**State of Maine: Notice of Agency Rulemaking – October 19, 2022**

**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: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 840**, Intervenor and Participant Funding

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P193**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking proceeding to amend its Intervenor Funding rule (Ch. 840) to comply with the requirements of Public Law 2021 Ch. 736, which was enacted in the Second Regular Session of the 130th Legislature.

PUBLIC HEARING: November 7, 2022 at 1:30 p.m.at the Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. *Persons unable to attend this conference in person may elect to participate virtually by emailing* [*Pamela.Kowalchuk@Maine.gov*](mailto:Pamela.Kowalchuk@Maine.gov) *at the Commission and requesting a Microsoft Teams invitation. Those unable to attend via video may participate by phone using the dial-in information that appears on the Microsoft Teams invitation (obtained as described above).*

COMMENT DEADLINE: Comments on the proposed rule may be filed electronically using the Commission’s [Case Management System (CMS)](https://mpuc-cms.maine.gov/CQM.Public.WebUI/Common/CaseMaster.aspx?CaseNumber=2022-00299) or may be sent in writing to the Administrative Director on or before November 21, 2022. However, the Commission requests that comments be filed in CMS by November 2, 2022, to allow for follow-up inquiries during the hearing; supplemental comments may be filed after the hearing. Written comments should refer to the docket number of this proceeding, Docket No. 2022-00299, and be sent to the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Elizabeth Wyman, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1321. Email: [Liz.Wyman@Maine.gov](mailto:Liz.Wyman@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §1310-A

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

MPUC WEBSITE: [www.maine.gov/mpuc](http://www.maine.gov/mpuc).

MPUC RULEMAKING LIAISON [Deirdre.Schneider@Maine.gov](mailto:Deirdre.Schneider@Maine.gov).

AGENCY: **10-149** - Department of Health and Human Services (DHHS), **Office of Aging and Disability Services (OADS)**

CHAPTER NUMBER AND TITLE: (1) Repeal and Replace of 10-149 CMR Ch. 5 §65, “Nutrition Services”, with 10-149 CMR Ch. 6 §5, “Nutrition Services Program”; and (2) Amend 10-149 CMR Ch. 5, Introduction, Table of Contents, Rule History

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P194**

BRIEF SUMMARY: Repeal and Replace of 10-149 CMR Ch. 5 §65, “Nutrition Services” with 10-149 CMR Ch. 6 §5, “Nutrition Services Program”. The Department proposes to repeal and replace 10-149 CMR Ch. 5 Section 65 with 10-149 CMR Ch. 6 Section 5. The purpose of this proposed rulemaking is to update the Department’s nutrition services rule in accordance with the requirements outlined in the 2020 reauthorization of the *Older Americans Act*, 42 USC §§ 3001 *et seq.* This proposed rule also removes outdated references to the Bureau of Elder and Adult Services and provides additional clarity around eligibility requirements for older adults to receive nutrition services.

Nutrition services authorized by the rule are provided by Area Agencies on Aging (AAAs) that are under contract with the Department’s Office of Aging and Disability Services (OADS), or by their subcontractors. Nutrition services regulated under this rule are funded by block grants from the Administration for Community Living (“ACL”) in the U.S. Department of Health and Human Services.

The proposed rule states operational requirements for providers, including:

**\*** maximizing the number of eligible individuals who are provided an opportunity to receive nutrition services;

**\*** outreach, intake, and information and assistance/referral services in conformance with 10-149 CMR Ch. 5 §67;

**\*** the creation and maintenance of wait lists for nutrition services, if necessary;

**\*** when and how providers may seek voluntary contributions from recipients for the cost of meals;

**\*** why and how providers of nutrition services may deny, reduce, or terminate nutrition services for individuals;

**\*** minimum nutritional requirements for meals and compliance with the *State of Maine Food Code*, 10-144 CMR Ch. 200;

**\*** reporting of food borne illness;

**\*** menu planning and the provision of special meals when possible to meet recipients’ dietary, religious, and cultural requirements and preferences;

**\*** recipient satisfaction surveys;

**\*** group purchasing and other cost-saving measures;

**\*** necessary contents of subcontracts for nutrition services;

**\*** designation of full-time Nutrition Directors and consultation with registered dietitians;

**\*** preparation and distribution of nutrition manuals establishing procedures relating to sanitation, food handling and storage, reporting of food borne illness and handling medical and other emergencies; and

**\*** data collection and reporting.

Imposing these requirements on AAAs and their subcontractors enables OADS to comply with the Older Americans Act and with the Department’s block grants from the ACL.

