**State of Maine: Notice of Agency Rulemaking: Wednesday, October 23, 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: 29-250 Department of Secretary of State, Bureau of Corporations, Elections, and Commissions**

**CHAPTER NUMBER AND TITLE: Ch. 505, Voter List Maintenance Procedures**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P292**

**BRIEF SUMMARY:** This rule was proposed by a private citizen in a petition signed by 150 or more registered voters. Under 5 M.R.S. Sec. 8055, the Department of Secretary of State is required to initiate rulemaking proceedings and invite public comment on the proposed rule. The proposed rule would repeal and replace the current rule governing maintenance of voter registration records under the National Voter Registration Act of 1993. The proposed rule would impose on municipal registrars new and modified requirements relating to voter list maintenance and the cancelation of ineligible voters. The rule would also create new standards for registrars to determine whether persons seeking to register to vote are qualified voters. If adopted by the agency, the rule would become effective sometime after the November 2024 general election.

**PUBLIC HEARING**: None

**COMMENT DEADLINE:** December 15, 2024

**CONTACT PERSON FOR THIS FILING:** Melissa Packard, Director of Elections, Bureau of CEC, 184 State House Station Augusta, Maine 04333-0184. Telephone: (207) 624-7736. E-mail: Melissa.Packard@Maine.gov.

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

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**This proposed rule would require municipalities to pay the costs of mass confirmation mailings to voters, which must occur at least once every five years. Currently, the Department of Secretary of State conducts these mailings and pays the costs of them. Cost would vary depending on the size of the municipality and the selection criteria used for the mailings. Municipalities would also be responsible for litigation costs arising from any legal challenge under the National Voter Registration Act of 1993 to their administration of the required list-maintenance program.

**STATUTORY AUTHORITY FOR THIS RULE:** None specified.

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** 21-A M.R.S. ch. 3; National Voter Registration Act of 1993, 52 U.S.C. Sec. 20501–20511.

**AGENCY WEBSITE:** <https://www.maine.gov/sos/cec/elec/index.html>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Dorothy.Canelli@Maine.gov

**AGENCY: 16-642 Office of State Fire Marshal; Technical Building Codes and Standards Board**

**CHAPTER NUMBER AND TITLE: Chapter 1, Maine Uniform Building and Energy Code – Administrative Procedures**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P293**

**BRIEF SUMMARY****:** Chapter 1 is an administrative chapter that clarifies who needs to enforce the MUBEC, and what codes make up the MUBEC.  It also establishes the amendment procedure to the MUBEC. The rule contains several critical definitions as required by Statute to clarify the MUBEC.  As directed by the legislature this rule makes previously optional standards part of the code and adds one new code.

**PUBLIC HEARING:** n/a

**COMMENT DEADLINE:** November 29, 2024

**CONTACT PERSON FOR THIS FILING:** Gregory Day,  Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station,  Augusta, ME 04333-0052 207-626-3888,  Gregory.J.Day@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** n/a

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES**: n/a

**STATUTORY AUTHORITY FOR THIS RULE:** 10 M.R.S. Sec. 9722

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED**: n/a

**AGENCY WEBSITE:** [https://www.maine.gov/dps/fmo/home](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdps%2Ffmo%2Fhome&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7C710dad9afbd24968d5d408dcedf617b3%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638646888422667373%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=0iJ5c57aAxDZaawvqFe1eh%2B%2BQo1KN8UwNLsGs6ouuIg%3D&reserved=0)

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** Richard.e.taylor@maine.gov

**AGENCY: 16-642 Office of State Fire Marshal; Technical Building Codes and Standards Board**

**CHAPTER NUMBER AND TITLE: Chapter 2, Maine Uniform Building and Energy Code – Third Party Inspectors (“TPI”)**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P294**

**BRIEF SUMMARY:** A municipality or Applicant may choose to engage a Third-Party Inspector (TPI) to review Construction Documents and inspect construction to ensure compliance with certain components of the MUBEC. In order to perform the duties enumerated in this rule for compensation, a TPI must be certified by the Maine Department of Public Safety, Office of State Fire Marshal. The specific inspection services under 30-A M.R.S. §4451 for compliance with the MUBEC is to be provided by the TPI and the level of remuneration shall be defined in a private written agreement signed by the TPI and the municipality, Applicant, or Client.

