**State of Maine: Notice of Agency Rulemaking – November 4, 2020**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 264**, Immunization Requirements for Healthcare Workers

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P198** *(2nd publication)*

BRIEF SUMMARY: The Department is proposing routine technical rule changes to amend 10-144 CMR ch. 264, *Immunization for Healthcare Workers*, to update exemption requirements following recent law changes; update the definition section to add *public health threat* and *extreme public health emergency* and revise *Intermediate Care Facility for the Mentally Retarded (ICF/MR)* to reflect *Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)*, aligning with CMS language; remove H1N1 2009-10 immunization requirements; and add seasonal influenza to the list of vaccine preventable diseases for which designated healthcare facility employees must show proof of immunization or documented immunity, or provide appropriate exemption documentation. Rule changes are proposed to clarify the Department’s authority to impose control measures due to a public health emergency or an extreme public health emergency, including, but not limited to, requiring vaccinations and exclusions from the workplace to protect public health and minimize the impact from the specific notifiable communicable disease by reducing the potential disease spread by healthcare workers.

PUBLIC HEARING: 9:00 a.m. - 12:00 noon; Monday, November 23, 2020. *Hearings conducted during the State of Emergency will be virtual via Zoom.* (1 MRS §403-A; 2020 PL c. 617.)

**Zoom Meeting link**: <https://mainestate.zoom.us/meeting/register/tZwkfuGtqDssEtDp-0Znu7Rgvt_cXCjDhrvm>

**Meeting ID**: 889 9856 0684

**Password**: M@ineCDC1

*Some devices may require downloading a free app from Zoom prior to joining the public hearing event. The Department requests that any individual requiring special arrangements to attend the hearing contact the person listed for this filing 5 days in advance of the hearing.*

COMMENT DEADLINE: 5:00 p.m. on Thursday, December 3, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Bridget Bagley; 286 Water Street - 11 State House Station, Augusta, ME, 04333-0011. Telephone: (207) 287-9394 or 711 (TTY). Fax: (207) 287-2887. Email: Bridget.Bagley@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §802(3)

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

MAINE CDC RULES WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/> .

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MAINE CDC RULEMAKING LIAISON: .Tera.Pare@Maine.gov

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

AGENCY: **03-201 - Maine Department of Corrections (DOC)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Detention and Correctional Standards for Counties and Municipalities

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P204** *(2nd publication)*

**BRIEF SUMMARY**: The primary reason this rule is being proposed is to amend the current rule to make permanent and expand the emergency amendment governing plans to prevent and control outbreaks of coronavirus and other infectious and communicable diseases; to make the rule consistent with a recently passed statute governing visits to jail inmates; and to add provisions governing pregnancy services, medication-assisted treatment, naloxone, and use of force.

**DETAILED SUMMARY**: Under the amended rule, the jails will be required to have plans in place to prevent and control the outbreak of infectious and communicable diseases that are reviewed by the Department of Corrections and the Maine CDC and will be required to report any such outbreaks to the Department and the CDC. They will also be required to provide the opportunity for in-person and contact visitation to jail inmates unless one of the exceptions set out in statute exists. They will be required to provide female inmates with pregnancy prevention and management services. They will be required to provide inmates with a substance use disorder with medication assisted treatment as necessary. There will be a nonmandatory standard governing naloxone. Finally, the jails will be required to implement policies, procedures, and practices to prevent the use of excessive force, to include a prohibition on strangleholds, chokeholds, carotid holds, and other techniques that physically compromise the airway, breathing, or blood flow to the head in circumstances where non-deadly force is appropriate; duty to intervene in instances of excessive force; and lack of bias in the use of force. See new and amended standards C.28, C.29, C.30, C.31, J.10, J.11, J.15, J.18, K.18, K.19, K.20, and K.21.

**Copies of the proposed rule** are available upon request by contacting the Department contact person or on the Department of Corrections website at: <https://www.maine.gov/corrections/about/policies-procedures-proposed-rules> . Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, email or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

PUBLIC HEARING: Monday, November 23, 2020 at 1:00 p.m. *Due to the COVID-19 pandemic, this hearing will be conducted via a Zoom virtual meeting. Directions on how to attend the hearing will be posted on the Department of Corrections website and sent to the interested persons list.*

COMMENT DEADLINE: December 3, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DOC RULEMAKING LIAISON: Mary Lucia, Department of Corrections, 111 State House Station, Augusta ME 04333. Telephone: (207) 287-4681. Fax: (207) 287-4370 Email: Mary.A.Lucia@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 34-A §1208

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

DOC WEBSITE: <https://www.maine.gov/corrections/> .

