**State of Maine: Notice of Agency Rulemaking – December 15, 2021**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 10 sub-§29.1**, Adult Resident Grievance Process, General

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P223**

BRIEF SUMMARY: The primary reason this rule is being proposed is to repeal and replace the current rule, adopted in 2012, in order to streamline and improve the adult facility resident health care grievance process. The provisions in this proposed rule clarify what a grievable matter consists of, establish new timelines for the filing of a grievance, require that the informal resolution process be initiated by the Grievance Review Officer, clarify other staff responsibilities, better describe abuses of the grievance process, and strengthen record keeping and audit requirements.

The term “prisoner” is replaced with the term “resident”.

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> .

PUBLIC HEARING: Tuesday, January 4, 2022 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* [*Ch. 10 Grievance, General & Grievance, Health Care Pubic Hearing*](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_YTFhMWU4ZWEtMjczYi00MTE1LTk0OGItZjkxZTU1MDE0NDM0%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\_ZDM0ZGZkOGItNzY5My00YTFkLTk1NTYtN2U3NWE1Njk1MDY3%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_ZDM0ZGZkOGItNzY5My00YTFkLTk1NTYtN2U3NWE1Njk1MDY3%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 any interested persons.*

*The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before Tuesday, Dec. 28, 2021.*

COMMENT DEADLINE: Monday, January 17, 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 INFORMATION / MDOC RULEMAKING LIAISON: Mary Lucia, Department of Corrections, 111 State House Station, Augusta ME 04333. Telephone: (207) 530-0983. Fax: (207) 287-4370. Email: 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)*:

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

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

CHAPTER NUMBER AND TITLE: **Ch. 10 sub-§29.2**, Adult Resident Grievance Process, Health Care

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P224**

BRIEF SUMMARY: The primary reason this rule is being proposed is to repeal and replace the current rule, adopted in 2012, in order to streamline and improve the adult facility resident health care grievance process. The provisions in this proposed rule clarify what a grievable matter consists of, establish new timelines for the filing of a grievance, require that the informal resolution process be initiated by the Grievance Review Officer, clarify other staff responsibilities, better describe abuses of the grievance process, and strengthen record keeping and audit requirements.

The term “prisoner” is replaced with the term “resident”.

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> .

PUBLIC HEARING: Tuesday, January 4, 2022 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* [*Ch. 10 Grievance, General & Grievance, Health Care Pubic Hearing*](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_YTFhMWU4ZWEtMjczYi00MTE1LTk0OGItZjkxZTU1MDE0NDM0%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\_ZDM0ZGZkOGItNzY5My00YTFkLTk1NTYtN2U3NWE1Njk1MDY3%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_ZDM0ZGZkOGItNzY5My00YTFkLTk1NTYtN2U3NWE1Njk1MDY3%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 any interested persons.*

*The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before Tuesday, Dec. 28, 2021.*

COMMENT DEADLINE: Monday, January 17, 2022. Written comments may be submitted by mail, e-mail, 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 INFORMATION / MDOC RULEMAKING LIAISON: Mary Lucia, Department of Corrections, 111 State House Station, Augusta ME 04333. Telephone: (207) 530-0983. Fax: (207) 287-4370. Email: 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)*:

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

AGENCY: **02-031** – Department of Professional and Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 365**, Standards for Independent Dispute Resolution of Emergency Medical Service Bills

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P225**

BRIEF SUMMARY: The purpose of the proposed rulemaking is to conform the current rule to changes enacted by PL 2021 c. 222 (LD 46, *An Act To Further Protect Consumers from Surprise Medical Bills*), repealing the $750 threshold for requesting dispute resolution of a bill, and prohibiting a provider from requesting resolution of a health care service for 90 days after a IDR entity has determined a fee for the same service; and to eliminate the IDR ambulance exclusion consistent with the October 1, 2021 repeal of 24-A MRS §4303-C(2)(D).

