**State of Maine: Notice of Agency Rulemaking: Wednesday, November 20, 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: 02-030 Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection**

**CHAPTER NUMBER AND TITLE: Chapter 110, Bureau Organization, Administration, and Procedure**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P313**

**BRIEF SUMMARY:** This rule repeals and replaces the existing Chapter 110 pertaining to the organization of the Bureau of Consumer Credit Protection and the Bureau’s maintenance of records, response to consumer complaints, issuance of advisory rulings, and conduct of adjudicatory proceedings under the Maine Consumer Credit Code. It extends application of the rule to matters regulated by the Bureau pursuant to regulatory authority outside the Code. It adds new provisions regarding the use of criminal history record information in adjudicatory proceedings.

**PUBLIC HEARING** *(if any)*:  N/A

**COMMENT DEADLINE:** December 30, 2024

**CONTACT PERSON FOR THIS FILING:**

Linda Conti, Superintendent

Bureau of Consumer Credit Protection

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

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

**STATUTORY AUTHORITY FOR THIS RULE:**  5 M.R.S. Sec. 8051; 9-A M.R.S. Sec. 6-104(1)( E ) and (4); 10 M.R.S. Secs. 1310-A(1)(G)(4), 1396(2), 1400(1), Sec.1400-B(1), 1495-D(1-A), 1495-E, 1495-F(7), and 1500-H(6-A); 32 M.R.S. Secs. 6103(4), 6125, 6133(4)(D), 6144, 6159, 6178, 6193(4), 6200, 11031, and 14053(1-A)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*:  The new Chapter 110 updates rules of practice required by 5 M.R.S. Sec. 8051 and implements provisions of the Maine Administrative Procedure Act. It adopts the definition of criminal history record information set forth in 28 C.F.R. Sec. 20.3(d), in establishing procedures recommended by the Federal Bureau of Investigation for making decisions regarding licensing and registration of prospective licensees and registrants.

**AGENCY WEBSITE:**  [https://www.maine.gov/pfr/consumercredit/index.shtml](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fpfr%2Fconsumercredit%2Findex.shtml&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7C9eb65571f52445a1b3af08dcff5ba1de%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638666016237788596%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=hlOxFBjj08rAuMFiaSepRsDqT6smJdxwTDvo6yYeUeM%3D&reserved=0)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:**   [linda.conti@maine.gov](mailto:linda.conti@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 Sec. 7852 enacted by PL 2023 c. 176. The provisions of the proposed rule have been updated to reflect current best practices in assisted housing. This Notice, originally published on October 23, 2024, is being republished to extend the deadline for written comments and to share a link ([https://www.youtube.com/watch?v=ZT6\_PSUC8iU](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DZT6_PSUC8iU&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7C5ce354e5732546d2ce8108dcff701792%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638666104131659178%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=b4IuBg2IOFnfnIoBHpwQQy5bt2sP97d7OYN00tkroqE%3D&reserved=0)) to the listening session the Department held in December of 2023, which was one source of information relied on in creating the proposed rule.

**PUBLIC HEARING** *(if any)*: 11/13/24 from 9 am-12 pm at 109 Capitol St, Augusta, ME and via Zoom.  Preregistration for this Zoom is required 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%7C5ce354e5732546d2ce8108dcff701792%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638666104131684093%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=1WpXt1TeDOiwkrj%2BVxdAxUljI3MB8znAlLBJXtX7StU%3D&reserved=0)

**COMMENT DEADLINE:** 11/25/24 at 5 pm

**CONTACT PERSON FOR THIS FILING:**

Jonathan Leach

Division of Licensing and Certification

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[Jonathan.h.leach@maine.gov](mailto:Jonathan.h.leach@maine.gov)

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

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: 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. Sec. 42 and Sec. 3173; 22-A M.R.S. Sec. 205(2)

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

**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%7C5ce354e5732546d2ce8108dcff701792%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638666104131700409%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=n8Cue%2FQhBtHkxoT3uM1dXt0sn9ZieEMwPVEf3aaygM4%3D&reserved=0)

