**State of Maine: Notice of Agency Rulemaking: Wednesday, October 30, 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:** **99-346 Maine State Housing Authority**

**CHAPTER NUMBER AND TITLE:** **Chapter 36, Housing First Program Administrative Responsibility Rule**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P302**

**BRIEF SUMMARY:** This is a new joint rule by the State of Maine Department of Health and Human Services and Maine State Housing Authority setting forth the responsibilities of each agency and their joint responsibilities in administering the State of Maine’s Housing First Program. The Housing First Program provides funding for support and stabilization services for residents of properties in the State of Maine that provide permanent housing for persons who are experiencing chronic homelessness.

**PUBLIC HEARING:**  A public hearing will be held on Tuesday, November 19, 2024 at 10:00 a.m. at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine. To listen or testify virtually, please contact the Board Administrator before the hearing at MaineHousing, 26 Edison Drive, Augusta, Maine 04330-6046; (207) 626-4600 (voice); 1-800-452-4668 (voice in state only); or 711 (Maine Relay) or via e-mail: [BoardAdmin@mainehousing.org](mailto:BoardAdmin@mainehousing.org).

Upon sufficient notice, appropriate communication auxiliary aids and services will be provided to persons with disabilities and persons with limited English proficiency.

**COMMENT DEADLINE:** Monday, December 2, 2024 at 5:00 p.m.

**CONTACT PERSON FOR THIS FILING:** Ashley Carson, Chief Counsel, Maine State Housing Authority, State House Station 89, 26 Edison Drive, Augusta, Maine, 04330-6046, (207) 626-4600 (telephone), Maine Relay 711, [acarson@mainehousing.org](mailto:acarson@mainehousing.org) (e-mail).

Upon sufficient notice, this notice and the proposed rule will be made available in alternative formats for persons with disabilities and in alternative languages for persons with limited English proficiency.

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 22 M.R.S. Sec. 20-A (2023) and 30-A M.R.S. Sec. 4741(1)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** 22 M.R.S. Sec. 20-A (2023)

**AGENCY WEBSITE:** [mainehousing.org](mailto:acarson@mainehousing.org)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [acarson@mainehousing.org](mailto:acarson@mainehousing.org)

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

**CHAPTER NUMBER AND TITLE:**

* **Chapter 2, Definitions**
* **Chapter 10, Land Use Districts and Standards**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P303 (Chapter 2); 2024-P304 (Chapter 10)**

**BRIEF SUMMARY:** Updates to the Commission’s Flood Prone Area Protection Subdistrict and standards for development in flood prone areas to increase consistency with the Federal Emergency Management Agency’s rules and guidance and to comply with ongoing requirements for the Commission’s participation in the National Flood Insurance Program.

**PUBLIC HEARING:** Not applicable

**COMMENT DEADLINE:**

Written comments must be submitted on or prior to December 5, 2024;  
Written rebuttal comments must be submitted on or prior to December 16, 2024.

**CONTACT PERSON FOR THIS FILING:** Tim Carr, LUPC, DACF, 22 State House Station, 18 Elkins Lane, Augusta, ME 04333; 207-592-4129; tim.carr@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** Same as identified above

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** Not applicable. 12 M.R.S. Sec. 685-A(7-A)(B)

**STATUTORY AUTHORITY FOR THIS RULE:** 12 M.R.S. Secs. 685-A(3); 685-A(7-A); and 685-C(5)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** CFR44, Part 60

**AGENCY WEBSITE:** https://www.maine.gov/dacf/lupc/laws\_rules/proposed\_rules/rules.shtml

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

**AGENCY: 14-118 Department of Health and Human Services – Office of Behavioral Health**

**CHAPTER NUMBER AND TITLE: 14-118 C.M.R. c. 20 – Housing First Program Administrative Responsibility Rule**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P305**

**BRIEF SUMMARY:** This is a joint rule by the State of Maine Department of Health and Human Services and Maine State Housing Authority setting forth the responsibilities of each agency and their joint responsibilities in administering the State of Maine’s Housing First Program. The Housing First Program provides funding for support and stabilization services for residents of properties in the State of Maine that provide permanent housing for persons who are experiencing chronic homelessness.

