5206(8)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 950** *(New)*, Navigator Certification and Training for Health Benefit Marketplaces

ADOPTED RULE NUMBER: **2020-207**

CONCISE SUMMARY: The primary purpose of the rule is to establish standards and procedures for the certification of navigators to perform the activities and duties of identified in 24-A MRS §2188 and Subsection 1311(i) of the *Affordable Care Act*. Ch. 950 is authorized by 24-A MRS §§ 212, 2188.

EFFECTIVE DATE: September 22, 2020

BUREAU CONTACT PERSON / RULEMAKING LIAISON: Benjamin Yardley, Senior Staff Attorney, Department of Professional & Financial Regulation - Bureau of Insurance, 76 Northern Avenue – 34 State House Station, Gardiner, ME 04345. Telephone: (207) 624-8537. Email: [Benjamin.Yardley@Maine.gov](mailto:Benjamin.Yardley@Maine.gov) .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 10***,* Land Use Districts and Standards

ADOPTED RULE NUMBER: **2020-208**

CONCISE SUMMARY: The Land Use Planning Commission adopted new standards for marijuana businesses and routine maintenance of ch. 10, *Land Use Districts and Standards.* Specifically, in response to Title 28-B §404, the revisions establish minimum requirements for marijuana businesses regarding odors, lighting, and signs. All remaining revisions cover general housekeeping matters, unify references, clarify existing provisions, and update a list of applicable FEMA maps.

EFFECTIVE DATE: October 1, 2020

LUPC CONTACT PERSON: Emily Horton, Agriculture, Conservation and Forestry, 22 & 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-4909. Email: [Emily.K.Horton@Maine.gov](mailto:Emily.K.Horton@Maine.gov) .

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

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

AGENCY: **01-670** - Department of Agriculture, Conservation and Forestry (DACF), **Bureau of Parks and Lands (BPL)**

CHAPTER NUMBER AND TITLE: **Ch. 57**, Logging and Forestry Education Grant Program

ADOPTED RULE NUMBER: **2020-209**

CONCISE SUMMARY: Establishes updated rules for the educational grant program to educate new loggers and foresters in the State at a public secondary or public postsecondary educational institution or career and technical education center that is related to logging or forestry.

EFFECTIVE DATE: September 27, 2020

BPL CONTACT PERSON: William Patterson, Department of Agriculture, Conservation and Forestry - Bureau of Parks and Lands, 22 State House Station, Augusta, ME 04333-0022. Telephone: (207) 441-6140. Email: [William.A.Patterson@Maine.gov](mailto:William.A.Patterson@Maine.gov) .

BPL WEBSITE: <https://www.maine.gov/dacf/parks/index.shtml> .

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