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #12-20**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P212**

BRIEF SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

PUBLIC HEARING:*November 19, 2020, Thursday, starting at 10:30 a.m. Because* *of the COVID-19 Public Health Emergency and pursuant to 1 MRS §403-A, enacted by PL 2020 c. 617 part G (eff. Mar. 18, 2020), this hearing could be held remotely by telephonic conference. Directions on how to attend the hearing telephonically will be posted on the Milk Commission website and sent to the interested persons list in advance of November 19, 2020. If the civil emergency is not extended the meeting will be held in Room 101, Deering Building, Augusta, Maine.*

COMMENT DEADLINE:November 19, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Tim.Drake@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §8054, 7 MRS §2954

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

MMC WEBSITE:<http://www.maine.gov/dacf/milkcommission/index.shtml> .

AGENCY: **01-017** – Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Tracks

PROPOSED RULE NUMBER: **2020-P213**

BRIEF SUMMARY: The proposed changes seek to update a few out-of-date requirements for tracks. In addition, they provide authority to the Commission to equalize purse fund distributions to licensed Maine tracks when unusual circumstances create inequity. Finally, the proposed changes repeal the requirements relating to payments to a state-wide association of horsemen since those payments are now being made directly by the Department.

PUBLIC HEARING: 10:00 a.m. on November 23, 2020, via video conference: <https://us02web.zoom.us/j/85212480965?pwd=RWNXa1FxMkJMZGtpREZwUEdvOGxwQT09>

Meeting ID: 852 1248 0965

Passcode: 581173

One tap mobile

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+19292056099,,85212480965# US (New York)

 Call In Number : 929 205 6099 US (New York)

COMMENT DEADLINE: 5:00 p.m. on December 3, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / HARNESS RACING RULEMAKING LIAISON: Henry Jennings, DACF – 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7568. Email: Henry.Jennings@Maine.gov .

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §§ 263-A, 264, 267-A, 268, 272-B, 272-C, 279, 279-A, 279-E, 281, 298

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: None.

HARNESS RACING COMMISSION WEBSITE: <https://www.maine.gov/dacf/harnessracing/index.shtml> .

DACF WEBSITE: <https://www.maine.gov/dacf/index.shtml> .

DACF RULEMAKING LIAISON: Shannon.Ayotte@Maine.gov .

**ADOPTIONS**

AGENCY: **01-001** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order#11-20**

ADOPTED RULE NUMBER: **2020-224** *(Emergency)*

CONCISE SUMMARY: Minimum November 2020 Class I price is $21.49/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 $24.63/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: November 1, 2020

MMC CONTACT PERSON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Tim.Drake@Maine.gov .

MMC WEBSITE:<http://www.maine.gov/dacf/milkcommission/index.shtml> .

AGENCY: **02-643** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Speech, Audiology and Hearing**

CHAPTER NUMBER AND TITLE: **Ch. 9**, Speech-Language Pathology Assistants

ADOPTED RULE NUMBER: **2020-225**

CONCISE SUMMARY: The Maine Board of Speech, Audiology and Hearing (“Board”) adopts these rule changes in 02-643 CMR ch. 9, *Speech-Language Pathology Assistants* pursuant to 32 MRS §17103(6) and §17301(5), and the Board’s rulemaking authority under 32 MRS §17203(2). This rule amends ch. 9 to establish the educational requirements, the number of practicum hours required, and supervision parameters for speech-language pathology assistants. The rule establishes the educational and practicum standards depending on level of degree held by applicant, enables the speech-language pathology assistant to have more than one supervising speech-language pathologist, and allows the supervising speech-language pathologist to supervise up to 4 part-time speech-language pathology assistants, while also performing any direct client services for which the supervisor is responsible.

EFFECTIVE DATE: November 8, 2020

AGENCY CONTACT PERSON: Jennifer M. Hawk, Administrator, Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), Board of Speech, Audiology and Hearing, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8617. Email: Jennifer.M.Hawk@Maine.gov .

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/speech_audiology_hearing_aid/index.html> .

AGENCY: **17-229 – Maine Department of Transportation (MDOT)**

CHAPTER NUMBER AND TITLE: **Ch. 205**, Rules for Administering the *Maine Traveler Information Services Act*

ADOPTED RULE NUMBER: **2020-226**

CONCISE SUMMARY: This amendment is to clarify several definitions and to make adjustments to the rule based on a recent U.S. Supreme Court case Reed v. Gilbert.

EFFECTIVE DATE:

MDOT CONTACT PERSON: Stephen Landry, Maine Department of Transportation, 16 State House Station, Augusta, Maine 04333-0016. Telephone: (207) 624-3632. Email: Stephen.Landry@Maine.gov .

MDOT WEBSITE: <https://www.maine.gov/mdot/> .

MDOT RULEMAKING LIAISON: Toni.Kemmerle@Maine.gov .