**State of Maine: Notice of Agency Rulemaking – October 25, 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: **01-026** - Department of Agriculture, Conservation, and Forestry, **Board of Pesticides Control**

CHAPTER NUMBER AND TITLE: **Ch. 41,** Special Restrictions on Pesticide Use

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2023-P154 (2nd publication)**

BRIEF SUMMARY: The proposed rulemaking includes additional amendments to CMR01-026 Chapter 41. These amendments include modernizing the rules regarding standards for growers that use plant-incorporated protectants. These changes modernize the Board’s rules to reflect current practices regarding plant-incorporated protectants. There were substantial changes from the original proposed rule which struck the requirement for dealers to sell an acre or more sweet corn plant-incorporated protectants. These changes require that the public comment period be re-opened from the time of posting for a period of 30 days.

ADDITIONAL DETAILED SUMMARY FOR WEB PUBLICATION:

Chapter 41 – three amendments are proposed:

1. Amend grower and product-specific requirements to broaden the scope from Bt corn to all plant-incorporated protectants.
2. Strike the requirements for dealers to sell sweet corn plant-incorporated protectants in quantities of more than one acre.
3. Change the requirements for certificates. Rules will now require a one-time course and test to receive certificates that do not need to be renewed annually.

PUBLIC HEARING: N/A Hybrid meeting held on September 1, 2023 @ 9:00 AM in Deering Building rm 101 (90 Blossom Lane, Augusta, ME 04333) and via Microsoft Teams

COMMENT DEADLINE: November 24, 2023 @ 11:59 PM

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Karla Boyd, 28 SHS, Augusta, ME 04333. Telephone: (207)287-2731. Email: [pesticides@maine.gov](mailto:pesticides@maine.gov)

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

STATUTORY AUTHORITY FOR THIS RULE:

Chapter 41—5 M.R.S.A. §§ 8051 et seq.

Chapter 41—7 M.R.S.A. §§ 601-610

Chapter 41—22 M.R.S.A. §§ 1471-A-D and M

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

AGENCY WEBSITE: https://www.maine.gov/dacf/php/pesticides/index.shtml

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Karla.Boyd@maine.gov](mailto:Karla.Boyd@maine.gov)

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

CHAPTER NUMBER AND TITLE: **Ch. 111,** Temporary Nurse Agency Registration Rule

PROPOSED RULE NUMBER: **2023-P221**

BRIEF SUMMARY: This new rule operationalizes the changes made to 22 MRS § 2313 under PL 2023 Ch 434. The rule reflects the following requirements of statute:

* Increases the registration fee;
* Places requirements for annual reporting on registered Temporary Nurse Agencies (TNAs);
* Authorizes the Department to issue financial penalties to TNAs in certain circumstances;
* Places record-keeping and access to records requirements on TNAs; and
* Establishes employee quality assurance measures for TNAs.

The proposed routine technical rule also incorporates the statutory restrictions on predatory hiring practices and makes violation of 22 MRS § 2131 a violation of the Maine Unfair Trade Practices Act.

PUBLIC HEARING: Thursday, November 16, 2023, 9 am to 11 am, 41 Anthony Avenue, Augusta, ME

If you require accommodation for this hearing, please inform the contact person below at least 7 days before the hearing.

COMMENT DEADLINE: 5 pm, Thursday, November 30, 2023

CONTACT PERSON FOR THIS FILING: SMALL BUSINESS IMPACT STATEMENT: Jonathan Leach, Division of Licensing and Certification, 11 SHS, 41 Anthony Ave, Augusta, ME 04333-0011. Telephone: (207) 287-5825. TTY: Call 711. Email: [Jonathan.H.Leach@maine.gov](mailto:Jonathan.H.Leach@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: This new rule will have no financial impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42, 2131 and 2136-2139.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: PL 2023 Ch 434

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [Emily.A.Cathcart@maine.gov](mailto:Emily.A.Cathcart@maine.gov)

AGENCY: **12-150** - Department of Labor, **Division for the Blind and Visually Impaired**

CHAPTER NUMBER AND TITLE: **Ch. 15,** Rules Governing the Business Enterprise Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P222**

DETAILED SUMMARY: This chapter outlines the procedures and standards governing the licensing by the Division for the Blind and Visually Impaired Business Enterprise Program of blind persons as vending facility managers, pursuant to Title 34 CFR Section 395 and 26 M.R.S.A. § 1418-F to 1418-M. This rule change is being done as a repeal and replace.

The following definitions were added – *Business Enterprise Law, Cafeteria, Federal Building or Property, Property Manager or Management, State Building or Property, Randolph-Sheppard Act, Satisfactory Site and Vocational Rehabilitation.*

Language was modified in the following definitions: Business Enterprise Program changed *know to known*. Removed *which must be reimbursed to the SLA within the first year of operation* from Initial Stock. Expanded definition of Vending Facility to provide clarity, including the addition of Maine Statutory definition in order to better reflect current accepted types of vending facilities.

*Selection and Placement of Individuals on Roster* was moved from Section 3 to Section 2. Added language to strengthen qualifications for becoming a fully licensed Manager. Factors such as *strong customer service skills, clean background check, good credit and seniority* are considered in this section.

*Issuance and Conditions of Licenses* was moved from Section 2 to Section 3. *Changed some of the language in this section to clarify conditions of licensure.*  *Licensing and Seniority added as a new section.*

*Preference* was added as a new section for consistency with the Maine Statute.

*Assignments of Locations*. Moved from section 4 to section 5. New language was added to clarify the criteria used and factors considered when a qualified BEP manager is selected for a vending facility.

*Temporary Locations* was added to clarify situations when this type of management is warranted in order to preserve the facility for future permanent management by a BEP manager.

*Termination of Licenses* was moved from section 5 to section 6. New language added throughout this section to provide clarification and identify expectations for BEP Managers, the State Licensing Agency (SLA) with assurances that information be provided in accessible formats and preferred methods of communication.

*Vending Facility Equipment and Initial Stock was moved from section 6 to section 7*. Added language to clarify responsibilities of parties involved with the purchase and maintenance of equipment. BEP Manager deductible was raised from $100 to $200.

*Assistance and In-Service Training Provided to Managers* was moved from section 7 to section 8. Added clarifying language regarding upward mobility training.

*Responsibilities of Licensed Facility Manager* was moved from section 8 to section 9. Added expectation that participation in upward mobility training is part of BEP Manager Performance Reviews.

*Setting Aside of Funds* was moved from section 9 to section 10. Added language to strengthen voting requirements for licensed managers.

*Distribution and Use of Income from Vending Machines on Federal Property* was moved from section 10 to section 11.

*Employees* was moved from section 11 to section 12. Removed and changed some language to better define expectations and terms for BEP Managers to consider when hiring employees.

*Election, Organization and Function of State Committee of Blind Managers* was moved from section 12 to section 13. Added the designation of individuals to committees to the responsibility of Committee Chair.

*Administrative Review, Evidentiary Hearing, Arbitration of Managers’ Complaints* was moved from section 13 to section 14. Changed he/his to they/theirs. Added reference to the Maine Administrative Procedures Act to requirements of due process. Language added throughout this section to clarify and specify certain parties responsible for actions taken.

*Dispute Resolution* was moved from section 13 to section 15. *Interagency and Continuation of Services During*

*Dispute Resolution* were added to be consistent with State processes and procedures.

*Access to Program Financial Information* was moved from section 14 to section 16.

*Explanation to Manager of Rights and Responsibilities* was moved from section 15 to section 17. Added language to clarify timing of this provision.

*State Sales Tax* was moved from section 17 to section 19.

*Vacation* was moved from section 18 to section 20.

*Insurance* was moved from section 19 to section 21.

*Manager Evaluations* was moved from section 20 to section 22.

*Civil Rights* was moved from section 21 to section 23. Changed *beliefs to affiliation*.