**PUBLIC HEARING:** n/a

**COMMENT DEADLINE:** November 29, 2024

**CONTACT PERSON FOR THIS FILING:** Gregory Day, Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052, 207-626-3886, Gregory.J.Day@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** n/a

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**n/a

**STATUTORY AUTHORITY FOR THIS RULE:** 10 M.R.S. Sec. 9722.

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** n/a

**AGENCY WEBSITE:** [https://www.maine.gov/dps/fmo/](https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed)

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** Richard.e.taylor@maine.gov

**AGENCY: 16-642 Office of State Fire Marshal, Technical Building Codes and Standards Board**

**CHAPTER NUMBER AND TITLE: Chapter 3: MAINE UNIFORM BUILDING AND ENERGY CODE - COMMERCIAL BUILDING CODE OF MAINE**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P295**

**BRIEF SUMMARY:** This chapter establishes the Commercial Building Code component of the Maine Uniform Building and Energy Code “MUBEC.” The provisions of this chapter are based on a nationally recognized model building code published by the International Code Council, Inc., and is made part of the MUBEC through incorporation by reference. This chapter also contains requirements for the enforcement of the Statewide Commercial Building code by local building officials.

**PUBLIC HEARING:** n/a

**COMMENT DEADLINE:** November 29, 2024

**CONTACT PERSON FOR THIS FILING:** Gregory Day, Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052, 207-626-3888, Gregory.J.Day@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** n/a

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**n/a

**STATUTORY AUTHORITY FOR THIS RULE:** 10 M.R.S. Sec. 9722

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** n/a

**AGENCY WEBSITE:** [https://www.maine.gov/dps/fmo/](https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed)

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** Richard.e.taylor@maine.gov

**AGENCY:** **16-642 Office of State Fire Marshal; Technical Building Codes and Standards Board**

**CHAPTER NUMBER AND TITLE: Chapter 4, Maine Uniform Building and Energy Code– Existing Building Code**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P296**

**BRIEF SUMMARY:** This chapter establishes the Existing Building code component of the Maine Uniform Building and Energy Code (“MUBEC”). The provisions of this chapter are based on a nationally recognized model building code published by the International Code Council, Inc., and is made part of the MUBEC through incorporation by reference

**PUBLIC HEARING:** n/a

**COMMENT DEADLINE:** November 29, 2024

**CONTACT PERSON FOR THIS FILING:** Gregory Day, Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052, 207-626-3888, Gregory.J.Day@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** n/a

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**n/a.

**STATUTORY AUTHORITY FOR THIS RULE:** 10 M.R.S. Sec. 9722

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** n/a

**AGENCY WEBSITE:** <https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed>

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** Richard.E.Taylor@maine.gov

**AGENCY: 16-642 Office of State Fire Marshal; Technical Building Codes and Standards Board**

**CHAPTER NUMBER AND TITLE: Chapter 5 MAINE UNIFORM BUILDING AND ENERGY CODE – RESIDENTIAL BUILDING CODE FOR ONE AND TWO-FAMILY DWELLINGS IN MAINE**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P297**

**BRIEF SUMMARY:** This chapter establishes the Residential Building Code for One and Two-Family Dwellings component of the Maine Uniform Building and Energy Code (“MUBEC”). The provisions of this chapter are based on a nationally recognized model building code published by the International Code Council, Inc., and is made part of the MUBEC through incorporation by reference.