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

**AGENCY: 02-041, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation**

**CHAPTER NUMBER AND TITLE: Chapter 10 Establishment of License Fees (amend)**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P315**

**BRIEF SUMMARY:** The Director of the Office of Professional and Occupational Regulation is responsible for the financial management of the state licensing boards and programs it administers. Licensing boards and programs must pay the total costs of their regulatory programs from license fees paid by licensees. The fiscal health of licensing boards is monitored continuously to avoid projected budget deficits. Board of Alcohol and Drug Counselors: A review of the financial status of the State Board of Alcohol and Drug Counselors shows that fee increases are necessary to avoid a projected budget deficit. It is critical to ensure the Board can continue protecting Maine citizens' health and safety through its regulatory program.

The Director of the Office is authorized by statute at 10 MRS sec. 8003(2-A) (D) to establish fees by rule, subject to any fee cap applicable to each regulatory board or program. License fees established by the Director must consider the costs, statutory requirements, enforcement requirements, and expenses of each board, commission, or regulatory function. Reasonable fee increases that are well within the statutory fee cap are included in this rulemaking initiative. Board of Pharmacy: In PL 2023 c. 115 (LD 351), the Maine Legislature authorized the Board to charge a fee to issue a Certificate of Authorization to a pharmacist authorizing them to prescribe, dispense, and administer contraceptives pursuant to c. 115. A reasonable fee for a certificate of authorization is included in this rulemaking initiative.

**PUBLIC HEARING** *(if any)*: none scheduled

**COMMENT DEADLINE:** December 23, 2024

**CONTACT PERSON FOR THIS FILING**: [Anne.L.Head@maine.gov](mailto:Anne.L.Head@maine.gov); Kristin.Racine@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 10 MRS sec. 8003(2-A)(D)

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

**AGENCY WEBSITE:** <https://www.maine.gov/pfr/professionallicensing/>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Anne.L.Head@maine.gov](mailto:Anne.L.Head@maine.gov); Kristin.Racine@maine.gov

**ADOPTIONS**

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

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules; Section 999-2**

**SNAP Rule #234A – ABAWD Geographic Exemptions**

**ADOPTED RULE NUMBER: 2024-257**

**CONCISE SUMMARY:**

Federal Supplemental Nutrition Assistance Program (SNAP) regulations only allow able-bodied adults without dependents (ABAWDs) to receive SNAP for three months in a 36-month period, unless they work 20 hours or more per week (averaged monthly) or participate in and comply with requirements of a work program. Individuals who reside in certain geographic areas can qualify for an exception to this time limit.

The Department’s request to the U.S.D.A. – Food and Nutrition Services (FNS) to waive these work requirements for certain ABAWDs residing in geographic areas that have unemployment rates at or above 10% or have insufficient jobs for recipients residing in those areas was approved on September 17, 2024. The geographic areas include 213 qualifying municipalities. With the U.S.D.A. – FNS’ waiver approval and the adoption of this rule, ABAWDs residing in those areas will not have to meet the work requirements to receive SNAP effective October 1, 2024.

The Department determined it necessary to make a non-substantial change to the proposed rule after the public comment period ended and modified Section 999-2 by adding the following geographic areas that qualify for an exception to the ABAWD work requirements as approved by the U.S.D.A. - FNS:

* Winterville
* Woodville

Retroactive rulemaking is permissible under 22 M.R.S. Sec. 42(8)(C) as this update provides a benefit to SNAP recipients who meet the ABAWD definition and does not adversely impact applicants, participants, beneficiaries, or providers.