PUBLIC HEARING: November 14, 2023, 2:00 pm – 3:00 pm, Maine Department of Labor, 45 Commerce Drive, Augusta, ME 04333, Frances Perkins Conference room

COMMENT DEADLINE: November 29, 2023

CONTACT PERSON FOR THIS FILING: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: 207-626-6232. Email: [Isaac.H.Gingras@maine.gov](mailto:Isaac.H.Gingras@maine.gov)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: Brenda Drummond, Division Director, 150 State House Station, Augusta, ME 04333-0150. Telephone: (207) 623-7954. Fax: (207) 287-5292 E-mail: [Brenda.G.Drummond@maine.gov](mailto:Brenda.G.Drummond@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S.A. §1418-F – §1418-M

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

AGENCY WEBSITE: <https://www.maine.gov/rehab/dbvi/index.shtml>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [Isaac.H.Gingras@maine.gov](mailto:Isaac.H.Gingras@maine.gov)

AGENCY: **06-096 - Department of Environmental Protection**

CHAPTER NUMBER AND TITLE: **Ch. 80,** Reduction of Toxics in Packaging

TYPE OF RULE: Routine Technical and Major Substantive (Section 5 only)

PROPOSED RULE NUMBER: **2023-P223**

BRIEF SUMMARY: The purpose of this rulemaking proposal is to update the existing Chapter 80 in accordance with changes in the law and to update language and formatting. The proposed changes include the incorporation of an existing statutory sales prohibition on the use of phthalates in food packaging. The proposal also adds a new section 5, establishing a sales prohibition on the use of specific applications of intentionally added PFAS to certain types of food packaging. The addition of the new section 5 is major substantive rulemaking.

PUBLIC HEARING: November 16, 2023, 9:00 AM, Marquardt Building, 32 Blossom Lane, Augusta, Maine. Entrance located on east side of building, Door D7.

COMMENT DEADLINE: November 30, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATMENT: Kerri Malinowski, State House Station 17, Augusta, ME 04333. (207) 215-1894, [Kerri.Malinowksi@Maine.Gov](mailto:Kerri.Malinowksi@Maine.Gov)

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

No significant fiscal impact on municipalities or counties is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. Chapter 26-A Reduction of Toxics in Packaging

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

AGENCY WEBSITE: <https://www.maine.gov/dep/rules/index.html>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Mark Margerum, Office of the Commissioner. [Mark.T.Margerum@Maine.Gov](mailto:Mark.T.Margerum@Maine.Gov)

AGENCY: **05-071 – Department of Education**

CHAPTER NUMBER AND TITLE: **Ch. 41,** Offering Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator in Maine Public Schools

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P224**

BRIEF SUMMARY: As a result of the First Special Session of the 131st Maine Legislature, Public Law 2023, Chapter 460 was signed by Governor Mills on July 27, 2023. This law, *An Act to Require Public Schools to Offer Training for Secondary Students on the Administration of Naloxone Hydrochloride* requires all Maine public schools to offer training to secondary students in the administration of naloxone hydrochloride in nasal spray form. The law further requires the Maine Department of Education to adopt rules on how to train secondary students to administer naloxone hydrochloride in nasal spray form. The training may be provided as extracurricular instruction, is to be delivered by a qualified individual, and that the standards for instruction are based on those of a nationally recognized program, organization, or agency.

Other revisions to the rule account for updates to terminology and practice in CPR and AED administration.

PUBLIC HEARING: November 17, 2023, 12:00 PM, Rm. 103 Burton Cross State Office Building

COMMENT DEADLINE: November 27, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Laura Cyr, State House Station #23, Augusta, ME 04333. Telephone: 207-446-8791. Email: [Laura.Cyr@maine.gov](mailto:Laura.Cyr@maine.gov)

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

STATUTORY AUTHORITY FOR THIS RULE: 20-A MRS §6304, P.L. 2023, Chapter 460

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

AGENCY WEBSITE: <https://www.maine.gov/doe/home>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Laura.Cyr@maine.gov](mailto:Laura.Cyr@maine.gov)

AGENCY: **05-071 – Department of Education**

CHAPTER NUMBER AND TITLE: **Ch. 64,** Maine School Facilities Program and School Revolving Renovation Fund