**DETAILED SUMMARY:** This is a joint rule by the State of Maine Department of Health and Human Services (the “Department”) and Maine State Housing Authority (“MaineHousing”) setting forth the responsibilities of each agency and their joint responsibilities in administering the State of Maine’s Housing First Program (the “Program”). The Program provides funding for support and stabilization services for residents of properties in the State of Maine that provide permanent housing for persons who are experiencing chronic homelessness.

The Department is responsible for administering the funding under the Program. The funding is primarily for 24-hour on-site supportive services, except for an annual amount that is set aside for housing stability services available for residents at least 20 hours each week but not necessarily on site or 24 hours per day. Any funding that is not used for these supportive services and the Department’s costs of administering the Program will be transferred to MaineHousing to develop affordable permanent housing with 24-hour on-site supportive services, which initially will be the majority of the funding to produce the housing where these services will be provided.   
  
The Department is also responsible for establishing and administering the requirements for the two types of supportive services that are eligible for funding under the Program, the payment models for the services, and the qualifications of the providers of the services. The Department is obligated to maximize eligibility for reimbursement under existing and future federal programs that provide funding for the supportive services, such as MaineCare, to supplement and expand the use of the funding and to provide technical assistance to providers in navigating these federal programs.

MaineHousing will work with the Department to administer the permanent housing with 24-hour on-site services. The Department and MaineHousing will identify the areas in the State where the properties should be located to best serve persons who are chronically homeless. The funding under the Program will only be available to teams that are selected under one or more competitive processes and consist of a service provider that the Department has determined is qualified through its procurement process together with an experienced affordable housing developer and property manager that MaineHousing, in consultation with the Department as needed, determines can work together to successfully develop, own and operate permanent housing with 24-hour on-site services for persons who are chronically homeless. MaineHousing will provide technical assistance, approve specific sites, develop construction standards to ensure successful operation and delivery of services at the properties, and offer financing for the development of the properties, including Program funding transferred to MaineHousing, other capital funding, and low-income housing tax credits.

The rule delegates oversight of the service providers to the Department, but the Department and MaineHousing will work together to develop, administer, and enforce the operational guidelines for the permanent housing with 24-hour on-site supportive services to effectively address chronic homelessness and ensure long-term viability of these properties. The rule also addresses other administrative responsibilities of the Department and MaineHousing, including recordkeeping and reporting requirements.

**PUBLIC HEARING:** A public hearing will be held on Tuesday, November 19, 2024 at 10:00 a.m. at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine. To listen or testify virtually, please contact the Board Administrator before the hearing at MaineHousing, 26 Edison Drive, Augusta, Maine 04330-6046; (207) 626-4600 (voice); 1-800-452-4668 (voice in state only); or 711 (Maine Relay) or via e-mail: [BoardAdmin@mainehousing.org](mailto:BoardAdmin@mainehousing.org).

Upon sufficient notice, appropriate communication auxiliary aids and services will be provided to persons with disabilities and persons with limited English proficiency.

**COMMENT DEADLINE:** Monday, December 2, 2024 at 5:00 p.m.

**CONTACT PERSON FOR THIS FILING:** Danielle Hess, 41 Anthony Avenue, Augusta, ME 04330. Phone: (207) 441-8496. Fax: (207) 287-9152. TTY: Maine Relay – 711. Danielle.Hess@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 22 M.R.S. Sec. 42(1); 22 M.R.S. Sec. 20-A (2023)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** 22 M.R.S. Sec. 20-A (2023)

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

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

**ADOPTIONS**

**AGENCY: 99-346 Maine State Housing Authority**

**CHAPTER NUMBER AND TITLE: Chapter 19, Homeless Solutions Rule**

**ADOPTED RULE NUMBER: 2024-242**

**CONCISE SUMMARY:**

This replacement rule repeals and replaces in its entirety the current Chapter 19, Homeless Solutions Rule, in order to: (i) revise and update language and definitions where appropriate; (ii) remove eligibility criteria from the rule and instead place it in the appropriate program guides; (iii) clarify language; (iv) encourage collaboration with Homeless Service Hubs; (v) provide discretion on HMIS data entry requirements; and (vi) update the compliance monitoring process to include risk based assessments.

