

01

Department of Agriculture, Conservation and Forestry

**22 and 28 SHS
Augusta, Maine 04333
(207) 287-3200**

**2023-2024 Regulatory Agenda
Amended**

**Prepared:
September 27, 2023**

**01-001T: Office of the Commissioner
01-001: Bureau of Agriculture, Food and Rural Resources
01-015: Maine Milk Commission
01-017: Maine State Harness Racing Commission
01-026: Board of Pesticides Control
01-303: Pull Events Commission
01-669: Bureau of Forestry (Maine Forest Service)
01-670: Bureau of Parks and Lands
01-672: Bureau of Resource Information and Land Use Planning
01-683: Land for Maine's Future Program**

01-001T

AGENCY UMBRELLA-UNIT: **01-001T**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry,
Office of the Commissioner**

CONTACT PERSON: Nancy McBrady, 22 SHS, Augusta, Maine 04333, (207) 530-4176,
Nancy.mcbrady@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

NEW RULE CHAPTER (# to be assigned): Rules for Supporting Statewide Economic Opportunities Through Strategic Investments of Property and Funds, Including Emergency Relief Funds

STATUTORY AUTHORITY: 12 MRS Sec. 5012 PL 2023 Ch 120

PURPOSE: Adopt rules to implement and administer the Department of Agriculture, Conservation and Forestry's grant or other fund disbursement programs, including rules for adjudicating appeals.

SCHEDULE FOR ADOPTION: Prior to March 2024.

AFFECTED PARTIES: Applicants to the Department of Agriculture, Conservation and Forestry's grants and other funding programs.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Nancy McBrady, 22 SHS, Augusta, Maine 04333, (207) 530-4176,
Nancy.mcbrady@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules to implement the Fund to Address PFAS Contamination

STATUTORY AUTHORITY: 7 MRSA §320-K.

PURPOSE: Rules governing the Fund to Address PFAS Contamination.

SCHEDULE FOR ADOPTION: Prior to December, 2023.

AFFECTED PARTIES: PFAS-impacted commercial farms, residents with PFAS-contaminated well water linked to land application of biosolids, and scientific researchers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Beth Valentine, 22 SHS, Augusta, Maine 04333, (207) 557-1623,
beth.valentine@maine.gov

01-001 (most of 01-001 will be moved to 01-677 Bureau of Agriculture, Food and Rural Resources except for any that fall within office of the commissioner)

AGENCY UMBRELLA-UNIT: **01-001**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry,
Bureau of Agriculture, Food and Rural Resources**

CONTACT PERSON: Craig Lapine, 28 SHS, Augusta, Maine 04333, (207) 557-1623,
Craig.Lapine@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

NEW RULE CHAPTER (# to be assigned): Rules for Operation of the Maine Healthy Soils Fund

STATUTORY AUTHORITY: 12 MRS §§ 351-353; 7 MRS § 12

PURPOSE: Adopt rules to implement and administer the Department of Agriculture, Conservation and Forestry's Maine Healthy Soils Program.

SCHEDULE FOR ADOPTION: Prior to September 2024.

AFFECTED PARTIES: Applicants to the Department of Agriculture, Conservation and Forestry's grants and other funding programs.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Matthew Boucher, 22 SHS, Augusta, Maine 04333, (207) 215-5569, Matthew.Boucher@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules Governing the Development of Solar Energy Generation Projects on High-Value Agricultural Land

STATUTORY AUTHORITY: 38 MRS §§ 484-C, 3201-3202

PURPOSE: Adopt rules related to solar energy development on high-value agricultural land.

SCHEDULE FOR ADOPTION: Prior to September 2024.

AFFECTED PARTIES: Solar energy developers; owners of high-value agricultural land.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Caitlyn Cooper, 28 SHS, Augusta, Maine 04333, (207) 408-5644, Caitlyn.Cooper@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules to implement the Salmonella enteritidis Risk Reduction and Surveillance Program for Commercial Egg-type Flocks

STATUTORY AUTHORITY: 7 MRS §1758.

PURPOSE: Rules governing Maine Salmonella enteritidis Risk Reduction and Surveillance Program for Commercial Egg-Type Flocks.

SCHEDULE FOR ADOPTION: Prior to June, 2024.

AFFECTED PARTIES: Poultry Farmers with egg laying flocks over 3,00 birds

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615, Stefanie.bolas@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules for Expanding the Local Foods Economy by Promoting Local Foods Procurement

STATUTORY AUTHORITY: 7 MRS Sec. 1. c. 8-A, sub-c. 3

PURPOSE: Establish and promote a local foods procurement program.

SCHEDULE FOR ADOPTION: Prior to July, 2024.

AFFECTED PARTIES: Farmers, food and seafood processors and public institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522, Nancy.mcbrady@maine.gov

CHAPTER 3: Temporary Emergency Food Assistance Program

STATUTORY AUTHORITY: 12 MRS §5018

PURPOSE: Amend existing rules governing the Emergency Food Assistance Program and adopt new rules governing the Emergency Food Assistance Program Fund.

SCHEDULE FOR ADOPTION: Prior to October, 2024.

AFFECTED PARTIES: Food security organizations including food banks and pantries.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Craig Lapine, 28 SHS, Augusta, Maine 04333, (207) 557-1623, craig.lapine@maine.gov.

CHAPTER 10: Rules for the Agricultural Compliance Program

STATUTORY AUTHORITY: 7 MRS § 12; 17 MRS § 2701-B; 17 MRS § 2805

PURPOSE: These rules establish procedures for conducting the Agricultural Compliance Program.

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Farms/Farmers/Complainants

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

CONTACT PERSON: Matthew Randall, 28 SHS, Augusta, Maine 04333, (207) 287-7708, matthew.randall@maine.gov

CHAPTER 30: Quarantine (Potato)

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May amend the quarantine against various potato pests to take into consideration recent survey results on the distribution of such pests in the U.S.

SCHEDULE FOR ADOPTION: Prior to July, 2024.

AFFECTED PARTIES: Potato farmers, dealers, buyers, and shippers of imported seed.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Eric Hitchcock, 744 Main Street Suite 9, Presque Isle, Maine 04769, (207)764-2036, eric.hitchcock@maine.gov

CHAPTER 31: Rules for Operation of Potato Marketing Improvement Fund

STATUTORY AUTHORITY: 7 MRS §12, 10 MRS §1023-N

PURPOSE: Make changes to the rules governing the operation of the Potato Marketing Improvement Fund.

SCHEDULE FOR ADOPTION: Prior to September, 2024.

AFFECTED PARTIES: Potato industry.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Craig Lapine, 28 SHS, Augusta, Maine 04333, (207) 557-1623, craig.lapine@maine.gov

CHAPTER 32: Rules for Operation of Agricultural Marketing Loan Fund

STATUTORY AUTHORITY: 7 MRS §12, §435

PURPOSE: Make changes to the rules governing the operation of the Agricultural Marketing Loan Fund.

SCHEDULE FOR ADOPTION: Prior to September, 2024.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from an agricultural enterprise.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Michelle Webb, 28 SHS, Augusta, Maine 04333, (207) 287-3494, michelle.t.webb@maine.gov

CHAPTER 33: Rules for Operation of Agricultural Development Grant Fund

STATUTORY AUTHORITY: 7 MRS §§ 306-A - 309

PURPOSE: Make changes to the rules governing the operation of the Agricultural Development Grant Fund.

SCHEDULE FOR ADOPTION: Prior to December, 2024.

AFFECTED PARTIES: Individuals, firms or organizations interested in accelerating new market development, adoption of improved technology and promotion of agricultural products produced in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Michelle Webb, 28 SHS, Augusta, Maine 04333, (207) 287-3494, michelle.t.webb@maine.gov

CHAPTER 34: Rules for Operation of Dairy Improvement Fund

STATUTORY AUTHORITY: 7 MRS §2910-B; 10 M.R.S. §1023-P; 8 M.R.S. §1036 sub-§2-A ¶M

PURPOSE: Make changes to the rules governing the operation of the Dairy Improvement Fund.

SCHEDULE FOR ADOPTION: Prior to September, 2024.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from an agricultural enterprise.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Lucas Knowles, 28 SHS, Augusta, Maine 04333, (207) 592-0640, lucas.p.knowles@maine.gov

CHAPTER 36: Rules Governing Maine Farms for the Future Program

STATUTORY AUTHORITY: 7 MRS §§ 317-320

PURPOSE: Make changes to the rules governing the operation of the Maine Farms for the Future Program.

SCHEDULE FOR ADOPTION: Prior to December, 2024.

AFFECTED PARTIES: Maine agricultural producers.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Michelle Webb, 28 SHS, Augusta, Maine 04333, (207) 287-3494, michelle.t.webb@maine.gov

CHAPTER 50: Rules for the Determination of Insufficient Veterinary Services

STATUTORY AUTHORITY: Title 20-A MRS § 12107

PURPOSE: To establish rules for the determination of insufficient veterinary service areas in accordance with Title 20-A MRS § 12107 and LD 1885 that requires updates to the definition of term and expansion of definitions and program include assessment of emergency and critical care veterinary services.

SCHEDULE FOR ADOPTION: Prior to December, 2024.

AFFECTED PARTIES: Maine residents studying and practicing veterinary medicine in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615, Stefanie.bolas@maine.gov

CHAPTER 122: Fee Schedule for Inspection of Agricultural Commodities

STATUTORY AUTHORITY: 7 MRS, 12, 441, 446, 951-B, 1033A, 1034, 1034A

PURPOSE: These rules and authorizing fees should be updated to comply with the language and intent of Title §441 which states, "These fees must, as nearly as possible, cover the costs of the inspection services for the commodity inspected." Currently the fees do not cover the inspection costs. The fees have remained static for twelve years.

SCHEDULE FOR ADOPTION: Prior to July, 2024
AFFECTED PARTIES: Commodities producers and shippers
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841,
celeste.poulin@maine.gov

CHAPTER 201: Rules Governing Licensed Livestock Dealers

STATUTORY AUTHORITY: 7 MRS §1303, §1307
PURPOSE: Rules governing livestock dealers
SCHEDULE FOR ADOPTION: Prior to July 2024.
AFFECTED PARTIES: Livestock owners and livestock dealers
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 203: Rules for the Participation in the Maine Chronic Wasting Disease Surveillance Program

STATUTORY AUTHORITY: 7 MRS §1821
PURPOSE: Rules governing the Maine Chronic Wasting Disease Surveillance Program
SCHEDULE FOR ADOPTION: Prior to July 2024.
AFFECTED PARTIES: Deer and Elk Industry
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 204: Rule for the Licensing Requirements for Farmed Cervids

STATUTORY AUTHORITY: 7 MRS §1821
PURPOSE: Rules governing the licensing requirements for farmed cervids
SCHEDULE FOR ADOPTION: Prior to July 2024.
AFFECTED PARTIES: Deer and Elk Industry
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 205: Rules Governing the Poultry Disease Control Fund

STATUTORY AUTHORITY: 7 MRS §1756 -§1757
PURPOSE: Rules governing the poultry disease control fund
SCHEDULE FOR ADOPTION: Prior to July 2024.
AFFECTED PARTIES: Poultry farmers
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 206: Prevention and Control of Certain Diseases of Domestic Animals and Poultry

STATUTORY AUTHORITY: 7 MRS §1752, §1812
PURPOSE: Rules governing the control of certain diseases of animals and poultry
SCHEDULE FOR ADOPTION: Prior to July 2024.
AFFECTED PARTIES: Livestock and poultry industry
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 207: Control of Equine Infectious Anemia

STATUTORY AUTHORITY: 7 MRS §1820-A

PURPOSE: Rules governing the management of equine infectious anemia

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Equine owners

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 208: Handling of Domestic Animal and Poultry Vaccines

STATUTORY AUTHORITY: 7 MRS §1752

PURPOSE: Rules governing animal and poultry vaccine use

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Livestock and poultry industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 209: Livestock Commission or Community Auctions

STATUTORY AUTHORITY: 7 MRS §1453

PURPOSE: Rules governing auctions

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Livestock auctions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 216: RULES GOVERNING THE SALE OF DOGS AND CATS AND IMPORTATION OF DOGS AND CATS FOR RESALE OR ADOPTION

STATUTORY AUTHORITY: 7 MRS §1809

PURPOSE: Rules governing the sale of dogs and cat and importation of dogs and cats for resale or adoption

SCHEDULE FOR ADOPTION: Prior to July 2024

AFFECTED PARTIES: Animal Shelters and Rescues

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Rachael Fiske, 28 SHS, Augusta, Maine 04333, (207) 287-3846,
rachael.fiske@maine.gov

CHAPTER 220: Importation of Certain Deer into Maine

STATUTORY AUTHORITY: 7 MRS §1331

PURPOSE: Rules governing the importation of deer into Maine

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Deer farmers and commercial large game shooting area operations

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
Stefanie.bolas@maine.gov

CHAPTER 226: Rules Governing the Administration of Certain Substances to Animals Entered in Pulling Competitions

STATUTORY AUTHORITY: 7 MRS §97.5

PURPOSE: The Commissioner will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024.

AFFECTED PARTIES: Pulling teamsters, pull superintendents and the Pull Events Commission

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Shane Bacon, 28 SHS Augusta, ME 04333, (207) 287-7568, shane.bacon@maine.gov

CHAPTER 250: Rules for Certifying American Ginseng

STATUTORY AUTHORITY: 7 MRS §2225

PURPOSE: May amend the rules for licensing ginseng growers.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024.

AFFECTED PARTIES: Ginseng farmers, dealers, buyers, and shippers of imported seed

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 252: Rules Governing the Certification of Seed Potatoes in the State of Maine

STATUTORY AUTHORITY: 7 MRS §§ 2101-2105

PURPOSE: May amend the list of diseases included in the certification program based on survey.

SCHEDULE FOR ADOPTION: Prior to July, 2024.

AFFECTED PARTIES: Seed potato producers in Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Eric Hitchcock, 744 Main Street Suite 9, Presque Isle, Maine 04769, (207)764-2036, eric.hitchcock@maine.gov

CHAPTER 266: Hemlock Woolly Adelgid Quarantine

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303

PURPOSE: May amend the current quarantine against the Hemlock Woolly Adelgid to prevent its artificial spread in the State, to protect Maine's forest, timber and wildlife resources from this destructive pest.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024.

AFFECTED PARTIES: Wood harvesters, nurseries, sawmills, paper mills, mulch dealers and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 267: License Fees to Sell Nursery Stock

STATUTORY AUTHORITY: 7 MRS §2171

PURPOSE: May revise the rules for selling or dealing in nursery stock.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

AFFECTED PARTIES: Nursery owners

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 270: Maine Apiary Rules and Regulations

STATUTORY AUTHORITY: 7 MRS §§ 2701-2872

PURPOSE: May amend the current apiary rules.
SCHEDULE FOR ADOPTION: Prior to December 31, 2024.
AFFECTED PARTIES: Beekeepers, blueberry and apple producers, and the general public
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 272: European Larch Canker Quarantine

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303
PURPOSE: May amend a quarantine against the European Larch Canker to conform to the requirements of the federal European Larch Canker quarantine.
SCHEDULE FOR ADOPTION: Prior to December 31, 2024.
AFFECTED PARTIES: Saw mills, nurseries, and the general public
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 273: Criteria for Listing Invasive Terrestrial Plants

STATUTORY AUTHORITY: 7MRS §§ Section 221, Chapter 405-A
PURPOSE: May amend the rules to add to the list of plants restricted from sale or import.
SCHEDULE FOR ADOPTION: Prior to December 31, 2024.
AFFECTED PARTIES: Nurseries, greenhouses and the general public.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 274: Rules for Growing Industrial Hemp

STATUTORY AUTHORITY: 7MRS §§ 2231, Chapter 406-A
PURPOSE: May amend the rules to allow for indoor growing, fee changes and additional rules to license processors or manufacturers.
SCHEDULE FOR ADOPTION: Prior to December 31, 2024.
AFFECTED PARTIES: Potential hemp growers
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 275: Emerald Ash Borer Quarantine

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303
PURPOSE: May amend the current quarantine against the Emerald Ash Borer to prevent its artificial spread in the State, to protect Maine's forest, timber and wildlife resources from this destructive pest.
SCHEDULE FOR ADOPTION: Prior to December 31, 2024.
AFFECTED PARTIES: Wood harvesters, firewood dealers, nurseries, sawmills, paper mills and the general public.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 329: Rules Governing Maine Milk and Milk Products

STATUTORY AUTHORITY: 7 MRS §§ 2900-2910A., PL 1999

PURPOSE: Rules need revision to come into compliance with the 2017 U.S. FDA Pasteurized Milk Ordinance.

SCHEDULE FOR ADOPTION: Prior to July, 2024

AFFECTED PARTIES: Dairy farmers and milk processors

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 330: Rules for Birch Syrup

STATUTORY AUTHORITY: 7 MRS c. 103, sub-c. 8-C

PURPOSE: Create rules governing the Production and Sale of Birch Syrup and Birch Syrup Products.

SCHEDULE FOR ADOPTION: Prior to September, 2024.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from birch syrup.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 342: Rules for Cider

STATUTORY AUTHORITY: 7 MRS Chapter 103, Subchapter 1

PURPOSE: Create rules reflecting the change in cider definition in the last legislative session

SCHEDULE FOR ADOPTION: Prior to September, 2024.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products labeled as cider in the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 501: Weights and Measures Law

STATUTORY AUTHORITY: 10 MRS §§ 2621-2631 Subchapter 7-A

PURPOSE: These rules and authorizing legislation should be updated to adopt Handbook 133 Checking the Net Contents of Packaged Goods now that it is no longer part of Handbook 130 and is in fact a stand-alone handbook.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

AFFECTED PARTIES: Weights and Measures

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 600: Rules regarding disposal of cull potato piles

STATUTORY AUTHORITY: 7 MRS §1007-A

PURPOSE: To update the rules regarding disposal of cull potato piles

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Potato farmers, Department of Agriculture, Conservation & Forestry

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Mark Hedrich, 28 SHS, Augusta, Maine 04333, (207) 287-7608, mark.hedrich@maine.gov

CHAPTER 701: Rules for Governing Animal Welfare

STATUTORY AUTHORITY: 7 MRS §3906-B Section 10

PURPOSE: To ensure that only healthy animals, including birds, are offered for sale or adoption and that all animals, within the scope of the Commissioner's authority, shall receive proper care, housing facilities, disease control, records of sales and purchases, euthanasia records and licenses will be monitored by Animal Welfare.

SCHEDULE FOR ADOPTION: Prior to December, 2024.

AFFECTED PARTIES: Pet Stores, Breeding Kennels; Boarding Kennels; Equine Owners, Animal Shelters, Animal Control Officers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ronda Steciuk, 28 SHS, Augusta, Maine 04333, (207) 287-3846, ronda.steciuk@maine.gov

CHAPTER 702: Rules for the Low Income Spay/Neuter Program

STATUTORY AUTHORITY: 7 MRS §3910-B

PURPOSE: To implement a low-income spay/neuter program for cats and dogs, to establish eligibility requirements, veterinarian reimbursement and program administration.

SCHEDULE FOR ADOPTION: Prior to July, 2024.

AFFECTED PARTIES: Low income pet owners and participating veterinarians

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ronda Steciuk, 28 SHS, Augusta, Maine 04333, (207) 287-3846, ronda.steciuk@maine.gov

NEW RULE CHAPTER (# to be assigned): Animal Control Officer Training and Certification Standards

STATUTORY AUTHORITY: 7 MRS §3996-B §§ 4, 10

PURPOSE: The Department is considering implementing rules around the training, certification, and maintenance of certification of Animal Control Officers including a code of conduct. Additional issues may arise, necessitating the adoption of a new rule chapter.

SCHEDULE FOR ADOPTION: Before July 2024

AFFECTED PARTIES: Animal Control Officers, Municipalities employing Animal Control Officers

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Ronda Steciuk 28 SHS, Augusta, Maine 04333 (207) 287-5531, ronda.steciuk@maine.gov

NEW RULE CHAPTER (# to assigned): Rules for Nutrient management plans for fish hatcheries

STATUTORY AUTHORITY: Title 5, chapter 375, subchapter II-A

PURPOSE: To establish requirements for nutrient management plans for fish hatcheries, compliance schedules for fish hatcheries, a process for review of the nutrient management plans, periodic revisions of plans and determination of compliance with the plans.

ANTICIPATED SCHEDULE: The rulemaking process will begin in summer/fall of 2023 and is anticipated to be completed in the Summer of 2024

AFFECTED PARTIES: Fish hatcheries, not including off-shore marine aquaculture operations in estuarine or marine waters.

CONSENSUS-BASED RULE DEVELOPMENT: Not-contemplated. Routine Technical.

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 215-6727, stefanie.bolas@maine.gov

CHAPTER 751: Rules Governing Arborist Licensing, Testing and Enforcement in the State of Maine

STATUTORY AUTHORITY: 7 MRS §404, §§ 2173-2191

PURPOSE: May need to amend the current requirements adopted in 2006 to clarify certain provisions relating to the licensing of arborists in the State of Maine.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024.

AFFECTED PARTIES: Individuals currently licensed or wishing to become licensed as arborists in the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 802: Rules Governing Disbursal of Challenge Grant Funds

STATUTORY AUTHORITY: 12 MRS §206

PURPOSE: Update and revise the rules governing the dispersal of challenge grant funds.

SCHEDULE FOR ADOPTION: Prior to Spring 2024.

AFFECTED PARTIES: Maine state soil and water conservation districts.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Tom Gordon, 28 SHS, Augusta, Maine 04333, (207) 287-4986, tom.gordon@maine.gov.

NEW RULE CHAPTER (# to be assigned): Rules Governing the Maine Cattle Health Assurance Program

STATUTORY AUTHORITY: 7 MRS §1309

PURPOSE: Rules governing the Maine Cattle Health Assurance Program

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Livestock industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stefanie Bolas, 28 SHS, Augusta, Maine 04333, (207) 287-7615, Stefanie.bolas@maine.gov

NEW RULE CHAPTER (# to be assigned): Designation of Potato Pests and Diseases; Seizure, Destruction, Disinfection

STATUTORY AUTHORITY: 7 MRS §§ 2351-2352

PURPOSE: May need to designate those potato pests and diseases which pose a threat to the Maine potato industry; provide for the control and eradication of such pests and diseases; and provide for the disinfection of any vehicles to prevent the spread of such pests and diseases.

SCHEDULE FOR ADOPTION: Prior to July, 2024.

AFFECTED PARTIES: Potato farmers in Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Eric Hitchcock, 28 SHS, Augusta, Maine 04333, (207) 764-2036, eric.hitchcock@maine.gov

NEW RULE CHAPTER (# to be assigned): Veterinarian/Animal Shelter Serving as Dog Licensing Agent

STATUTORY AUTHORITY: 7 MRS §3923-F

PURPOSE: rules providing a process for identifying animal shelters and veterinarians who are willing to serve as dog licensing agents, for distributing license blanks, tags and

stickers, and for the collection, distribution and deposit of license fees into the appropriate state accounts.

SCHEDULE FOR ADOPTION: Prior to July, 2024.

AFFECTED PARTIES: Animal Shelters, Veterinarians, Municipal Offices

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Ronda Steciuk, 28 SHS, Augusta, Maine 04333, (207) 287-3846, ronda.steciuk@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules Governing the Farmers' Drought Relief Program

STATUTORY AUTHORITY: 7 MRS § 220-A

PURPOSE: Rules establishing the Farmers' Drought Relief Program, including grant eligibility requirements, grant application and award procedures and grant funding limits.

SCHEDULE FOR ADOPTION: Prior to December, 2024.

AFFECTED PARTIES: Agricultural Producers in Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Craig Lapine, 28 SHS, Augusta, Maine 04333, (207)557-1623, craig.lapine@maine.gov

NEW RULE CHAPTER (#to be assigned): Rules for Non-alcoholic Beverage Bottling

STATUTORY AUTHORITY: Title 32 Chapter 27, Sub-1-3

PURPOSE: Create rules governing the bottling of beverages in the State of Maine.

SCHEDULE FOR ADOPTION: Prior to September, 2024

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, bottling of beverages.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

01-015

AGENCY UMBRELLA - UNIT NUMBER: **01-015**

AGENCY NAME: Department of Agriculture, Conservation and Forestry, **Maine Milk Commission**

CONTACT PERSON: Julie-Marie Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

Chapter 3, Schedule of Minimum Prices monthly

EXPECTED 2023-2024 RULE-MAKING ACTIVITIES:

CHAPTER 1: Orders

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2989

PURPOSE: Reflect Commission rulings and legal interpretations, required records, price computations, container sizes, and other matters necessary to carry out *Maine Milk Commission Law*.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

AFFECTED PARTIES: Any or all segments of the dairy industry
CONSENSUS-BASED RULE DEVELOPMENT: N/A
CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 2: Hearing Procedures

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2989
PURPOSE: Amend present rules to reflect changing industry standards, new APA requirements, and/or to upgrade and modernize past practices.
SCHEDULE FOR ADOPTION: Prior to October 1, 2024
AFFECTED PARTIES: Commission, intervenors and industry
CONSENSUS-BASED RULE DEVELOPMENT: N/A
CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 5: Dealer Cost Accounting and Reporting System

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 289
PURPOSE: Amend present rules to reflect changing industry standards, new APA requirements, and/or to upgrade and modernize past practices.
SCHEDULE FOR ADOPTION: Prior to October 1, 2024
AFFECTED PARTIES: Commission, intervenors and industry
CONSENSUS-BASED RULE DEVELOPMENT: N/A
CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 6: Inspection of Records, Books and Accounts

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2989
PURPOSE: Amend present rules to reflect changing industry standards, new APA requirements, and/or to upgrade and modernize past practices.
SCHEDULE FOR ADOPTION: Prior to October 1, 2024
AFFECTED PARTIES: Commission, intervenors and industry
CONSENSUS-BASED RULE DEVELOPMENT: N/A
CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 13 and 27: Retail Cost Studies & Retail Margins

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2989
PURPOSE: Set new minimum retail margins according to cost study and hearing testimony.
SCHEDULE FOR ADOPTION: Prior to October 1, 2024
AFFECTED PARTIES: Retailers and consumers
CONSENSUS-BASED RULE DEVELOPMENT: N/A
CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 26: Producer Margin / Cost of Production

STATUTORY AUTHORITY: 7 MRSA §2953-2954
PURPOSE: Set minimum producer price based on Federal order and actual cost of production.
ANTICIPATED SCHEDULE: Prior to July 1, 2024
AFFECTED PARTIES: Producers, dealers, retailers and consumers.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 29: Dealer Margin

STATUTORY AUTHORITY: 7 MRSA §2953-2954

PURPOSE: Set minimum producer price based on Federal order and actual cost of production.

ANTICIPATED SCHEDULE: Prior to October 1, 2024

AFFECTED PARTIES: Producers, dealers, retailers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 61: Maine Milk Pool Cost of Administration

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2954 and 3154

PURPOSE: Set new cost of administration of Maine Milk Pool after public hearings and testimony.

SCHEDULE FOR ADOPTION: Prior to November 1, 2023

AFFECTED PARTIES: Processors and producers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules to Adjust the Milk Dealer License Fees

STATUTORY AUTHORITY: 7 MRS §2955 through §2956.

PURPOSE: Adjust the Fees charged for an annual Milk Dealer License

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

AFFECTED PARTIES: Milk Dealers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules to Adjust the Maine Milk Commission Fees

STATUTORY AUTHORITY: 7 MRS §2956.

PURPOSE: Adjust the per hundredweight fees charged for to support the activities of the Maine Milk Commission

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

AFFECTED PARTIES: Maine dairy producers and Maine dairy processors & handlers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules to Adjust the Milk Dealer License Fees

STATUTORY AUTHORITY: 7 M.R.S.A. §2955 through §2956.

PURPOSE: Adjust the Fees charged for an annual Milk Dealer License

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

AFFECTED PARTIES: Milk Dealers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

01-017

AGENCY UMBRELLA-UNIT: **01-017**

AGENCY NAME: Maine Department of Agriculture, Conservation and Forestry, **Maine State Harness Racing Commission**

CONTACT PERSON: Shane Bacon, 28 SHS, Augusta, Maine 04333, (207) 287-3221, shane.bacon@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTERS 1 through 21 and/or New Rule: Various Titles

STATUTORY AUTHORITY: 8 MRS §§ 263-A; 268, 275-C, 279-A and B, 281

PURPOSE: The Maine State Harness Racing Commission will continue to update its rules to meet the needs of an ever-changing industry.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024.

AFFECTED PARTIES: Harness horse racing licensees, track owners and operators, pari-mutuel wagering facilities and those affiliated with the harness racing industry.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Shane Bacon, 28 SHS Augusta, ME 04333, (207) 287-3221, shane.bacon@maine.gov

AGENCY UMBRELLA-UNIT: **01-026**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**

AGENCY CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333, (207) 287-2731, Megan.L.Patterson@maine.gov

RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 10: Definitions and Terms

STATUTORY AUTHORITY: 22 MRS §§1471A-X

PURPOSE: In 1996, the Board consolidated all rule definitions in this Chapter. This chapter must be updated each time a new definition is added or amended. It received a series of housekeeping amendments in January 2005 and in 2012. The rule was amended in 2019 to change the definition of aerial applicator to allow for the use of UAS by those with agricultural pesticide applicator licenses. Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024

AFFECTED PARTIES: All individuals and businesses affected by the Board's rules.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 20: Special Provisions

STATUTORY AUTHORITY: 22 MRS §§1471A-X

PURPOSE: In 2007, the Board amended Chapter 20 to clarify that authorization from the property owner is required prior to applying a pesticide. The Board passed an amendment in 2013 to eliminate the need for individual homeowner permission in the event of a public health threat. In 2014, a requirement was added for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. The Board may develop specific duties that an employer must perform to protect their employees from occupational exposure to pesticides. These amendments may be modeled on the 2015 Federal Worker Protection Standard and the 2017 Federal Pesticide Applicator Certification Standard. In addition, Chapter 20 is a key chapter for the Board when it determines that additional regulation is in the public interest, so other amendments are also possible.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Applicators making outdoor treatments to residential properties; since this is already required by policy, there will be no real affect.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §§1471A-X

PURPOSE: Aerial spraying is a very controversial issue and the Board completed a major overhaul of this chapter in 2009 to provide greater protection for area residents. In 2013 the Board passed amendments to exempt the sections concerning Identifying and Recording Sensitive Areas, Presence of Humans and Animals, and certain specifics of Site Plans in the event of a public health threat. In 2014, the requirement of identifying sensitive areas was eliminated for commercial applications conducted under categories 6A (rights-of-way vegetation management), 6B (general vegetation management) and 7E (biting fly & other arthropod vectors [ticks]). Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All applicators making outdoor applications with powered application equipment.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 24: Pesticide Storage Facility Standards/Pesticide Distributors

STATUTORY AUTHORITY: 22 MRS § 1471-O and 7 MRSA § 610(2)(B)

PURPOSE: The Board has received letters expressing concern that odors and spilled chemicals may represent a health risk for both employees and customers who enter the self-service display areas of general-use pesticide distributors. In addition, inequities have been noted between the requirements for agricultural distributors versus the requirements for warehouse-style retailers. Finally, a few provisions are somewhat vague and would benefit from additional clarity. Consequently, the Board may adjust these standards to address concerns. Further issues may arise necessitating additional amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Pesticide retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 26: Standards for Indoor Application of Pesticides

STATUTORY AUTHORITY: 22 MRS §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this chapter during 2006 and it became effective in January of 2007. An amendment was made during 2007 to address concerns raised by structural applicators. Concerns have arisen about the higher risk of indoor applications versus outdoor applications. Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All structural pest control applicators, owners or managers of businesses, institutions and apartment houses, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 27: Standards for Pesticide Applications and Public Notification in Schools

STATUTORY AUTHORITY: 22 MRS §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this rule in 2003 and made some housekeeping amendments to it during 2005, 2007 and 2012. Several minor clarifications have been identified which should be addressed. Since use of pesticides on school grounds continues to garner legislative and public attention, further amendments may be necessary in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All public and private school systems as well as commercial applicators and all persons using school buildings and grounds.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 28: Notification Provisions for Outdoor Pesticide Applications

STATUTORY AUTHORITY: 22 MRS § 1471-M (2)(D)

PURPOSE: This rule was adopted in 1998 and slightly amended in 2000, 2007, 2011 and 2014. It contains all of the Board outdoor notification requirements. In 2014, it was amended to require posting for applications under categories 6B (general vegetation management) except when making applications to sidewalks and trails, power substations, and railroad sidings; and 7E (biting fly & other arthropod vectors [ticks]) and to require notice per Board policy for applications to sidewalks and trails under 6B (general vegetation management). The Maine Legislature recently enacted and subsequently repealed a pesticide notification registry. There is some sentiment indicating that additional legislative initiatives may be forthcoming on this subject, which would likely necessitate rulemaking. This chapter also needs some updating to reflect the evolution of its usage.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Pesticide applicators and persons who live near sprayed sites. Persons who believe they are sensitive to pesticides. Regulated parties include all

commercial pesticide applicators, the landowners who hire them and anyone who applies pesticides outdoors in the vicinity of persons on the registry.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 29. Standards for Water Quality Protection

STATUTORY AUTHORITY: 22 MRS § 1471-M(2)(D)

PURPOSE: A recent federal court decision now requires applicators to work under a Maine Pollution Discharge Elimination System permit for certain outdoor pesticide applications that have the potential for a portion of the spray to deposit in surface water, so Chapter 29 may need to be amended to address this change. In addition, the Board may look to exempt certain urgent applications from the 25-foot buffer requirement. Recently, concerns have arisen relative to pesticides and the marine environment. A current outbreak of browntail moth may necessitate amendments to this rule around products approved for use for control. Finally, water quality has emerged as one of the more significant environmental fate concerns with pesticides. These and additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Pesticide manufacturers, outdoor applicators, persons owning land next to surface water bodies and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 31: Certification and Licensing Provisions for Commercial Applicators

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: The Board amended this chapter during 2007 and 2014, but may find it necessary to revise this regulation again to accommodate new licensing software, streamline processes or deregulate certain types of pesticide applications. Several amendments were adopted in 2015. Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 32: Certification and Licensing Provisions for Private Applicators

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: The Board may amend any of its current regulations dealing with the examination, certification, licensing and relicensing of private applicators to accommodate new licensing software, streamline procedures and/or adjust the fees. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014. Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 33: Certification Provisions/Private Applicators of General Use Pesticides

STATUTORY AUTHORITY: 2 MRS §§ 1471-D (2-D), 22 MRSA 1471-M (1) (C-1)

PURPOSE: This new rule was recently adopted to fulfill the requirements of Public Law 2011, Chapter 169 which requires pesticide applicator licensing for certain farmers who apply only general use pesticides. Since it is a newly adopted rule, experience may reveal some desirable upgrades. In addition, the potential for new licensing software may also necessitate changes. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014. Changes to the federal certification and training requirements will necessitate amendments to this rule. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 34: Certification and Licensing Provisions for Pesticide Dealers

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: Amendments adopted in 2015 included shortening the wait time to re-take an exam after failing and changing both the license and certification periods to three years. Going forward, the Board may amend its current regulation to require pesticide dealers to have a company license in addition to having their employees licensed. Also, the license fee is outdated. Other changes may be necessary as the Board reviews all the licensing chapters with a view toward streamlining and simplifying procedures.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Pesticide distributors.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 35: Certification and Licensing Provisions for Spray Contracting Firms

STATUTORY AUTHORITY: 22 MRS §§ 1471-D and S

PURPOSE: In 2015 this chapter was amended to remove the requirements for spotters/monitors for forest insect aerial spray program. The license period was also changed in 2015 from two years to three. The Board may amend this chapter dealing with licensing and relicensing of firms to accommodate new licensing software, continue to streamline procedures and/or adjust fees.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 40: State Restricted Pesticide List

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2007 and may update its Restricted Use List by deleting products that are no longer registered. Also, it may be necessary to modify the list as a result of the Board's registration review process which may

necessitate adding any products which present a unique threat to Maine's public health or the environment. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Pesticide manufacturers, pesticide applicators and environmental groups interested in pesticide issues.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 41: Special Restrictions

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2011 to relax some administrative burdens for the use of *Bt* corn seed, and in 2014 to reduce the restrictions on the use of hexazinone. This is a key chapter for the Board to implement appropriate restrictions associated with certain pesticides or classes of pesticides that pose unique risks to Maine. There have been significant changes to this chapter in the last ten years, and additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All applicators and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 50: Reporting Requirements for Applicators and Dealers

STATUTORY AUTHORITY: 22 MRS §§ 1471-G and M

PURPOSE: The Board adopted several housekeeping amendments to this chapter in January 2005 and 2019. Changes to Chapters 22, 27 and 41 have created additional record keeping requirements that might be more appropriately incorporated in Chapter 50. Current rulemaking around the licensing chapters may also necessitate changes to record keeping requirements. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All private and commercial applicators, dealers and consumer or environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 51: Notice of Aerial Pesticide Applications

STATUTORY AUTHORITY: 22 MRS § 1471-R

PURPOSE: Legislative activity around pesticide notification may necessitate amendments to this chapter. The Board has expressed an interest in regulating unmanned aircraft systems, which may require amendments to this chapter. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Aerial applicators, paper companies, utility officials, and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 60. Designation of Critical Pesticide Control Area

STATUTORY AUTHORITY: 22 MRS § 1471 - M (4)

PURPOSE: Upon receipt of a petition, the Board would be required to consider rulemaking to restrict pesticide usage within a designated area to protect public health, threatened or endangered species or their habitat, surface or ground water, or other environmental resources. During 2011, the Board repealed one of the two designated critical control areas since the subject of protected area no longer existed. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: Persons living within the requested area and all applicators wishing to do business within the designated zone.

CONSENSUS-BASED RULE DEVELOPMENT: The Board engaged in consensus-based rule development the last time a request was received and would likely try it again.

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

NEW RULE CHAPTER (# to be assigned): Unmanned Aircraft Systems, Unmanned Ground Systems, Other

STATUTORY AUTHORITY: 22 MRS §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board is considering implementing rules around both unmanned aircraft systems (UAS) and unmanned ground systems (UGS) for use in pesticide applications. Additional issues may arise necessitating adoption of a new rule chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2024.

AFFECTED PARTIES: All pesticide applicators and dealers, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

01-303

AGENCY UMBRELLA - UNIT NUMBER: **01-303**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry,
Pull Events Commission**

CONTACT PERSON: Miles Greenleaf, 28 SHS, Augusta, Maine 04333, (207) 287-7535,
miles.d.greenleaf@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITIES:

**CHAPTER 15: Rules for Superintendents and Assistant Superintendents of
Pull Events**

STATUTORY AUTHORITY: 7 MRS §97.5 and §98

PURPOSE: The Pull Events Commission will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to July 2024.

AFFECTED PARTIES: Pulling teamsters, pull superintendents, and licensed venues that conduct pulling competitions.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333, (207) 287-7535,
miles.greenleaf@maine.gov

CHAPTER 226: Rules Governing the Administration of Certain Substances to Animals Entered in Pulling Competitions.

STATUTORY AUTHORITY: 7 MRS §97.5 and §98

PURPOSE: The Pull Events Commission will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to October 2024.

AFFECTED PARTIES: Pulling teamsters, pull superintendents, and licensed venues that conduct pulling competitions

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333, (207) 287-7535, miles.greenleaf@maine.gov

01-669

AGENCY UMBRELLA-UNIT NUMBER: **01-669**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Bureau of Forestry (aka Maine Forest Service)**

CONTACT PERSON FOR THE AGENCY: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 20: Forest Regeneration & Clearcutting Standards

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also to correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: Clarify permitting and variance procedures. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also to correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 23: Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 25: Standards for Placing Wood Into Stream Channels to Enhance Cold Water Fisheries Habitat

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Make rule standards consistent with federal program standards. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 26: Forest Operations Notification Standards

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 27: Standards for Timber Harvesting Activities within Unorganized and De-organized Areas of the State

STATUTORY BASIS: 12 MRS Chapter 206-A, Subchapter 2 and Chapter 805, Subchapter 3-A; Public Law 2011, Chapter 599.

PURPOSE: Amend current rule to conform current standards for certain activities with those set forth in Chapter 21 Rule (Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas), establish streamlined permit procedures for proposed timber harvesting activities in certain protection sub-districts within the unorganized and de-organized areas of the state, and clarify variance procedure. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 28: Regulation of the Transportation of Firewood

STATUTORY BASIS: 12 MRS §8305; Public Law 2009, Chapter 585.

PURPOSE: Regulate the transportation and movement of firewood into and within the state to reduce the risk of spreading invasive insect species.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Out-of-state visitors who use firewood, firewood dealers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Allison Kanoti, 22 SHS, Augusta, ME 04333-0022, 287-2791; allison.m.kanoti@maine.gov

CHAPTER 29: Fee Schedule

STATUTORY BASIS: 12 MRS §8867-F.

PURPOSE: Conform bureau fees to those collected by agencies with similar rules. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 30: Prior Approval Process and Stop Work Orders

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 32: Spruce Budworm Management

STATUTORY BASIS: 12 MRS §8002(2), Chapter 803, Subchapter 4-A, and Chapter 805, Subchapter 3-A.

PURPOSE: To establish timber harvesting standards for forest areas that have significant risk of damage from spruce budworm and are subject to a credible threat of imminent spruce budworm damage.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 33: Definitions

STATUTORY BASIS: 12 MRS Chapter 803, Subchapter 4-A, and Chapter 805, Subchapter 3-A.

PURPOSE: To establish a common set of definitions that apply to all rules administered by the bureau.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2024.

AFFECTED PARTIES: Forest landowners

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.
CONTACT PERSON: Morten Moesswilde, 22 State House Station, Augusta, ME 04333, 287-2791, morten.moesswilde@maine.gov

CHAPTER 34: Private Party Burn Permit Software Requirements

STATUTORY BASIS: 12 MRS §9327

PURPOSE: To establish requirements for private party burn permit software pursuant to Public Law 2017, Chapter 447, An Act to Amend the Laws Governing Issuance of Burn Permits.

SCHEDULE FOR ADOPTION: Final rules are anticipated by late 2024.

AFFECTED PARTIES: Municipalities, developers of private party burn permit software

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Robby Gross, 22 SHS, Augusta, ME 04333-0022, 287-4990;
robby.gross@maine.gov

01-670

AGENCY UMBRELLA - UNIT NUMBER: **01-670**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717,
ron.hunt@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 2: Rules for Recreational Use of the Allagash Wilderness Waterway

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803, 1.1 – 3.4

PURPOSE: Various changes to correct minor spelling errors and typos.

ANTICIPATED SCHEDULE: The rule making process will begin in October 2023 anticipated to be completed in the Spring of 2024.

AFFECTED PARTIES: Canoeists, fishermen, hikers, and the general public

CONSENSUS –BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Mark Deroche, 106 Hogan Rd., Ste. 7, 4th Floor., Bangor, ME 04401, (207) 941-4014, mark.deroche@maine.gov

CHAPTER 2: Rules for recreational use of the Allagash Wilderness Waterway

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803, 2.2 E (1-6).

PURPOSE: Add: To remove the rules and guidelines for Winter Camping at Chamberlain Thoroughfare and Kellogg Brook, and establish a more flexible and efficient Allagash Wilderness Waterway winter camping reservation system for the public.

ANTICIPATED SCHEDULE: The rule making process will begin in October of 2023 anticipated to be completed in the spring of 2024.

AFFECTED PARTIES: AWW winter campers, Snowmobilers, fishermen, and the general public

CONSENSUS –BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Mark Deroche, 106 Hogan Rd., Ste. 7, 4th Floor., Bangor, ME 04401, (207) 941-4014, mark.deroche@maine.gov

CHAPTER 2: Rules for State Parks and Historic Sites

STATUTORY AUTHORITY: 12 MRS, Chapter 220 § 1803, 2.19 D.

PURPOSE: The bureau may take action to protect AWW resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park superintendent or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in October of 2023 and is anticipated to be completed in the spring of 2024.

AFFECTED PARTIES: Canoeists, campers, snowmobilers, anglers, hikers and the general public

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717, ron.hunt@maine.gov

CHAPTER 3: Rules for Navigational Aids

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1894

PURPOSE: Modify Rules and Regulations for the Aids to Navigation System.

ANTICIPATED SCHEDULE: The rule making process will begin July of 2023 and is anticipated to be completed in the spring of 2024.

AFFECTED PARTIES: Boating public and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Thomas Linscott, 22 SHS Augusta, ME 04333, (207) 287-6830, Thomas.Linscott@maine.gov

CHAPTER 4: Rules and Regulations Governing Boating Facilities

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803

PURPOSE: Modify Rules of Conduct at Boat Launching Facilities.

ANTICIPATED SCHEDULE: The rule making process will begin in July of 2023 and is anticipated to be completed in the spring of 2024.

AFFECTED PARTIES: Boating public and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Thomas Linscott, 22 SHS Augusta, ME 04333, (207) 287-6830, Thomas.Linscott@maine.gov

CHAPTER 5: Rules and Regulations for Lunch and Campsites in Penobscot Corridor, Lobster Lake and Chesuncook Lake.

STATUTORY AUTHORITY: 12 MRS, Chapter 220 § 1803, 20, b.).

PURPOSE: Add: The bureau may take action to protect state park resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park manager or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in Fall 2023 and is anticipated to be completed in the spring of 2024.

AFFECTED PARTIES: Campers, Snowmobilers, fishermen, and the general public

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717, ron.hunt@maine.gov

CHAPTER 7: Rules for Snowmobile Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 § 1893, paragraph 3

PURPOSE: Establish the Bureau's Grants-in-Aid program, identify the procedures for making grants-in-aid to political subdivisions for the construction and/or maintenance of snowmobile trails.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2023 anticipated to be completed in the fall of 2024.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Joe Higgins, 22 SHS Augusta, ME 04333, (207) 287-4959, joe.higgins@maine.gov

CHAPTER 8: Rules for Snowmobile Club Trail Maintenance Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 3

PURPOSE: Establish the Bureau's process that qualified snowmobile clubs use to apply for grants, and the terms and the conditions of these grants.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2023 and is anticipated to be completed in the fall of 2024.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Joe Higgins, 22 SHS Augusta, ME 04333, (207) 287-4959, joe.higgins@maine.gov

CHAPTER 9: Rules for Snowmobile Capital Equipment Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 937, 13104-4

PURPOSE: Establish the Bureau's Snowmobile Capital Equipment Grant in Aid Program and its associated Capital Equipment Fund, identify the application and scoring process for qualified snowmobile clubs or political subdivisions and to define the terms and the conditions of these Grants.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2023 and is anticipated to be completed in the fall of 2024.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Joe Higgins, 22 SHS Augusta, ME 04333, (207) 287-4959, joe.higgins@maine.gov

CHAPTER 15: Rules for General ATV Trail Guidance. ATV Trail Program Insurance

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's process to provide for the wise and orderly management of ATVs and the funding allocated to individual clubs.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2023 and is anticipated to be completed in the spring/summer of 2024.

AFFECTED PARTIES: ATV clubs, political subdivisions and landowners.

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958, Brian.N.Bronson@maine.gov

CHAPTER 18: Rules for ATV Municipal Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's Grants-in-Aid Program, identify the procedures for making grants-in-aid to political subdivisions for the construction and/or maintenance of ATV trails.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2023 and is anticipated to be completed in the spring/summer of 2024.

AFFECTED PARTIES: ATV clubs and political subdivisions
CONCENSUS –BASED RULE DEVELOPMENT: Contemplated
CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958,
Brian.N.Bronson@maine.gov

CHAPTER 160: Rules for ATV Club Trail Maintenance Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's process that qualified ATV clubs use to apply for grants, and the terms and the conditions of these grants.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2023 and is anticipated to be completed in the spring/summer of 2024.

AFFECTED PARTIES: ATV clubs and political subdivisions

CONCENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958,
Brian.N.Bronson@maine.gov

CHAPTER 53: Submerged Land Rules

STATUTORY AUTHORITY: 12 MRS §§ 1801, 1803, and 1862

PURPOSE: These rules need to be amended to establish updated definitions, procedures and application fees.

ANTICIPATED SCHEDULE: Completed by Spring of 2024.

AFFECTED PARTIES: Users of coastal waters and publicly owned submerged lands.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: John Noll, 22 SHS Augusta, ME 04333, (207) 287-4919,
john.noll@maine.gov

CHAPTER 54: Rules for Bear Baiting on Public Lands

STATUTORY AUTHORITY: 12 MRS §1802

PURPOSE: May amend the rules to allow for a periodic review of permit fees and/or a standard price inflator; and may amend the rules regarding penalties to allow for an appeal process. Administrative details of the application process will be updated along with provisions for locating and managing bait sites on the ground. The full scope of the rules will be considered with staff and public input for needed updates.

SCHEDULE FOR ADOPTION: The rule making process will begin in January of 2024 and is anticipated to be completed in the summer of 2024.

AFFECTED PARTIES: Individual and Commercial Bear Hunters

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Jim Vogel, 22 SHS, Augusta ME 04333, (207) 841-3427,
jim.vogel@maine.gov

New Rule Chapter (# to be assigned): Rules for Determining a Substantial Alteration of Use Pursuant to 12 MRS 598-C

STATUTORY AUTHORITY: 12 MRS, Chapter 202-D §598-C

PURPOSE: Adopt rules to establish an objective evaluation process for determining if a proposed activity on land designated under this chapter and under the jurisdiction of the bureau would cause the land to be reduced or the uses of the land to be substantially altered.

ANTICIPATED SCHEDULE: The rulemaking process will begin in fall/winter of 2023 and is anticipated to be completed in the Summer of 2024

AFFECTED PARTIES: Users and advocates for public land.

CONSENSUS-BASED RULE DEVELOPMENT: Not-contemplated; rules are major-substantive.

CONTACT PERSON: Andy Cutko, State House Station 22, Augusta ME 04333. 207-592-4149, andy.cutko@maine.gov

01-672

AGENCY UMBRELLA - UNIT NUMBER: **01-672**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Land Use Planning Commission**

CONTACT PERSON: Timothy Beaucage, 22 SHS, Augusta, Maine 04333, (207) 931-6974, timothy.beaucage@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 10: Land Use Districts and Standards, NRPA-related Changes

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to improve resource protection in LUPC jurisdiction consistent with that provided under the Natural Resource Protection Act in organized areas of the state, as required by the NRPA statute.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2024 adopt amendments by July 2024; submit for legislative review during January 2025.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stacy Benjamin, 22 State House Station, Augusta, ME 04333-0022; 207-441-3761, stacy.benjamin@maine.gov

CHAPTER 10: Land Use Districts and Standards, Miscellaneous Changes

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Chapter 10 rules establish land use subdistricts and land use standards for lands within the unorganized and de-organized areas of the state. They need to be updated periodically to address issues which become obvious through experience gained from applying current rules, as well as to correct errors, ensure consistency with recently enacted legislation, update references as appropriate, and make other changes to Chapter 10. Examples of changes to be considered include updating standards governing nonconformity, updating road and road crossing standards, updating clearing standards, updating water withdrawal standards, updating the recreational lodging rules as more experience is gained in applying them, updating language regarding mining, updating standards to address marijuana law changes, improving consistency in terminology, adding areas to the list of DACSS, changing the terminology for bridge reconstruction and certain other development in flood prone areas, and updating standards for lighting.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2024; adopt amendments by July 2024; submit for legislative review during January 2025.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov

CHAPTER 10: Land Use Districts and Standards, New Standards for Certain Development Activities

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to address current research, policy concepts, and new standards for small and mid-sized solar energy generation facilities, short-term rentals, accessory dwelling units, accessory structures, dark skies, and water withdrawals.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2024; adopt amendments by July 2024; submit for legislative review during January 2025.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ben Godsoe, 22 State House Station, Augusta, ME 04333-0022; 207-592-6429; Benjamin.Godsoe@maine.gov

CHAPTER 10: Land Use Districts and Standards, Climate Change Related Updates, Including Standards for Activities in Flood Prone Areas

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be reviewed and updated to address the recommendations of “Maine Won’t Wait, a Four-year Plan for Climate Action” released in December 2020 by the Maine Climate Council. In particular, rules need to be promulgated to revise standards for development in flood prone areas in accordance with the National Flood Insurance Program and consistent, where possible, with changes to standards adopted in the organized areas of the state.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2024; adopt amendments by July 2024; submit for legislative review during January 2025.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Carr, 22 State House Station, Augusta, ME 04333-0022; 207-287-4930, Tim.Carr@maine.gov

CHAPTER 2: Definitions

STATUTORY BASIS: 12 MRS §§ 685-A(3) and 685-C(5)

PURPOSE: Chapter 2 establishes definitions pertinent to the Commission’s land use regulations. This rule needs to be updated periodically to address issues which become obvious through experience gained from applying current rules, as well as to correct errors, ensure consistency with recently enacted legislation, update references as appropriate, and make other changes to Chapter 2.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2024; adopt amendments by July 2024.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated/not warranted.

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov.

CHAPTER 4: Rules of Practice, Miscellaneous Changes

STATUTORY BASIS: 12 MRS §684 and §685-C(5)

PURPOSE: Chapter 4 establishes rules of procedure pertinent to the Commission’s zoning and permitting processes. Periodic updates to this rule are warranted to address issues that become obvious through experience gained from applying current rules, as

well as to correct errors, update references as appropriate, and make other revisions to the Commission's procedures.

SCHEDULE FOR ADOPTION: Issue proposed amendments by April 2024; Consideration of comments received and possible adoption in August 2024.

AFFECTED PARTIES: The proposed changes could affect all individuals proposing development in the unorganized and deorganized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov

CHAPTER 15: Guidelines for Private Roads or Ways in Management Districts, Possible Repeal

STATUTORY BASIS: 12 MRS §684 and §685-C(5)

PURPOSE: Chapter 15 contains standards for the construction and maintenance of private roads in management districts. However, Chapter 10 of the Commission's rules, Land Use Districts and Standards, includes sufficient standards for all roads, including situations addressed by Chapter 15.

SCHEDULE FOR ADOPTION: Issue proposed repeal by April 2024; Consideration of comments received and possible repeal in August 2024.

AFFECTED PARTIES: None

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov

01-677 (most of 01-001 will be moved to this unit)

AGENCY UMBRELLA - UNIT NUMBER: **01-677**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Bureau of Agriculture, Food and Rural Resources**

CONTACT PERSON: Craig Lapine, 28 SHS, Augusta, Maine 04333, (207) 557-1623, Craig.Lapine@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

Rules relocated to Agriculture from the former State Planning Office

01-672

AGENCY UMBRELLA-UNIT: **01-672**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning, Municipal Planning Assistance Program [OLD: 07-105 State Planning Office]**

CONTACT PERSON: Judith East, 106 Hogan Road, Bangor, Maine 04333, (207) 592-1724, judith.c.east@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

CHAPTER 208: COMPREHENSIVE PLAN REVIEW CRITERIA RULE

STATUTORY AUTHORITY: 30-A MRS §§ §4347-A(1) - (5)

PURPOSE: Rules governing the submission requirements and criteria by which the Municipal Planning Assistance Program reviews comprehensive plans for consistency with the Growth Management Law. Changes will address streamlining the submission process, restructuring Comprehensive Plan data requirements while supporting a robust analysis of development trends, and improving public input processes.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2024; adopt amendments by November 2024

AFFECTED PARTIES: Municipalities, Regional Planning Organizations, and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Anticipated subject to available staff/funds for facilitation.

CONTACT PERSON: Judith East, 106 Hogan Road, Bangor, Maine 04333, (207) 592-1724, judith.c.east@maine.gov

Chapter 220: METHODOLOGY FOR IDENTIFICATION OF REGIONAL SERVICE CENTERS

STATUTORY AUTHORITY: 30-A MRS §§4301, sub-§14-A, §§4315, §§4326 (3) N.

PURPOSE: This rule specifies the information and methods the department will use to identify municipalities and, under certain circumstances, parts of municipalities that serve as regional service centers and are thus identified as service center communities. Changes will address data availability and accuracy, adjust the update timeframe, and describe the methodology of periodic updates.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2024; adopt amendments by November 2024

AFFECTED PARTIES: Municipalities, Regional Planning Organizations, Economic Development Organizations, and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Judith East, 106 Hogan Road, Bangor, Maine 04333, (207) 592-1724, judith.c.east@maine.gov

01-683

AGENCY UMBRELLA - UNIT NUMBER: **01-683**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Land for Maine's Future Program**

CONTACT PERSON: Stephen Walker, 22 SHS, Augusta, Maine 04333, (207) 592-0934, Stephen.s.walker@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

**CHAPTER XX: Rules Governing Land for Maine’s Future Program Grant
Administration**

STATUTORY AUTHORITY: Sec. 5. 5 MRS §6203-A, sub-§2

PURPOSE: Adopt rules governing the awarding of grants to Designated State Agencies and cooperating entities by the Land for Maine’s Future Program.

SCHEDULE FOR ADOPTION: Prior to December, 2024.

AFFECTED PARTIES: Applicants for land acquisition funds and supporting funds for access improvements and stewardship.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Stephen Walker, 19 Elkins Lane, Augusta, Maine 04333, (207) 592-0934, stephen.s.walker@maine.gov

02-031
MAINE BUREAU OF INSURANCE
Amended Regulatory Agenda
August, 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-031**

AGENCY NAME: **Department of Professional and Financial Regulation, Bureau of Insurance**

RULEMAKING LIAISON: Benjamin Yardley, Senior Staff Attorney, 34 State House Station, Augusta, ME 04333-0034. Tel: (207) 624-8537. E-mail: Benjamin.Yardley@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

EXPECTED 2022-2023 RULEMAKING ACTIVITY:

Health Insurance:

New Rule: Chapter 820, Explanation of Benefits

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 4303(13)

PURPOSE: to establish the minimum information and standards for explanation of benefits forms used by carriers that offer health plans in Maine

SCHEDULE FOR ADOPTION: Winter 2023

AFFECTED PARTIES: health insurers

Amended Rule: Ch. 851, Clear Choice Designs for Individual and Small Group Health Plans

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2793

PURPOSE: to revise the process for developing health plan cost share designs for individual and, as applicable, small group health plans to conform to amendments to 24-A M.R.S. § 2793 by P.L. 2021, c. 361 § 3 (L.D. 1725, *An Act To Clarify the Deferral of the Pooled Market and Link Small Employer Clear Choice to Pooling in the Made for Maine Health Coverage Act*), and to make technical changes related to implementation issues observed during the Clear Choice program's first year.

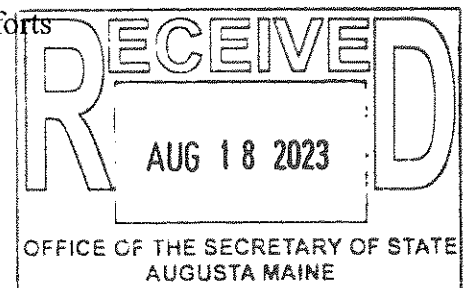
ANTICIPATED SCHEDULE: Fall 2022

AFFECTED PARTIES: individuals and small businesses buying health insurance, health insurance carriers

Amended Rule: Chapter 945, Annual Report Supplement for Health Insurers

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 423-D

PURPOSE: to coordinate with the recently developed Supplemental Exhibit filed with Annual Statements as part of the Affordable Care Act data collection efforts



SCHEDULE FOR ADOPTION: Spring 2023

AFFECTED PARTIES: health insurers

Financial Regulation of Insurers:

Amended Rule: Chapter 180, Insurance Holding Company System Model Rule with Reporting Forms and Instructions

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 222

PURPOSE: to implement amendments to the Maine Insurance Holding Company Act, 24-A M.R.S. § 222, enacted by P.L. 2021, ch. 521. These changes are based on amendments to the NAIC Insurance Holding Company System Model Rule (Model # 450) adopted in 2020 and 2021, addressing the Group Capital Calculation and the continuity of essential services provided by affiliates.

SCHEDULE FOR ADOPTION: Winter 2023

AFFECTED PARTIES: Maine domestic insurers and their controlling persons

New Rule: Requirements for Eligibility to Operate a Multiple Employer Welfare Arrangement

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 6616

PURPOSE: to establish standards and procedures for employers to follow to establish and maintain eligibility to operate a multiple employer welfare arrangement in Maine

SCHEDULE FOR ADOPTION: Spring 2023

AFFECTED PARTIES: self-insured employers and stop-loss insurers

Property and Casualty Insurance:

Amended Rule: Chapter 250, Requirements of Eligibility to Self-Insure Workers' Compensation Benefits

STATUTORY BASIS: 24-A M.R.S. § 212 and 39-A M.R.S. § 403

PURPOSE: to update standards and procedures for employers to establish and maintain eligibility to self-insure their Maine workers' compensation risks

SCHEDULE FOR ADOPTION: Spring 2023

AFFECTED PARTIES: employers self-insured for workers' compensation

New Rule: Chapter 255, Requirements for Workers' Compensation Fronting Companies

STATUTORY BASIS: 24-A M.R.S. § 212 AND 39-A M.R.S. § 403(4-B)

PURPOSE: to provide through major substantive rulemaking standards for the formation of a domestic fronting company formed under 39-A M.R.S. § 403(4-B)

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: employer members of group self-insurer

02-031
MAINE BUREAU OF INSURANCE
Amended Regulatory Agenda
August 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-031**

AGENCY NAME: **Department of Professional and Financial Regulation, Bureau of Insurance**

RULEMAKING LIAISON: Hancock Fenton, Licensing Attorney, 34 State House Station, Augusta, ME 04333-0034. Tel: (207) 624-8429. E-mail: hancock.g.fenton@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

EXPECTED 2022-2023 RULEMAKING ACTIVITY:

Financial Regulation of Insurers:

New Rule: Requirements for Eligibility to Operate a Multiple Employer Welfare Arrangement

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 6616

PURPOSE: to establish standards and procedures for employers to follow to establish and maintain eligibility to operate a multiple employer welfare arrangement in Maine

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: self-insured employers and stop-loss insurers

Property and Casualty Insurance:

Amended Rule: Chapter 250, Requirements of Eligibility to Self-Insure Workers' Compensation Benefits

STATUTORY BASIS: 24-A M.R.S. § 212 and 39-A M.R.S. § 403

PURPOSE: to update standards and procedures for employers to establish and maintain eligibility to self-insure their Maine workers' compensation risks

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: employers self-insured for workers' compensation

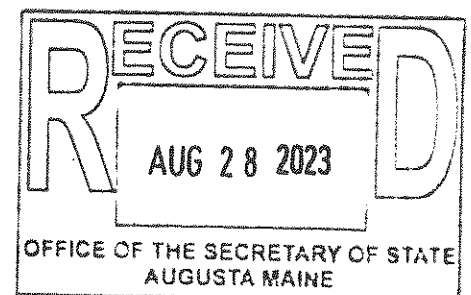
New Rule: Chapter 255, Requirements for Workers' Compensation Fronting Companies

STATUTORY BASIS: 24-A M.R.S. § 212 AND 39-A M.R.S. § 403(4-B)

PURPOSE: to provide through major substantive rulemaking standards for the formation of a domestic fronting company formed under 39-A M.R.S. § 403(4-B)

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: employer members of group self-insurer



Health Insurance:

New Rule: Chapter 865, Standards for Fertility Coverage

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 4320-U

PURPOSE: to implement the fertility care coverage requirements of 24-A M.R.S. § 4320-U

SCHEDULE FOR ADOPTION: Summer 2023

AFFECTED PARTIES: health insurers

Amended Rule: Chapter 945, Annual Report Supplement for Health Insurers

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 423-D

PURPOSE: to coordinate with the recently developed Supplemental Exhibit filed with Annual Statements as part of the Affordable Care Act data collection efforts

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: health insurers

02-031
MAINE BUREAU OF INSURANCE
Amended Regulatory Agenda
August 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-031**

AGENCY NAME: **Department of Professional and Financial Regulation, Bureau of Insurance**

RULEMAKING LIAISON: Hancock Fenton, Licensing Attorney, 34 State House Station, Augusta, ME 04333-0034. Tel: (207) 624-8429. E-mail: hancock.g.fenton@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

EXPECTED 2022-2023 RULEMAKING ACTIVITY:

Financial Regulation of Insurers:

New Rule: Requirements for Eligibility to Operate a Multiple Employer Welfare Arrangement

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 6616

PURPOSE: to establish standards and procedures for employers to follow to establish and maintain eligibility to operate a multiple employer welfare arrangement in Maine

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: self-insured employers and stop-loss insurers

Property and Casualty Insurance:

Amended Rule: Chapter 250, Requirements of Eligibility to Self-Insure Workers' Compensation Benefits

STATUTORY BASIS: 24-A M.R.S. § 212 and 39-A M.R.S. § 403

PURPOSE: to update standards and procedures for employers to establish and maintain eligibility to self-insure their Maine workers' compensation risks

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: employers self-insured for workers' compensation

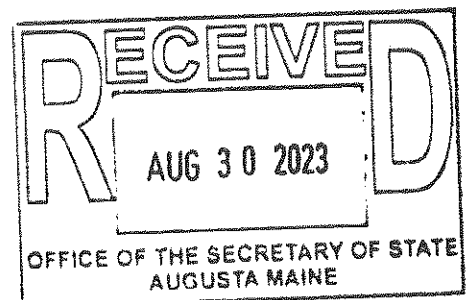
New Rule: Chapter 255, Requirements for Workers' Compensation Fronting Companies

STATUTORY BASIS: 24-A M.R.S. § 212 AND 39-A M.R.S. § 403(4-B)

PURPOSE: to provide through major substantive rulemaking standards for the formation of a domestic fronting company formed under 39-A M.R.S. § 403(4-B)

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: employer members of group self-insurer



Health Insurance:

New Rule: Chapter 865, Standards for Fertility Coverage

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 4320-U

PURPOSE: to implement the fertility care coverage requirements of 24-A M.R.S. § 4320-U

SCHEDULE FOR ADOPTION: Summer 2023

AFFECTED PARTIES: health insurers

Amended Rule: Chapter 945, Annual Report Supplement for Health Insurers

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 423-D

PURPOSE: to coordinate with the recently developed Supplemental Exhibit filed with Annual Statements as part of the Affordable Care Act data collection efforts

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: health insurers

02-392
MAINE BOARD OF PHARMACY
2023 - 2024 Regulatory Agenda -Amended 04/30/2024

AGENCY UMBRELLA-UNIT NUMBER: **02-392**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Maine Board of Pharmacy**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY: Several new laws passed by the 130th Legislature will require the Board to adopt new rules and review current rules for updates. They include:

- *P.L. 2023, c. 115* – Adopt new rules for training related to pharmacists prescribing, dispensing, and administering contraceptives that reflects evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.
- *P.L. 2023, c. 245* – Amend chapter 7 rules to include training and licensing requirements for vaccine administration authorization by pharmacy technicians and other updates to this chapter as may be necessary.
- *P.L. 2021, c. 167 and P.L. 2021, c. 642* – Review and update current rules on licensure for credentialed individuals from other jurisdictions.
- *P.L. 2021, c. 348* – Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired.”
- *P.L. 2021, c. 291* – Adopt new rules to implement law authorizing telehealth services within the scope of practice of the licensee’s license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.
- *P.L. 2021, c. 289* – Update reporting timeline consistent with current and new laws.
- *P.L. 2021, c. 20* – Establish protocols for notifying practitioners when emergency refills of insulin are dispensed.
- *P.L. 2021, c. 265* – Establish standards for authorizing pharmacists to prescribe, dispense and administer HIV prevention drugs, adequate training requirements and protocols for when there is no prescription drug order, standing order or collaborative practice agreement.
- *P.L. 2021, c. 271* – Establish the criteria for one-time board approval of the plan for the administration of drugs by intramuscular or subcutaneous injection by an authorized pharmacist. The Board may review the qualifications and requirements for pharmacists on drug administration to ensure that it meets administration needs for intramuscular and subcutaneous drugs.
- *P.L. 2021, c. 84* – Review and update current continuing professional education requirements to reflect that a pharmacist who does not administer drugs and immunizations is not required to complete 2 hours of continuing professional education in drug administration.
- *P.L. 2021, c. 303* – The Board may adopt rules to implement the Insulin Safety Net Program and insulin product registration pursuant to 32 M.R.S. § 13800-D, sub-§2.

- *P.L. 2021, c. 566* – The Board may adopt rules on dispensing an emergency supply of chronic maintenance drugs, which may include determining what constitutes a chronic maintenance drug and what reporting procedures are necessary in dispensing an emergency supply of a chronic maintenance drug.

The Board may:

- Complete an all-chapters comprehensive review of its rules to update, streamline, and eliminate unnecessary rules, which may include, but is not limited to licensing of pharmacist, pharmacy intern and pharmacy technician and all company/entity licensing, practice requirements, reporting requirements of entities and to ensure that rules are compliant with current laws and practice standards, and provide clarification of certain rules as necessary. Consider pharmacist-in-charge duties and responsibilities for the operation of a licensed pharmacy with and without a PIC, operational decisions of a pharmacy, pharmacy hours of operation, unscheduled changes in pharmacy hours, closing and notifications, pharmacy technician, pharmacy intern and pharmacist practice and responsibilities.
- Consider repealing Rule Chapter 36 Licensure of Opioid Treatment Programs upon consideration that these treatment programs are regulated federally by Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS) and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services.
- Review and update rules as authorized by law on the prescribing, dispensing, administration and reporting of drugs and immunizations to data repository systems and/or health care providers. Review and update as may be necessary training for board-certification, supervision, and continuing professional education.
- Consider remote prescription delivery systems and pharmacy practice to the extent permitted by law.
- Review all current federal and state regulations and good practice guidelines adopted by reference for updates and may consider related federal regulations based on practice need determination, including sterile and nonsterile compounding.
- Review rules throughout for updates to the term “habitual substance abuse” to “habitual substance use” pursuant to P.L. 2018, c. 407.
- Amend recently adopted rules for the sale of nonprescription drugs through vending machines, compounding drugs for veterinary office use, and for the operation of a vaccine administration clinics and treatment protocols for any updates or omissions.
- Consider rules for purposes of registration of manufacturers that produce opioids and opioid product registration and may be necessary for requirements under P.L. 2019, c. 536 to improve accountability of opioid manufacturers.
- Consider recommendations to pharmacies on use of 2-dimensional machine-scannable barcode that can be read by use of electronic devices for storing information to better assist individuals with reading impairments or directing or leading a user to additional prescription drug use and information.
- Review and update rules related to the Drug Supply Chain Security Act (DSCSA) Implementation and Readiness Efforts for 2023. This may include reviewing rules related to manufacturing, wholesale distributors, and pharmaceutical distribution supply chains, including third-party logistic providers for purposes of identifying and tracing certain prescription drugs as the drugs are distributed throughout the country and protect the public from exposure to drugs that may be counterfeit, diverted, stolen, intentionally adulterated or harmful.

- Review collaborative drug therapy management rules for updates or adjustments. The comprehensive review of all chapters will update, consolidate, streamline, and eliminate unnecessary rules and to ensure the rules are consistent with current rulemaking authorization granted by the Maine Legislature.

CHAPTER 1: Definitions

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Advisory Rulings

STATUTORY BASIS: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Applicability of Rules to Unregistered Facilities

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(D), 13723

PURPOSE: This chapter provides for the applicability of the board's rules to the facilities identified in 32 M.R.S. §13721(1)(D). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Licensure of Pharmacists

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13723, 13732, 13733, 13734

PURPOSE: This chapter sets forth the application procedure for persons applying for licensure as a pharmacist. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4-A: Administration of Drugs and Immunizations

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13831, 13832, 13833, 13834(1), 13835

PURPOSE: This chapter sets forth minimum requirements for treatment protocols, administration and recordkeeping requirements, and standards for the operation of drug administration clinics. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Continuing Pharmacy Education

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13735

PURPOSE: This chapter implements the requirement in 32 M.R.S. § 13735 that each pharmacist complete 15 hours of continuing pharmacy education annually as a condition of license renewal. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Pharmacy Student Internship Programs *(Repealed)*

CHAPTER 6-A: Pharmacy Student Internship Programs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(G), 13723, 13732(3), 13834(1)

PURPOSE: This chapter sets forth requirements of the pharmacy student internship required for licensure by Chapter 4, Section 1(4)(B) of the board's rules. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Licensure and Employment of Pharmacy Technicians

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(I)(H), 13723

PURPOSE: This chapter sets forth the qualifications, permissible duties and supervision responsibilities of the pharmacist in charge with respect to licensed pharmacy technicians. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Licensure of Retail Drug Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth licensure requirements for retail drug outlets. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Registration of Rural Health Centers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13762, 13763, 13764

PURPOSE: This chapter sets forth registration requirements for rural health centers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Registration of Free Clinics

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for free clinics. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Registration of Mail Order Prescription Pharmacies and Licensure of Mail Order Contact Lens Suppliers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13721(2), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for mail order prescription pharmacies and license requirements for mail order contact lens suppliers. This chapter also contains enforcement provisions unique to these two types of drug outlet. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Licensure of Manufacturers and Wholesalers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13758

PURPOSE: This chapter sets forth license requirements for wholesalers, also known as wholesale pharmacies or wholesale drug distributors, and manufacturers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Operation of Retail Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751

PURPOSE: This chapter sets forth operation requirements for retail pharmacies licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Pharmacy Services at Rural Health Centers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13762, 13763, 13764

PURPOSE: This chapter sets forth requirements for the pharmacy services provided by rural health centers licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 15: Operation of Free Clinics

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements for the operation of free clinics licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 16: Operation of Wholesalers and Manufacturers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751(3), 13758

PURPOSE: This chapter sets forth operational requirements for wholesale drug distributors, including wholesalers and manufacturers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 17: Operation of Nuclear Drug Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter incorporates by reference rules of the Maine Radiation Control Program applicable to nuclear drug outlets. The board may review this chapter for conformance with statutes and rules and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 18: Sterile Pharmaceuticals (*Repealed*)

CHAPTER 19: Receipt and Handling of Prescription Drug Orders

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781, 13785, 13786-A, 13794, 13795

PURPOSE: This chapter sets forth requirements for creating, transmitting, filling and transferring prescription drug orders. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 20: Automated Pharmacy Systems

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for automated pharmacy systems. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 20-A: Self-Service Customer Kiosks

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for self-service customer kiosks. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Retail pharmacists, retail pharmacies, and members of the public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 21: Central Prescription Processing

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784, 13785, 13794

PURPOSE: This chapter sets forth requirements for central prescription processing. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 22: Sale of Schedule V Controlled Substances

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(E), 13723

PURPOSE: This chapter sets forth requirements for the sale of Schedule V controlled substances. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 23: Accounting for Prescription Drugs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements relating to maintenance of a perpetual inventory, disposal of drugs, and reporting the loss of controlled substances. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 24: Retention of Records by Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723(7), 13785

PURPOSE: This chapter sets forth record retention requirements for pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 25: Patient Counseling

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784

PURPOSE: This chapter sets forth the pharmacist's obligation to counsel patients. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 26: Generic Substitutions

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781

PURPOSE: This chapter defines and outlines the use of generic and therapeutically equivalent drugs by pharmacists. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 27: Possession and Administration of Noncontrolled Prescription Drugs by Nurses

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13810

PURPOSE: This chapter defines the conditions under which nurses can possess and administer noncontrolled prescription drugs. This chapter, including the chapter title, will be amended to include new rules on the possession, dispensing and administration of certain noncontrolled drugs and substances to certified midwives.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 28: Enforcement and Disciplinary Procedures

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741

PURPOSE: This chapter sets forth a licensee's right to appeal certain board actions and specifies the enforcement and disciplinary procedures used by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 29: Violations of State or Federal Law or Rule; Other Standards

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)

PURPOSE: This chapter recognizes certain state and federal statutes and rules and certain chapters of the U.S. Pharmacopeia as having established standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 30: Unprofessional Conduct

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)

PURPOSE: This chapter establishes standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 31: Practice of Fraud or Deceit

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741, 13742(2)(A)

PURPOSE: For purposes of 32 M.R.S. § 13742(2)(A), the practice of fraud or deceit includes, but is not limited to, the conduct described in this chapter. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 32: Issuance of Citations

STATUTORY BASIS: 10 M.R.S. § 8003-E; 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723

PURPOSE: This chapter lists the violations for which a citation may be issued, describes the licensee's right to request a hearing, and describes the time and manner in which the fine must be paid or a hearing requested. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 33: Access to Certain Medications by Certified Midwives

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13722, 13723, 13811, 13812

PURPOSE: This chapter implements P.L. 2007, c. 669 by: (a) regulating the sale of certain noncontrolled drugs and substances to certified midwives, (b) regulating the purchase and administration of certain noncontrolled drugs and substances by certified midwives, and (c) requiring certified midwives to record and report their purchase and administration of certain noncontrolled drugs and substances.

This chapter will be repealed as a result of Public Law 2015, Chapter 502, which repealed 32 M.R.S. §§ 13811 and 13812, the statutory references for this rule.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 34: Licensure of Retail Suppliers of Medical Oxygen

STATUTORY BASIS: 22 M.R.S. §§ 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter establishes a limited type of retail pharmacy license for retail suppliers of medical oxygen. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Retail suppliers of medical oxygen and prescription devices

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 35: Licensure of Extended Hospital Pharmacies

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of extended hospital pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, residents of long-term care facilities that are wholly owned by the hospital in which the extended hospital pharmacy is located.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 36: Licensure of Opioid Treatment Programs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of opioid treatment programs. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 37: Licensure of Sterile Compounding Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of sterile compounding pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 38: Licensure of Closed-Shop Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of closed-shop pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, residents of long-term care facilities and other institutions

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 39: Collaborative Drug Therapy Management (a joint rule with 02-373, Board of Licensure in Medicine (Ch. 5))

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13846

PURPOSE: This chapter is a joint rule between the Board of Licensure in Medicine and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a practitioner. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees of the Maine Boards of Pharmacy and Medicine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 39-A: Collaborative Drug Therapy Management (a joint rule with 02-380, Board of Nursing)

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13846

PURPOSE: This chapter is a joint rule between the Board of Nursing and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a nurse practitioner.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees of the Maine Boards of Pharmacy and Nursing.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 40: Authorization, Training and Procedures for Prescribing and Dispensing Naloxone Hydrochloride

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13815

PURPOSE: This chapter establishes procedures and standards for authorizing pharmacists to prescribe and dispense naloxone hydrochloride ("Naloxone HCl") and training requirements and protocols for prescribing and dispensing naloxone hydrochloride.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 41 (New-Contemplated): Sale of Nonprescription Drugs Through Vending Machine Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13751, 13792(2)

PURPOSE: This chapter sets forth requirements for licensing, management and safe operation of vending machine outlets.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 42 (New-Contemplated): Compounding Drugs For Veterinarian Office Use

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13722(1)(B-2)

PURPOSE: This chapter establishes the terms and conditions for compounding drugs for veterinarian office use. In accordance with Public Law 2021 Chapter 289, section 15, this rule will be developed in consultation with the Maine State Board of Veterinary Medicine.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

06-096 DEPARTMENT OF ENVIRONMENTAL PROTECTION

AMENDMENT for the 2023 - 2024 Regulatory Agenda

CONTACT PERSON:

Mark Margerum
17 SHS
Augusta ME 04333
Mark.T.Margerum@Maine.gov

CHAPTER: 127-A, Advanced Clean Cars II Program

STATUTORY AUTHORITY: 38 M.R.S. §§ 576-A, 585, 585-A, 585-D

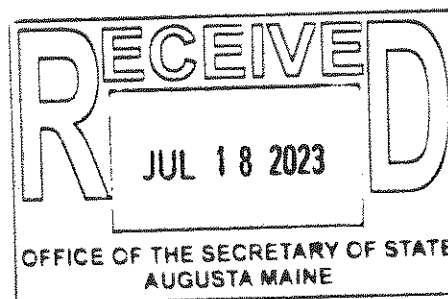
PURPOSE: On May 23, 2023, the Department received a citizen petition to initiate rulemaking pursuant to 5 M.R.S. § 8055. The petition proposes to promulgate a new rule establishing a program to reduce emissions from new passenger cars, light-duty trucks, and medium-duty vehicles by incorporating the requirements of the California Advanced Clean Cars II regulations, beginning with model year 2027.

PUBLIC HEARING: August 17, 2023, 9:00 a.m., Augusta Civic Center

AFFECTED PARTIES: Dealers and manufacturers, as defined in the rule, of affected new vehicles including most passenger cars, light-duty trucks, and medium-duty vehicles offered for sale or lease, imported, delivered, or purchased in Maine.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes X No

Although manufacturers of affected on-road vehicles may satisfy federal air emission control requirements using zero-emission vehicle technology, federal regulations do not establish specific sales mandates for these vehicles.



06-096 DEPARTMENT OF ENVIRONMENTAL PROTECTION

AMENDMENT for the 2023 - 2023 Regulatory Agenda

CONTACT PERSON:

Mark Margerum
17 SHS
Augusta ME 04333
Mark.T.Margerum@Maine.gov

CHAPTER: 128, Advanced Clean Trucks Program

STATUTORY AUTHORITY: 38 M.R.S. §§ 576-A, 585, 585-A, 585-D

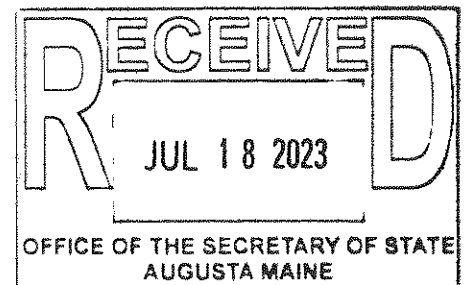
PURPOSE: On May 23, 2023, the Department received a citizen petition to initiate rulemaking pursuant to 5 M.R.S. § 8055. The petition proposes to promulgate a new rule establishing a program to reduce emissions from on-road vehicles over 8,500 pounds gross vehicle weight rating (GVWR) by incorporating the requirements of the California Advanced Clean Trucks regulation and is intended to accelerate sales of zero-emission vehicles over 8,500 pounds GVWR.

PUBLIC HEARING: August 17, 2023, 9:00 a.m., Augusta Civic Center

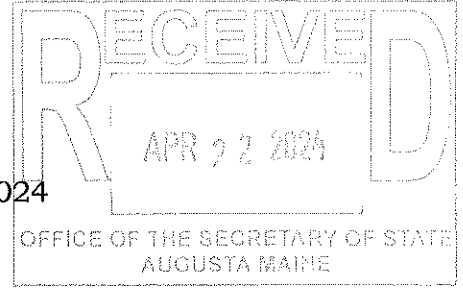
AFFECTED PARTIES: Manufacturers, as defined in the rule, of on-road vehicles greater than 8,500 pounds GVWR manufactured in or after model year 2025 and registered, leased, rented, delivered for sale, or sold in Maine on or after January 1, 2027.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes X No

Although manufacturers of on-road vehicles greater than 8,500 pounds GVWR may satisfy federal air emission control requirements using zero-emission vehicle technology, federal regulations do not establish specific sales mandates for these vehicles.



SCANNED



12
DEPARTMENT OF LABOR
Regulatory Agenda 2023-2024
October 1, 2023 to September 30, 2024
Revised April 22, 2024

Rulemaking Liaison: Isaac Gingras, Workforce Development Program Coordinator, Department of Labor, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 530-0069. Email: Isaac.H.Gingras@Maine.gov .

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AGENCY UMBRELLA-UNIT NUMBER: **12-150**

AGENCY NAME: **Bureau of Rehabilitation Services Blind and Visually Impaired Division**

CONTACT PERSON: Brenda Drummond, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7954.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 15: Rules Governing the Business Enterprise Program

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1418 F

PURPOSE: The rules govern the procedures and standards for the licensing of blind persons as vending facility managers by the Division for the Blind and Visually Impaired. Modifications would reflect changes and clarifications related to definitions, training requirements, and participation by managers.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Blind or visually impaired persons eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 101: Vocational Rehabilitation Services for Individuals who are Blind

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1418 A-E

PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who are blind or visually impaired in achieving an employment outcome. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act and guidance from the Rehabilitation Services Administration.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Blind or visually impaired persons eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 105: Independent Living Services for Individuals Who Are Blind or Visually Impaired Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1414

PURPOSE: The rules govern the delivery of independent living services for persons who are blind or visually impaired to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Blind or visually impaired persons eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-152**

AGENCY NAME: **Bureau of Rehabilitation Services, Vocational Rehabilitation Division**

CONTACT PERSON: Libby Stone-Sterling, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7943.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 1: Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1411 A-E

PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who have a physical or mental disability in achieving an employment outcome. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act and guidance from the Rehabilitation Services Administration.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Persons with disabilities eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 5: Brain Injury Extended Support Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19, Subchapter 2, Article 1

PURPOSE: The rules govern the delivery of ongoing support services for persons who have completed the vocational rehabilitation program and are successfully employed. Modifications would clarify the appeals process.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Persons with brain injuries who have completed the vocational rehabilitation services program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 6: Basic Extended Support Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19, Subchapter 2, Article 1

PURPOSE: The rules govern the delivery of ongoing support services for persons who have completed the vocational rehabilitation program and are successfully employed. Modifications would clarify the appeals process.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Persons with disabilities who have completed the vocational rehabilitation services program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 7: Independent Living Services Program Policy Manual

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1411

PURPOSE: The rules govern the delivery of independent living services for persons to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Persons with disabilities eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12 Rules for the Communication Equipment Fund Program for People with Disabilities

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19 §1419

PURPOSE: The rules govern the provision of funds for purchase, lease, upgrading, installation, maintenance and repair of specialized customer telecommunication equipment for persons with disabilities or equipment that provides or assists in providing emergency alert notification to deaf or hard of hearing persons. Modifications would reflect changes in Title 26 M.R.S., Chapter 19 §1419.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Persons with disabilities eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-168**

AGENCY NAME: **Department of Labor - General**

CONTACT PERSON: Isaac Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov .

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

CHAPTER 10: Rules Governing Job Training Partnership Act Programs (JTPA) Grievance Procedures
STATUTORY AUTHORITY: Title 26 M.R.S. §2012 and §2015-A (Repealed)
PURPOSE: This rule has been repealed by operation of law, as the statutory authority has been repealed.
ANTICIPATED SCHEDULE: September 30, 2024
AFFECTED PARTIES: None
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 11: Maine Enterprise Option Program
STATUTORY AUTHORITY: Title 26 M.R.S. §1197
PURPOSE: To make rule revisions that may be needed to clarify procedures and requirements under the Maine Enterprise Option (MEO) program.
ANTICIPATED SCHEDULE: By September 30, 2024.
AFFECTED PARTIES: Any person who is participating in the MEO Program.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

CHAPTER 50: Non-Discrimination Policy and Grievance Procedure
STATUTORY AUTHORITY: Title 5 M.R.S. §4551
PURPOSE: To outline the nondiscrimination policy as well as the process of filing a grievance with the State Accessibility Coordinator.
ANTICIPATED SCHEDULE: By September 30, 2024.
AFFECTED PARTIES: Persons with a disability.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

AGENCY UMBRELLA-UNIT NUMBER: **12-170**
AGENCY NAME: **Bureau of Labor Standards**

AGENCY RULEMAKING LIAISON: Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

CHAPTER 3: Rules Governing Administration of the Maine Wage Assurance Fund
STATUTORY AUTHORITY: Title 26 M.R.S. §632

PURPOSE: The rules ensure consistent and fair administration of the Maine Wage Assurance Fund, 26 M.R.S., Section 632, which was established by the Legislature to make payment of up to two weeks of earned wages owed an employee by an insolvent employer unable to make payment.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov.

CHAPTER 6: Rules Governing Sanitary Conditions on Certain Railroad Property

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 351-354

PURPOSE: The purpose of these rules is to provide reasonable sanitation standards in areas of railroad employment not covered by Federal or other State agencies.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@maine.gov.

CHAPTER 7: Rules Relating to Substance Abuse Testing

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 681-690

PURPOSE: The rules outline certain responsibilities for employers who choose to implement a workplace substance abuse testing program. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 8: Workplace Health and Safety Program for Employers with Modification Rate of 2 or More

STATUTORY AUTHORITY: Title 39 M.R.S. § 401(5).

