**State of Maine: Notice of Agency Rulemaking – December 14, 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: **10-144** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBER AND TITLE: **Ch. 241**, Maine Subsurface Wastewater Disposal Rules

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P223**

BRIEF SUMMARY: The Maine CDC is proposing amendments to 10-144 CMR Ch. 241, *Maine Subsurface Wastewater Disposal Rules*. This rule contains the requirements for the subsurface wastewater permitting processes conducted by municipalities and overseen by the Department. More specifically, this rule governs the siting, design, construction and inspection of subsurface wastewater disposal systems, in order to protect the health, safety and welfare of the residents and visitors of Maine. Proposed changes include adding clarifying language to the requirements, adding definitions, rearranging and adding sections to the rule, and updating formatting elements, to align with Maine CDC rulemaking conventions. The Maine CDC is also proposing the addition of requirements for the conversion of seasonal dwelling units into year-round residences in Section 8(B). This proposed language, would make requirements in Rules for Conversion of Seasonal Dwelling Units into Year-Round Residences in the Shoreland Zone, 10-144 CMR Ch. 242, no longer applicable and necessitates the repeal of that rule in a concurrent rulemaking. In addition, the Maine CDC proposes an additional section that establishes minimum recommended standards for inspectors who conduct subsurface wastewater disposal system inspections, in order to promote reliable and consistent inspections when properties in Maine are transferred, to ensure higher environmental sanitation and safety levels and comply with 22 MRS §42(3-A). This rule addition is intended to complement municipal planning, zoning, and land use control regulations. A crosswalk between the current rule and this proposed rule is available at the Maine CDC Rulemaking site: <https://www.maine.gov/dhhs/mecdc/rules/>.

PUBLIC HEARING: 30-day comment period, no public hearing scheduled.

COMMENT DEADLINE: January 13, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Andrew Hardy, Maine CDC, 11 State House Station - 286 Water Street, Augusta, ME 04333-0011. Telephone: (207) 287-4490: Email: Andrew.Hardy@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42(3),(3-A),(3-B); 30-A MRS §§ 4211, 4215(4), 4452; 22-A MRS §205(2)

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

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

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

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

MAINE DHHS WEBSITE: <http://www.maine.gov/dhhs/>.

MAINE DHHS RULEMAKING LIAISON: Sara.Gagne-Holmes@Maine.gov.

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

CHAPTER NUMBER AND TITLE: **Ch. 242** *(Repeal)*, Rules for Conversion of Seasonal Dwelling Units into Year-Round Residences in the Shoreland Zone

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P224**

BRIEF SUMMARY: The Department is proposing the repeal of this rule at the same time that it proposes amendments to *Maine Subsurface Wastewater Disposal Rules*, 10-144 CMR Ch. 241 (Ch. 241). The Department proposes to clarify requirements and update language within Section 8(B)(1) of Ch. 241, in order to repeal Ch. 242 and clarify that seasonal conversion permits may only be issued when the structure served by a subsurface wastewater disposal system meets the criteria of first-time systems as described in Section 8, “First Time Systems”, of Ch. 241. This proposed language to Ch. 241 will make requirements in Ch. 242 no longer applicable, therefore necessitating a repeal of the rule.

PUBLIC HEARING: 30-day comment period, public hearing not scheduled.

COMMENT DEADLINE: January 13, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Andrew Hardy, Maine CDC, 11 State House Station - 286 Water Street, Augusta, ME 04333-0011. Telephone: (207) 287-4490. Fax: (207) 287-2887. TTY: Call 711 (Maine relay). Email: Andrew.Hardy@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §42(1), (3-A); 22-A MRS §205(2); 30-A MRS §§ 4212, 4215(2),(5)

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

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

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

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

MAINE DHHS WEBSITE: <http://www.maine.gov/dhhs/>.

MAINE DHHS RULEMAKING LIAISON: Sara.Gagne-Holmes@Maine.gov.

AGENCY: **12-181** - Department of Labor (DOL), **Maine Apprenticeship Program**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Rules Relating to Labor Standards for Certification of Pre‑Apprenticeship Training Programs

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P225**

BRIEF SUMMARY: This rulemaking is to repeal and replace a rule pertaining to pre-apprenticeship training programs. The proposed rules establish, define, and provide for the certification and decertification of Pre-Apprenticeship Agreements and Training Programs with the Maine Apprenticeship Program. They contain procedures for holding hearings and give the authority and the effective date.

