**State of Maine: Notice of Agency Rulemaking – October 4, 2023**

**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: **12-172** - Department of Labor, **Bureau of Unemployment Compensation**

CHAPTER NUMBER AND TITLE: **Ch.8,** Payments for Dependents

PROPOSED RULE NUMBER: **2023-P209**

TYPE OF RULE: Routine Technical

DETAILED SUMMARY: This chapter amends the criteria for determining when a claimant is eligible for a dependency allowance, in accordance with recent statutory changes to 26 M.R.S. § 1191(6) made by Public Law 2021 Chapter 456. The amended Rule clarifies that a claimant who supports a dependent is eligible for a dependency allowance, removing the requirement that the claimant be “wholly or mainly” supporting the dependent. The amended Rule sets forth the procedure for determining which parent is eligible for the dependency allowance when both parents qualify for UI benefits for the same week. The Rule establishes that the parent who files for unemployment benefits first will be eligible for the dependency allowance, except in situations in which one parent has primary custody, in which case, the custodial parent will be eligible for the dependency allowance.

PUBLIC HEARING: Tuesday, October 24, 2023 at 9:00 am, at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Dr., Augusta, ME 04330

COMMENT DEADLINE: Monday, November 5, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054; TELEPHONE: 207-626-6232; EMAIL: Isaac.H.Gingras@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §§1082 and 1191(6)

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

AGENCY WEBSITE: <https://www.maine.gov/unemployment/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

AGENCY: **12-172** - Department of Labor, Bureau of Unemployment Compensation

CHAPTER NUMBER AND TITLE: **Ch. 24,** Approved Trainings

PROPOSED RULE NUMBER: **2023-P210**

TYPE OF RULE: Routine Technical

DETAILED SUMMARY:The amendments to the Rule update and clarify the criteria and procedure for approved training, which waives the eligibility requirements to be able and available for work and to search for work.

PUBLIC HEARING: Tuesday, October 24, 2023 at 10:00 am, at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Dr., Augusta, ME 04330

COMMENT DEADLINE: Monday, November 5, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054; TELEPHONE: 207-626-6232; EMAIL: Isaac.H.Gingras@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §§1082 and 1192 (6) and (6-C)

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

AGENCY WEBSITE: <http://www.maine.gov/labor/rehab/dod>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

AGENCY: **12-172** - Department of Labor, Bureau of Unemployment Compensation

CHAPTER NUMBER AND TITLE: **Ch. 26,** Waivers of Repayment of Erroneously Paid Benefits (Overpayments)

PROPOSED RULE NUMBER: **2023-P211**

TYPE OF RULE: Routine Technical

DETAILED SUMMARY:The changes incorporate recent statutory changes to the law under Public Law 2021 Chapter 456, specifying that waiver determinations will be made in the first instance by Bureau of Unemployment Compensation. The Rule clarifies that denials of waivers by the Bureau may be appealed to the Division of Administrative Hearings and the Unemployment Insurance Commission. The Rule refines and explains the criteria used in determining whether an overpayment will be waived.

PUBLIC HEARING Tuesday, October 24, 2023 at11:00 am, at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Dr., Augusta, ME 04330

COMMENT DEADLINE: Monday, November 5, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054; TELEPHONE: 207-626-6232; EMAIL: Isaac.H.Gingras@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*:

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §1082

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

AGENCY WEBSITE: <https://www.maine.gov/unemployment/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

**AGENCY: 16 – 633** – Department of Public Safety, **Gambling Control Board**

CHAPTER NUMBER AND TITLE: **Ch. 28,** Advanced Deposit Wagering

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P212**

BRIEF SUMMARY: This rule is to comply with changes in state law under 8 M.R.S.A., Chapter 31, Subchapter 7 Advanced Deposit Wagering

PUBLIC HEARING: Non applicable – written comment only

COMENT DEADLINE: November 3, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION/RULEMAKING LIAISON: Milton Champion, Executive Director, Gambling Control Board, 45 Commerce Drive, Suite 3, Augusta ME 04333-0087; TELEPHONE: 207-626-3901; EMAIL: Milton.F.Champion@maine.gov

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

STATUTORY AUTHORITY:8 M.R.S.A. §1003(1)(B)(I), (3)(J); 8 M.R.S.A. § 1031(1).