PURPOSE: These rules establish standards for occupational health and safety programs required of employers with a workers' compensation insurance modification rate of two or more, pursuant to Title 39 M.R.S. Section 21-A, Subsection 4 as enacted by 1991 Public Law Chapter 615, Section A-22. Effective January 1, 1993, the authority for these rules will be transferred to Title 39-A Section 401, Subsection 5, as provided in 1991 Public Law Chapter 885.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations

STATUTORY AUTHORITY: Title 26 M.R.S. Chapter 7 and Chapter 15

PURPOSE: The purpose of this chapter is to provide procedural guidance regarding the assessment of administrative civil money penalties for labor law violations. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

CHAPTER 10: Rules Governing Employment Leave for Victims of Violence

STATUTORY AUTHORITY: Title 26 M.R.S. §850

PURPOSE: Defines terms in the law and clarifies the applicable work and legal situations. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Workers affected by violence and their employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

CHAPTER 11: Rules Governing Hazardous Occupations for Minors under the Age of Eighteen in Non-Agricultural Employment

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 771-786

PURPOSE: Establishes a comprehensive list of occupations found to be hazardous and, therefore, unsuitable for the employment of minors. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

CHAPTER 12: Rules Relating to Equal Pay

STATUTORY AUTHORITY: Title 26 M.R.S. §628 and 628-A

PURPOSE: The purpose of these rules is to clarify employee protections ensuring an employer not discriminate between employees within the same establishment based on gender by paying wages to any employee in any occupation at a rate less than the rate paid to an employee of the opposite gender for comparable work on jobs with comparable requirements related to skill, effort, and responsibility. Proposed changes intend to make additions necessary to ensure consistency with new statutory prohibition about compensation history of prospective employees.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

CHAPTER 13: Rules Governing the Establishment and Use of Fair Minimum Wage Rates on State Construction Projects

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1304 - 1315

PURPOSE: Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov.

CHAPTER 15: Rules Related to Severance Pay

STATUTORY AUTHORITY: Title 26 M.R.S. §625-b

PURPOSE: Establishes specific procedures and guidelines for eligibility for and payment of severance pay upon termination or relocation of a major employer. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2024

AFFECTED PARTIES: Employers of 100 or more workers and their employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@maine.gov.

CHAPTER 16: Rules Governing Definitions for Executive, Administrative, and Professional Exemptions from Minimum Wage and Overtime

STATUTORY AUTHORITY: Title 26 M.R.S. §663(K)

PURPOSE: Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2024

AFFECTED PARTIES: Employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov.

CHAPTER 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment

STATUTORY AUTHORITY: Title 26 M.R.S. §872

PURPOSE: Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2024

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov.

Chapter 18: Rules Regarding Earned Paid Time Off

STATUTORY AUTHORITY: Title 26 M.R.S. §637

PURPOSE: Rules outline the administration of Maine's earned paid time off statute.

ANTICIPATED SCHEDULE: September 30, 2024

AFFECTED PARTIES: Employers with 11 or more employees and workers in those businesses.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

Chapter 19: Rules Regarding Apprenticeship in Energy Facility Construction

STATUTORY AUTHORITY: Title 26 M.R.S. §3501-3502

PURPOSE: Establish procedures for review of apprentices on certain projects.

ANTICIPATED SCHEDULE: September 30, 2024

AFFECTED PARTIES: Employers creating a Generation facility that has an installed capacity of 2 megawatts or more, other than a facility located on the customer side of an electric meter.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

NEW RULE – Chapter XX: Rules Relating to Assessment of Interest and Penalties for Non-payment under the Safety Education and Training Fund (SETF) (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §61

PURPOSE: To establish procedures to determine when, how and against whom penalties and interest will be assessed for non-payment of bills under the SETF.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: The Workers' Compensation insurance carriers and self-insureds and any employer who receives services from the SETF.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov .

NEW RULE – Chapter XX: Rules Regarding Employment Practices (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §42

PURPOSE: Establishes procedures and standards for the application of the minimum wage, overtime and other employment practices.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

NEW RULE – Chapter XX: Rules Governing the Confidentiality of Data & Information Collected by the Bureau (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §42

PURPOSE: Establish procedures and standards for the publication and release of information covered by the confidentiality law (26 M.R.S. §3).

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Bureau staff
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150,
(207) 623-7916, Steven.L.Greeley@Maine.gov .

NEW RULE – Chapter XX: Rules Regarding Access to Leave under the Care for Families Act (Proposed)
STATUTORY AUTHORITY: Title 26 M.R.S. §636
PURPOSE: Establish procedures for the submission and investigations of complaints.
ANTICIPATED SCHEDULE: September 30, 2024
AFFECTED PARTIES: Employers offering paid leave and their employees.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150,
(207) 623-7925, Scott.R.Cotnoir@Maine.gov .

NEW RULE – Chapter XX: Rules Regarding Wage Theft (Proposed)
STATUTORY AUTHORITY: Title 26 M.R.S. §639
PURPOSE: Establish procedures for the submission and investigations of complaints.
ANTICIPATED SCHEDULE: September 30, 2024
AFFECTED PARTIES: Employers.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150,
(207) 623-7925, Scott.R.Cotnoir@Maine.gov .

NEW RULE – Chapter XX: Rules Regarding Record Keeping Requirements
STATUTORY AUTHORITY: Title 26 M.R.S. §665
PURPOSE: Establish procedures for keeping accurate and true records of the hours worked by each employee and of the wages paid.
ANTICIPATED SCHEDULE: September 30, 2024
AFFECTED PARTIES: Employers.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150,
(207) 623-7925, Scott.R.Cotnoir@Maine.gov .

New Rule - Chapter XX: Rules Regarding Labor Standards in Wind Energy
STATUTORY AUTHORITY: Title 26 M.R.S. §42 and Title 35-A MRS 3408(3).
PURPOSE: Clarifies community and workforce enhancement standards in wind energy including defining the Maine emerging industry compensation threshold.
ANTICIPATED SCHEDULE: September 30, 2024
AFFECTED PARTIES: Employers building offshore wind energy facilities and labor organizations.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150,
(207) 623-7925, Scott.R.Cotnoir@Maine.gov .

AGENCY UMBRELLA-UNIT NUMBER: 12-172
AGENCY NAME: **Bureau of Unemployment Compensation**¹

CONTACT PERSON: Laura Boyett, Director, Bureau of Unemployment Compensation, Maine Department of Labor, 54 State House Station Augusta, ME 04333-0054 Laura.Boyett@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

PURPOSE: To revise or adopt definitions to help clarify statutory requirements pertaining to the administration of the Unemployment Insurance Program and/or to ensure consistency between rules and statutory revisions or additions.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 2: Employer Notices, Records, Contributions and Reimbursement Payments and Reports

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1043 (19), 1082, 1221

PURPOSE: To revise or update the rule as needed to ensure consistency with existing statutory requirements, and to implement new standards pertaining to SUTA dumping.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 3: Unemployment Benefits, Intrastate

STATUTORY AUTHORITY: Title 26 M.R.S. §1192

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 4: Unemployment Benefits, Interstate

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

¹ Pursuant to P.L. 456 (L.D. 1564), rule-making authority has been moved from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation.

CHAPTER 5: Rule of Practice Governing Adjudicatory Proceedings

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082, 1194 and 1226

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

CHAPTER 6: Seasonal Industry Program

STATUTORY AUTHORITY: Title 26 M.R.S. §1251

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 7: Advisory Rulings

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

PURPOSE: To update guidelines as needed to ensure consistent application of current statutes.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 8: Payments for Dependents

STATUTORY AUTHORITY: Title 26 M.R.S. §1191(6)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 9: Able and Available Requirements

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10: Work Search Requirements

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 11: Deputy Determinations

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082, 1192 and 1194
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12: Unemployment Compensation for Former Federal Civilian Employees (UCFE)

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 13: Unemployment Compensation for Ex-Service Members (UCX)

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 14: Educational Institutional Employees

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 15: Benefit Payments to Athletes

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 16: Benefit Payments to Aliens

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 17: Voluntary Leaving

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082, 1192 and 1194

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 18: Discharge

STATUTORY AUTHORITY: Title 26 M.R.S. §1082
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 19: Other Remuneration

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To provide and/or revise definitions for other remuneration and to clarify the procedure for allocating other remuneration to particular periods, and to update guidelines as needed to ensure consistent application of current and or revised statutes.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 20: Unemployment Fraud or Misrepresentation by Claimants

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 21: Pension Payments

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To revise the rule to be consistent with legislation passed eliminating the benefit offset for Social Security and similar pension payments.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 22: Extended Benefits

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 23: Dislocated Worker Benefits

STATUTORY AUTHORITY: Title 26 M.R.S. §1196

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 24: Approved Training

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 1082 and 1192
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 25: Employee Leasing Companies

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 26: Waivers

STATUTORY AUTHORITY: Title 26 M.R.S. §1082(2)
PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.
ANTICIPATED SCHEDULE: By September 30, 2024
AFFECTED PARTIES: Maine employers and employees
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

NEW RULE -- CHAPTER XX: Work-Share Rules

STATUTORY AUTHORITY: 26 M.R.S. §1198
PURPOSE: To implement rules outlining procedures and requirements for the Maine Work-Share Program.
ANTICIPATED SCHEDULE: By September 30, 2024.
AFFECTED PARTIES: Maine employers who apply for the program and employees of those employers.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-179**

AGENCY NAME: **Occupational Safety and Health Board**

AGENCY RULEMAKING LIAISON: Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov .

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

CHAPTER 1: Procedural Rule

STATUTORY AUTHORITY: Title 26 M.R.S. Chapter 6 §565

PURPOSE: These rules describe the Occupational Safety & Health Board Procedural Rules for notices, hearings, records, subpoena powers, decisions, officers and rulings.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 2: Occupational Safety and Health Standards for General Employment in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 3: Occupational Safety and Health Standards for Construction Employment in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 4: Occupational Safety and Health Standards for Firefighting in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 2101-2107

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for firefighters in the public sector.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 5: Occupational Safety and Health Standards for Public Safety Diving

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: These rules establish standards and procedures to protect public safety divers from the hazards of diving.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045,
(207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 6: Recording Occupational Injuries and Illnesses in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes rules for the recording of occupational injuries and illnesses by public sector employers. These rules closely conform to the standards set by the U.S. Department of Labor, which apply to private sector employers, by using the Federal forms and general procedures.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045,
(207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 7: Minimum Driver Training Requirements for Fire Apparatus

STATUTORY AUTHORITY: Title 26 M.R.S. §2107

PURPOSE: These rules identify the minimum job performance requirements for career and volunteer fire fighters who drive fire apparatus in order to reduce accidents, injuries and loss of fire equipment.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045,
(207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 8: Occupational Safety and Health Standards for

Whistleblower/Discrimination in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards to prohibit discrimination against public employee(s) reporting unsafe and unhealthful working conditions. (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045,
(207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 9: Occupational Safety and Health Standards for Issuing Variances in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards for application, review and issuance of variance(s) that ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045,
(207) 623-7916, Steven.L.Greeley@Maine.gov.

CHAPTER 10: Occupational Safety and Health Standards for Consultation Guidelines in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards outlining consultation guidelines for public employers/employees. (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, Steven.L.Greeley@Maine.gov.

AGENCY UMBRELLA-UNIT NUMBER: **12-180**

AGENCY NAME: **Maine Labor Relations Board**

CONTACT PERSON: Henry Fouts, Board Counsel, 90 State House Station, Augusta, ME 04333-0090. Tel: (207) 287-2015.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 10: General Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules define certain terms used throughout the rules of the Maine Labor Relations Board and contain other rules of general application. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 11: Bargaining Unit Composition and Representation Matters

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules establish procedures concerning petitions to create, modify, or merge bargaining units, petitions to hold bargaining agent elections, hearings on unit composition issues, bargaining agent certification and decertification and appeals on representation matters. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of

Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12: Prohibited Practice Complaints; Interpretive Rulings

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules govern the filing of prohibited practice complaints, responding to a complaint, the prehearing conference, the adjudicatory hearing and the issuance of decisions and orders by the Board. They also govern requests for interpretive rulings from the Board. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 13: Resolution of Contract Negotiation Disputes

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 9-A, §968

PURPOSE: The rules establish procedures governing mediation, fact-finding and arbitration. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Employers, employees, employee organizations or bargaining agents as defined in the Municipal Public Employees Labor Relations Law, 26 M.R.S. §962, the State Employees Labor Relations Act, 26 M.R.S. §979-C, the University of Maine System Labor Relations Act, 26 M.R.S. §1027 or the Judicial Employees Labor Relations Act, 26 M.R.S. §1284.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA UNIT: **12-181**

AGENCY NAME: **Maine Standing Committee on Apprenticeship**

AGENCY RULE-MAKING LIAISON: Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 1: Rules Relating to Labor Standards for Registration of Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 M.R.S. §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Joan Dolan, 55 State House Station, Augusta, ME 04333, (207) 623-7987, Joan.m.Dolan@Maine.gov.

CHAPTER 2: Rules Relating to Labor Standards for Equal Opportunity for Employment of Women and Minorities in Registered Apprenticeship Programs in the State of Maine
STATUTORY AUTHORITY: Title 26 M.R.S. §3205

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Melissa Harvey, 55 State House Station, Augusta, ME 04333, (207) 623-7987, Melissa.Harvey@Maine.gov.

CHAPTER 3: Rules Relating to Labor Standards for Registration of Pre-Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 M.R.S. §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Joan Dolan, 55 State House Station, Augusta, ME 04333, (207) 623-7987, Joan.m.Dolan@Maine.gov.

AGENCY UMBRELLA UNIT: **12-186**

AGENCY NAME: **State Board of Arbitration and Conciliation**

CONTACT PERSON: Neil Daly, Executive Director, State Board of Arbitration and Conciliation, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287 2015. Fax: (207) 287-4416. TTY or TDD: (207) 287-4330.

Email: Neil.Daly@Maine.gov.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

CHAPTER 1: General Rules

STATUTORY AUTHORITY: Title 26 M.R.S. §931

PURPOSE: The rules define certain terms used throughout the rules of the State Board of Arbitration and Conciliation and contain other rules of general application. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Parties who have agreed to utilize the Board's services as a board of inquiry or a board of conciliation in the private sector, as a fact-finding panel in the public sector, or as a board of arbitration in either the public or private sector.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 3: Logging Dispute Resolution Board

STATUTORY AUTHORITY: Title 26 M.R.S., §931

PURPOSE: The rules govern the procedures of the Logging Dispute Resolution Board ("Board"), as established in chapter 47 of Title 26 of the Maine Revised Statutes ("the Act"). The Board may hear and decide disputes between a forest products harvester and forest landowner related to wage violations, payout amounts, contract violations or disputes related to hiring, in accordance with the Act and these rules. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Forest products harvesters and forest landowners, as defined by 26 M.R.S. §3701.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA UNIT: **12-597**

AGENCY NAME: **Bureau of Employment Services**

AGENCY RULE-MAKING LIAISON: Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 1: Rules Governing Implementation of the Trade Adjustment Assistance Program

STATUTORY AUTHORITY: Title 26 M.R.S. §2051

PURPOSE: To update the state TAA rules to match the recent changes to the *Federal Trade Adjustment Assistance Act* (TAA). The TAA program is federally funded providing wage subsidy, training, job search and relocation assistance to customers covered under approved petitions.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: TAA eligible customers and CareerCenter staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Judy Pelletier, 55 State House Station, Augusta, ME 04333, ,
judith.a.pelletier@maine.gov.