**PUBLIC HEARING:** n/a

**COMMENT DEADLINE:** November 29, 2024

**CONTACT PERSON FOR THIS FILING:** Gregory Day, Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052, 207-626-3888, Gregory.J.Day@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** n/a

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** n/a

**STATUTORY AUTHORITY FOR THIS RULE:** 10 M.R.S. Sec. 9722

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** n/a

**AGENCY WEBSITE:** [https://www.maine.gov/dps/fmo/](https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed)

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** Richard.e.taylor@maine.gov

**AGENCY: 16-642 Office of State Fire Marshal; Technical Building Codes and Standards Board**

**CHAPTER NUMBER AND TITLE: Chapter 6, Maine Uniform Building and Energy Code**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P298**

**BRIEF SUMMARY:** All building construction within the State of Maine shall be governed by the MUBEC. The MUBEC is adopted by the Technical Building Codes and Standards Board pursuant to 10 M.R.S. Chapter 1103. The primary objective of the Board is to adopt, amend, and maintain the *Maine Uniform Building and Energy Code.*

This chapter sets forth the regulation of the design and construction of buildings for the effective use of energy and is applicable to both residential and commercial buildings.

**PUBLIC HEARING:** n/a

**COMMENT DEADLINE:** November 29, 2024

**CONTACT PERSON FOR THIS FILING:** Gregory Day, Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052, 207-626-3888, Gregory.J.Day@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** n/a

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**n/a

**STATUTORY AUTHORITY FOR THIS RULE:** 10 M.R.S. Sec. 9722.

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** n/a

**AGENCY WEBSITE:** [https://www.maine.gov/dps/fmo/](https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed)

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** Richard.e.taylor@maine.gov

**AGENCY: 16-642 Office of State Fire Marshal; Technical Building Codes and Standards Board**

**CHAPTER NUMBER AND TITLE: Chapter 7 MAINE UNIFORM BUILDING AND ENERGY CODE – MECHANICAL CODE**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P299**

**BRIEF SUMMARY:** This chapter establishes the Mechanical Code component of the Maine Uniform Building and Energy Code “MUBEC”. The provisions of this chapter are based on a nationally recognized model codes and Standards.

**PUBLIC HEARING:** n/a

**COMMENT DEADLINE:** November 29, 2024

**CONTACT PERSON FOR THIS FILING:** Gregory Day, Assistant Fire Marshal, Office of the State Fire Marshal, 52 State House Station, Augusta, ME 04333-0052, 207-626-3888, Gregory.J.Day@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** Richard.e.taylor@maine.gov

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**n/a

**STATUTORY AUTHORITY FOR THIS RULE:** 10 M.R.S. Sec. 9722

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** n/a

**AGENCY WEBSITE:** [https://www.maine.gov/dps/fmo/](https://www.maine.gov/dps/fmo/fire-service-laws/rules/proposed)

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** Richard.e.taylor@maine.gov

**AGENCY: 01-669 Department of Agriculture, Conservation and Forestry, Bureau of Forestry**

**CHAPTER NUMBER AND TITLE: 27, Standards for Timber Harvesting and Timber Harvesting Related Activities Within Unorganized and Deorganized Areas of The State**

**TYPE OF RULE: Major Substantive**

**PROPOSED RULE NUMBER: 2024-P300**

**BRIEF SUMMARY:** Maine Forest Service rule Chapter 27 is being amended to be consistent and remove duplication with Maine Forest Service rule Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.

**PUBLIC HEARING:** November 13, 2024 at 9:00 a.m., Online (Teams) and in person at the Maine Forest Service Regional Office (Bolton Hill facility) at 2870 North Belfast Avenue, Augusta.