PUBLIC HEARING: January 5, 2022, at 3:00 p.m. from the Department of Professional and Financial Regulation, Bureau of Insurance, 76 Northern Avenue, Gardiner, ME 04345. *Instructions for registering for and attending the hearing remotely, by either audio-visual link or telephone, are on the Bureau of Insurance website,* [*www.maine.gov/pfr/insurance*](http://www.maine.gov/pfr/insurance)*.*

COMMENT DEADLINE: 4:30 p.m., January 17, 2021, by mail or email to the Contact Person.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Brittnee Greenleaf, Bureau of Insurance, 34 State House Station, Augusta, ME 04333-0034. Telephone: (207) 624-8491. TTY users use Maine Relay 711. Email: Brittnee.L.Greenleaf@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: none

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 4303-C, 4303-E

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

AGENCY RULES WEBSITE: <https://www.maine.gov/pfr/insurance/legal/rules/index.html#proposed>

AGECY WEBSITE: <https://www.maine.gov/pfr/insurance/>.

AGENCY RULEMAKING LIAISON: Benjamin.Yardley@Maine.gov

AGENCY: **65-407 - Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 870**, Late Payment Charges, Interest Rates to be Paid on Customer Deposits, and Charge for Returned Checks

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P226**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking proceeding to consider amendments to its *Late Payment Charges, Interest Rates to be Paid on Customer Deposits, and Charges for Returned Checks* Rule (ch. 870).

PUBLIC HEARING: January 5, 2022, 1:00 p.m. *The Commission will conduct the hearing remotely via Microsoft Teams. Interested persons wishing to participate in the hearing by telephone may dial (207) 209-4724 and enter conference ID 229 928 755#. Interested persons wishing to participate in the hearing using video may contact the Presiding Officer by email at* *Paulina.Collins@Maine.gov* *for a link.*

COMMENT DEADLINE: January 17, 2022. Written comments on the proposed rule may be filed with the Administrative Director until close of business on January 17, 2022. However, the Commission requests that initial comments be filed by close of business on January 3, 2022 to allow for follow up inquires during the hearing. Supplemental comments may be filed after the hearing. Written comments should refer to the docket number of this proceeding, Docket No. 2021-00359, and be filed using the Commission’s case management system (CMS) which is accessible from the Commission’s website.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Paulina Collins, Maine Public Utilities Commission, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1566. Email: Paulina.Collins@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 101, 104, 111, 301, 304, 705(3)

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

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

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@Maine.gov.

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

CHAPTER NUMBER AND RULE TITLE: **Ch. 330**, Higher Opportunity for Pathways to Employment (HOPE) Program Rule, Sections 1, 2, 3, 4, 5, and 7; **HOPE Rule #101**, Internet Access, Updates to Eligible Careers and Degree Programs, Increased Program Participant Cap, and Additional Updates

PROPOSED RULE NUMBER: **2021-P227**

BRIEF SUMMARY: The original HOPE rules did not anticipate the need to provide Internet access when establishing the support service funding cap on technology supports. In the interest of public health, Maine’s institutions of higher learning suspended their in-person activities during the spring of 2020 due to the COVID-19 pandemic, while continuing to provide education and career training programs online. Some of Maine’s most vulnerable people did not have sustained access to Internet connections necessary to avail themselves of those programs. This rule change would allow funding of Internet access for HOPE participants when other cost-effective Internet options are not feasible. Furthermore, the Department regularly reviews policies for clarity, and applicability.

PL 2021 ch. 149 amended 22 MRS §3790-A(2)(C) so that the reference to acceptable target jobs more closely matches the language used by the Maine Department of Labor, and relaxed the criteria for acceptable post-secondary degree programs. This rule change proposes to bring the manual in compliance with those changes. These changes include the addition of definitions of “Adequate Job Outlook,” “Career Pathway,” “Substantial Improvement in Earnings and Benefits,” and “Universally Recognized and Accepted”; the removal of the term “Average Job Outlook”; and related modifications to eligibility and verification criteria. Although Subsection 1 of 22 MRS §3790-A was not amended, the Department has decided to move forward with rule making as it has determined that the passage of this amendment is an implied repeal of the inconsistent language contained there. “[T]he legislature cannot be supposed to have intended that there should be two distinct enactments embracing the same subject matter in force at the same time, and that the new statute, being the most recent expression of the legislative will, must be deemed a substitute for previous enactments, and the only one which is to be regarded as having the force of law.” *State v. Taplin*, 247 A.2d 919, 921–22 (Me. 1968). These changes would be effective Monday, October 18, 2021, the effective date of the legislation. Retroactive rulemaking is permissible under 22 MRS §42(8) as the change affords this benefit to more residents of the State of Maine and does not adversely impact applicants, participants, beneficiaries, or providers.