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

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html>.

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

CHAPTER NUMBER AND TITLE: **Ch. 301,** Supplemental Nutrition Assistance Program (SNAP) Rules, **Rule #231** – FFY24 Budgeting Changes

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P213**

BRIEF SUMMARY:Maine exercises an option for Broad Based Categorical Eligibility under 7 C.F.R. § 273.2(j)(2) which includes a 200% Federal Poverty Level (FPL) test. This figure is not included in the figures updated each federal fiscal year per 7 C.F.R. § 273.9(a)(4), it is updated as soon as the the FPLs are published. This year’s FPLs were published at <https://www.federalregister.gov/documents/2023/01/19/2023-00885/annual-update-of-the-hhs-poverty-guidelines> on January 19. See also, Annual Update of the HHS Poverty Guidelines, Federal Register 88:12 (January 19, 2023) p. 3424, <https://www.govinfo.gov/content/pkg/FR-2023-01-19/pdf/2023-00885.pdf>. The Department proposes to incorporate these figures effective January 19, 2023. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as these changes afford this benefit to more residents of the State of Maine and do not adversely impact applicants, participants, beneficiaries, or providers. These changes would make SNAP benefits and the related SNAP Employment and Training (E&T) services available to more Maine households.

 Federal rule 7 C.F.R. §§ 273.9(a)(3), 273.10(e)(4), and 273.11(r)(2)(ii) require that income allowances, standard shelter deductions, and minimum and maximum benefit limits, are updated each year, effective October 1st. The U.S.D.A. - Food and Nutrition Services (FNS) provides updated income allowances, standard deductions, and minimum and maximum benefit standards to states and territories, annually. The final income allowance, standard deductions, and minimum and maximum benefit levels were distributed by the USDA FNS on August 3, 2023. The Department proposes to incorporate these figures effective October 1, 2023. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as these changes afford this benefit to more residents of the State of Maine and do not adversely impact applicants, participants, beneficiaries, or providers. These changes would make SNAP benefits and the related SNAP Employment and Training (E&T) services available to more Maine households.

 Federal rule 7 C.F.R. § 273.9 (d)(6)(ii) and (iii)(B) requires that standard heating/cooling, non-heat, and phone allowances as well as excess shelter deductions are updated each year, effective October 1st. The U.S.D.A. - Food and Nutrition Services (FNS) provides the updated excess shelter deduction to states and territories, annually. The final excess shelter deduction was distributed by the USDA FNS on August 3, 2023. FNS annually approves utility allowances calculated by states. The calculations are based on the change in the Consumer Price Index for fuel and utilities, between June 2023 and June 2024. FNS approved Maine’s SUAs for FFY 2024 on August 18, 2023. These figures were adopted in emergency rule SNAP 231E on September 29, 2023. This rulemaking would extend the use of these figures beyond the emergency period.

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

PUBLIC HEARING:No hearing is scheduled.

COMMENT DEADLINE: Monday, November 6, 2023, at 5:00 p.m. EST.

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

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS CONTACT INFORMATION:Ian Miller, Senior Program Manager – SNAP, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street, Augusta, ME 04330-6841; Phone: (207) 624-4138/Fax: (207) 287-3455; TT Users Call Maine Relay – 711; Email: Ian.Miller@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:The proposed changes are not anticipated to have an impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE:22 M.R.S. §§ 42(1); 3104

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Emily.A.Cathcart@maine.gov

**ADOPTIONS**

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

CHAPTER NUMBERS AND TITLES: **Ch.1,** Open Water and Ice Fishing Regulations; **Ch. 1-A,** State Heritage Fish Waters

ADOPTED RULE NUMBERS: **2023-182, 2023-183**

CONCISE SUMMARY:The Commissioner of Inland Fisheries and Wildlife has adopted rules pertaining to open water fishing and ice fishing. This body of rules is printed in its entirety in the Open Water & Ice Fishing Laws and Rules booklet (January 1, 2024 - December 31, 2024) and will be available from the Department, online at [www.maine.gov/ifw,](http://www.maine.gov/ifw%2C)as well as license agents. The Department has also removed a water and added one new water to the State Heritage Fish waters list. For a copy of adopted changes prior to release of the laws and rules booklet, please contact the Agency Rulemaking Contact Person.

