**State of Maine: Notice of Agency Rulemaking – December 1, 2021**

**PROPOSALS**

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 #01-22**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P218**

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:December 23, 2021, Thursday, starting at 10:30 a.m. Room 101, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine

COMMENT DEADLINE: December 23, 2021

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

CHAPTER NUMBER AND TITLE: **Ch. 29**, Dealer Margins

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P219**

BRIEF SUMMARY: The principal reason for this rulemaking is to up-date dealer margins, after a study conducted by Herbein & Co.

PUBLIC HEARING:December 23, 2021, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine

COMMENT DEADLINE: January 3, 2022

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](mailto: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> .

AGENCIES: **02 – Department of Professional and Financial Regulation (PFR):**

**02-380 - State Board of Nursing** *(affiliated)*;

**02-392 - Board of Pharmacy**

CHAPTER NUMBERS AND TITLE:

Board of Pharmacy: **Ch. 39-A** *(New)*;

State Board of Nursing: **Ch. 1** *(New)*:

Collaborative Drug Therapy Management

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2021-P220, P221**

BRIEF SUMMARY: The State Board of Nursing and the Board of Pharmacy propose a new joint rule relating to collaborative drug therapy management as established by collaborative practice agreements between pharmacists and nurse practitioners. A more detailed description of the proposed rule may be obtained from <https://www.maine.gov/pfr/professionallicensing/> under the State Board of Nursing and the Board of Pharmacy.

PUBLIC HEARING: None Scheduled

COMMENT DEADLINE: January 3, 2022 - 5:00 p.m. (EST)

CONTACT PERSONS FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION:

Geraldine Betts, Administrator, **Board of Pharmacy**, 35 State House Station, Augusta ME 04333. Telephone: (207) 624-8625. Email: [Geraldine.L.Betts@Maine.gov](mailto:Geraldine.L.Betts@Maine.gov).

Jessica A. Richardson, MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director, **Board of Nursing**, 158 State House Station, Augusta, ME 04333-0158. Telephone: (207) 287-1147. Email: [Jessica.A.Richarson@Maine.gov](mailto:Jessica.A.Richarson@Maine.gov). Rulemaking Liaison: [Virginia.E.deLorimier@Maine.gov](mailto:Virginia.E.deLorimier@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §2153-A(1) (State Board of Nursing); 32 MRS §13720 (Board of Pharmacy)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: None.

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

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

CHAPTER NUMBER AND TITLE: **Ch. 10 Subsection 27.2**, Supervised Community Confinement

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P222**

**BRIEF SUMMARY**: The primary reason this rule is being proposed is to make permanent and expand on the emergency amendment to the rule governing supervised community confinement in order to fulfill the requirements of 34-A MRS §3036-A, as amended by Public Law 2021 ch. 376, entitled “An Act To Provide Pathways to Rehabilitation, Reentry and Reintegration.” The provisions in this rule establish the timeframes for when a resident of a Department of Corrections adult facility is eligible to apply for transfer to supervised community confinement, the application process, the criteria and process for determining whether a resident is approved for transfer, and requirements after transfer to supervised community confinement.

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/policies-procedures-proposed-rules> .

**DETAILED SUMMARY:** Under the rule:

1. The time eligibility for transfer to supervised community confinement is expanded from “no more than eighteen (18) months” remaining to be served to “no more than two (2) years” remaining to be served. Further, if the average statewide probation officer case load is no more than ninety (90) clients per probation officer, the eligibility will be expanded from “no more than two (2) years remaining to be served” to “no more than thirty (30) months remaining to be served.”

2. Criteria and a process are established for determining whether a resident eligible for transfer to supervised community confinement will be approved, with the primary determining factor being the resident’s likelihood of completion of supervised community confinement if transferred.

3. Guidance is provided to Department staff as to how to apply the established criteria when conducting a review for transfer to supervised community confinement .

4. An appeal process is included that provides that a resident who is eligible for transfer to supervised community confinement but who has not been approved for transfer to appeal that determination.

5. Provisions are included for the transfer of terminally ill or severely incapacitated residents to supervised community confinement.

6. All residents will be provided written information about supervised community confinement, including eligibility requirements, the criteria and review and approval process, and the mandatory conditions.