PL 2021 Ch. 398 Part BBB amended 22 M.S §3790-A to expand the number of individuals who may be enrolled in the HOPE program from 500 to 800. This rule change proposes to bring the manual in compliance with that change effective Thursday, July 1, 2021. Retroactive rulemaking is permissible under 22 MRS §42(8) as the change affords this benefit to more residents of the State of Maine and does not adversely impact applicants, participants, beneficiaries, or providers.

The following changes would not be implemented retroactively:

In Section 1, “Definitions”, a number of terms would be added or would have their definitions updated. The definition of “Application” would be updated to allow for electronically signed submissions. This change would improve access especially at times that in-person contact is discouraged for health reasons. A definition of “Credential” would be added to clarify this term as distinct from “High-Value Credential.” The definition of “Matriculation” would be simplified and standardized. This change is necessitated by the vast spectrum of definitions of “Matriculation” used by various institutions, and the fact that some do not use the term at all. It would be further amended to allow for test preparation courses when a HOPE participant has graduated from their primary Training or Education program but is using such a course to prepare for an exam necessary to achieve the related credential. A definition of “Outstanding Tuition and Fees” would be added to help clarify what bills can and cannot be paid by HOPE supports. A definition of “Specified Relative” would be added for consistency with other TANF funded OFI programs. A definition of “Stackable Credential” would be added to facilitate a lifelong education, training, and employment program that leads to improved employability or increased earnings potential in a specific job sector. The definition of “Working Age” would be simplified to avoid a potential conflict should the CWRI change its definition in the future.

In Section 3, “Eligibility”, the following clarifications are proposed. Changes are proposed to Subsection A(6), (8), and (10) to provide more clarity and specificity to the eligibility criteria for Participants, Institutions, and Programs. A list of TANF programs that do not include cash payments would be added to A(6). A(8) would be modified to clarify that the individual must have aptitude for the career not just the training or education program. The standards of accreditation were added to A(10)(a)(i). In addition to modifications related to PL 2021 ch. 149, A(10)(b) was amended to expand the criteria for cost effectiveness of a training or education program. Amendments to Subsection B(2) are proposed to clarify the treatment or exclusion of certain income types.

In Section 4, “Services”, the following amendments are proposed. Subsection (B)(1)(a) would be amended to clarify that the Outstanding Tuition and Fees support does not apply to student loan payments or prior payments made to payment plans entered into before HOPE enrollment. The mileage reimbursement rate in Subsection B(3) would be increased from 44 to 45 cents per mile consistent with the MSEA rate at <https://www.maine.gov/osc/travel/mileage-other-info> and the rate used by other OFI supports such as the Additional Support for People in Retraining and Employment (ASPIRE), Food Supplement Employment and Training (FSET) and Transitional Transportation programs. Subsections (B)(3) and (7) would be amended to specify that these supports are available only for vehicles being operated in accordance with Maine law. Subsection (B)(5) would be amended to clarify that Technology and Software supports are only considered necessary if the Participant does not have sustained access to Technology and Software at their disposal. Subsection B(6) would be added to allow funding of Internet access for HOPE participants with the same conditions.