**COMMENT DEADLINE:** November 23, 2024

**CONTACT PERSON FOR THIS FILING:**

Morten Moesswilde morten.moesswilde@maine.gov Phone: 207-287-4906

Maine Forest Service, 22 State House Station, Augusta, ME 04333-0022

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 12 M.R.S. Secs. 8867-D and 8867-E

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** N/A

**AGENCY WEBSITE:** <https://www.maine.gov/dacf/mfs/index.shtml>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Shannon.Ayotte@maine.gov

**AGENCY: 10-144 Department of Health and Human Services, Division of Licensing and Certification**

**CHAPTER NUMBER AND TITLE:** **10-144 CMR Ch. 113, Assisted Housing Programs Licensing Rule**

**TYPE OF RULE: Major Substantive**

**PROPOSED RULE NUMBER: 2024-P301**

**BRIEF SUMMARY:**

This rulemaking repeals and replaces the current rule in force, 10-144 CMR Ch. 113, Regulations Governing the Licensing and Functioning of Assisted Housing Programs. The rule in force consists of ten parts, governing Assisted Living programs, four levels of Residential Care Facilities, four levels of Private Non-Medical Institutions, and Infection Prevention and Control. The proposed rule replaces those ten parts with two parts, Part A, Assisted Living Programs, and Part B, Residential Care Facilities. This simplified structure is designed to improve licensee understanding of and compliance with the rule and reflects revisions to 22 MRS §7852 enacted by PL 2023 c. 176. The provisions of the proposed rule have been updated to reflect current best practices in assisted housing.

**PUBLIC HEARING**: 11/13/24 from 9 am-12 pm at 109 Capitol St, Augusta, ME and via Zoom at: [https://mainestate.zoom.us/meeting/register/tZcsf-uvrDgvHdT-qLmxrTNRz86dvjMkQJmt](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmainestate.zoom.us%2Fmeeting%2Fregister%2FtZcsf-uvrDgvHdT-qLmxrTNRz86dvjMkQJmt&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7Cb48827027a884fda590808dceee510b5%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638647915323397959%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=UJHHLmsMgpOkcvVUq7rPbLQAGT1bFxxmeKmNa4sdsA4%3D&reserved=0)

**COMMENT DEADLINE:** 11/23/24 at 5 pm.

**CONTACT PERSON FOR THIS FILING:**

Jonathan Leach

Division of Licensing and Certification

11 SHS

41 Anthony Ave., Augusta, ME 04330

Jonathan.h.leach@maine.gov

Phone: (207) 287-5825; Fax: (207) 287-5807; TTY: Maine Relay 711

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

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** This rulemaking will have no financial impact on municipalities or counties.

**STATUTORY AUTHORITY FOR THIS RULE:** Public Law 2007, Chapter 324 (5) (6) (7) (11).  [routine technical rule]; 22 M.R.S. Chapters 1661, 1663,1664, 1666 and 1666-B; and 22 M.R.S. § 42 and § 3173

22-A M.R.S. §205(2)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** 22 M.R.S. Chapters 1661, 1663,1664, 1666 and 1666-B

**AGENCY WEBSITE:** [https://www.maine.gov/dhhs/about/rulemaking](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdhhs%2Fabout%2Frulemaking&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7Cb48827027a884fda590808dceee510b5%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638647915323420536%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=e5mWQoOQ3pCL7kBpzrgYmdpVQTun5LkOcnWGO7enQtM%3D&reserved=0)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Emily.a.cathcart@maine.gov

**ADOPTIONS**

**AGENCY: 16-163 Department of Public Safety, Emergency Medical Services Board (Maine EMS)**

**CHAPTER NUMBER AND TITLE: Chapter 26: Community Grant Program**

**ADOPTED RULE NUMBER: 2024-236**

**CONCISE SUMMARY:**

The Emergency Medical Services Board (“Board”) is required under 32 M.R.S. §97(4) to adopt rules establishing a grant application and selection process to award funds to municipalities or group(s) of municipalities for the review and consideration of the provision of effective and efficient emergency medical services. The Board has adopted rules that address the administration of the grant program, including the application process and requirements; evaluation criteria; evaluation/review process; and the reporting required of a recipient of funding.