EFFECTIVE DATE:January 1, 2024

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: Becky.Orff@Maine.gov
IFW WEBSITE: <https://www.maine.gov/ifw/>

AGENCY: **29-250,** Secretary of State, **Bureau of Corporations, Elections & Commissions**

CHAPTER NUMBER AND TITLE: **Ch. 700,** Rules Governing Notaries Public, Notarial Officers, Notarial Acts and the Procedures for Electronic and Remote Notarization.

ADOPTED RULE NUMBER: **2023-184**

CONCISE SUMMARY:The rule will govern notaries public, notarial officers and notarial acts including establishing the standards and procedures for electronic and remote notarization pursuant to the Revised Uniform Law on Notarial Acts. This rule will repeal and replace the current notary rule (chapter 700).

 The Revised Uniform Law on Notarial Acts (RULONA) was effective on July 1, 2023, which was a Saturday, and granted the Secretary of State authority to adopt new administrative rules. As a result of comments made on the first round of proposed rules, the Secretary of State determined that there were substantial changes that needed to be made to the proposed rules (chapter 700). Therefore, emergency rules were put in place to be effective on July 5, 2023. The proposed rules were made available for a second round of public comment with a comment deadline of August 28, 2023.

EFFECTIVE DATE: October 2, 2023

CEC CONTACT PERSON: Cathy Beaudoin, Bureau of Corporations, Elections & Commissions, 111 Sewall Street – 29 State House Station, Augusta, Maine 04333. Telephone: (207) 624-7748. Fax: (207) 287-5874. Email: Cathy.Beaudoin@Maine.gov .
CEC WEBSITE: <https://www.maine.gov/sos/cec/index.html>
CEC RULEMAKING LIAISON: Julie.Flynn@Maine.gov

AGENCY: **29-250,** Secretary of State, **Bureau of Corporations, Elections & Commissions**

CHAPTER NUMBER AND TITLE: **Ch. 720,** Rules Governing the Licensing of Marriage Officiants who are Authorized to Solemnize Marriages in Maine

ADOPTED RULE NUMBER: **2023-185**

CONCISE SUMMARY:The rule will govern the licensing of marriage officiants pursuant to Title 5, section 90-G who are thereby authorized to solemnize marriages in Maine pursuant to Title 19-A, chapter 23.

 The new law for marriage officiants was effective on July 1, 2023, which was a Saturday, and granted the Secretary of State authority to adopt new administrative rules. As a result of comments made on the proposed rules, the Secretary of State determined that there were substantial changes needed to be made to the proposed rules (chapter 720). Therefore, emergency rules were put in place to be effective on July 5, 2023. The proposed rules were made available for a second round of public comment with a comment deadline of August 28, 2023.

EFFECTIVE DATE: October 2, 2023

CEC CONTACT PERSON: Cathy Beaudoin, Bureau of Corporations, Elections & Commissions, 111 Sewall Street – 29 State House Station, Augusta, Maine 04333. Telephone: (207) 624-7748. Fax: (207) 287-5874. Email: Cathy.Beaudoin@Maine.gov
CEC WEBSITE: <https://www.maine.gov/sos/cec/index.html>
CEC RULEMAKING LIAISON: Julie.Flynn@Maine.gov

AGENCY: 94-649 - **Maine Commission on Indigent Legal Services**

CHAPTER NUMBER AND TITLE:Ch. 301-A, Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings

ADOPTED RULE NUMBER: **2023-186**

CONCISE SUMMARY:The Commission is statutorily obligated to develop, “Standards for the reimbursement of expenses incurred by assigned counsel and contract counsel, including attendance at training events provided by the commission…” 4 M.R.S. §1804(2)(F). This proposed rule establishes eligibility for payment to private court and/or Commission-Assigned Counsel for attending and reimbursement of expenses incidental to attending trainings. This proposed rule also sets forth administrative procedures for payment and reimbursement of eligible training expenses.

