**State of Maine: Notice of Agency Rulemaking: Wednesday, October 16, 2024 ONLINE**

**NOTICE OF STATE RULEMAKING**

**PUBLIC INPUT FOR RULES** A list of state agency rule proposals is published here each Wednesday. You can get a copy of a proposed rule by contacting the person listed in the notice. You can comment on a proposed rule by submitting a written comment to the agency or by attending the public hearing, if one is scheduled. If no hearing is scheduled, you can request one.  The agency must hold a hearing if it receives 5 or more requests.  If you have a disability and need assistance to participate in a hearing you should tell the agency at least 7 days before the hearing. **ONLINE INFORMATION** Weekly notices, full text of adopted rules, and a list of agency rulemaking contacts are available at this website: [https://www.maine.gov/sos/cec/rules/index.html](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fsos%2Fcec%2Frules%2Findex.html&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7C645b27059f0346864d7008dc94834bf0%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638548538834447354%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=K93i9Iukz%2F4M1hnG1XnmVSNiEpRD2zB99vb6RheIZ8A%3D&reserved=0)

**PROPOSALS**

**AGENCY: 02-030 Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection**

**CHAPTER NUMBER AND TITLE: Ch. 709**

**LICENSE AND RENEWAL FEES AND APPLICATION REQUIREMENTS FOR MAINE’S MONEY TRANSMITTER LICENSING AND REQUIRING LICENSING THROUGH THE NATIONWIDE MULTISTATE LICENSING SYSTEM (NMLS)**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P287**

**BRIEF SUMMARY:**

This chapter repeals and replaces current Chapter 709 to effectuate Maine’s adoption of the Money Transmitter Modernization Act (Title 32 M.R.S. Chapter 79-A). The chapter requires licensing of all money transmitters operating in the State of Maine through a multistate system administered by the Nationwide Multistate Licensing System (NMLS). It established periods of license validity. This chapter establishes It sets application and renewal fees and application requirements for money transmitters. This chapter requires applicants for new licenses to apply through NMLS.

**PUBLIC HEARING**: NA

**COMMENT DEADLINE:** November 18, 2024

**CONTACT PERSON FOR THIS FILING:** Mark Susi, 35 SHS, Augusta, ME 04333: phone (207) 624-8527; fax (207) 582- 7699; TTY Maine Relay 711; mark.e.susi@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT**: Same

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES**: None anticipated

**STATUTORY AUTHORITY FOR THIS RULE:** 32 M.R.S. Secs. 6079, 6088(4) and 6100-JJ

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED**: Title 32 M.R.S. Chapter 79-A

**AGENCY WEBSITE:** www.Credit.Maine.Gov

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** mark.e.susi@maine.gov

**AGENCY: 10-144 Department of Health and Human Services, Office of the Health Insurance Marketplace, 10A-MK03**

**CHAPTER NUMBER AND TITLE: 10-144 Chapter 740, Easy Enrollment Program**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P288**

**BRIEF SUMMARY:**

The Easy Enrollment Program is established and authorized by 22 M.R.S, Sec. 5412 to identify residents of the State of Maine who are uninsured but qualify for benefits under the MaineCare program or a qualified health plan in the marketplace. This rule is being written to establish the process and procedures to enable the Office of the Health Insurance Marketplace to identify taxpayers and/or members of the taxpayers’ household who are uninsured and interested in learning about health coverage options for which they may be eligible or who are provisionally assessed as eligible, including MaineCare or a qualified health plan through the Marketplace.

**PUBLIC HEARING**: None planned

**COMMENT DEADLINE:** Friday, November 22, 2024 at 5:00pm

**CONTACT PERSON FOR THIS FILING**:

Megan Rochelo, Policy and Outreach Director

Office of the Health Insurance Marketplace

Maine Department of Health and Human Services

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Portland, ME 04102

Phone: 207-822-2518

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megan.m.rochelo@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT**: same as above

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES**: None anticipated

**STATUTORY AUTHORITY FOR THIS RULE:** 22, M.R.S. Sec. 5412 (1) and 22, M.R.S. Sec. 5407

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED**: same as above

**AGENCY WEBSITE:** [www.coverme.gov](http://www.coverme.gov)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Emily.A.Cathcart@maine.gov](mailto:Emily.A.Cathcart@maine.gov)

**AGENCY: 09-137 Inland Fisheries and Wildlife**

**CHAPTER NUMBER AND TITLE: Chapter 16 – Hunting (Upland Game Seasons)**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P289**

**BRIEF SUMMARY:**  In accordance with Public Law 2024 Chapter 530, the Commissioner of Inland Fisheries and Wildlife is proposing amendments to Chapter 16 rules. The amended language will bring the rule into compliance with the law which requires that the upland game season include the last Saturday in September but does not require it to run continuously from that day into the month of October. The proposed rule will set October 1st as the start date of upland game seasons, with an additional one-day season on the last Saturday in September. A complete copy of the proposal may be requested by contacting the Agency Contact Person.