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

**AGENCY CONTACT PERSON:** Jason J. Cooney, Licensing Agent

AGENCY NAME: Emergency Medical Services Board (Maine EMS)

ADDRESS: 152 State House Station, Augusta, ME 04333-0152

TELEPHONE: 207-626-3864

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

**CHAPTER NUMBER AND TITLE: Chapter 31, Certification and Licensing Provisions/Commercial Applicators**

**ADOPTED RULE NUMBER: 2024-237**

**CONCISE SUMMARY:**

 The proposed amendments are in response to EPA’s certification of Maine’s Pesticide Certification and Training Plan. The plan requires states to align their rules, regulations, and practices with recent updates to EPA’s rules. This includes changing the titles of certain categories, incorporation by reference of descriptions and competency standards, and adding language to categories to ensure that descriptions align with EPA. These rules must be amended for EPA to fully accept Maine’s plan and for BPC to remain as Maine’s state lead agency regulating pesticides.

Chapter 31: Seven amendments are proposed:

1. Incorporation by reference of 40 CFR 171.201, which adds federal standards for direct supervision of non-certified applicators supervised by commercial applicators.
2. Addition of the word “soil” to option III of the 1B “Agricultural Plant” category, this clarifies that this category is for soil fumigation and aligns it with the federal category “Agricultural Crop Pest Control”.
3. Addition of “maintenance of public roads” to the description for category 6A and B “Vegetation Management”.
4. Incorporation by reference of 40 CFR 171.103(d)(13) and 40 CFR 171.103(c)(1-10) (2023), which adds federal competency standards for option III of 1B “Agricultural Plant” category related to soil fumigation.
5. Incorporation by reference of 40 CFR 171.103(d)(14) and 40 CFR 171.103(c)(1-10) (2023), which adds federal competency standards for the 7B category, “Industrial, Institutional, Structural and Health Related Pest – Fumigation” category related to non-soil fumigation.
6. Incorporation by reference of 40 CFR 171.103(d)(15) and 40 CFR 171.103(c)(1-10) (2023), which adds federal competency standards for the 11 category, “Aerial Pest Control” related to aerial application of pesticides.
7. Additional breakouts of competency standard subcategories for 1B “Agricultural Plant” and 6A “Vegetation Management” to clarify the competency standards for each subcategory.

**EFFECTIVE DATE: Monday, October 21, 2024**

**AGENCY CONTACT PERSON:** Alexander Peacock

AGENCY NAME: Board of Pesticides Control

ADDRESS: 28 SHS, Augusta, ME 04333

TELEPHONE: 287-2731

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

**CHAPTER NUMBER AND TITLE: Chapter 32, Certification and Licensing Provisions for Private Applicators**

**ADOPTED RULE NUMBER: 2024-238**

**CONCISE SUMMARY:**

The proposed rule amendments were sought to address changes to Maine’s pesticide certification and training program plan. This plan was accepted by EPA on August 18, 2023 under the condition that certain sections of rule would be amended to align with federal standards. In order for EPA to accept Maine’s plan, Maine must incorporate several changes to reference sections of federal rule, align descriptions with federal rule, and breakout sections of subcategories to clarify competency standards.

Chapter 32: Five amendments are proposed:

1. Incorporation by reference of 40 CFR 171.201 and 40 CFR 171.105(a) (1)-(11), which adds federal standards for direct supervision of non-certified applicators supervised by private applicators.
2. Incorporation by reference of 40 CFR 171.105(d) (2023) to (a) Soil Fumigation, which adds federal standards for private applicators under the soil fumigation category.
3. Incorporation by reference of 40 CFR 171.105(e) (2023) to (b) Non-Soil Fumigation, which adds federal standards for private applicators under the non-soil fumigation category.
4. Incorporation by reference of 40 CFR 171.105(f) (2023) to (c) Aerial, which adds federal standards for private applicators under the aerial category.
5. Updating the date for federal standards referenced from (2017) to (2023) under Chapter 32 (5)(a)-(c).