Section 7, “Policies and Procedures”, has the following proposed modifications. Subsection B(1) would be amended to allow for electronically signed submissions. Subsection B(1) would be amended to clarify that applicants can have their denial reconsidered if they provide verifications within the month of denial or the month following. Finally, Subsection (B)(1) would be amended to allow the same timeframe for waitlisted applicants to be reconsidered. These changes would provide improved access. Subsections C and D would be amended to clarify the end date of eligibility for supports. Subsection C(2) would be amended to clarify that a change to an eligibility factor expected to last at least 30 days or a change to HOPE funded services expected to last at least 14 days needs to be reported. Subsection D would be corrected to reflect the location of the caps for Supports as Section 4(B). Subsection D(3) would be amended to clarify the timeframe during which Participants can request reimbursements. This change would reduce the administrative burden on Participants and the Department. Subsection E would be amended to reflect the clarifications made to Section 3(A)(6), (8), and (10) detailed above including detailing the acceptable verifications for the clarified eligibility criteria. Subsection E(1)(g) would be amended for greater consistency with the terminology and requirements in Section 3(A)(9). Subsection E(1)(i)(v) would be further amended to allow other documentation similar to those specified as evidence of acceptability of an online program.

Other proposed changes are part of a standardization of practice across all OFI rules. Enumeration and lettering of subsections, paragraphs, etc. would be updated as part of a general effort to make these systems consistent throughout OFI rules and as necessary to accommodate the addition and deletion of material. References to Maine law or regulations would be reformatted for standardization within the document and consistency with the conventions detailed in *Uniform Maine Citations* by Michael D. Seitzinger, Charles K Leadbetter, and Sara T.S. Wolff. (<https://digitalcommons.mainelaw.maine.edu/uniform-maine-citations/>). References to various website URLs would be updated to reflect instances where the owner of the information changed the URL. Some references to other parts of this manual would be corrected for clarity. Proposed changes include using gender inclusive pronouns. Other grammatical and typographical errors would be corrected. Redundant terms would be removed. References to “Caretaker Relative” would be changed to “Specified Relative” for consistency with other TANF funded Office for Family Independence (OFI) programs.

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

PUBLIC HEARING: Wednesday, January 5, 2022, at 1:00 p.m. *DHHS is committed to maintaining essential functions while protecting the health and safety of employees, clients, and the public. If public hearings for rules are held in person, which are indoor gatherings that may not allow for physical distancing, there is a reasonable chance that individuals’ health and safety may be compromised. To avoid the threat to public health and safety, DHHS finds that it is necessary to conduct all rulemaking public hearings per 5 MRS §8053 solely remotely. (See the policy at* [*https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/9%209%2021%20Remote%20Rulemaking%20Hearings%20Policy.pdf*](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/9%209%2021%20Remote%20Rulemaking%20Hearings%20Policy.pdf)*). This hearing will be conducted virtually. Anyone wishing to attend should join the Microsoft Teams meeting accessible at* [*https://teams.microsoft.com/l/meetup-join/19%3ameeting\_YzI0MTY3YWMtMmRmMi00M2Q1LTlkYmEtZDRkZjkxNTU0MDMy%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22f89346ba-710d-4ff8-8766-4d52c4172faf%22%7d*](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_YzI0MTY3YWMtMmRmMi00M2Q1LTlkYmEtZDRkZjkxNTU0MDMy%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%22f89346ba-710d-4ff8-8766-4d52c4172faf%22%7d) *or by calling (207) 209-4724 and entering Conference ID: 128 448 064#.*

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before Wednesday, December 29, 2021.

COMMENT DEADLINE: Tuesday, January 18, 2022, at 5:00 p.m. EST.

Written public comments may be submitted via the link at <https://www.maine.gov/DHHS/OFI/about-us/rules/proposed>.

CONTACT PERSON FOR THIS FILING: Sheri Wilkens, HOPE Program Manager, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04333-0011. Telephone: (207) 624-4103. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Sheri.Wilkens@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42 (1) and (8), 3790-A(6)

OFI RULES WEBSITE: <http://www.maine.gov/dhhs/ofi/rules/index.shtml>.

OFI WEBSITE: <https://www.maine.gov/dhhs/ofi>.

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov.