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2023-P225**

BRIEF SUMMARY: As a result of the First Special Session of the 131st Maine Legislature, The Maine Department of Education is engaging in rulemaking in response to Resolves 2023, Chapter 44, “Resolve, Directing the Department of Education and the Maine Municipal Bond Bank to Amend Their Rules Regarding the Maine School Facilities Finance Program and the School Revolving Renovation Fund” effective October 25, 2023 directs the Maine Department of Education and the Maine Municipal Bond Bank to amend their rules to require: (1) that the maximum total loans from the fund for repair, renovation, and improvement projects for Priority One, Priority Two, Priority Three, Priority Four and Priority Five be increased from $4,000,000 to $8,000,000, and (2) that the maximum loan amount from the fund to address each priority level in a school building be increased from $1,000,000 to $2,000,000 within any 5-year period.

This amendment makes those two changes.

PUBLIC HEARING: November 17, 2023, 9:00 am-11:00 am, Room 103 Burton Cross State Office Building

COMMENT DEADLINE: November 30, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Laura Cyr, Department of Education, 23 SHS, Augusta, ME 04333. Telephone: 207-446-8791. Email: [Laura.Cyr@maine.gov](mailto:Laura.Cyr@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: Title 20-A, Sections 1, 4001, 5804, 5805, 15603, 15907, 15918; Resolves 2023, Ch. 44 and Title 30-A Sections 5953-E, 6006-E, 6006-F, 6014; Resolve 2007 ch. 174

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

AGENCY WEBSITE: <https://www.maine.gov/doe/home>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Laura.Cyr@maine.gov](mailto:Laura.Cyr@maine.gov)

AGENCY: **05-071 – Department of Education**

CHAPTER NUMBER AND TITLE: **Ch. 101,** Maine Unified Special Education Regulation Birth to Age Twenty

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2023-P226**

DETAILED SUMMARY: The Department is undertaking a targeted rule change to the Maine Unified Special Education Regulation (MUSER). These changes are two-fold: first, changes required by the passage of LD 98 and codified by Public Law 2023, Chapter 450; and second, to make permanent the emergency rule change that was filed in July 2023.

Public Law 2023, Chapter 450 amends 20-A MRSA §7001, 7002, 7258, and 8305 to amend the upper age limit to under 22 years of age, changes hearing impairment to deafness, including hearing loss, changes serious emotional disturbance to emotional disability, and changes deafness and blindness to deaf-blindness. Public Law 2023, Chapter 450 also amends outdated language by changing the term pupil evaluation to individualized education program. These changes are now reflected in the revised MUSER.

With respect to the change initially made by emergency rule, the Department of Education determined that the current funding structure previously outlined in Section XVIII.3.C(2) of MUSER for private schools that serve exclusively students with disabilities (“special purpose private schools”) was causing those schools to limit or cease operations, leaving some of Maine’s most significantlyimpacted children without the educational placements they are entitled to by law. Further breakdown of this critical component of the continuum of educational placements would leave the State unable to maintain compliance with IDEA and MUSER. This problem was initially resolved with the emergency rule filing of July 7, 2023. The Department seeks to make the change permanent in this rulemaking process.

These are the only changes included in this revision.

PUBLIC HEARING: November 17, 2023; 3:00pm-5:00 pm, Room 103 Burton Cross Office Building, 111 Sewall Street, Augusta, ME 04330

COMMENT DEADLINE: November 27, 2023 at 5 pm

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Laura Cyr, State House Station #23, Augusta, ME 04333. Telephone: 207-446-8791. Email: [Laura.Cyr@maine.gov](mailto:Laura.Cyr@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: Per Maine Unified Special Education Regulations (MUSER) prior to the emergency rule enacted July 7, 2023, school administrative units (SAUs) were only required to pay special purpose private schools (SPPS) a daily rate for program participation on days when students actually attended their programming.  This rule change would require SAUs to pay regardless of whether the student is in attendance on a given school day.  The Department estimates that prior to the change, SAUs were paying for approximately 60-75% of the program days, they will now be required to pay for 100% of the program days.  The Department estimates the extra cost of paying for 100% of the program days to be approximately $90-135 per student per program day which is to be paid by the SAU.