**EFFECTIVE DATE: Monday, October 28, 2024**

**AGENCY CONTACT PERSON:** Ashley Carson, Chief Counsel

AGENCY NAME: Maine State Housing Authority

ADDRESS: 26 Edison Drive

Augusta, Maine 04330-6046

TELEPHONE: (207) 626-4600 (telephone), or Maine Relay 711

**AGENCY: 10-144 Department of Health and Human Services, MaineCare Services**

**CHAPTER NUMBER AND TITLE:**

**10-144 C.M.R. Chapter 101, MaineCare Benefits Manual, Chapter II, Section 43, Hospice Services**

**ADOPTED RULE NUMBER: 2024-245**

**CONCISE SUMMARY:**

The Department of Health and Human Services (the “Department”) adopts this rule to amend MaineCare Benefits Manual Chapter II, Section 43: Hospice Services.

***Background****:* In January 2024, the Department adopted a rule to amend Ch. II, Section 43: Hospice Services by adding a new provision (Section 43.06-7) to implement an Electronic Visit Verification (EVV) requirement for hospice services that are delivered in-home, with a prospective effective date of July 1, 2024 for that EVV requirement.

After the Ch. II Section 43 rule was adopted, the Maine Legislature enacted legislation which provided that the Department may not implement EVV for hospice providers earlier than March 1, 2025, and that rules providing for such EVV requirements are major substantive rules. P.L. 2023, ch. 576 (LD 2055). This Public Law became law without the Governor’s signature on March 27, 2024. The law is codified at 22 M.R.S. Sec. 3174-NNN.

***The Department’s changes to Chapter II, Section 43:*** In accordance with P.L. 2023 ch. 576, the Department repeals the Ch. II, Sec. 43.06-7 provision (with the EVV requirement). Since this routine technical rule repealing Ch. II, Sec. 43.06-7 was not adopted prior to July 1, 2024, the date Ch. II, Sec. 43.06-7 was intended to go into effect, the Department adopts a retroactive effective date of June 30, 2024, for the repeal of the provision.

The Department shall submit to the Centers for Medicare & Medicaid Services, and anticipates approval of, a State Plan Amendment related to this provision.

Rules and related rulemaking documents may be reviewed at and printed from MaineCare Services website at <http://www.maine.gov/dhhs/oms/rules/index.shtml> or, for a fee, interested parties may request a paper copy of rules by calling 207-624-4050. For those who are deaf or hard of hearing and have a TTY machine, the TTY number is 711.

If you have any questions regarding the policy, please contact Provider Services at 1-866-690-5585 or TTY users call Maine relay 711.

See <http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

**EFFECTIVE DATE: Wednesday, October 30, 2024**

**STATUTORY AUTHORITY:** 22 M.R.S. Sec. 42 and 42(8); P.L. 2023, ch 576

**AGENCY CONTACT PERSON:** Julieanna Scott, Comprehensive Health Planner II

AGENCY NAME: MaineCare Services

ADDRESS: 109 Capitol Street,11 State House Station, Augusta, Maine 04333-0011

EMAIL: julieanna.scott@maine.gov

TELEPHONE: 207-287-2286 FAX: (207) 287-6106; TTY: 711 (Deaf or Hard of Hearing)

**AGENCY: 01-015 Maine Milk Commission**, Agriculture, Conservation and Forestry

**CHAPTER NUMBER AND TITLE: Chapter 3-Schedule of Minimum Prices Order#11-24**

**ADOPTED RULE NUMBER: 2024-246**

**CONCISE SUMMARY:**

Minimum **November 2024** Class I price is **$25.78/cwt.** plus **$1.63/cwt**. for Producer Margins, an over-order premium of **$1.04/cwt** as being prevailing in Southern New England and **$0.47/cwt**. handling fee for a total of **$29.12/cwt**. that includes a $0**.20**/cwt Federal promotion fee.

**EFFECTIVE DATE: Sunday, November 3, 2024**

**AGENCY CONTACT PERSON:** Julie-Marie R. Bickford

AGENCY NAME: Maine Milk Commission, DACF

ADDRESS: 28 SHS, Augusta, ME 04333

TELEPHONE: 207-287-7521