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**Department of Agriculture, Conservation and Forestry**

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

**2023-2024 Regulatory Agenda**

**Prepared:  
July 8, 2023**

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**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**

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**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](mailto: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](mailto: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](mailto:beth.valentine@maine.gov)

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**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](mailto:Craig.Lapine@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULEMAKING ACTIVITY:**

**NEW RULE CHAPTER (# to be assigned): Rules to implement the Emergency Food Assistance Program Fund**

STATUTORY AUTHORITY: Sec. 1. 12 MRSA §5018.

PURPOSE: 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](mailto:craig.lapine@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](mailto: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](mailto:Nancy.mcbrady@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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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  
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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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:celeste.poulin@maine.gov)

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**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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:julie-marie.bickford@maine.gov)

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**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](mailto:shane.bacon@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTERS 1, 3, 7 and 9/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 October 1, 2024.  
AFFECTED PARTIES: Harness horse 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](mailto:shane.bacon@maine.gov)

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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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Megan.L.Patterson@maine.gov)

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**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](mailto: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](mailto: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](mailto:miles.greenleaf@maine.gov)

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**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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:robby.gross@maine.gov)

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**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](mailto: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

CONCENSUS –BASED RULE DEVELOPMENT: Not Contemplated

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

CONCENSUS –BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Mark Deroche, 106 Hogan Rd., Ste. 7, 4<sup>th</sup> Floor., Bangor, ME 04401, (207) 941-4014, [mark.deroche@maine.gov](mailto: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](mailto:ron.hunt@maine.gov)

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**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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:john.noll@maine.gov)

**CHAPTER 54: Rules for Bear Baiting on Public Lands**

STATUTORY AUTHORITY: 12 MRS ss 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.

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

AFFECTED PARTIES: Individual and Commercial Bear Hunters

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Sarah Spencer, 650 State St., Bangor, ME, 04401, (207) 592-1039, [sarah.m.spencer@maine.gov](mailto:sarah.m.spencer@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](mailto:andy.cutko@maine.gov)

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**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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:timothy.beaucage@maine.gov)

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**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](mailto:Craig.Lapine@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

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**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](mailto: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](mailto: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](mailto:judith.c.east@maine.gov)

**02-380**  
**MAINE STATE BOARD OF NURSING**  
2023-2024 Regulatory Agenda  
October 1, 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-380**  
AGENCY NAME: **Maine State Board of Nursing**

**RULEMAKING LIASION:** Jessica A. Richardson MSN, RN, FNP-C,  
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**CONTACT PERSON:** Kim Esquibel, PhD, MSN, RN, Executive Director,  
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Email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 3:** Rules Relating to General Requirements Relating to Licensure  
STATUTORY AUTHORITY: 32 M.R.S. §2153-A(1)

PURPOSE: This chapter explains the procedure for change of name and/or address;  
policy and procedure in regard to a lost license; and verification of Maine licensure to  
another state or country. Proposed revisions to this chapter include ensuring rules  
conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C,  
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04333-0137. Telephone: (207) 287-1147. Email: [Jessica.A.Richardson@maine.gov](mailto:Jessica.A.Richardson@maine.gov)

**CHAPTER 4:** Rules Relating to Disciplinary Action and Violations of Law

STATUTORY AUTHORITY: 32 M.R.S. §§ 2105-A, 2153-A(1)

PURPOSE: This chapter lists the legal grounds for action against a license; explains the  
procedure for initiating disciplinary action; describes disciplinary proceedings and  
sanctions; states the authority of the Administrative Court, following a formal hearing, to  
revoke or suspend a licensee; lists the violations of law over which the District Court and  
the Superior Court shall have jurisdiction for prosecution; and defines unprofessional  
conduct. Proposed revisions to this chapter include amending disciplinary process by  
further defining fraud and deceit and addressing multi-state licensure.

SCHEDULE FOR ADOPTION: Anticipated completion 2024.

AFFECTED PARTIES: Licensed Nurses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director,  
158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email:  
[Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

**CHAPTER 5:** Regulations Relating to Training Programs and Delegation by Registered Professional Nurses of Selected Nursing Tasks to Certified Nursing Assistants

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102, 2104 and 2153-A(1)

PURPOSE: This chapter defines delegation; states the responsibilities of a registered professional nurse in delegating selected nursing tasks to certified nursing assistants; sets forth the requirements relating to training programs; and states the criteria for listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS. Proposed revisions to this chapter include ensuring rules conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Licensed Nurses, Certified Nursing Assistants-Medication

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: [Jessica.A.Richardson@maine.gov](mailto:Jessica.A.Richardson@maine.gov)

**CHAPTER 6:** Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102(2)(H), 2153-A(1)

PURPOSE: This chapter sets forth regulations governing coordination and oversight by registered professional nurses of patient care services provided by unlicensed health care assistive personnel. Proposed revisions to this chapter include ensuring rules conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Licensed Nurses, Unlicensed Assistive Personnel

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: [Jessica.A.Richardson@maine.gov](mailto:Jessica.A.Richardson@maine.gov)

**CHAPTER 7:** Standards for Educational Programs in Nursing

STATUTORY AUTHORITY: 32 M.R.S. §§ 2104(1)(B), 2153-A(1)

PURPOSE: This chapter serves as a basic guide to the minimum legal requirements for approval of educational programs in nursing by the Board of Nursing; provides information and guidance for administrators and faculty, and for all persons concerned with the establishment, development and implementation of educational programs in nursing; and provides criteria for self-appraisal by faculty and serves as a basis for continued program improvement. Proposed revisions to this chapter are to ensure rules conform to requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Nursing Education Programs

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director,  
158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email:  
[Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

**CHAPTER 8: Rules Relating to Advanced Practice Registered Nursing**

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210, 2211(4)

PURPOSE: This chapter identifies the role of a registered professional nurse in advanced practice registered nursing; implements the Board's authority to approve the credentials for practice as a certified nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, and certified clinical nurse specialist; delineates the scope of practice; implements the Board's authority to grant prescriptive authority, clarifies the 24 months supervision requirement for new nurse practitioners, outlines the continuing education requirement for advanced practice registered nurses, and clarifies the treatment and prescribing of medications to family members. Proposed revisions to this chapter include: including the definition of "practice category," clarification of supervision requirements for certified nurse practitioners; and updating the requirement of evidence of an active RN license throughout licensure as an advanced practice registered nurse.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Advanced Practice Registered Nurses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: [Jessica.A.Richardson@maine.gov](mailto:Jessica.A.Richardson@maine.gov)

**CHAPTER 10: Regulations Relating to Administration of Intravenous Therapy by Licensed Nurses**

STATUTORY AUTHORITY: 32 M.R.S. §2153-A(1); 32 M.R.S. §2102(2)(C)

PURPOSE: This chapter identifies the roles of licensed nurses in the administration of intravenous therapy. It also includes the approved course outlines for the administration of intravenous therapy by the licensed practical nurse, who works with the adult and/or pediatric patient. The Board may propose changes to this chapter to include clarifying and updating standards of current practice in intravenous therapy to ensure rules conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Licensed Nurses; Facilities hiring licensed practical nurses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: [Jessica.A.Richardson@maine.gov](mailto:Jessica.A.Richardson@maine.gov)

**CHAPTER 11: Telehealth Standards of Practice**

STATUTORY AUTHORITY: 32 M.R.S. §2266

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Licensure in Medicine to establish standards for using telehealth in providing health care. Proposed revisions to this chapter are to ensure rules conform to requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; [kim.esquibel@maine.gov](mailto:kim.esquibel@maine.gov)

**CHAPTER 12:** Joint Rule Regarding Office Based Medication-Assisted Treatment of Opioid Addiction with Buprenorphine

STATUTORY BASIS: 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Licensure in Medicine to ensure safe and adequate treatment of opioid use disorder with Approved Medications in an outpatient medical setting that is not a certified Opioid Treatment Program. Proposed revisions to this chapter include eliminating requirements that no longer exist in federal law and regulations.

SCHEDULE FOR ADOPTION: In process: anticipated completion 2023

AFFECTED PARTIES: Advanced Practice Registered Nurses with prescriptive authority and patients

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: [kim.esquibel@maine.gov](mailto:kim.esquibel@maine.gov)

**CHAPTER 13:** Rules Relating to Criminal History Record Information

STATUTORY BASIS: 32 M.R.S. §2111 and §2173

PURPOSE: The proposed rule implements fingerprint-based background checks for all applicants for initial licensure or licensure by endorsement, including applications for multistate licensure. Proposed revisions to this chapter are to ensure rules conform to requirements as set in state and federal laws and regulations.

SCHEDULE FOR ADOPTION: Anticipated completion 2024

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

**CHAPTER 21:** Use of Controlled Substances for Treatment of Pain

STATUTORY BASIS: 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure, the Board of Licensure in Medicine, the Board of Podiatric Medicine, and the Board of Nursing to insure adequate relief of pain to the citizens of Maine. This chapter outlines exemptions for applicability of certain portions of the rule for inpatients of medical facilities or custodial care facilities where controlled substances are dispensed or administered to the patient and exemptions for applicability of certain portions of the rule for patients who are terminally ill and who are receiving hospice services as defined in the rule. Proposed revisions to this chapter include eliminating requirements that no longer exist in federal law and regulations.

SCHEDULE FOR ADOPTION: In process: anticipated completion 2023

AFFECTED PARTIES: Advanced Practice Registered Nurses with prescriptive authority and patients

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: [Kim.Esquibel@Maine.gov](mailto:Kim.Esquibel@Maine.gov)

**The Interstate Commission of Nurse Licensure Compact Administrators Rules**

STATUTORY AUTHORITY: 10 M.R.S. § 8003 sub-§5(F); PL 258, 2017; 32 M.R.S. § 2153-A(1); 32 M.R.S. § 2177(3).

PURPOSE: This chapter is superseded by Sec.A-1. 32 MRSA c. 31, sub-c. 2-A, also entitled Nurse Licensure Compact, adopted into law on June 25, 2017. Proposed revisions to this chapter are to ensure rules conform to requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2024.

AFFECTED PARTIES: Licensed Nurses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email:

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Maine Administrative Procedure Act  
2023-2024 Regulatory Agenda  
Bureau of Financial Institutions, DPFR  
June 28 2024

The following is the Bureau of Financial Institutions' 2023-2024 Regulatory Agenda prepared in accordance with Title 5 M.R.S. § 8060.

**AGENCY UMBRELLA-UNIT NUMBER:** 02-029

**AGENCY NAME:** Department of Professional & Financial Regulation, Bureau of Financial Institutions

**CONTACT INFORMATION FOR THE AGENCY RULE MAKING LIASON:**

David Gordon Laurendeau, Attorney, 36 State House Station, Augusta, ME 04333-0036. Tel: (207) 624-8570. [David.G.Laurendeau@maine.gov](mailto:David.G.Laurendeau@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULEMAKING ACTIVITY:**

**CHAPTER 101:** Retention Of Records - Financial Institutions

**STATUTORY AUTHORITY:** 9-B M.R.S. § 225

**PURPOSE:** This rule sets forth the minimum time frames under which a financial institution must retain its customer transaction records. The Bureau may amend this rule to keep pace with changes in the industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All state-chartered financial institutions and their customers

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 107:** Activities Permissible For Financial Institution Holding Companies

**STATUTORY AUTHORITY:** 9-B M.R.S. § 1014

**PURPOSE:** This rule identifies permissible closely related activities in which a financial institution may engage either directly or through a subsidiary of a financial institution holding company. The Bureau may amend this rule to keep pace with changes in authorizing state statute, federal rules in this area, and the evolution of the financial services industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All state-chartered financial institutions and holding companies

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 108:** Loans Secured By A First Mortgage On Residential Real Estate Payable On Demand

STATUTORY AUTHORITY: 9-B M.R.S. § 241

PURPOSE: This rule prohibits the use of demand mortgages for most consumer transactions. The Bureau may amend this rule to keep pace with changes in industry and secondary market standards for sale of mortgages.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 109:** Advertising By Financial Institutions, Financial Institution Holding Companies, And Subsidiaries Or Service Corporations

STATUTORY AUTHORITY: 9-B M.R.S. §§ 215, 241, and 242

PURPOSE: This rule provides guidance for advertising by financial institutions. The Bureau may amend this rule to keep pace with changes in state/federal rules governing this area.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 118:** Funds Availability And Truth-In-Savings

STATUTORY AUTHORITY: 9-B M.R.S. §§ 241-242

PURPOSE: This regulation sets forth minimum standards for funds availability and for disclosure of policies and fees charged to customers of financial institutions in conjunction with the maintenance and operation of deposit accounts. The Bureau may amend this rule to keep pace with changes in the industry and/or federal rules.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 119:** Alternative Mortgage Transactions (Bureau of Consumer Credit Protection Chapter 250).

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 241; 9-A M.R.S. §§ 1-102, 6-104, 8-504, 8-507, 8-508, and 9-302

PURPOSE: This joint rule sets forth the guidelines for regulating alternative mortgage transactions entered into by financial institutions and supervised lenders. The Bureau and the Bureau of Consumer Credit Protection may amend the rule in response to changes in federal law and in response to industry and secondary market standards for sale of mortgages.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: Maine consumers of financial services, state-chartered financial institutions and other licensed creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated



**CHAPTER 122: Securities Activities Of Subsidiaries Of Financial Institutions**

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 111, 131, and 416

**PURPOSE:** This rule provides the regulatory framework for financial institutions to engage in certain securities brokerage activities. The Bureau may amend the rule to keep pace with changes in industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** State-chartered financial institutions and consumers of financial services

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 123: Insurance Activities In Financial Institutions**

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 111, 241, and 416

**PURPOSE:** This rule provides the regulatory framework for financial institutions to enter into lease arrangements with an insurance producer for the distribution of insurance products. The Bureau may amend rule to keep pace with changes in state law and the regulated industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** State-chartered financial institutions and consumers of financial services

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 126: Guaranty Association Lines Of Credit (Bureau of Insurance Chapter 570)**

**STATUTORY AUTHORITY:** 9-B M.R.S. § 215 and 24-A M.R.S. §§ 212, 4435 and 4605-A

**PURPOSE:** This joint rule was issued to establish the terms, conditions, standards, and form of any line of credit extended to the Maine Insurance Guaranty Association, Maine Life and Health Insurance Guaranty Association, or any of their member insurers, for purposes of facilitating the prompt payment of covered claims against insolvent insurers. The Bureau may amend this rule to keep pace with changes in the industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All financial institutions and Maine insurance company members of the Maine Insurance Guaranty Association

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 127: Minimum Capital Standards**

**STATUTORY AUTHORITY:** 9-B M.R.S. § 412-A

**PURPOSE:** This regulation sets forth minimum capital requirements for Maine chartered financial institutions. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All state-chartered financial institutions

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 128: Loans To One Borrower Limitations**

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 215 and 439-A

**PURPOSE:** This regulation establishes the basis for determining the legal lending limit for all Maine chartered financial institutions, including their subsidiaries, to an individual borrower. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All state-chartered financial institutions and their borrowers

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 129: Financial Institutions And Broker-Dealers Engaging In Third Party Brokerage Arrangements (Office of Securities Chapter 506)**

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 111, 241, and 416; 32 M.R.S. § 16605

**PURPOSE:** This joint rule provides the regulatory framework for financial institutions and licensed broker-dealers to enter into arrangements for the sale of securities. The Bureau and the Office of Securities may amend this rule to keep pace with federal law and/or the regulated industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All state-chartered financial institutions and consumers of non-deposit products

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 130: Distribution Of Annuities Through Financial Institutions**

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 111, 241, and 443

**PURPOSE:** This regulation establishes the framework within which a financial institution may sell, or arrange for the sale of, annuities purchased from a licensed insurance company. The Bureau may amend this rule to keep pace with state or federal law.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All state-chartered financial institutions and consumers of non-deposit products

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 131: Assessments – Financial Institutions**

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 214, 215

**PURPOSE:** This regulation establishes the assessment rate to be applied to Maine chartered financial institutions in order to provide for a reasonable flow of revenue to support Bureau operations. The Bureau may amend this rule to keep pace with changes in the regulated industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** All state-chartered financial institutions

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER 132: Mutual Holding Companies**

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 416, and 1055

PURPOSE: This rule provides the regulatory framework to permit a mutual financial institution to reorganize into a subsidiary stock savings bank and form a mutual holding company. The Bureau may amend this rule to keep pace with state/federal law.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: All state-chartered mutual and cooperative financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 133: Leasing Of Personal Property By State-Chartered Credit Unions**

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 828

PURPOSE: This rule provides the regulatory framework to permit state-chartered credit unions to lease personal property to their members. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: All state-chartered credit unions and their members

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 134: Credit Union Service Corporations**

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 131, 215, 828, and 864

PURPOSE: This rule authorizes state-chartered credit unions to invest in service corporations that may engage in any activity permissible for a service corporation owned by a federally chartered credit union. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: All state-chartered credit unions and their members

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 135: Permissible Tie-In Arrangements**