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

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

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 2**, Aquaculture

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P228**

BRIEF SUMMARY: This proposed rule makes a number of changes to comply with statutory changes made by Public Law 2021 ch. 52. It establishes a fee for an amendment of a lease of $200. The proposed rule specifies that the maintenance of a bond or escrow account and timely payment of rent is a minimum lease maintenance standard. The proposal also restructures section 2.90(2)(B) for greater clarity and provides that any stock or seed obtained from wild sources needs to be taken in accordance with applicable season or size limits or any other limitations concerning take. In compliance with the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), the proposed rule adds surf clams to the list of species contemplated in 2.95(A)(4)(a) and a provision that would require Department permission for any other species not listed. This proposed rule updates lease and LPA marking requirements, so that by January 1, 2023, sites must be marked with yellow floating devices that host reflective material. The floating devices must display the lease or license identifier, and the words SEA FARM. The proposed marking changes also increase the distance between floating devices from 100 yards to 200 yards. Lease and LPA license sites that have received a Private Aid to Navigation permit from the U.S. Coast Guard are exempt from the proposed requirements but must still display the lease or license identifier and the words SEA FARM. It removes the limit on the number of helpers that may be designated for an LPA that is held by a municipal shellfish committee.

PUBLIC HEARING: January 5, 2022 - 5:00 p.m., in-person at the Marquardt Building, Room 118, 32 Blossom Lane, Augusta; or remotely via Microsoft Teams. *Remote access information is posted to DMR’s website under “Meetings.” An alternate public hearing may be held on January 6, 2022 at the same time and format should the January 5th hearing be cancelled. Notice of a cancellation would be posted to DMR’s website.*

*Hearing facilities: If you require accommodations due to disability, please contact Melissa Macaluso at (207) 624-6553.*

COMMENT DEADLINE: January 16, 2022. Written comments can be emailed, mailed, or faxed to DMR using the contact information below.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 6072, 6072-A, 6072-B, 6072-C

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 32**, Elver Quota System for the 2022 season

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P229**

BRIEF SUMMARY: This proposed rulemaking establishes the elver quota allocations for the 2022 season for individuals licensed under §§ 6505-A and 6302-A, and the method of calculating individual elver quota allocations for individuals licensed under 6505-A. The quota for the Passamaquoddy Tribe has been adjusted in accordance with their overage in the 2021 season. 2022 allocations for individuals who held a license in 2021 will be the same as their 2021 allocations, plus any quota associated with licenses not renewed in 2021, or licenses suspended for the duration of the 2022 season, in excess of that which is allocated to new license holders authorized through the lottery, which will be distributed evenly to all existing license holders. Existing requirements around the distribution of transaction cards have been eliminated so that cards may be distributed whatever manner is appropriate and most protective of public health.

PUBLIC HEARING: January 4, 2022, 5:00 p.m., in-person at the Marquardt Building, room 118, 32 Blossom Lane, Augusta; or remotely via Microsoft Teams. *Remote access information is posted to DMR’s website under “Meetings.” An alternate public hearing may be held at 6:00 p.m. on January 6, 2022 at the same location/format. Notice of a cancellation would be posted to DMR’s website.*

*Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

COMMENT DEADLINE: January 16, 2022. Written comments can be mailed, emailed, or faxed to DMR using the contact information below.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 6505-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 100** *(Repeal)*, Grievance Procedures for the Handicapped

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P230**

BRIEF SUMMARY: On June 23, 2021, Public Law 2021 ch. 348 section 58 was enacted. This provision directs all state agencies to discontinue the use of the terms “Handicap, Handicapped, and Hearing Impaired” in all laws, rules, and official documents. In compliance with the law, DMR undertook a review of laws, regulations, and official documents under its jurisdiction. Ch. 100 of DMR’s regulations is titled “Grievance Procedures for the Handicapped,” which was adopted in 1984 and needs to be updated in compliance with the recently enacted law and is generally out of date. However, in the years following DMR’s implementation of ch. 100, the State of Maine adopted a disability-related “Nondiscrimination Policy and Grievance Procedure”, which applies to all agencies. The state’s “Nondiscrimination Policy and Grievance Procedure” is codified in ch. 50 of the Maine Department of Labor’s regulations. Therefore, this proposed rule would repeal ch. 100 and DMR would follow the state’s “Nondiscrimination Policy and Grievance Procedure” rather than maintaining and updating a separate regulation.