10-149 CMR Ch. 5, Introduction, Table of Contents, Rule History:

The Department proposes to (1) update the Introduction; (2) delete the Section 65 Table of Contents from the Ch. 5 Table of Contents; and (3) update the Rule History.

PUBLIC HEARING: Wednesday, November 16, 2022, at 11 a.m. *Due to the ongoing threat posed by COVID-19, DHHS has determined that its public hearings will be conducted solely remotely, via ZOOM. This is in accordance with the DHHS Remote Rulemakings Hearings Policy issued September 10, 2021. To register, please use this link:* [*https://mainestate.zoom.us/meeting/register/tZ0vcumvqzsrGtM0mNe8MwjvdPaOWjecXesr*](https://mainestate.zoom.us/meeting/register/tZ0vcumvqzsrGtM0mNe8MwjvdPaOWjecXesr)*. After registering, you will receive a confirmation email containing information about joining the hearing. Interpreter services will be provided during the hearing upon request.*

COMMENT DEADLINE: Monday, November 28, 2022, at 11:59 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Joseph Zamboni, Policy and Program Developer, 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) 446-2804. Fax: (207) 287-9229. TTY: 711 (Deaf or Hard of Hearing). Email: [Joseph.Zamboni@Maine.gov](mailto:Joseph.Zamboni@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: The Department does not anticipate that this rulemaking will have an impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42(1), 5106(10)

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

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

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS RULEMAKING LIAISON: [Sara.Gagne-Holmes@Maine.gov](mailto:Sara.Gagne-Holmes@Maine.gov).

**ADOPTIONS**

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 313**, Customer Net Energy Billing

ADOPTED RULE NUMBER: **2022-207**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to Ch. 313 – *Customer Net Energy Billing*. The amendments modify existing net energy billing compensation for commercial and institutional customers in accordance with recently enacted legislation and provide clarifying definitions.

EFFECTIVE DATE: October 17, 2022

MPUC CONTACT PERSON: Elizabeth Wyman, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1321. Email: [Liz.Wyman@Maine.gov](mailto:Liz.Wyman@Maine.gov).

MPUC WEBSITE: <https://www.maine.gov/mpuc/>.

MPUC RULEMAKING LIAISON: [Deirdre.Schneider@Maine.gov](mailto:Deirdre.Schneider@Maine.gov).

AGENCY: **06-481 - Board of Underground Storage Tank Installers** (*affiliated with the* Maine Department of Environmental Protection – DEP)

CHAPTER NUMBERS AND TITLES:

**Ch. 3**, Certification of Underground Oil Tank Installers, *and*

**Ch. 6**, Certification of Underground Oil Storage Tank Inspectors

ADOPTED RULE NUMBERS: **2022-208, 209**

CONCISE SUMMARY: The amendments to Ch. 3, “Certification of Underground Oil Storage Tank Installers”, and Ch. 6, “Certification of Underground Oil Storage Tank Inspectors”, reflect changes required by statute, to replace the use of the term “handicap” with the term “disability”. The changes also include minor updates to citations.

EFFECTIVE DATE: October 18, 2022

AGENCY CONTACT PERSON: Christopher Fournier, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-7860. Email: [Christopher.G.Fournier@Maine.gov](mailto:Christopher.G.Fournier@Maine.gov).

BOARD WEBSITE: <https://www.maine.gov/dep/waste/busti/index.html>.

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov) .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (MaineCDC)**

CHAPTER NUMBER AND TITLE: **Ch. 220**, Radiation Protection Rule

ADOPTED RULE NUMBER: **2022-210**

CONCISE SUMMARY: The *Radiation Protection Rule* governs all persons who receive, possess, use, transfer, own or acquire any source of radiation, in accordance with relevant federal and State standards. These rule changes correct errors/omissions and clarify current radiation requirements and references, as well as implement recommendations from the federal Nuclear Regulatory Commission.

EFFECTIVE DATE: October 23, 2022

MaineCDC CONTACT PERSON: Andrew Hardy, MaineCDC, 11 State House Station - 286 Water Street, Augusta, ME 04333-0011. Telephone: (207) 287-4490. Email: [Andrew.Hardy@Maine.gov](mailto:Andrew.Hardy@Maine.gov).

MaineCDC RULES WEBSITE: <https://www.maine.gov/dhhs/mecdc/rules/>.

MaineCDC WEBSITE: <https://www.maine.gov/dhhs/mecdc/>.

MaineCDC RULEMAKING LIAISON: [Tera.Pare@Maine.gov](mailto:Tera.Pare@Maine.gov).

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS RULEMAKING LIAISON: [Sara.Gagne-Holmes@Maine.gov](mailto:Sara.Gagne-Holmes@Maine.gov).