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

**EFFECTIVE DATE: Sunday, November 17, 2024**

**AGENCY CONTACT PERSON:**

Evan Denno, SNAP Program Manager

Office for Family Independence

Department of Health & Human Services

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

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Chapter 301; Supplemental Nutrition Assistance Program (SNAP) Rules; Section 999-3**

**SNAP Rule #236 – FFY25 Budgeting Figures**

**ADOPTED RULE NUMBER:** **2024-258**

**CONCISE SUMMARY:**

Federal rules require that income and asset allowances, standard utility allowances, shelter deductions, and minimum and maximum benefit limits, are updated each year, effective October 1st. The final income and asset allowances, standard deductions, excess shelter deductions and minimum and maximum benefit levels were distributed by the U.S.D.A. Food and Nutrition Services (FNS) on August 2, 2024. The standard utility allowance (SUA) 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 2025 on August 15, 2024. The Department adopts these figures effective retroctive to October 1, 2024. These changes would make SNAP benefits and the related SNAP Employment and Training (E&T) services available to more Maine households.

Retroactive rulemaking is permissible under 22 M.R.S. Sec. 42(8)(A) as this update is necessary to comply with federal requirements, provides a benefit to SNAP recipients and does not adversely impact applicants, participants, beneficiaries, or providers.

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

**EFFECTIVE DATE: Sunday, November 17, 2024**

**AGENCY CONTACT PERSON:**

Michael Downs, Senior Program Manager - SNAP

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[**Michael.Downs@maine.gov**](mailto:Michael.Downs@maine.gov)

**AGENCY: Combat Sports Authority of Maine (99-650)**

**CHAPTER NUMBER AND TITLE: Chapter 12, Fees for Kickboxing Contests and Authorized Participants**

# **ADOPTED RULE NUMBER: 2024-259**

# **CONCISE SUMMARY:**

This rulemaking establishes Chapter 12 of the Authority's Rules for kickboxing, which sets fees charged for certification of official event participants. The fees will be used to finance in part activities regulated by routine technical rules regulating the sport. Fees established by the rule are:

I. Event Fee.................... ................. ...........................$100 per reserved event

1. Promoter $30
2. Matchmaker $30
3. Judge $30
4. Kickboxer $30
5. Referee, Manager, Second, Trainer, Cutperson, Cornerpersons $30
6. Physician $30
7. Timekeeper/Scorekeeper $30
8. Inspectors $00

Certifications issued for categories 2 through 9 are good from the time of being granted to the next thirtieth day of June.

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

# **AGENCY CONTACT PERSON:**

Christoper Guild, Chairperson

Combat Sports Authority of Maine

P.O. Box 10525

Portland, ME 04104

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Email: combatsportsmaine@yahoo.com

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

**CHAPTER NUMBER AND TITLE: 10-144 CMR Ch. 223, Tanning Facilities Rule**

**ADOPTED RULE NUMBER: 2024-260**

**CONCISE SUMMARY:**

Maine CDC is adopting amendments to its Tanning Facilities Rule, that include updating the rule to reflect recent changes to Maine statute (22 MRS Sec. 689-A(2)) which prohibit minors from using a tanning device. These amendments protect individuals from the harmful effects of exposure to UV radiation from indoor tanning by prohibiting minors from using indoor ultraviolet tanning facilities. The amended rule requires other new customer safety additions in Sections 4 and 6 that include further customer consent and notification requirements, restrictions to exposure-time controls for facility personnel, limitations of tanning-facility use to every 24 hours, requirements for facilities to provide free eye protective wear, and stricter controls to ensure customers are at least 18 years of age. The amendments to the rule also add a definition for *Phototherapy device*, for clarity, as well as update two existing definitions: *Tanning equipment* and *Tanning facility*. Maine CDC also updated the rule title to “Tanning Facilities Rule”, to align with Maine CDC rule formatting convention.

**EFFECTIVE DATE: Monday, November 18, 2024**

**AGENCY CONTACT PERSON:**

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AGENCY WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>, <https://www.maine.gov/dhhs/about/rulemaking>

**Notice: Beginning in January 2025, online rulemaking proposal and adoption notices will be posted each week in a .pdf document. Each .pdf document that is posted will be accessible through a link that will be listed on the main “Weekly Rulemaking Notices” website.**