PUBLIC HEARING: None scheduled

*Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

COMMENT DEADLINE: January 16, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: PL 2021 ch. 348 section 58

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **16-633** - Department of Public Safety (DPS), **Gambling Control Unit**

CHAPTER NUMBER AND TITLE: **Ch. 32**, Rules Relating to Games of Chance

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P231**

BRIEF SUMMARY: These rules are to update areas of concern from prior changes in 2018 that include distributor definition, distributor application and operational requirements, registration deadlines, electronic video machine certification, participants in games of chance and sealed tickets sales requirements.

PUBLIC HEARING: N/A

COMMENT DEADLINE: January 14, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Milton Champion, Executive Director, 45 Commerce Drive - Suite 3, Augusta ME 04333. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 17 MRS ch. 62 §1843, §317

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html>.

DPS RULEMAKING LIAISON: Christopher.Parr@Maine.gov.

**ADOPTIONS**

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 313**, Customer Net Energy Billing

ADOPTED RULE NUMBER: **2021-245**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to its Net Energy Billing (NEB) rule (ch. 313) as required by recently enacted legislation.

EFFECTIVE DATE: December 14, 2021

MPUC CONTACT PERSON / RULEMAKING LIAISON: Jamie Waterbury, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1360. Email: Jamie.A.Waterbury@Maine.gov .

AGENCY: **90-590 - Maine Health Data Organization (MHDO)**, *jointly with* **10-144** - Department of Health & Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)** (Data, Research and Vital Statistics)

CHAPTER NUMBER AND TITLE: **Ch. 730** *(New)*, Interagency Reporting of Cancer Registry *and* Vital Statistics Data *(Routine Technical)*

ADOPTED RULE NUMBERS: **2021-246, 247**

CONCISE SUMMARY: PL 2021 ch. 423, *An Act To Improve Health Care Data Analysis*, requires the Maine Health Data Organization and the Department of Health and Human Services to adopt a joint rule to require the reporting to the MHDO of data from the cancer-incidence registry established pursuant to 22 MRS §1404 and data related to the registration of vital statistics pursuant to 22 MRS §2701. This new rule meets the requirement as defined above.

Copies of this adopted rule can be reviewed and printed from the MHDO website at <https://mhdo.maine.gov/rules.htm> or the Maine CDC website at [https://www.maine.gov/dhhs/mecdc/rules/](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdhhs%2Fmecdc%2Frules%2F&data=04%7C01%7CDebra.J.Dodge%40maine.gov%7Ce52892137df7436093e408d9ba5e9478%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637745737640639532%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=JG%2FqrdD%2FxWqXCyoUDgB7TNpiSpbBhlb30aj0HAfquzA%3D&reserved=0). You can also request a paper copy by calling (207) 287-6722.

This rule will not have a fiscal impact on municipalities, counties or small businesses.

EFFECTIVE DATE: December 14, 2021

CONTACT PERSON FOR THIS FILING: Karynlee Harrington, Executive Director, Maine Health Data Organization, 151 Capitol Street - 102 State House Station, Augusta, ME 04333-0102. Telephone: (207) 287-6722. Email: Karynlee.Harrington@Maine.gov.

MHDO WEBSITE: <https://mhdo.maine.gov/>.

MHDO RULEMAKING LIAISON: Debra.J.Dodge@Maine.gov.

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

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

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

AGENCY: **02-313 - Maine Board of Dental Practice** (*affiliated with the* Department of Professional and Financial Regulation - PFR)

CHAPTER NUMBER AND TITLE:

**Ch. 1**, "Definitions"

**Ch. 2**, "Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities"

**Ch. 3**, "Qualifications for Expanded Function Dental Assistant Licensure"

**Ch. 5**, "Qualifications for Denturist Licensure"

**Ch. 6**, "Qualifications for Dentist Licensure:

**Ch. 11**, "Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities"

**Ch. 17**, "Requirements for Establishing a Board Approved Dental Hygiene Therapy Program"

ADOPTED RULE NUMBERS: **2021-248** *to* **254**

CONCISE SUMMARY: The changes are to fully implement the amendments to the qualifications for licensure based on the following emergency legislation:

Public Law 2021 ch. 44: "An Act to Remove the Advanced Cardiac Life Support Certification Requirement for Dental Therapists" - effective May 5, 2021.