7. The Department is required to track data for all residents who apply for supervised community confinement and approval, denial and, if approved, completion of the program. Such data must include, but is not limited to, demographic data regarding race and ethnicity, gender, age and convictions leading to the resident’s current imprisonment.

8. The term “prisoner” is replaced with the term “resident” or “client.”

**PUBLIC HEARING**: Tuesday, December 21, 2021 at 1:00 p.m. *This hearing will be conducted* *via a Microsoft Teams virtual meeting*. *Anyone wishing to attend should join the Microsoft Teams meeting accessible at this link* [*Public Hearing on Microsoft Teams for Supervised Community Confinement*](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzQ0YTUwNjYtNzAzYi00OWY5LWJhZGEtOWE3NjNlZjA1OTRi%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%229872e9d5-880e-4f1f-be1b-6bf71ee7bf8d%22%7d) *or* [*https://teams.microsoft.com/l/meetup-join/19%3ameeting\_NzQ0YTUwNjYtNzAzYi00OWY5LWJhZGEtOWE3NjNlZjA1OTRi%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%229872e9d5-880e-4f1f-be1b-6bf71ee7bf8d%22%7d*](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzQ0YTUwNjYtNzAzYi00OWY5LWJhZGEtOWE3NjNlZjA1OTRi%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%229872e9d5-880e-4f1f-be1b-6bf71ee7bf8d%22%7d) .

*In addition, directions on how to attend the hearing will be posted on the Department of Corrections website and sent upon request to interested persons. The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before Tuesday, December 14, 2021.*

COMMENT DEADLINE: Monday, January 3, 2022. 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 the name of the commenter and the organization represented, if any.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT / DOC RULEMAKING LIAISON: Mary Lucia, Department of Correction, 111 State House Station, Augusta ME 04333. Telephone: (207) 530-0983. Fax: (207) 287-4370. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 34-A MRS §3036-A

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

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

**ADOPTIONS**

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 #12-21**

ADOPTED RULE NUMBER: **2021-239** *(Emergency)*

CONCISE SUMMARY: Minimum December 2021 Class I price is $22.42/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 $25.76/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: November 28, 2021

MMC CONTACT PERSON / RULEMAKING LIAISON: Tim Drake, Agriculture – Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: [Tim.Drake@Maine.gov](mailto:Tim.Drake@Maine.gov) .

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

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS) – Division of Policy**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual (MBM): **Ch. VII Section 5**, Estate Recovery

ADOPTED RULE NUMBER: **2021-240** *(Emergency)*

CONCISE SUMMARY: This emergency rulemaking implements PL 2021 ch. 398, *An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023,* part A §A-1, pg. 99, an initiative that provides funding to modify MaineCare estate recovery rules to conform with the minimum mandatory federal requirements (*The Omnibus Budget Reconciliation Act of 1993* (PL 103-66)).

Ch. VII Section 5, “Estate Recovery”, of the *MaineCare Benefits Manual* (MBM), is modified as follows: Effective November 24, 2021, the Department’s claim is limited to the amount paid by MaineCare for all nursing facility services, home and community-based services, and related hospital and prescription drug services paid on behalf of the Member prior to their death. These services for which recovery is required under federal law.

Pursuant to Act, the Legislature provided the Department with rulemaking authority to implement these services on an emergency basis, per 5 MRS §8054, without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety, or general welfare. Emergency rules are effective immediately and valid for ninety days. The Department shall hereafter initiate “regular” routine technical proposed rulemaking to implement this rule permanently.

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

EFFECTIVE DATE: November 24, 2021

AGENCY CONTACT PERSON: Anne E. Labonte, Comprehensive Health Planner, DHHS – OMS - Division of Policy, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207)-624-4082. Fax: (207) 287-1606. TTY users call Maine relay 711. Email: [Anne.Labonte@Maine.gov](mailto:Anne.Labonte@Maine.gov).

OMS WEBSITE: <https://www.maine.gov/dhhs/oms> .

OMS RULEMAKING LIAISON: [Jennifer.Patterson@Maine.gov](mailto:Jennifer.Patterson@Maine.gov) .

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

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .