**State of Maine: Notice of Agency Rulemaking – December 30, 2020**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 942**, Rating Factors and Loss Ratio Requirements for Health Plans

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P239**

BRIEF SUMMARY: The purpose of the proposed rule is to establish standards for age rating and for compliance with medical loss ratio requirements for health plans consistent with the **Affordable Care Act**.

PUBLIC HEARING: January 20, 2021, at 1:00 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.*

COMMENT DEADLINE: 4:30 p.m., February 5, 2021, by mail or email to the Contact Person.

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

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 2736-C(2)(D), 2808-B(2)(D), and 4319(4).

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

BUREAU RULEMAKING LIAISON: Benjamin.Yardley@maine.gov .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 124**, Emergency Medical Services Personnel Reporting Rule

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2020-P240**

BRIEF SUMMARY: Pursuant to 5 MRS §8072, this major substantive rule is proposed to permanently establish reporting requirements for emergency medical service (EMS) organizations and emergency medical dispatch (EMD) centers during extreme public health emergencies. Although an emergency rule became effective on April 22, 2020, to address potential shortages during the current extreme public health emergency caused by COVID-19, an emergency major substantive rule only remains effective for one year or until the Legislature approves a provisionally-adopted major substantive rule. Information collected under this rule is specific to EMS personnel who are temporarily absent from duty during an extreme public health emergency due to reasons related to exposure or potential exposure to a notifiable condition or disease. EMS personnel include, but are not limited to, licensed EMS responders, medical transportation services and dispatch. Electronic reports must be completed within 24 hours of the removal of the EMS personnel and the individual must be monitored for changes in status that must be reported within 24 hours of the change (*e.g.,* dates of hospitalization, completion of quarantine, return to work, etc.). Information collected will be used for public health purposes and will inform system capacity in the event of a declared extreme public health emergency.

PUBLIC HEARING: No public hearing scheduled. *(Hearings requested during the State of Emergency will be conducted in accordance with 1 MRS §403-A (PL 2020 c. 617).*

COMMENT DEADLINE: 5 p.m., Friday, January 29, 2021

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

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

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §820

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

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

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

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

AGENCY: **10-148** - Department of Health & Human Services (DHHS), **Office of Child and Family Services (OCFS)**

CHAPTER NUMBER AND TITLE: **Ch. 33**, Family Child care Provider Licensing Rule

TYPE OF RULE: parts are Routine Technical, while others are Major Substantive.

PROPOSED RULE NUMBER: **2020-P241**

BRIEF SUMMARY: The proposed rulemaking repeals 10-144 CMR ch. 33 and replaces it with 10-148 CMR ch. 33, *Family Child Care Provider Licensing Rule*. Substantive changes from the current rule to the proposed rule include adding new federal requirements of the 2014 reauthorization of the Child Care and Development Block Grant (CCDBG), changing requirements necessary to meet the health and safety needs of children in family child care settings, and removing and modifying provisions in the current rule in order to streamline requirements and processes. Significant changes include; adding requirements that are governed by statute back into the rule to more clearly describe provider licensing responsibilities; clarifying definitions; increased timeframe for the public posting period; requiring compliance with comprehensive background checks pursuant 10-148 CMR ch. 34 (Emergency Rule, effective 9-25-20); adding requirements for provider handbook and staff manual; bringing back provisional licensure; removing Informal Dispute Resolution (IDR); increasing record retention from two years to three years; updating immunization requirements; clarifying and adding requirements for notifications to the Department; adding staff qualifications and requirements; specifying orientation and ongoing training requirements; adding a requirement for registration with Maine's Professional Development Network; adding a requirement to register with Maine's Quality Rating Improvement System; adding child and parent rights; adding time requirements for outdoor play; adding a requirement for a carbon monoxide detector; changing temperature requirements, adding swimming requirements; adding healthy meal and snack requirements; adding disqualifying driving offenses prohibiting provider transport of children; adding swaddling requirements; modifying requirements for nighttime care; and increasing transparency with additional parental notification.

The Maine Legislature has designated parts of this rule as major substantive. Other sections are designated routine technical. Each section of the proposed rule is indicated as routine technical or major substantive through shading: major substantive provisions are shaded in gray to differentiate them from routine technical provisions.

Because the proposed rule includes both routine technical and major substantive provisions, this rulemaking will result in the final adoption of the routine technical provisions and the provisional adoption of the emergency major substantive provisions. Pursuant to 5 MRS §8072, the provisionally adopted major substantive provisions only have legal effect after review by the Legislature. In order to ensure that this entire rule is in effect at the same time, the Department will seek emergency adoption of the major substantive provisions on the same day that the routine/technical final adoption is in effect.

PUBLIC HEARING: Thursday, January 21, 2021 at 1 p.m. Due to the COVID-19 pandemic, this hearing will be conducted via a Zoom. *Registration can be accessed at* [*https://www.eventbrite.com/e/public-hearingfamily-child-care-providers-licensing-rule-tickets-133138792713*](https://www.eventbrite.com/e/public-hearingfamily-child-care-providers-licensing-rule-tickets-133138792713) *.The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before January 20, 2021 at 1 p.m.*

COMMENT DEADLNE: Sunday, January 31, 2021, 5 p.m.

CONTACT PERSON FOR THIS FILING: Janet Whitten, 2 Anthony Avenue - 11 State House Station, Augusta, ME 04333-0011. Telephone: (207) 287-7068. LicensingRules.OCFS@Maine.gov .

FNANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: The proposed rule poses no fiscal impact to counties or municipalities.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 7202-B(11), 7703(6), 7704, 7707(3), 7802(7), 8301-A(8), 8302-A(2), 8303-A(1)

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

AGENCY WEBSITE: <https://www.maine.gov/dhhs/ocfs/policy.shtml> .

E-MAIL FOR OVERALL AGENCY RULEMAKING LIAISON: LicensingRules.OCFS@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 60 Section 10**, “Kennebec River Fish Restoration Management Plan”

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P242**

BRIEF SUMMARY: The proposed rulemaking will adopt the Kennebec River Management Plan Diadromous Resources Amendment, which updates the 1993 Kennebec River Resource Management Plan (1993 Plan; State Planning Office, 07-105 ch. 1) that served as a comprehensive examination by the State of Maine of the various resources and beneficial uses of the Kennebec River from 1993 to 1998. The 1993 Plan updated the 1986 Strategic and Operational Plan.

PUBLIC HEARING: none scheduled

COMMENT DEADLINE: January 29th, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Marine Resources, 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 §6171(2-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 .

**ADOPTIONS**