Public Law 2021 ch. 88: "An Act to Modify the Qualifications for Resident Dentist Licensure" effective June 8, 2021.

Public Law 2021 ch. 163 :"An Act to Modify Dental Licensure Requirements to Consider Credentialed Individuals from Other Jurisdictions" - effective June 11, 2021.

In addition, the proposed changes to Board rule ch. 17 reflect a statutory amendment that removed the term "hygiene" from the dental therapy educational qualifications in 2019 - See 32 MRS §18345(2)C) and (F). Below is a summary of the rule changes:

**Ch. 1** - "Definitions"

• Adds the term "jurisdiction" which is defined as another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental profession.

**Ch. 2** - "Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities"

• Adds educational equivalency in meeting the dental hygiene degree requirements

• Removes the ACLS certification requirement for both provisional and dental therapy authorities

• Replaces "state and Canadian provinces" with "jurisdiction"

**Ch. 3** - "Qualifications for Expanded Function Dental Assistant Licensure"

• Replaces "state and Canadian provinces" with "jurisdiction"

**Ch. 5** - "Qualifications for Denturist Licensure"

• Replaces "state and Canadian provinces" with "jurisdiction"

**Ch. 6** - "Qualifications for Dentist Licensure"

• Adds educational equivalency in meeting the dentist degree requirements

• Replaces "state and Canadian provinces" with "jurisdiction"

• Removes the national and regional examination requirements for resident dentist licensure

• Requires board approved settings

**Ch. 11** - "Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities"

• Adds the term "jurisdiction" to the endorsement provisions

**Ch. 17** - "Requirements for Establishing a Board Approved Dental Hygiene Therapy Program"

• Revises the Board's name and replaces the term "dental hygiene therapy" with "dental therapy" consistent with current statutory language

EFFECTIVE DATE: December 15, 2021

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Penny Vaillancourt, Executive Director, Maine Board of Dental Practice, 143 State House Station, Augusta, ME 04333-0143. Telephone:

(207) 287-3333. Email: Penny.Vaillancourt@Maine.gov.

AGENCY WEBSITE: <https://www.maine.gov/dental/>.

AGENCY: **15-214** - Maine Department of Defense, Veterans and Emergency Management (DVEM), **Maine Emergency Management Agency (MEMA)**

CHAPTER NUMBER AND TITLE: **Ch. 2**, Rules for Establishing Fees for Reporting under the *Superfund Amendments and Reauthorization Act of 1986* and Title 37-B Section 801, M.R.S. Chapter 13

ADOPTED RULE NUMBER: **2021-255**

CONCISE SUMMARY: This would increase the fees paid by facility owners and operators for registration, inventories and releases of hazardous materials in the state of Maine as reported to the State Emergency Response Commission (SERC) pursuant to the *Superfund Amendments and Reauthorization Act of 1986* and 37-B Section 801 M.R.S., Chapter 13. This rule would authorize the Director of Maine Emergency Management Agency, with the advice of the State Emergency Response Commission, to change the current fee amount and fee schedule. The fees set by the Commission have not been changed since they were implemented in 2002. Due to cost of inflation, the Commission struggles to maintain an adequate level of funding for County Emergency Management Agencies, State-funded Hazardous Materials Response Teams and local trainings for first responders. This increase in the current fee schedule would allow the State Emergency Response Commission to fund local first responder trainings, equipment, planning activities and outreach in order to help facilities prepare for and respond to hazardous material incidents. Without the increase in fees, the Commission may have to cut back on funding these critical hazardous materials response teams and first responders, potentially reducing the state’s ability to prepare for and respond to hazardous materials incidents.

EFFECTIVE DATE: December 19, 2021

AGENCY CONTACT PERSON: Faith Staples, Maine Emergency Management Agency, 72 State House Station, Augusta, ME 04333-0072. Telephone: (207) 624-4400 or (207) 557-3675. Email: Faith.Staples@Maine.gov.

MEMA WEBSITE: <https://www.maine.gov/mema/> .

DVEM RULEMAKING LIAISON: Scott.A.Young@Maine.gov .