**PUBLIC HEARING:** Monday, November 4, 2024 @ 4:00pm – Inland Fisheries & Wildlife, 353 Water Street, 3rd fl conference room, Augusta, ME

**COMMENT DEADLINE:** November 14, 2024

**CONTACT PERSON FOR THIS FILING:**  Becky Orff, Inland Fisheries and Wildlife, 353 Water Street 41 SHS, Augusta, ME 04333; phone: 207-287-5202; fax: 207-287-6395; e-mail: [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, 10954

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** none

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

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** [Becky.Orff@maine.gov](mailto:Becky.Orff@maine.gov)

**AGENCY: 09-137 Inland Fisheries and Wildlife**

**CHAPTER NUMBER AND TITLE: Chapter 29 – Species of Special Concern**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P290**

**BRIEF SUMMARY:** The Commissioner of Inland Fisheries and Wildlife is proposing changes to the list of Species of Special Concern. An update to the state Endangered Species list in 2023 requires the Special Concern List to be updated. The proposed rule will make several modifications to MDIFW rule chapter 29, including: removal of 8 species from the special concern list because they have been added to Maine’s Endangered Species List (effective 10/2023); removal of 1 species from the special concern list due to improved conservation status (dragonfly); update 3 species common names; update 19 species scientific names or spelling; addition of 3 species to the special concern list due to improved conservation status assessments that indicate they qualify for special concern status (flower flies). A complete copy of the proposal may be requested by contacting the Agency Contact Person.

**PUBLIC HEARING:** Monday, November 4, 2024 @ 4:00pm – Inland Fisheries & Wildlife, 353 Water Street, 3rd fl conference room, Augusta, ME

**COMMENT DEADLINE:** November 14, 2024

**CONTACT PERSON FOR THIS FILING:** Becky Orff, Inland Fisheries and Wildlife, 353 Water Street 41 SHS, Augusta, ME 04333; phone: 207-287-5202; fax: 207-287-6395; e-mail: [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, 10105

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** none

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

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** [Becky.Orff@maine.gov](mailto:Becky.Orff@maine.gov)

**AGENCY: 10-144 Department of Health and Human Services, Office for Family Independence**

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules; Section 777-4**

**SNAP Rule #235P – Procedures for Replacing Benefits Stolen Electronically**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P291**

**BRIEF SUMMARY:** The federal law authorizing and funding replacement of electronically stolen SNAP benefits will expire December 20, 2024. The proposed rule change would limit the replacement of electronically stolen SNAP benefits to periods that such replacement is authorized federally.

The proposed rule would update Section 777-4, Administration Procedures Replacement of Benefits as follows:

* (1)(A) “Beginning December 20, 2024, the Department will only replace benefits pursuant to the process in Section 777-4(3)(B)-(F), as described below, if the replacement of benefits is federally authorized. If replacement of benefits lacks federal authorization, the Department will also suspend replacement of state funded benefits for the same period. If replacement of benefits is suspended due to a lack of federal authorization, the Department shall promptly notify a claimant of the suspension upon receiving an Electronically Stolen Benefits Application (EBSA) and deny that request.
* (3)“Benefits used unlawfully for non-household members can only be replaced when the benefits were accessed as a result of card skimming, card cloning, phishing or other electronic acquisition of the EBT card number and PIN.”

The proposed rule changes are consistent with the expiration of the federal authorization and funding. Should the federal authority be extended or reimplemented prior to the adoption of this rule, the timeframes articulated therein will be adjusted accordingly.

**PUBLIC HEARING:** No public hearing is scheduled.

**COMMENT DEADLINE:** Friday, November 15, 2024 at 5:00 p.m. Eastern Time.

Written public comments may be submitted via the link at <https://www.maine.gov/dhhs/about/rulemaking>

**CONTACT PERSON FOR THIS FILING:**

Michael Downs, Senior Program Manager - SNAP

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Office for Family Independence

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**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** N/A.

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** None anticipated.

**STATUTORY AUTHORITY FOR THIS RULE:** 22 M.R.S. Secs. 42(1) and (8)(C); 3104.

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** Public Law 117-328 Sec. 501.