**EFFECTIVE DATE: Monday, October 21, 2024**

**AGENCY CONTACT PERSON:** Alexander Peacock

AGENCY NAME: Board of Pesticides Control

ADDRESS: 28 SHS, Augusta, ME 04333

TELEPHONE: 287-2731

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

**CHAPTER NUMBER AND TITLE: 50, Record Keeping & Reporting Requirements**

**ADOPTED RULE NUMBER: 2024-239**

**CONCISE SUMMARY:**

The proposed rule amendments were sought to address the directives in the 131st Legislature, Resolves 2023, ch. 71: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data. This resolve directs the Board of Pesticides Control to implement rules to require commercial applicators and dealers to submit annual summary use reports and annual sales reports to the Board electronically. The proposed amendments were written to incorporate these changes:

Chapter 50 – three amendments are proposed:

1. Require electronic reporting for commercial applicators’ annual use reports and dealers’ annual sales reports. This requires these parties to electronically report to a Board-approved software solution.
2. Outlines a transition period in 2024 and 2025 with reports required to be submitted electronically by 2026 (reporting year 2025) or seek an exemption waiver.
3. Describes a waiver process for those who do not have access to an electronic device capable of submitting electronic reports.

**EFFECTIVE DATE: Monday, October 21, 2024**

**AGENCY CONTACT PERSON:** Alexander Peacock

AGENCY NAME: Board of Pesticides Control

ADDRESS: 28 SHS, Augusta, ME 04333

TELEPHONE: 287-2731

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

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 332; MaineCare Eligibility Manual – Part 2**

**MaineCare Rule #308A – Eligibility and Verification Changes**

**ADOPTED RULE NUMBER: 2024-240**

**CONCISE SUMMARY:**

The adopted rule updates the MaineCare Eligibility Manual, Part 2, Basic Eligibility Criteria consistent with the Centers for Medicaid and Medicare Services’ “2023 Streamlining Medicare Savings Program Enrollment” final rule ([89 FR 22780](https://www.govinfo.gov/content/pkg/FR-2024-04-02/pdf/FR-2024-04-02.pdf)). The adopted rule removes the requirement that applicants apply for other benefits as a condition of MaineCare eligibility. Additionally, the adopted rule removes the limit on the number of reasonable opportunity periods for individuals verifying their citizenship and immigration status.

Changes were made to the adopted rule as a result of public comment and intended to provide clarity and reduce confusion. The adopted rule is consistent in substance with the rule was proposed.

Section 10: Application for Medicare:

* The title of Section 10 is changed to “Requirement to Apply for Medicare”
* I. and II. add “through the Social Security Administration,”

The adopted rule changes are effective retroactive to June 1, 2024. Retroactive rulemaking is permissible under 22 M.R.S. Sec. 42(8) as these updates provide a benefit to recipients and applicants.

This rule will not have an adverse impact on municipalities or small businesses.

**See** [**https://www.maine.gov/dhhs/about/rulemaking**](https://www.maine.gov/dhhs/about/rulemaking) **for rules and related rulemaking documents.**

**EFFECTIVE DATE: Tuesday, October 22, 2024**

**AGENCY CONTACT PERSON:**

Adam Hooper, MaineCare Program Manager

Office for Family Independence

Department of Health & Human Services

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**AGENCY: 02-380 State Board of Nursing**

**CHAPTER NUMBER AND TITLE: Chapter 6 Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses**

**ADOPTED RULE NUMBER: 2024-241**

**CONCISE SUMMARY:**

The provisionally adopted rule will replace chapter 6 Board rule, Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Assistive Personnel. The rule defines delegation and identifies the responsibilities of a registered professional nurse when delegating nursing activities and tasks to unlicensed assistive personnel. The Board of Nursing is required under 32 M.R.S. § 2102(2)(H) to adopt major substantive rules to implement § 2102(H).

**EFFECTIVE DATE:** **Not Applicable (this is a major substantive rule that has been provisionally adopted, not finally adopted).**

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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.**