PUBLIC HEARING: January 5, 2023 - 10:00 a.m., Frances Perkins Room, 45 Commerce Drive, Augusta, Maine 04330

COMMENT DEADLINE: January 17, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DOL RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov.

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

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §3212

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

DOL RULEMAKING WEBSITE: [https://www.maine.gov/labor/proposedrulemaking/](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Flabor%2Fproposedrulemaking%2F&data=04%7C01%7CJohn.L.Rioux%40Maine.gov%7Cc587b0cc66dd4c6882e008d9d5223572%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637775165159189394%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=SYytkCFa4Pf0uDFJnsVO10csMwXP0vi8xnIy7K1krFQ%3D&reserved=0).

DOL WEBSITE: <https://www.maine.gov/labor/>.

AGENCY: **95-648 - Efficiency Maine Trust**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Commercial Property Assessed Clean Energy (C-PACE) Program Regulations

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P226**

BRIEF SUMMARY: The Efficiency Maine Trust (the Trust) is proposing a new rule governing the implementation of its Commercial Property Assessed Clean Energy (C‑PACE) Program. C-PACE is a financing structure in which building owners borrow money for energy projects and make repayments via an assessment on their property tax bill. The proposed rule enumerates underwriting standards, quality assurance provisions, and how the program will be administered, whether administered by the Trust (or its agent) or by a municipality, as provided by the *Commercial Property Assessed Clean Energy Act* (35-A MRS §§ 10201 *et seq*.). Comments on the proposed rule may be provided in writing if submitted prior to January 16, 2023. Requests for a copy of the draft rule may be directed to the Contact Person for this filing. More information is available online at [www.efficiencymaine.com/rulemaking](http://www.efficiencymaine.com/rulemaking).

PUBLIC HEARING: N/A

COMMENT DEADLINE: January 16, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Nat Haslett, Manager for Regulatory and Legislative Affairs, Efficiency Maine, 168 Capitol Street - Suite 1, Augusta, ME 04330. Telephone: (207) 553-3068. Fax: (207) 213-4153. Email: Nat.Haslett@EfficiencyMaine.com.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No change

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §10203(4), §10203(5), §10204(1)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

AGENCY WEBSITE: <https://www.efficiencymaine.com>.

**ADOPTIONS**

AGENCY: **94-348 - Maine Human Rights Commission**

CHAPTER NUMBERS AND TITLES:

**Ch. 2**, Procedural Rule

**Ch. 3**, Employment Regulations of the Maine Human Rights Commission

**Ch. 7**, Accessibility Regulations of the Maine Human Rights Commission

**Ch. 8**, Housing Regulations of the Maine Human Rights Commission

ADOPTED RULE NUMBERS: **2022-235** *to* **238**

CONCISE SUMMARY:

**Chapter 2**: The amendments to the procedural rule will make the Commission's process more transparent, and will provide more concrete guidance to the parties. For example, it clarifies applicable standards and rules for hearings and submissions, and provides that in the case of a tie vote at a Commission hearing, the Commission's finding(s) will be the findings recommended by the investigator in the case.

**Chapter 3**: The employment provisions of the MHRA have been amended by the Legislature in recent years, and this revision addresses those changes. It includes, but is not limited to, inclusion of new protected classes (familial status and having sought and obtained a permanent order of protection), clarification that leave can be a reasonable accommodation, updated provisions on protections for persons who are pregnant or have recently been pregnant, and using gender-inclusive language.

**Chapter 7**: The public accommodation provisions of the MHRA have also been amended recently, and this revision incorporates those changes. It includes, but is not limited to, the inclusion of age as a protected class, the requirement of gender-neutral single-user toilet rooms, and use of gender-inclusive language.

**Chapter 8**: The housing provisions of the MHRA were also recently amended by the Legislature, and this revision incorporates those changes. It includes, but is not limited to, a new definition of familial status, inclusion of a new protected class (having sought and obtained a permanent order of protection), and the use of gender-inclusive language.

**EFFECTIVE DATE**: December 10, 2022

CONTACT PERSON FOR THIS FILING: Barbara Archer Hirsch, Commission Counsel, Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333-0051. Telephone (and via Relay): (207) 624-6290. Fax: (207) 624-8729. Email: Barbara.ArcherHirsch@mhrc.maine.gov.

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