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 243

PURPOSE: This rule permits a financial institution authorized to do business in Maine to tie certain products/services to those of affiliates as permitted under federal law. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 136: Deposit Production Offices**

STATUTORY AUTHORITY: 9-B M.R.S. § 241

PURPOSE: This rule sets forth the factors that the Superintendent will consider in determining whether a financial institution or credit union authorized to do business in this State is operating a deposit production office. The Bureau may amend this rule to keep pace with changes on state/federal level.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: Maine consumers and businesses and all financial institutions authorized to do business in this state

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 137: Interstate Branch Assessment**

STATUTORY AUTHORITY: 9-B M.R.S.A § 214

PURPOSE: This rule establishes a reasonable fee which must be paid to the Bureau by out of state, state chartered and foreign banks that operate interstate branches in Maine. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: Any financial institution operating an interstate branch

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 138. Truth-In-Lending, Regulation Z-3 (Reg. 38) (Bureau of Consumer Credit Protection Chapter 240)**

STATUTORY AUTHORITY: 9-A M.R.S. §§ 1-102, 6-104, 8-504, and 8-507

PURPOSE: In order to keep pace with federal regulatory changes, the Bureau may adopt or amend a rule substantially similar to, or that affords more protection for consumers than, the implementing regulations Z and M of the Federal Truth-in-Lending Act. The Bureau may engage in joint rulemaking with the Bureau of Consumer Credit Protection, consistent with Article 8-A of the Maine Consumer Credit Code.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: All state-chartered financial institutions, supervised lenders, and consumers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 139: Sale Of Insurance Products By Financial Institutions And Supervised Lenders. (Bureau of Consumer Credit Protection Chapter 400 and Bureau of Insurance Regulation Chapter 880)**

STATUTORY AUTHORITY: 9-B M.R.S. §§ 416 and 448; 9-A M.R.S. §4-407; and 24-A M.R.S.A. § 1443-A(3)

PURPOSE: This tripartite rule establishes the requirements with respect to signage, physical location and identification of insurance agencies, producers and consultants in connection with the sale of insurance products by financial institutions, etc. The Bureau may amend this rule with Bureau of Insurance and Bureau of Consumer Credit Protection to keep pace with changes in the industry and regulatory arena.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: Maine consumers and state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 140:** Student Loan Disclosures. (Bureau of Consumer Credit Protection Chapter 245)

STATUTORY AUTHORITY: 9-A M.R.S. §8-104; Title 10 M.R.S. §363

PURPOSE: This joint rule establishes disclosure and procedural requirements for student loan products offered by lenders and issuers and funded by an allocation of the state's bond ceiling. The Bureau may amend this joint rule with the Bureau of Consumer Credit Protection to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: All lenders and issuers of student loan products and consumers borrowing under those programs

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 141:** Assessments – Nondepository Trust Companies, Uninsured Banks, and Merchant Banks

STATUTORY AUTHORITY: 9-B M.R.S. §§ 214 and 215

PURPOSE: This rule addresses assessments paid by state-chartered nondepository trust companies, uninsured banks, and merchant banks.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: State chartered limited purpose financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 142:** Charges Permitted For Prepayment of Certain Consumer Loans

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, 241, 242; and 251; 9-A M.R.S. § 2-509

PURPOSE: This rule addresses reasonable charges that a bank or credit union may assess for the prepayment of a consumer loan.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: State chartered financial institutions and Maine consumers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER: 143:** Multiple Of The State Or Federal Minimum Wage (Bureau of Consumer Credit Protection Chapter 120)

STATUTORY AUTHORITY: 9-A M.R.S. §§1-301, 5-105, 6-103, and 6-104; 9-B M.R.S. § 215

PURPOSE: To establish a method for calculating the maximum earnings subject to garnishment when an individual debtor is not paid on a weekly basis.

ANTICIPATED SCHEDULE: 2023-2024

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 145:** Student Loans (Bureau of Consumer Credit Protection Chapter 600)  
**STATUTORY AUTHORITY:** 9-A M.R.S. §§1-301 6-103, 6-104 and 8-504; 9-B M.R.S. § 215  
**PURPOSE:** Engage in joint rulemaking with the Bureau of Consumer Credit Protection to allow creditors to engage in nonguaranteed student lending.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Maine consumers, financial institutions, and nonbank lenders  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 111 and 1015  
**PURPOSE:** If circumstances warrant, may propose new rule to address applications processing protocol.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** All state-chartered financial institutions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. § 215  
**PURPOSE:** If circumstances warrant, may propose new rule to address safety and soundness issues essential to the supervision of state-chartered financial institutions.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Maine businesses and consumers of financial services and all state-chartered financial institutions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. § 367-A  
**PURPOSE:** If circumstances warrant, may propose new rule to address the process for establishing and implementing a receivership or conservatorship in a Maine financial institution.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Maine businesses and consumers of financial services and all state-chartered financial institutions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 416 and 828  
**PURPOSE:** If circumstances warrant, may propose new rule to address safety and soundness and consumer protection issues relating to powers granted through parity.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Consumers of financial services and all state-chartered financial institutions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-B M.R.S. § 418

**PURPOSE:** If circumstances warrant, may propose new rule to expand the activities in which a financial institution may engage under agency agreement.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Consumers of financial services and any financial institution providing services through agency agreements

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 131(6-A), 446-A, and 1014

**PURPOSE:** If circumstances warrant, may propose new rule expanding the list of closely related activities to keep pace with changes in state/federal law and in the financial services industry.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers and businesses and state-chartered financial institutions

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-B M.R.S. § 469

**PURPOSE:** If circumstances warrant, may propose new rule defining a change in the composition of all or substantially all of a financial institution's assets and setting forth the factors to consider in determining what constitutes a fundamental change in assets.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine state-chartered financial institutions

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-B M.R.S. § 468

**PURPOSE:** If circumstances warrant, may propose new rule to define or further define instructions on transactions with affiliates.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** State-chartered financial institutions

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-B M.R.S. § 475

**PURPOSE:** If circumstances warrant, may propose new rule to address trust activities of financial institutions.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** State-chartered financial institutions

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-B M.R.S. § 814

**PURPOSE:** If circumstances warrant, may propose new rule to address conversion of a credit union field of membership to a community based field of membership.

**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** State chartered credit unions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 842 and 828  
**PURPOSE:** If circumstances warrant, may propose new rule to address powers and duties of the Board of Directors of credit unions.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** All state-chartered credit unions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. § 831  
**PURPOSE:** If circumstances warrant, may propose new relating to adequate levels of net worth for credit unions.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** State chartered credit unions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. § 843  
**PURPOSE:** If circumstances warrant, may propose new rule to address employee benefits, including retirement benefits, for credit union employees and officers.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** State chartered credit unions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. § 844  
**PURPOSE:** If circumstances warrant, may propose new rule to address duties of a credit union Supervisory Committee.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** State chartered credit unions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. § 854  
**PURPOSE:** If circumstances warrant, may propose new rule to address credit union lending limitations.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** State chartered credit unions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. §§1213-A, 1223-A, and 1233-A  
**PURPOSE:** If circumstances warrant, may propose new rule to implement the asset pledge requirement for Maine chartered limited purpose banks.  
**ANTICIPATED SCHEDULE:** 2023-2024



**AFFECTED PARTIES:** Maine businesses and consumers of financial services and all state-chartered financial institutions  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S.A § 1216  
**PURPOSE:** If circumstances warrant, may propose new rule to address activities of non-depository trust companies and implement provisions of Chapter 121.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Non-depository trust companies  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. § 1227  
**PURPOSE:** If circumstances warrant, may propose new rule to address activities of merchant banks and implement provisions of Chapter 122.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Merchant banks  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-B M.R.S. §§ 1236, 1238  
**PURPOSE:** If circumstances warrant, may propose new rule to define retail deposits, address activities of uninsured banks, and implement provisions of Chapter 123.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Uninsured banks  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-A M.R.S. §2-501  
**PURPOSE:** If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule addressing permissible charges for benefits conferred upon the consumer.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Maine consumers, financial institutions, non-bank lenders, and general creditors  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule  
**STATUTORY AUTHORITY:** 9-A M.R.S. § 2-510(3)  
**PURPOSE:** If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule which authorizes the use of rate tables for calculating unearned interest on certain precomputed transactions and establishes certain standards that the tables must meet.  
**ANTICIPATED SCHEDULE:** 2023-2024  
**AFFECTED PARTIES:** Maine consumers in credit transactions and creditors offering consumer credit on a precomputed basis  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-A M.R.S. §§ 4-301(4) and 6-104

**PURPOSE:** If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule which prohibits dual coverage of insurance on items related to credit transactions.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers, financial institutions, non-bank lenders, and general creditors

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated.