With respect to extending the age of eligibility to the age of 22, the Department estimates that there is an extra cost of approximately $329,000 which will be divided in the following manner: $130,000 via EPS (distributed to SAUs, but will not cover 100% of the cost of serving these students) and $200,000 via the State Agency Client Fund. This accounts for a known 33 students aged 21 to 22. Approximately 18% (+/- 6 students) are known to attend a Special Purpose Private School. These students will require an additional estimated $90-135 per student per program day as indicated above.

STATUTORY AUTHORITY FOR THIS RULE: 20-A §7005(1)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: None

AGENCY WEBSITE: <https://www.maine.gov/doe/about/laws/rulechanges>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Laura.Cyr@maine.gov](mailto:Laura.Cyr@maine.gov)

AGENCY: **16-163** – Department of Public Safety, **Maine Emergency Medical Services**

CHAPTER NUMBER AND TITLE: **Ch. 15,** Maine EMS Regions and Regional Councils

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P227**

BRIEF SUMMARY: The Maine Board of Emergency Medical Services is proposing to repeal and replace Chapter 15: Regions and Regional Council to consolidate and realign the existing regional structure into a four-region model, and to clarify rules required by statute regarding their composition, activity and finance reporting, and the manner of carrying out their activities.

PUBLIC HEARING:

Region One: York County EMA, 149 Jordan Springs Rd, Alfred, ME, 04002, at 5:00 P.M. on November 16, 2023

Region Two: Paris Fire Department, 137 Western Ave, Paris, ME, 04281, at 05:00 P.M. on November 16, 2023

Region Three: Department of Public Safety, 45 Commerce Dr, Augusta, ME, 04330, at 5:00 P.M. on November 17, 2023

Region Four: Eastern Maine Community College, 354 Hogan Rd, Bangor, ME, 04401, at 5:00 P.M. on November 15, 2023

Region Five: AR Gould Hospital, 140 Academy St, Presque Isle, ME, 04769, at 5:00 P.M. on November 13, 2023

Region Six: Mid-Coast School of Technology, 1 Main St, Rockland, ME, 04841 at 5:00 P.M. on November 14, 2023

Comments on the proposed rules may be submitted to the Maine EMS no later than 11:59 P.M., November 27, 2023. Interested parties may submit comments to Maine EMS by any of the following means:

* By navigating to https://www.maine.gov/ems/ and filling out our “Maine EMS Rules Public Comment Submission” form (Preferred)
* By email to: [rulemaking.maineems@maine.gov](mailto:rulemaking.maineems@maine.gov)
* By writing to: Maine Emergency Medical Services Attn.: Rulemaking, 152 State House Station, Augusta, ME 0433-0152

COMMENT DEADLINE: November 27, 2023 at 11:59 PM

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Jason J. Cooney, 152 State House Station, Augusta, ME 04333-0152. Telephone: 207-626-3864. TTY: 207-287-3659. Fax: 207-287-6251. Email: [Jason.J.Cooney@maine.gov](mailto:Jason.J.Cooney@maine.gov)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE:

32 M.R.S.A. §84(1), 32 M.R.S.A. §88(2)(B), 32 M.R.S.A. §89

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

AGENCY WEBSITE: https://www.maine.gov/ems/

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Jason.J.Cooney@maine.gov](mailto:Jason.J.Cooney@maine.gov)

**ADOPTIONS**

AGENCY:  **03-201 - Maine Department of Corrections**

CHAPTER NUMBER AND TITLE:Ch. 4, Line of Duty Death Benefit for Corrections Officers & MDOC Law Enforcement Officers

ADOPTED RULE NUMBER: **2023-191**

CONCISE SUMMARY:The purpose of the rule is to establish a process governing the award of death benefits to the child, spouse, or parent of a corrections officer who dies while in the line of duty as required by 25 M.R.S.A. Section 1612.

The amendment to this rule complies with recently enacted P.L. 2023, ch. 433, which goes into effect on 10/25/23. The amended rule makes two changes, which are:

1. adding death by suicide to be considered as line of duty death; and
2. changing the responsibility for determining line of duty death benefits from the Maine State Police Chief to the Commissioner of Corrections for MDOC law enforcement officers.

EFFECTIVE DATE: October 23, 2023

AGENCY CONTACT PERSON/RULEMAKING LIAISON:Mary Lucia, Maine Department of Corrections, 111 State House Station, Augusta, Maine 04333. Telephone:(207) 530-0983.  Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov)   
MDOC WEBSITE: <https://www.maine.gov/corrections/>

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

CHAPTER NUMBER AND TITLE: **Ch. 323,** General Assistance (GA) Program Manual, **Section IV,** Eligibility, **GA Rule #25A** – Recovery Residence Participation

ADOPTED RULE NUMBER: **2023-192**

CONCISE SUMMARY:The adopted rule updated the General Assistance (GA) Program Manual, Section IV to provide clarity and align this manual with Public Law 2023, Chapter 133. The Department amended Section IV(O), Recovery Residence, to provide clarity that General Assistance payments may be issued to a managing operator of a certified recovery residence.

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

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

EFFECTIVE DATE: October 25, 2023

AGENCY CONTACT PERSON:Sara Denson, General Assistance Program Manager, Office for Family Independence, Department of Health & Human Services, 109 Capitol Street, Augusta, ME 04333. Phone: (207)624-4193/ Fax: (207)287-3455, TT Users Call Maine Relay – 711. Email: [Sara.Denson@maine.gov](mailto:_______________@maine.gov)

OFI WEBSITE: [https://www.maine.gov/dhhs/ofi](https://www.maine.gov/dhhs/ofi/arules).  
OFI RULEMAKING LIAISON: [Dan.Cohen@Maine.gov](mailto:Dan.Cohen@Maine.gov).  
DHHS WEBSITE: <https://www.maine.gov/dhhs/>.  
DHHS RULEMAKING LIAISON: [Emily.A.Cathcart@maine.gov](mailto:Emily.A.Cathcart@maine.gov)

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

CHAPTER NUMBER AND TITLE: **Ch. 330,** Higher Opportunity for Pathways to Employment (HOPE), **Section 3, HOPE Rule #102** – Eligibility Criteria

ADOPTED RULE NUMBER: **2023-193**

CONCISE SUMMARY:The adopted rule change to Part 3 aligns with Public Law 2023 Chapter 2 and is consistent with 22 M.R.S. § 3790-A(2)(E) (2017), amended by P.L. 2023, ch. 21 to increase the income limit from 185% of the Federal Poverty Limit to 225% of the FPL. The adopted rule change expanded income eligibility. In addition, the increase to gross income test for HOPE allows some HOPE applicants and participants to remain income eligible when their wages increase, some due to changes to Maine’s minimum wage and allows a wider group of parents to be deemed income eligible. This year’s FPLs were published at <https://aspe.hhs.gov/poverty-guidelines>. See also, Annual Update of the HHS Poverty Guidelines, Federal Register 88:12 (January 19, 2023), pages 3424-3425, <https://www.govinfo.gov/content/pkg/FR-2023-01-19/pdf/2023-00885.pdf>.

The Department incorporates these figures effective October 25, 2023.

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

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

EFFECTIVE DATE: October 25, 2023

AGENCY CONTACT PERSON:Sheri Wilkens, HOPE Program Manager, Office for Family Independence, Department of Health & Human Services, 109 Capitol Street, Augusta, ME 04333. Phone: (207)624-4103/ Fax: (207)287-3455, TT Users Call Maine Relay – 711. Email: [Sheri.Wilkens@maine.gov](mailto:_______________@maine.gov)

OFI WEBSITE: [https://www.maine.gov/dhhs/ofi](https://www.maine.gov/dhhs/ofi/arules).  
OFI RULEMAKING LIAISON: [Dan.Cohen@Maine.gov](mailto:Dan.Cohen@Maine.gov).  
DHHS WEBSITE: <https://www.maine.gov/dhhs/>.  
DHHS RULEMAKING LIAISON: [Emily.A.Cathcart@maine.gov](mailto:Emily.A.Cathcart@maine.gov)