EFFECTIVE DATE: October 2, 2023

CONTACT PERSON FOR THIS FILING: Jim Billings, Executive Director, Maine Commission on Indigent Legal Services, 154 State House Station, Augusta, ME 04333. Telephone: (207) 287-3254. Email: Jim.Billings@Maine.gov.
MCILS RULEMAKING LIAISON: Eleanor Maciag, MCILS, 154 State House Station, Augusta, ME 04333. Telephone: (207) 287-3524. Fax: (207) 287-3293. Email: Eleanor.Maciag@Maine.gov
MCILS WEBSITE: <https://www.maine.gov/mcils/>

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

CHAPTER NUMBER AND TITLE: **Ch. 301,** Supplemental Nutrition Assistance Program (SNAP) Rules; Section 999-3; Rule #231 – FFY24 Budgeting Changes

ADOPTED RULE NUMBER: **2023-187** *(Emergency)*

CONCISE SUMMARY:Federal rule 7 C.F.R. § 273.9 (d)(6)(iii)(B) requires that standard utility allowances are updated each year, effective October 1. USDA Food and Nutrition Services (FNS) annually approves utility allowances calculated by states. The calculations are based on the change in the Consumer Price Index for fuel and utilities, between June 2022 and June 2023.

The final values for Maine’s standard/heating cooling, non-heat and phone allowances were not approved by the USDA Food and Nutrition Service until August 18, 2023. These approvals did not allow the Department to comply with the non-emergency rulemaking process and implement the changes by the required date of October 1, 2023.

Pursuant to 5 M.R.S. § 8054, the Department finds that emergency rulemaking is necessary for the health, safety, and general welfare of SNAP recipients. Failure to make these changes by the C.F.R. required deadline could result in individual families needing to pay back overpaid benefits and the Department being assessed financial penalties by FNS that would reduce the resources available to serve the people of Maine as a whole. By continuing to issue SNAP benefits appropriately and accurately these circumstances can be avoided.

This rule may have an adverse impact on municipalities or small businesses. A financial impact statement is available upon request. Requests should be directed to the contact person listed below.

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

EFFECTIVE DATE: September 29, 2023

AGENCY CONTACT PERSON: Ian Miller, Senior Program Manager – SNAP, Office for Family Independence, Department of Health and Human Services, 109 Capitol Street,

Augusta, ME 04333; Phone: (207) 624-4138/Fax: (207) 287-3455; TT Users Call Maine Relay – 711; Email: Ian.Miller@Maine.gov

OFI WEBSITE: <https://www.maine.gov/dhhs/ofi>.
OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov.
DHHS WEBSITE: <https://www.maine.gov/dhhs/>.
DHHS RULEMAKING LIAISON: Emily.A.Cathcart@Maine.gov .

AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 36,** Atlantic Herring; 2023 Season 2 Open

ADOPTED RULE NUMBER: **2023-188** *(Emergency)*

CONCISE SUMMARY: The Days Out Commissioners have set zero landing days for October 1 through October 9, 2023 for Season 2 (Trimester 3; October 1 – December 31) of the Atlantic herring fishery. Two landing days have been designated beginning Tuesday, October 10 at 12:01 a.m. through Wednesday, October 11 at 11:59 p.m. followed by zero landing days through to Saturday, November 4. Four landing days have been designated starting Sunday, November 5 at 6:00 p.m. through Thursdays at 5:59 p.m., weekly. The Commissioner has determined that it is necessary to take emergency action to comply with the changes to the interstate management of the Atlantic herring resource and to reduce the risk of an overage in the Area 1A sub-ACL that could deplete the supply of Atlantic herring. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE: September 30, 2023

DRM CONTACT PERSON: Melissa Smith, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021; TELEPHONE: (207) 441-5040; FAX: (207) 624-6024; TTY: (207) 633-9500 (Deaf/Hard of Hearing); E-MAIL: Melissa.Smith@maine.gov

DMR RULEMAKING LIAISON: Deirdre Gilbert; Email: .DMR.rulemaking@Maine.gov

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

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