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-A M.R.S. §§ 6-104(1) (E) and 6-104(4) (A)

**PURPOSE:** If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule governing agency organization, administration and procedures.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers, financial institutions, non-bank lenders, and general creditors

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated.

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-A M.R.S. §§ 6-104(1) (E) and 8-505

**PURPOSE:** If circumstances warrant, propose new rule to engage in rulemaking, as appropriate, to promulgate a rule that establishes the procedures the Bureau plans to follow upon discovery of certain violations of the Maine Consumer Credit Code or to carry out the purposes of the Consumer Credit Code. Rulemaking may occur as amendment to Bureau of Consumer Credit Protection Chapter 190, enforcement policy guidelines.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers and financial institutions.

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-A MRSA § 8-508

**PURPOSE:** If circumstances warrant, engage in joint rulemaking with the Bureau of Consumer Credit Protection to promulgate a rule regarding unfair, deceptive or abusive mortgage lending.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers, financial institutions, non-bank lenders

**CONSENSUS BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 10 M.R.S. §1350-A

**PURPOSE:** If circumstances warrant, may propose new rule to address security breach notification requirements for financial institutions.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers and businesses

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 10 M.R.S. §1495-F

**PURPOSE:** If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule regarding payroll processing companies.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers and businesses

**CONSENSUS-BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 32 M.R.S. § 6200

**PURPOSE:** If circumstances warrant, may adopt rules to carry out the purposes of 32 M.R.S. Chap. 80-B related to the Foreclosure Purchasers Act

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Maine consumers, financial institutions, non-bank lenders

**CONSENSUS BASED RULE DEVELOPMENT:** Not contemplated

**CHAPTER:** New rule

**STATUTORY AUTHORITY:** 9-B M.R.S. § 312

**PURPOSE:** If circumstances warrant, may propose a new rule that an application to charter an investor-owned financial institution must provide information about the city or town in Maine where the institution's principal office is to be located.

**ANTICIPATED SCHEDULE:** 2023-2024

**AFFECTED PARTIES:** Financial institutions charter applicants

**CONSENSUS BASED RULE DEVELOPMENT:** Not contemplated



**02-031**  
**MAINE BUREAU OF INSURANCE**  
Annual Regulatory Agenda  
2023 - 2024

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

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

**RULEMAKING LIAISON:** Stacy Bergendahl, Senior Staff Attorney, 34 State House Station, Augusta, ME 04333-0034. Tel: (207) 624-8537. E-mail: [Stacy.L.Bergendahl@maine.gov](mailto:Stacy.L.Bergendahl@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated

**EXPECTED 2023-2024 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: Summer 2024

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: Summer 2024

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: Spring 2024

AFFECTED PARTIES: employer members of group self-insurers

**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 2024

AFFECTED PARTIES: health insurers

**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: Spring 2024

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 2024

AFFECTED PARTIES: health insurers

**Licensing:****Amended Rule: Chapter 542, Educational Requirements for Insurance Professionals**

STATUTORY BASIS: 24-A M.R.S. §§ 212, 601(23), 1410(4)(A), 1483(2), and 1485

PURPOSE: to establish standards and procedures for the approval and operation of courses and programs through which producers and consultants may satisfy applicable education requirements

SCHEDULE FOR ADOPTION: Summer 2024

AFFECTED PARTIES: insurance producers

STATE OF MAINE  
OFFICE OF SECURITIES  
121 State House Station  
Augusta, ME 04333-0121

**2023-2024 REGULATORY AGENDA**

AGENCY UMBRELLA UNIT NUMBER: **02-032**

AGENCY NAME: **Department of Professional and Financial Regulation, Office of Securities**

CONTACT INFORMATION FOR THE AGENCY:

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**

**NEW RULEMAKING: Licensing Exemption for Investment Advisers to Private Funds**

STATUTORY BASIS: 32 M.R.S. §§ 16403, 16404, and 16605.

PURPOSE: To provide a licensing exemption for private fund advisers.

SCHEDULE FOR ADOPTION: Prior to 10/2024.

AFFECTED PARTIES: Advisers to private funds.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 504: Broker-Dealer and Agent Licensing**

STATUTORY BASIS: 32 M.R.S. §§ 16401, 16402, 16406, 16407, 16408, 16410, 16411, 16412, and 16605.

PURPOSE: To revise and update the rule to address changes in policy, law, and the industry generally.

SCHEDULE FOR ADOPTION: Prior to 10/2024.

AFFECTED PARTIES: Broker-dealers and broker-dealer agents licensed in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**Chapter 511: Change of Ownership or Control of a Broker-Dealer or Investment Adviser**

STATUTORY BASIS: 32 M.R.S. §§ 16407(4) and 16605.

PURPOSE: To revise and update the rule to address changes in policy, law, and the industry generally.

SCHEDULE FOR ADOPTION: Prior to 10/2024.  
AFFECTED PARTIES: Investment advisers and broker-dealers.  
CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 515: Investment Adviser Licensing**

STATUTORY BASIS: 32 M.R.S. §§ 16403, 16404, 16405, 16406, 16407, 16408, 16409, 16410, 16411, 16412, and 16605.

PURPOSE: To revise and update the rule to address changes in policy, law, and the industry generally. Revisions would include, but not be limited to, the inclusion in the rule of a requirement that Maine-licensed investment adviser representatives participate in routine continuing education in accordance with specified standards.

SCHEDULE FOR ADOPTION: Prior to 10/2024.

AFFECTED PARTIES: Investment advisers and investment adviser representatives licensed in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 540: Adjudicatory Proceedings Rule**

STATUTORY BASIS: 5 M.R.S.A. § 8051; 32 M.R.S.A. § 16605

PURPOSE: To update the rule applicable to adjudicatory proceedings.

SCHEDULE FOR ADOPTION: Prior to 10/2024

AFFECTED PARTIES: Parties to adjudicatory proceedings.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.



**02-039**  
**REAL ESTATE COMMISSION**  
2023 - 2024 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-039**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Real Estate Commission**

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 RULE-MAKING ACTIVITY**: Rulemaking necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to adopt rules to establish a process to issue a license by endorsement or to grant provisional licenses to applicants from other jurisdictions.

The Commission completed an all-chapters comprehensive review of its rules to update, streamline and eliminate unnecessary rules. The Commission expects to move forward with changes to Chapters 300, 340, 350, 360, 370, 390, 400, and 410.

**CHAPTER 300: General Information**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for meetings and maintenance of Commission records. It may be necessary to amend the “records” section to clarify access to electronic records or other issues resulting from changes in technology.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 310: Advisory Rulings**

STATUTORY AUTHORITY: 32 M.R.S. § 13065; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 340: Complaints and Investigations**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for filing complaints and conducting investigations. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its complaint and/or investigative process. Commission complaints are not typically filed under oath and the reference to filing a complaint under oath may be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and complainants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 350: Adjudicatory Hearings**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter establishes the guidelines for adjudicatory hearings.

Procedural issues may arise that would require the Commission to change its hearing process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and hearing participants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 360: Prerequisites of Licensure by Individuals**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter establishes the educational qualifications for licensure.

Clarification of the educational options available to individuals at the different levels of licensure may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate license applicants and course providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 370: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for review and approval of continuing education courses. Changes in approved course topics may be necessary to reflect changes in the industry. Changes may be necessary to ensure that course filing procedures for all types of educational programs are consistent and provide for reasonable standards to ensure the delivery of qualified educational programs, including distance education delivery formats.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 390: Licensing Procedures and Requirements**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter provides information regarding examinations and explains the procedure for filing various license applications. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees, license applicants and course providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 400: Agency/Designated Broker Responsibilities**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter details requirements of maintaining a real estate brokerage agency and establishes the specific supervisory responsibilities of the designated broker. The Commission may need to amend this chapter to clarify supervisory responsibilities, record keeping requirements and schedules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate companies, designated brokers, licensee and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 410: Minimum Standards of Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter establishes and clarifies standards for practicing real estate brokerage. The Commission may need to amend this chapter to clarify brokerage practice standards, as necessary, in response to consumer complaints or industry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**  
Office of Professional and Occupational Regulation  
**AMERICAN SIGN LANGUAGE INTERPRETERS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **American Sign Language Interpreters**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Holly Poirier, OPOR Board Manager, 35 State House Station, Augusta, ME 04333, 207-624-8603, Holly.Poirier@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None.

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**: Rules will be established to implement 2021 Public Law Chapter 291 governing 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.

**CHAPTER 50: Definitions**

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1521

PURPOSE: This chapter defines certain terms used in these rules.

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Applicants, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 51: Requirements for Initial Licensure and Licensure by Endorsement**

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1524-B, 1524-C; 10 M.R.S. § 8003-H

PURPOSE: This chapter sets forth criteria for the initial licensure of interpreters and describes the application process.

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 52: License Renewal, Inactive Licensure Status and Continuing Education**

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1528, 1528-A; 10 M.R.S. § 8003 (5-A)(D)

PURPOSE: This chapter sets forth continuing education requirements and describes the license renewal process.

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 54: Code of Ethics and Ethical Standards**

STATUTORY BASIS: 32 M.R.S. §§ 1522(1)

PURPOSE: This chapter establishes ethical standards of practice for Certified Interpreters, Certified Deaf Interpreters, Limited Deaf Interpreters, Conditional Interpreters and Conditional Deaf Interpreters

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 1522(1), 32 M.R.S. § 1533

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**  
**ATHLETIC TRAINERS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Athletic Trainers**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR 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 RULE-MAKING ACTIVITY**: No rules currently exist for this program. However, rulemaking is anticipated to implement Public Law 2021, c. 167 and P.L. 2021, c. 642, to establish a process to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, and to establish a process to issue a license by endorsement to individuals from other U.S. jurisdictions. National standards may emerge from future recommendations by the Board of Certification, which may be determined to be appropriate for adoption in Maine.

Public Law 2021, c. 291, which authorizes licensees to provide services via telehealth 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.

Rules may be established for updates and compliance with current law regarding licensure requirements and procedures for athletic trainers.

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. §§ 14353(2), 14357-A, 10 M.R.S. § 8003, sub-§5-A, ¶D(7), 8003-H

PURPOSE: To adopt rules for provisional licensure of individuals educated in or with relevant experience or licensure in other jurisdictions outside of the United States and licensure of credentialed individuals from other jurisdictions through endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 14353(2), 14363

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 14353(2)

PURPOSE: To adopt by reference future national uniform standards, as these emerge.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**  
**BARBERING AND COSMETOLOGY LICENSING PROGRAM**  
2023 - 2024 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Barbering and Cosmetology Licensing Program**

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 RULE-MAKING ACTIVITY**: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, c. 167 and P.L. 2021, c. 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348. Rules will be established to implement P.L. 2019, c. 373, which includes course of study and licensing requirements for a new Hair Designer license, delete barber licensing and requirement references and replace limited barber licensing and requirements with barber hair stylist licensing and requirements, amend license title references for establishments and booth establishments and update and clarify reporting requirements, delete demonstrator licensing, delete age and secondary schooling requirement for all license types, update licensure by endorsement requirements, update trainee requirements, supervision and employment, address exemption of bond and financial audit reports for career technical education school if student tuition is not imposed or collected, update student enrollment age from 16 to 15, delete special events permit requirement, and review and update special events practice requirements. Rules were last adopted on December 11, 2016, for this program, which consisted of a complete rewrite and reorganization of the rules. Review of practice and physical plant safety, sanitation, disinfecting, and infection control standards will be conducted and updated as may be necessary. If necessary, review, update and address errors and omissions resulting from the recent rewrite and reorganization of the rules.

**CHAPTER 20: Definitions and References**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter defines specialized terms used in the Program’s rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 21: Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14231

PURPOSE: This chapter sets forth requirements for licensure as an aesthetician, barber, cosmetologist, limited barber, and nail technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A



**CHAPTER 22: Licensure of Demonstrators**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14234

PURPOSE: This chapter sets forth requirements for licensure of demonstrators and the articles, machines and techniques performed outside a licensed establishment.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 23: Trainee Aesthetician, Barber, Cosmetologist, Limited Barber and Nail Technologist**

STATUTORY BASIS: 32 M.R.S. §§ 14202(13), 14212-A(2), 14228(3), 14232(3), 14233

PURPOSE: This chapter sets forth licensure, training and supervision requirements for practitioners.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 24: Licensure of Instructors**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for licensure as an instructor in aesthetics, barbering, cosmetology, limited barbering and nail technology to teach in a licensed school.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 25: Licensure of Establishments and Independent Booths**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth license requirements for a place, facility, salon, shop, establishment, mobile establishment or independent booth within an establishment in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 26: Establishment, Independent Booth and School Operation, Sanitation and Infection Control Standards, and Safe Practice Procedures**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth sanitization and infection control standards and safe practice procedures and requirements for the operation of an establishment, independent booth within an establishment, mobile establishment, and school in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 27: Rules for Licensure and Operation of Schools Offering One or More Courses of Study in Aesthetics, Barbering, Cosmetology, Limited Barbering, Nail Technology and Instructing**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14228(3), 14233, 14246(1)

PURPOSE: This chapter establishes the criteria to be met in order to obtain a license to operate a school and to offer and teach one or more courses of study in aesthetics, barbering, cosmetology, limited barbering, nail technology and instructing. This chapter also sets standards for the operation of an off-site [satellite] classroom.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure and licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 28: Special Event Services Permit**

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14203(2)(J)  
PURPOSE: This chapter sets forth requirements for issuance of a special event services permit pursuant to 32 M.R.S. § 14203(2)(J).  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 29: Grounds for Discipline**

STATUTORY BASIS: 10 M.R.S. § 8003(5-A)(A); 32 M.R.S. §§ 14212-A(2), 14236-A  
PURPOSE: This chapter references the statutory grounds for discipline against licensees and includes examples of prohibited conduct that may result in discipline.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 30: Citations**

STATUTORY BASIS: 10 M.R.S. § 8003-E; 32 M.R.S. § 14212-A(2)  
PURPOSE: This chapter lists the violations for which a citation may be issued pursuant to 10 M.R.S. § 8003-E, describes the licensee's right to request a hearing, and describes the time and manner in which the fine shall be paid or a hearing requested.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**  
Office of Professional and Occupational Regulation  
**BOILER AND PRESSURE VESSEL SAFETY PROGRAM**  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Boiler and Pressure Vessel Safety Program**

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 RULE-MAKING ACTIVITY**: May initiate rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Generally, the rules need to be updated to reflect the changes made to the law by virtue of LD 414/PL 2013, c. 70, An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways.

Public Law 2013, chapter 70 repealed the board structure in the laws governing boiler and pressure vessel safety and elevator and tramway safety and places the duties and responsibility for administering and overseeing the licensing and inspection of boilers, pressure vessels, elevators and tramways under the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15101, 15103-A

PURPOSE: This Chapter defines the terms that are used in the rules and terms used in statute not defined by statute. This Chapter may be amended to clarify and update provisions as necessary as well as to clarify other terms used in the rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Variances**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15104-B

PURPOSE: This Chapter establishes the procedures for the filing of a petition for a variance. This Chapter may be amended to clarify and update provisions as necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Board Meetings**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103, 15104-A

PURPOSE: This Chapter authorizes board meetings. This Chapter needs to be repealed as this is now a regulatory program and does not have a board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Advisory Rulings**

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 15103-A

PURPOSE: This Chapter establishes requirements and guidelines for the discretionary issuance of advisory rulings. This Chapter needs to be repealed as this is now a regulatory program and does not have a board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: National Codes Applicable to Boilers and Pressure Vessels**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15105

PURPOSE: This Chapter specifies the national safety codes and standards that apply to boilers and pressure vessels regulated in the State of Maine. This Chapter may be amended to clarify and update provisions as necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Power Boilers**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15105

PURPOSE: This Chapter establishes requirements for the design, construction, installation, operation, and inspection of power boilers. This Chapter may be amended to clarify and update provisions for the periodic inspections of power boilers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Low Pressure Boilers**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15105

PURPOSE: This Chapter establishes specific requirements for the identification, construction, installation, inspection, and operation of low pressure boilers. This Chapter may be amended to clarify and update provisions as 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: Pressure Vessels**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15105

PURPOSE: This Chapter establishes requirements for the design, construction, installation, inspection, and operation of pressure vessels. This Chapter may be amended to clarify and update provisions as 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: Repairs and Alterations**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15105, 15110

PURPOSE: This Chapter establishes requirements for performing welded repairs, mechanical replacement of pressure parts, and alterations on boilers or pressure vessels. This Chapter may be amended to clarify and update provisions as necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 21: Duties and Responsibilities of All Owners of Boilers and Pressure Vessels**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15119, 15121

PURPOSE: This Chapter establishes general guidelines of all owners of boilers and pressure vessels. This Chapter may be amended to clarify and update provisions as necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 31: Inspectors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A, 15106

PURPOSE: This Chapter establishes requirements for initial and renewal licensure of inspectors. This Chapter may be amended to clarify and update provisions as necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 32: Boiler Operators and Stationary Steam Engineers**

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-3, 15109

PURPOSE: This Chapter establishes requirements for licensure and responsibilities of boiler operators and stationary steam engineers. This Chapter may be amended to clarify and update provisions as necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 15103-A; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**

Office of Professional and Occupational Regulation  
**CHARITABLE SOLICITATIONS ACT**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Charitable Solicitations Act**

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**: The Director may propose repealing all rule chapters.

**CHAPTER 1: Registration Applications and Financial Statements**

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter contains provisions relating to the submission of licensing applications and financial statements required to be filed with the Office of Professional and Occupational Regulation under the Maine Charitable Solicitations Act. The Director may repeal this chapter due to P.L. 2013, Chapters 313 and 539.

SCHEDULE FOR REPEAL: Within one year, if necessary.

AFFECTED PARTIES: Licensees, applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Annual Fundraising Activity Reports**

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter explains how charitable organizations and professional solicitors shall calculate their remittances and retentions from the prior year in order to comply with the requirement to file an annual report of the prior year's fund-raising activity. The Director may repeal this chapter due to P.L. 2013, Chapters 313 and 539.

SCHEDULE FOR REPEAL: Within one year, if necessary

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Enforcement and Disciplinary Procedures**

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter sets forth the right of an applicant or a licensee to appeal certain regulatory actions. This chapter contains an outdated reference to enforcement and disciplinary procedures used by the Office of Professional and Occupational Regulation.

The Director may repeal this chapter.

SCHEDULE FOR REPEAL: Within one year.

AFFECTED PARTIES: Licensees, applicants and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**

Office of Professional and Occupational Regulation  
**ELEVATOR AND TRAMWAY SAFETY PROGRAM**  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Elevator and Tramway Safety Program**

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 RULE-MAKING ACTIVITY**: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

Rulemaking to implement PL 2023, c. 326, regarding the proper operation of construction hoists and training requirements for construction hoist operators.

**CHAPTER 501: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. §15202 and §15205-A

PURPOSE: This chapter defines specialized terms that are used in the program's rules.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 503: Variances**

STATUTORY AUTHORITY: 32 M.R.S. §15204 and §15205-A

PURPOSE: This chapter establishes procedures for the filing of a petition for a variance.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 507: Advisory Rulings**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter establishes the procedures for issuing advisory rulings.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 511: National Codes Applicable to Elevators and Tramways**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A

PURPOSE: This chapter allows the adoption of national codes and standards that apply to elevators and tramways installed in the State of Maine. This chapter will be amended to update the adopted code editions.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 513: Elevators**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §15221, §15224, §15227, §15228 and §15229

PURPOSE: This chapter establishes the specific requirements for elevators. This chapter may be amended to implement LD 1709/PL 2023, c. 326, to establish rules regarding the proper operation of construction hoists and training requirements for construction hoist operators.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 515: Tramways**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §15221, §15224 and §15229

PURPOSE: This chapter establishes the specific requirements for tramways.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Tramway Owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 521: Elevator Owners' Duties and Responsibilities**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §15211, §15212, §15221 and §15229

PURPOSE: This chapter establishes standards for the general duties and responsibilities of owners of elevators. SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Elevator Owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 523: Tramways Owners' Duties and Responsibilities**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §15211, §15212, §15221 and §15229

PURPOSE: This chapter establishes standards for the general duties and responsibilities of owners of tramways.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Tramway Owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 531: Licensed Private Elevator Inspectors**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §15208, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and annual licensure of private elevator inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A



**CHAPTER 533: Licensed Private Tramway Inspectors**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §15209, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of private tramway inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 535: Licensed Wire Rope Inspectors**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §15209-A, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of private wire rope inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 537: Licensed Elevator Mechanics**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §§15213, 15214, 15216 and §15216-C

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of elevator mechanics.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 539: Licensed Lift Mechanics**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A, §§15213, 15214, 15216 and §15216-C

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of lift mechanics.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 541: Elevator Contractors**

STATUTORY AUTHORITY: 32 M.R.S. §15205-A and §15208-A

PURPOSE: This chapter establishes standard requirements for initial and renewal registration of elevator contractors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. §§ 15205-A, 15207-A; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**  
**MASSAGE THERAPY LICENSURE PROGRAM**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Massage Therapy Licensure Program**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR 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 RULE-MAKING ACTIVITY**: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642 to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions.

**CHAPTER 100: Definitions**

STATUTORY BASIS: 32 M.R.S. § 14302(2), 14301

PURPOSE: This chapter clarifies terms used throughout the program's rules. Additions may be made to the definitions, if needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 200: General Information**

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter establishes guidelines for the maintenance of records and display of licenses and registrations.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 300: Licensure/Registration Requirements**

STATUTORY BASIS: 32 M.R.S. § 14302(2), 14306-D

PURPOSE: This chapter sets forth the procedures and requirements for individuals seeking licensure by application and for schools seeking approval for their massage therapy program.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 400: Complaints and Investigations**

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter describes the procedure by which complaints and adjudicatory hearings are handled.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**  
**OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION (General)**  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, **Office of Professional and Occupational Regulation (OPOR)** - General Rules

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](mailto:kristin.racine@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**: Rules may be promulgated as needed to implement provisions contained in P.L. 2021, c. 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions.

**CHAPTER 10: Establishment of License Fees** *(amendment)*

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(D)

PURPOSE: Establishment of license and related fees for OPOR programs. OPOR may amend license fee amounts contained in this rule, as needed.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, continuing education course providers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Late Renewals**

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Amendment of rule, as necessary, in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Uniform Procedures for Substantiating Continuing Education Requirements**

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Amendment of rule, as necessary, in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER XX: Uniform Complaint Procedures**

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Establishment of a uniform complaint procedure for all the OPOR programs.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Complainants, licensees, board staff, board members, members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER XX: Uniform Policy on Protested Checks**

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Establishment of a uniform policy for all OPOR programs regarding bounced checks.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees whose license checks are returned unpaid for insufficient funds or other reasons, OPOR and board staff.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER XX: No specific title – see description of purpose below**

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: “To establish by rule, such processes and procedures necessary to administer the various boards, commissions and regulatory functions of the office...”

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-041**  
**REGULATION OF TRANSIENT SALES**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Regulation of Transient Sales**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR 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 RULE-MAKING ACTIVITY**: Currently, no rules exist for this program; however, rules may become necessary in the future if statutory changes are enacted.

**CHAPTER AND TITLE**: N/ A

STATUTORY BASIS: None currently.

PURPOSE: N/ A

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-070**  
**STATE BOARD OF LICENSURE FOR GEOLOGISTS AND SOIL SCIENTISTS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-070**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **State Board of Licensure for Geologists and Soil Scientists**

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 RULE-MAKING ACTIVITY**: The board may adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: Defines terms used in statute and rule The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: General Information**

STATUTORY AUTHORITY: 32 M.R.S. § 4908; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to establish guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to promulgate a code of ethics to assist in the protection of the public welfare.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Certification Requirements**

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to describe the procedures to be followed in determining whether an applicant is eligible to be certified as a geologist or soil scientist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for Licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 5: Fees**

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may repeal this chapter as it is no longer necessary. The fee schedule is set forth in rules established for all boards and programs in Chapters 10 and 11 of the Rules of the Office of Professional and Occupational Regulation.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for Licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 6: Complaints, Investigations and Adjudicatory Hearings**

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity the procedures by which complaints and adjudicatory hearings are handled by other OPOP agencies.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-280**  
**BOARD OF ACCOUNTANCY**  
Maine Administrative Procedure Act  
2023 – 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-280**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Accountancy**

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 RULE-MAKING ACTIVITY**: The board may adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rule definitions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Advisory Rulings**

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051 and 9001(4)

PURPOSE: The Board may review and revise its rules relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Examination Requirements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12228(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the examination requirement for certified public accountants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

**CHAPTER 5: Certified Public Accountant License Requirements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12228, 12230

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the licensing requirements for certified public accountants and the continuing professional education requirements for maintaining licensure.



SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure and Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Firm License Requirements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 32 M.R.S. §12214(4), §12252, §12252(8), 10 M.R.S. § 8003(4)

PURPOSE: The Board may review and revise its rules of firm licenses.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 8: Rules of Professional Conduct**

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute and standards of practice by amending its code of professional conduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-285**  
**STATE BOARD OF VETERINARY MEDICINE**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-285**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **State Board of Veterinary Medicine**

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 RULE-MAKING ACTIVITY**: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, c. 167 and P.L. 2021, c. 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348. Adopt new rules to implement P.L. 2021, c. 291 governing 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. The Board may review and amend for updates and compliance with current law the licensing requirements for veterinarians, veterinary technicians and veterinary relief service, continuing professional education, rules concerning misconduct and the treatment or care of animals, fraud, advertising, standards of competency, treatment records, recordkeeping, practice standards, sanitation and safety standards for the operation of veterinary hospitals, associations with other veterinarians, and unprofessional conduct. Continuing education may be subject to updates in keeping with practice development and methods of education delivery.

**CHAPTER 1: Definitions and Advisory Rulings**

STATUTORY BASIS: 5 M.R.S. § 9001(4); 32 M.R.S. §§ 4859(1) and (3)

PURPOSE: This chapter defines terms used throughout the Board's rules and describes the Board's procedures for issuance of advisory rulings. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Licensure Requirements for Veterinarians and Permit for Performance of Relief Veterinary Service**

STATUTORY BASIS: 32 M.R.S. §§ 4859(1), 4861(4)

PURPOSE: This chapter sets forth requirements for issuance of a license to practice veterinary medicine and permits for the performance of relief veterinary service including: application, education, experience, and references. The Board may review this chapter for conformance with current statutes and make changes as needed. The section on temporary permits will be repealed to conform to newly enacted law.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Registration Requirements for Veterinary Technicians**

STATUTORY BASIS: 32 M.R.S. § 4859(6)

PURPOSE: This chapter establishes registration requirements and procedures for veterinary technicians. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Continuing Professional Education for Veterinarians**

STATUTORY BASIS: 32 M.R.S. §§ 4859, 4878(3)

PURPOSE: This chapter establishes requirements for continuing professional education for license renewal and the manner in which sponsored continuing education courses and programs are considered for approval. The Board may amend this chapter to conform to rules adopted by the Office of Professional and Occupational Regulation on substantiation of continuing education by licensed practitioners. Rule amendment for implementation of P.L. 2017, c. 360 requiring a veterinarian to complete one hour of continuing education every two years on the administration, prescription and management of controlled substances, including benzodiazepine and opioid medications.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 5: Standards for Veterinary Practice Facilities and Record Keeping**

STATUTORY BASIS: 32 M.R.S. § 4859(3)

PURPOSE: This chapter establishes appropriate safety, sanitation, and procedural guidelines for veterinarians and veterinary clinic operations. The Board may review this chapter for conformance with current statutes and to improve the manner in which veterinary clinics operate within the Board's statutory authority and recordkeeping.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Enforcement and Disciplinary Procedures**

STATUTORY BASIS: 32 M.R.S. § 4859(3)

PURPOSE: This chapter sets forth enforcement and disciplinary procedures used by the Board. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Code of Ethics**

STATUTORY BASIS: 32 M.R.S. §§ 4859(2) and (3), 4864(11)

**PURPOSE:** This chapter establishes professional practice standards for the practice of veterinary medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary.

**AFFECTED PARTIES:** Licensees and members of the public.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**02-288**  
**BOARD FOR LICENSURE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND**  
**INTERIOR DESIGNERS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-288**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board for Licensure of Architects, Landscape Architects and Interior Designers**

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 RULE-MAKING ACTIVITY**: The board is currently in the process of rulemaking to:

Repeal and Replace:  
Chapter 10, Definitions  
Chapter 12, Licensure of Architects  
Chapter 13, Licensure of Landscape Architects  
Chapter 17, Grounds for Disciplinary Action  
Chapter 18, Documentation  
Repeal:  
Chapter 15, Application for Licensure  
Chapter 19, Incorporation by Reference

The rulemaking proposes a repeal and replace of several chapters to update the board's rules, including updating definitions, amending the pathways and qualifications for licensure for architects and landscape architects; and proposes repealing chapters and relocating several sections of the current rules to other chapters.

The principal reasons for this proposed rulemaking are to align the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers' licensure requirements more closely with the requirements of the National Council of Architectural Registration Boards (NCARB) for architect licensure and the Council of Landscape Architectural Registration Boards (CLARB) for landscape architect licensure.

Revised rules will allow the majority of architect and landscape architect exam applicants to apply directly to NCARB/CLARB for the Architect Registration Examination (ARE) and Landscape Architect Registration Exam (LARE) in most instances without first paying an application fee to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.

**CHAPTER 10: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter defines specialized terms used throughout the board's rules. Changes may be necessary to define terms adopted for purposes related to other sections of the Board rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Advisory Rulings**

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051 and 9001(4)  
PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be necessary to clarify a provision.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Licensure of Architects**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1) and 220(1)(B)  
PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirements necessary for licensure as an architect. Changes may be necessary to clarify a provision or update the versions of guidelines and standards adopted by reference; and to amend provisions as necessary to implement P.L. 2021, c. 167, and P.L. 2021, c. 642, with regards to licensure by endorsement.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12-A: Licensure by Endorsement—Architects**

STATUTORY AUTHORITY: 32 M.R.S. §214(1); 32 M.R.S. §220-D; 10 M.R.S. §8003-H  
PURPOSE: This chapter describes the pathway for Maine licensure for applicants with an active architect license in another U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine's requirements, so long as the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license and no cause for denial exists under 10 M.R.S. §8003(5-A)(A) or under any other law.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Licensure of Landscape Architects**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1) and 220(2)(B)  
PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a landscape architect. Changes may be necessary to clarify a provision and to amend provisions as necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, with regards to licensure by endorsement.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 14: Licensure of Certified Interior Designers**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1) and 220-B(2) and (3)  
PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a certified interior designer. Changes may be necessary to clarify a provision, amend qualifications for licensure and the

standards and/or guidelines adopted by reference, and to amend provisions as necessary to implement P.L. 2021, c. 167, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 15: Application for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

PURPOSE: This chapter sets forth the license application process and references the license fees established by the Office of Professional & Occupational Regulation. The Board is in the process of proposing to repeal this chapter.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 16: License Denials and Disciplinary Procedure**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

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. Changes may be necessary to clarify a provision and/or relocate content to other chapters as appropriate.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 17: Grounds for Disciplinary Action**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial of nonrenewal of a license. Information from complaint investigations may identify conduct that is not currently set out in this section of the rules or is needed to clarify professional standards.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 18: Documentation**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five years. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 19: Incorporation by Reference**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1), 220(1)(B), 220(2)(B)

PURPOSE: This chapter incorporates by reference codes and standards into the board's rules. Changes may be necessary to clarify a provision or to update the incorporated codes and standards to a current version. The contents of this chapter will be incorporated into other chapters in the board's current proposed rulemaking, and this chapter will be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A



**02-297**  
**BOARD OF CHIROPRACTIC LICENSURE**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-297**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Chiropractic Licensure**

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 RULE-MAKING ACTIVITY**: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement Public Law 2021 Chapter 167 and Public Law 2022 Chapter 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to Public Law 2021 Chapter 348. Adopt new rules to implement Public Law 2021 Chapter 291 governing 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.

The Board may review and update rules for licensing chiropractic interns including, but not limited to, licensing requirements, supervision of chiropractic interns, level of professional liability insurance required.

The Board may review, and update rules as needed, which may include, but is not limited to, updating the licensing requirements and procedures for chiropractors and chiropractic acupuncture, training and licensure of chiropractic assistants, and temporary licensing. Continuing education requirements and course approvals will be reviewed and updated as may be necessary, including national program and sponsor approval systems currently available. The Board may establish patient record standards and record keeping requirements, and may update the code of ethics in the practice of chiropractic services. Amendment of these requirements may affect several rule chapters and therefore may require updating those chapters, including definitions and enforcement and disciplinary procedures.

**CHAPTER 1: Definitions**

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter defines and clarifies terms used throughout 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: General Provisions**

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. 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-A: Licensure Requirement for Chiropractic Doctors and Temporary Chiropractic Interns**

STATUTORY BASIS: 32 M.R.S. §§ 502, 551, 552, and 564

PURPOSE: This chapter states the requirements for a chiropractor license and the professional liability insurance coverage for a temporary chiropractic intern. 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: License chiropractor applicants and temporary chiropractic intern applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Requirements for Certifying Chiropractors to Practice Chiropractic Acupuncture**

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: The chapter establishes acceptable qualifications, procedures and continuing education requirements for certifying licensed chiropractors in the practice of chiropractic acupuncture. 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: License applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Certification Requirements for Chiropractic Assistants and the Issuance of Temporary Certificates for Chiropractic Assistants**

STATUTORY BASIS: 32 M.R.S. §§ 502, 555, 556

PURPOSE: This chapter establishes requirements for issuance of a certificate to function as a certified chiropractic assistant, and the issuance of a temporary certificate to function as a certified chiropractic assistant. 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: Continuing Professional Education**

STATUTORY BASIS: 32 M.R.S. §§ 502, 553-A(2)

PURPOSE: This chapter establishes requirements for continuing professional education to be completed by licensees for licensing renewal and approval for sponsored continuing education courses or 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.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Enforcement and Disciplinary Procedures**

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter establishes enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 8: Code of Ethics**

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter establishes standards of professional practice in the practice of chiropractic services. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-298**  
**BOARD OF REAL ESTATE APPRAISERS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-298**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Real Estate Appraisers**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin M. Racine, 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 RULE-MAKING ACTIVITY**: The board may adopt rules to implement the regulation of Appraisal Management Companies ("AMCs"). Currently, no rules exist regarding AMCs.