CHAPTER 2: Rules Governing the Competitive Skills Scholarship Program

STATUTORY AUTHORITY: Title 26 M.R.S. §2033

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements. The Competitive Skills Scholarship Program is intended to provide individuals with access to education, training, and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Lisa Haskell, 55 State House Station, Augusta, ME 04333,
Lisa.A.Haskell@maine.gov.

NEW UNIT

AGENCY UMBRELLA UNIT: **12-XXX**

AGENCY NAME: **State Workforce Board (Joint Rules with Maine Department of Education)**

AGENCY RULE-MAKING LIAISON: Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

NEW RULE – Chapter XX: Rules Regarding the *Workforce Innovation and Opportunity Act* (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. §2006

PURPOSE: Make adjustments to the rules regarding the *Workforce Innovation and Opportunity Act* to align with Maine's current involvement in the program.

ANTICIPATED SCHEDULE: By September 30, 2024

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Isaac H. Gingras, 120 State House Station, Augusta, ME 04333,
Isaac.h.gingras@maine.gov.

NEW UNIT

AGENCY UMBRELLA UNIT: **12-XXX**

AGENCY NAME: **Paid Family and Medical Leave Program**

AGENCY RULE-MAKING LIAISON: Isaac H. Gingras, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 626-6232. Email: Isaac.H.Gingras@Maine.gov.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

NEW RULE – Chapter XX: Rules Regarding Paid Family and Medical Leave (Proposed)

STATUTORY AUTHORITY: Title 26 M.R.S. § 850 Q

PURPOSE: Establish rules regarding paid family medical leave, including contributions and benefits.

ANTICIPATED SCHEDULE: By May 2024

AFFECTED PARTIES: Employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Reginald Parson, 50 State House Station, Augusta, ME 04333, reginald.parson@maine.gov.

AGENCY UMBRELLA UNIT: 16-163

AGENCY NAME: Department of Public Safety, Bureau of Emergency Medical Services (Maine EMS)

CONTACT PERSON: Jason J. Cooney, 152 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3864. E-mail: jason.j.cooney@maine.gov.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2023-2024 RULE-MAKING ACTIVITY:

CHAPTER 1: Mission and Goals of the Maine EMS System

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To ensure that the mission and goals of Maine EMS and the Maine EMS System are consistent with applicable statutes and system philosophy.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All current licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel, (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Definitions

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To ensure consistency with and provide clarification to all chapters of the Maine EMS Rules.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel, (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Ground Ambulance Service and Non-Transporting Service Licenses

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §86, 32 M.R.S. Chapter 2-B §87, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To amend the approval process for EMS service licenses; adopt rules regarding online licensing and administrative functions; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement; adopt or amend rules pertaining to the operations of a licensed EMS service; adopt or amend rules pertaining to run reporting; amend or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal EMS service licenses; adopt or amend rules regarding license levels and response; adopt or amend rules regarding prioritized response; and adopt or amend rules concerning Paramedic Inter-Facility Transfers (PIFT) and Inter-Facility Transfers (IFT).

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3-A: Emergency Medical Dispatch (EMD) Center Licenses

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85-A.2, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To amend the approval process for EMD Center Licensing; adopt or amend rules regarding online licensing and administrative functions; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement; adopt or amend rules pertaining to the operations of a licensed EMD Center; amend or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal EMD Center Licenses; and adopt or amend rules concerning prioritized dispatch.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMD Centers (n=28) and licensed EMD personnel (n=551).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Air Ambulance Service Licenses

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §86, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To amend rules pertaining to air ambulance services; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement for air ambulance licensees; adopt rules regarding online licensing and administrative functions; adopt or amend rules pertaining to the operations of a licensed EMS air ambulance service; and amend or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal air ambulance service licenses.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273) and licensed EMS clinicians (n=5,951).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Personnel Licenses

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85, 32 M.R.S. Chapter 2-B §88.2.B, 32 M.R.S. Chapter 2-B §90-B, 32 M.R.S. Chapter 2-B §90-C

PURPOSE: To amend requirements for obtaining and maintaining an individual EMS license; amend rules regarding licensing for individuals with previous criminal or professional-license action records; adopt rules regarding online licensing and administrative functions; amend or adopt rules concerning continuing education requirements for licensure; change requirements regarding medical control of EMS licensees; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement for EMS licensees; amend, adopt or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal individual EMS licenses; adopt or amend rules pertaining to the scope of practice of a licensed EMS clinician; adopt or amend rules regarding the

practice of EMS patient care in nontraditional settings; and adopt or amend rules regarding Paramedic Inter-Facility Transfers (PIFT).

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273) and licensed EMS clinicians (n=5,951).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5-A: Emergency Medical Dispatcher Licenses

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85-A.2, 32 M.R.S. Chapter 2-B §88.2.B, 32 M.R.S. Chapter 2-B §90-B, 32 M.R.S. Chapter 2-B §90-C

PURPOSE: To amend requirements for obtaining and maintaining an individual Emergency Medical Dispatcher (EMD) license; amend rules regarding licensing for individuals with previous criminal or professional-license action records; adopt or amend rules regarding online licensing and administrative functions; change requirements regarding protocols and medical direction of EMD licensees; adopt and/or amend requirements pertaining to Quality Assurance/Quality Improvement for EMD licensees; amend, adopt or clarify rules regarding the process, terms and fees associated with the issuance of new and renewal individual EMD licenses; and adopt or amend rules pertaining to the scope of practice of a licensed EMD provider.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMD Centers (n=28) and licensed EMD personnel (n=551).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5-B: Emergency Medical Services Ambulance Operator Licenses

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85-B.1, 32 M.R.S. Chapter 2-B §85-B.6, 32 M.R.S. Chapter 2-B §88.2.B, 32 M.R.S. Chapter 2-B §90-B, 32 M.R.S. Chapter 2-B §90-C

PURPOSE: To amend or adopt rules governing qualifications for and standards to be observed by, Emergency Medical Services Ambulance Operators related to: licensing requirements, education, continuing education requirements, the approval of and promulgation of standards for training programs leading to licensure, and that establish requirements for holding a valid state driver's license.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Advanced Life Support Drugs and Medications

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To amend or adopt, and/or clarify rules regarding the acquisition, storage, use, disposal, and accountability of medications used by EMS clinicians and licensed services.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273) and licensed EMS clinicians (n=5,951).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: State Licensure Examinations

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B, 32 M.R.S. Chapter 2-B §88.2.D

PURPOSE: To amend and clarify rules regarding EMS license examinations consistent with system needs and philosophy.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), and authorized Training Centers (n=9).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Training Courses and Continuing Education Programs Used for Licensure

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85.4, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To adopt, amend or clarify rules regarding the delivery of EMS education

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed Instructor Coordinators (n=301), and authorized Training Centers (n=9).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8-A: Training Centers

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.D

PURPOSE: To adopt or amend rules regarding the approval, licensure, renewal, and authorization procedures for Training Centers and to adopt or amend Rules regarding the requirements, standards, operation, and procedures of Maine EMS-authorized Training Centers.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed Instructor Coordinators (n=301), and authorized Training Centers (n=9).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9: Instructor Coordinator Licenses

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.D

PURPOSE: To adopt or amend rules regarding EMS Instructor Coordinator licensing.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed Instructor Coordinators (n=301), and authorized Training centers (n=9).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9-A: Emergency Medical Dispatch Training, Instructors and Continuing Education Programs

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85-A.2

PURPOSE: To adopt or amend rules regarding Emergency Medical Dispatcher Training, Instructors and continuing education programs.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMD Centers (n=28) and licensed EMD personnel (n=551).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 10: Reciprocity

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85.3, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To adopt or amend rules regarding requirements for reciprocal licensing of EMS providers or services.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273) and licensed EMS clinicians (n=5,951).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 11: Standards and Procedures for Refusing to Issue or Renew a License and for Modifying, Suspending or Revoking a License

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To adopt, amend and clarify rules regarding the standards and procedures for refusing to issue, or renew, a license, and for modifying, suspending, or revoking a license or certification, or authorization

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMD Centers (n=28), licensed EMS clinicians (n=5,951), licensed EMD personnel (n=551), Instructor Coordinators (n=301), and authorized Training Centers (n=9).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 12: Procedures for Licensing Actions and Board Actions

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B, 5 M.R.S. Chapter 375 §8051

PURPOSE: To adopt or amend rules establishing the process by which

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMD Centers (n=28), licensed EMS clinicians (n=5,951), licensed EMD personnel (n=551), authorized Training centers (n=9), and licensed Instructor Coordinators (n=301).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 13: Waiver of Rules

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B,

PURPOSE: To adopt or amend rules regarding waiver by the Board of EMS of any rule.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMD Centers (n=28), licensed EMS clinicians (n=5,951), licensed EMD personnel (n=551), authorized Training Centers (n=9), and licensed Instructor Coordinators (n=301).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 14: Sexual Misconduct

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B.

PURPOSE: To adopt or amend rules regarding sexual misconduct by EMS licensees and certificates.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 15: Maine EMS Regions and Regional Councils

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B § 88.2.B, 32 M.R.S. Chapter 2-B, §89.

PURPOSE: To adopt or amend rules regarding: the number of EMS regions and regional councils; the definition, structure, designation, area and responsibilities of EMS regions and regional councils; service affiliation with regions and regional councils; and Medical Control and regional medical direction and regional medical directors.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), and licensed EMS clinicians (n=5,951), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 16: Death Benefits for Emergency Medical Services Persons Who Die in the Line of Duty

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 25 M.R.S. Chapter 195-A §1612.8

PURPOSE: To adopt or amend rules regarding death benefits for emergency medical services persons.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273) and licensed EMS clinicians (n=5,951).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 17: Equipment Lists for Maine EMS Services and Regional EMS Radio Frequencies

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §87, 32 M.R.S. Chapter 2-B §88.2.B

PURPOSE: To adopt or amend rules regarding minimum equipment requirements for EMS services and regional EMS radio frequencies.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273) and licensed EMS clinicians (n=5,951).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 18: Quality Assurance / Quality Improvement

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.J
PURPOSE: To adopt or amend rules regarding the Maine EMS Quality Assurance / Quality Improvement System.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 19: Community Paramedicine

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §84.4, 32 M.R.S. Chapter 2-B §85.2

PURPOSE: To amend the rule to incorporate a scope of practice and formulary for Community Paramedicine, define terms within the enabling statute, and to promulgate rules establishing levels of licensure and qualifications for ALS clinicians.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), all Regions (n=6) and Community Paramedicine Designations (n=18).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 21: Immunization Requirements

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1

PURPOSE: To amend or adopt rules regarding required immunizations for EMS Clinicians

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 22: Emergency Medical Services Data

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.K, 32 M.R.S. Chapter 2-B §95, 32 M.R.S. Chapter 2-B §96.5

PURPOSE: To promulgate rules regarding monitoring and improving the provision of emergency medical services and health outcomes within the State of Maine.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 23: Automated External Defibrillator Registry

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §88-C

PURPOSE: The director may accept grants, funds, equipment and services to establish, operate and maintain the registry of publicly accessible automated external defibrillators. The department shall adopt rules regarding information collected for, maintained by and released by the registry. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 24: Implementing the Maine EMS Stabilization Program (EMERGENCY)

STATUTORY AUTHORITY: 32 M.R.S. §84.1, 32 M.R.S. §98

PURPOSE: The Board of EMS is proposing this rule to implement the provisions of 32 M.R.S. §89 regarding financial assistance to emergency medical services entities at immediate risk of failing and leaving their communities without access to adequate emergency medical services. This rule is being adopted in response to an emergency, specifically that the expedient adoption of this rule, which would provide for the disbursement of funds to stabilize and continue the essential services of EMS entities within the State of Maine at immediate risk of failure, is necessary to avoid a disruption of those essential services.

SCHEDULE FOR ADOPTION: Prior to December 31, 2023

LISTING OF AFFECTED PARTIES: All licensed ground EMS transporting and nontransporting services (n=266)

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER TBD: Community Grant Program

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §97

PURPOSE: The purpose of the program is to provide financial assistance to communities that plan to examine or are examining the provision of emergency medical services through a process of informed community self-determination and are considering a new, financially stable structure for delivering emergency medical services that provides high-quality services effectively and efficiently.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER TBD: Cost Reporting

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §88.2.L

PURPOSE: To establish a program for collecting and reporting cost and performance metrics related to emergency medical treatment services, including ambulance services

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER TBD: EMS Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B,
PURPOSE: To promulgate rules regarding an EMS Code of Ethics. Adoption of a professional standard.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER TBD: Emergency Medical Services for Children

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B
PURPOSE: Purpose: To improve the emergency medical care of patients under the age of 18 years.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER TBD: Emergency Vehicle Crash Reporting

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B
PURPOSE: To better track and assess emergency vehicle accidents and related injuries.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER TBD: Sentinel Event Reporting

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B
PURPOSE: To better track and assess incidence of sentinel type events in the EMS system.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551),

authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter TBD: Pilot Programs

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §88.2.B,
PURPOSE: To adopt, consolidate, and amend rules regarding pilot projects authorized by the Board, establish requirements for participant application, and establish and define reporting requirements for pilot program participants to the Board.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER TBD: Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. Chapter 2-B §84.1, 32 M.R.S. Chapter 2-B §85.1, 32 M.R.S. Chapter 2-B §85.2, 32 M.R.S. Chapter 2-B §88.2.B.

PURPOSE: To adopt rules establishing and defining the scope of practice for EMS clinicians, community paramedicine clinicians, and interfacility transport clinicians, licensed by the Board of Emergency Medical Services.

SCHEDULE FOR ADOPTION: Prior to December 31, 2024

LISTING OF AFFECTED PARTIES: All licensed EMS services (n=273), licensed EMS clinicians (n=5,951), licensed EMD Centers (n=28), licensed EMD personnel (n=551), authorized Training Centers (n=9), licensed Instructor Coordinators (n=301), and all Regions (n=6).

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

17-387
MAINE PILOTAGE COMMISSION
Regulatory Agenda
August 2024

AGENCY UMBRELLA-UNIT NUMBER: **17-387**

AGENCY NAME: **Maine Pilotage Commission**

RULEMAKING LIAISON: Brian J. Downey, Maine Pilotage Commission, 16 State House Station, Augusta, ME 04333-0016. Tel: (207) 899-7123. E-mail: brian.downey@marinecs.com

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA DUE DATE:
None

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated

EXPECTED 2023-2024 RULEMAKING ACTIVITY:

New Rule: Chapter 2, Pilotage Rates

STATUTORY BASIS: 38 M.R.S. § 90(1)(B)

PURPOSE: To codify pilotage rates within the Maine Pilotage Rules.

SCHEDULE FOR ADOPTION: Fall 2024

AFFECTED PARTIES: Customers of Maine State Pilots

CONTACT PERSON: Brian J. Downey, Maine Pilotage Commission, 16 State House Station, Augusta, ME 04333-0016. Tel: (207) 899-7123. E-mail: brian.downey@marinecs.com

Note: this regulatory agenda is submitted as an amendment pursuant to 5 M.R.S. §§ 8060 and 8064