**AGENCY WEBSITE:** [https://www.maine.gov/dhhs/ofi](https://www.maine.gov/dhhs/ofi/arules)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Emily.A.Cathcart@maine.gov](mailto:Emily.A.Cathcart@maine.gov)

**ADOPTIONS**

**AGENCY: 10-144 Department of Health and Human Services, Office for Family Independence**

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 333; Low Cost Drugs for the Elderly and Disabled (DEL) Eligibility Manual**

**MaineCare Rule #309 – DEL Updates**

**ADOPTED RULE NUMBER: 2024-232**

**CONCISE SUMMARY:**

The adopted rule updated Section 2, APPLICATION PROCESS, consistent with a legislative change to 22 M.R.S. Sec. 3174-LLL made by P.L. 2023, ch. 412. Effective retroactive to July 1, 2024, individuals who are enrolled in Medicaid and/or Medicare Buy-In (MSP), who are eligible for Medicare Part D, and meet the income criteria in Section 2.2, are deemed to be eligible for and enrolled in DEL. These individuals do not need to file a separate application.

See <https://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

**EFFECTIVE DATE: Sunday, October 13, 2024**

**AGENCY CONTACT PERSON:**

Adam Hooper, Program Manager

Office for Family Independence

Department of Health & Human Services

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**AGENCY: 10-144 Department of Health and Human Services, Office for Family Independence**

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 331; Public Assistance Manual Temporary Assistance for Needy Families (TANF) – Chapter IV**

**TANF Rule #120A – Step Disregard**

**ADOPTED RULE NUMBER: 2024-233**

**CONCISE SUMMARY:**

The adopted rule effectuates changes to Chapter IV, B, INCOME DISREGARDS in the Public Assistance Manual Temporary Assistance for Needy Families (TANF) consistent with a legislative change to 22 M.R.S. Sec. 3762 made by P.L. 2023, Ch. 29, *An Act to Improve Family Economic Security Under the Temporary Assistance for Needy Families Program.*

The adopted rule changes are effective retroactive to October 1, 2024 consistent with P.L. 2023 Ch. 29. Retroactive rulemaking is permissible under 22 M.R.S. Sec. 42(8) as this update is a benefit to recipients or beneficiaries and does not have an adverse financial effect on either providers or beneficiaries or recipients.

See <https://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

**EFFECTIVE DATE: Sunday, October 13, 2024**

**AGENCY CONTACT PERSON:**

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**AGENCY: 10-144 Department of Health and Human Services - Maine Center for Disease Control and Prevention**

**CHAPTER NUMBER AND TITLE: 265 - Substance Use Testing For The Workplace Rule**

**ADOPTED RULE NUMBER: 2024-234**

**CONCISE SUMMARY:**

Maine’s Department of Health and Human Services has adopted amendments to 10-144 CMR Chapter 265, Substance Use Testing For The Workplace Rule. In addition to resolving the unintended conflict resulting from the 2023 rulemaking restricting certain testing methods for samples provided to laboratories for testing employees and applicants as part of an employer’s substance use policy approved by Maine’s Department of Labor (DOL), the Department’s final adopted rule responds to recommendations received through public comments and includes changes to further clarify and align the rule language with industry standards and best practices endorsed by the Maine Department of Labor (DOL).

**EFFECTIVE DATE: Tuesday, October 15, 2024**

**AGENCY CONTACT PERSON:**

NAME: Bridget Danis, Policy Analyst; Maine CDC

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AGENCY WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>

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

**AGENCY:** **29-250 Secretary of State, Bureau of Corporations, Election and Commissions (CEC)**

**CHAPTER NUMBER AND TITLE: 525, Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots**

**ADOPTED RULE NUMBER:** **2024-235**

**CONCISE SUMMARY:**

This adopted rule amends the current rule to facilitate timely and accurate central processing and counting of absentee ballots cast by voters covered by the Uniformed and Overseas Citizen Absentee Voting Act. The Adopted rule corrects errors included in the current version of the rule. It also expands the amount of time that absentee ballots may be processed (removing ballots from the absentee envelopes and depositing them in a locked ballot box) from the day before election day to the 7th day immediately prior to election day in order to facilitate tabulation of the ballots on Election Day. The adopted rule clarifies procedures for UOCAVA voters who opt to return an absentee ballot electronically.  The adopted rule also clarifies when appointments of wardens, deputy wardens, and election clerks will occur; and provides law enforcement personnel are to take physical control of all ballots and related materials that are involved in a recount, if requested by the Secretary of State.

**EFFECTIVE DATE**: **Wednesday, October 16, 2024**

**AGENCY CONTACT PERSON:** Melissa Packard, Director of Election Admin., Audits and Admin. Services

AGENCY NAME: Secretary of State, Bureau of Corporations, Election and Commissions

ADDRESS: 184 State House Station Augusta, Maine 04333-0184

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**Notice: Beginning in January 2025, online rulemaking proposal and adoption notices will be posted each week in either a Word or .pdf document. Each such document will be accessible through a link that will be listed on the main “Weekly Rulemaking Notices” website.**