The board may adopt rules to implement P.L. 2021, c. 167, to establish a process to issue a license by endorsement or to grant provisional licenses to applicants from other jurisdictions.

A new edition of the Uniform Standards of Professional Practice ("USPAP") is expected for 2024 which will require the Board to amend Chapter 240. The current USPAP is effective through 2023.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: To adopt standards to implement statutory requirements for regulation of Appraisal Management Companies.

SCHEDULE FOR ADOPTION: Within one year if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 150**: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 14012, 5 M.R.S. § 9001

PURPOSE: This chapter establishes the procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 220**: Educational Course Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 14012, 14027

PURPOSE: This chapter requires that qualifying education and continuing education be approved by the Appraiser Qualifications Board. Changes to the course approval process established by the Appraiser Qualifications Board may require the Board to amend the chapter to comply with any procedural change.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 230: Supervising Appraiser Duties**

STATUTORY AUTHORITY: 32 M.R.S. §§ 14012, 14027, 14039

PURPOSE: This chapter establishes the supervisory responsibilities for a certified residential or certified general real property appraiser who supervises a trainee real property appraiser. This chapter may need to be amended to comply with federal changes.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 240: Standards of Professional Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter references the edition of the standards of professional practice. The Board may need to amend this chapter to reference the most recent edition and effective date of the Uniform Standards of Professional Practice ("USPAP"). USPAP is amended on a two-year cycle. The current edition has been extended through 2023.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 250: Denial Appeals; Member Communications**

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter sets forth a licensee's right to appeal Board license denials. It provides procedures for Board members to file complaints. It includes prohibitions for certain Board member communication about any specific case under investigation or review. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

**02-302**  
**BOARD OF LICENSING OF AUCTIONEERS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-302**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensing of Auctioneers**

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**: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement or to grant provisional licenses to applicants from other jurisdictions.

**CHAPTER 10: General Information**

STATUTORY AUTHORITY: 32 M.R.S. §§ 288, 289

PURPOSE: This chapter establishes guidelines relating to meetings and agendas.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 20: Fees**

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter needs to be repealed. This chapter is no longer necessary, as the Office of Professional and Occupational Regulation amended its fee chapter to include fees for purposes related to the Auctioneers Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 30: Qualifications for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. §§ 289, 292

PURPOSE: This chapter establishes the qualifications for licensure. The Board may need to amend the chapter to increase the amount of the required bond applicants for initial and renewal licensure must have.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 40: Advisory Rulings**

STATUTORY AUTHORITY: 32 M.R.S. § 289; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 50: Minimum Standards of Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter establishes the standards of practice. The Board may need to make amendments to the standards of practice in response to changes in business practices that impact the public or complaints filed with the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-313**  
**BOARD OF DENTAL PRACTICE**  
Maine Administrative Procedure Act  
2023-2024 Regulatory Agenda  
Prepared: June 6, 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-313**

AGENCY NAME: **Board of Dental Practice** (Affiliated with the Department of Professional and Financial Regulation)

CONTACT PERSON: **Penny Vaillancourt, Executive Director**, 143 State House Station, Augusta, ME 04333-0143, Tel (207) 287-3333/Fax (207) 287-8140, e-mail – [penny.vaillancourt@maine.gov](mailto:penny.vaillancourt@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2023 - 2024 RULE-MAKING ACTIVITY:**

Public Law 2023, chapter 17 (Part P) moves the Board of Dental Practice from an affiliated board into a licensure program within the Office of Professional and Occupational Regulation (“OPOR”), Department of Professional and Financial Regulation. This law amends several provisions of Title 32, Chapter 143 “Dental Professions” to make consistent statutory terms as part of the organizational restructuring. It is anticipated that rulemaking will occur to further transition the Board of Dental Practice as a component board within OPOR.

In addition, the board may undergo a review of existing chapters that identifies the education and examination requirements for initial licensure and renewal of licensure; continuing education requirements for renewal of licensure, practice standards, teledentistry standards and sedation practice requirements. Additional rulemaking is anticipated because of newly enacted laws of the 131<sup>st</sup> legislative session.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The Board is expected to review this chapter to ensure compliance with newly enacted laws and clarify existing rules.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18345; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure and practice authorities as a dental hygienist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Qualifications for Expanded Function Dental Assistant Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18344; 10 M.R.S. § 8003(5)(G)



PURPOSE: This chapter outlines the qualifications for licensure as an expanded function dental assistant. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 4: Qualifications for Dental Radiography Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18343; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dental radiographer.

The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 5: Qualifications for Denturist Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18346; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a denturist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 6: Qualifications for Dentist Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18342; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 7: Establishment of Fees**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18323(3), 18324

PURPOSE: This chapter establishes fees for licenses, registrations and related services. The Board is expected to review this chapter as part of its fiscal responsibilities.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees, applicants, and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 8: Qualifications for Initial and Renewal Registrations**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18348

PURPOSE: This chapter identifies the requirements for initial and renewal registrations for the purpose of completing supervised, clinical experience. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 9: Unprofessional Conduct**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This chapter sets forth unprofessional conduct subject to disciplinary action pursuant to 32 M.R.S. § 18325(1)(E). The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10: Sexual Misconduct**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This rule sets for unprofessional conduct by defining sexual misconduct and setting the range of sanctions and factors the Board should consider in imposing sanctions. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18347, 18349, 18350

PURPOSE: This chapter establishes the qualifications for licensure by endorsement and the requirements for renewal, late renewal and reinstatement for licenses and authorities. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Practice Requirements**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325, 18371, 18372, 18373, 18374, 18375, 18376, 18377, 18378, 18393

PURPOSE: This chapter establishes the practice requirements for individuals licensed or authorized to practice under the Dental Practice Act. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18308(4), 18324, 18350, 18351

PURPOSE: This chapter establishes the continuing education required for licensees of the board, including provisions for inactive status. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 14: Rules for Use of Sedation and General Anesthesia by Dentists**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter outlines the requirements under which dentists may administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**ANTICIPATED NEW CHAPTER 15 “Practice Guidelines When Utilizing Teledentistry”**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18394

PURPOSE: This chapter establishes the practice requirements when utilizing teledentistry. The Board is expected to review this chapter to ensure compliance with current laws, update current practices, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 17: Requirements for Establishing a Board Approved Dental Therapy Program**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345(2)(C)(2)

PURPOSE: This chapter establishes the requirements for dental therapy programs to be approved by the Board. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 21: Use of Controlled Substances for Treatment of Pain**

STATUTORY AUTHORITY: 32 M.R.S.A. § 18324

PURPOSE: This chapter is a joint rule to ensure adequate relief of pain in the practice of dentistry to the citizens of Maine. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-318**  
**ELECTRICIANS' EXAMINING BOARD**  
Maine Administrative Procedure Act  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-318**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Electricians' Examining Board**

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**: Rulemaking is expected to implement P.L. 2021, c. 167 regarding provisional licenses and P.L. 2023, c. 327 reflecting changes to issuance of journeyman-in-training licenses.

The Board is currently in the process of proposing to adopt a newly created Ch. 180 that outlines a pathway for licensure if a person is licensed by another jurisdiction within the United States that maintains substantially equivalent licensing standards pursuant to 10 MRS §8003-H.

**CHAPTER 100: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 1101, 1153

PURPOSE: The Board may review and revise its rules on definitions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 110: Conflict of Interest**

STATUTORY AUTHORITY: 32 M.R.S. § 1153

PURPOSE: The Board may review and revise its rules with regards to conflicts of interest of board members.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 115: Advisory Rulings**

STATUTORY AUTHORITY: 32 M.R.S. § 1153; 5 M.R.S. § 9001(4)

PURPOSE: The Board may review and revise its rules on the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 120: Electrical Installation Standards**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1153-A

PURPOSE: The Board may review and revise its rule adopting the National Electrical Code by adopting an updated edition.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 130: Examination and Licensing Requirements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1202-A, 1204

PURPOSE: The Board may review and revise its rules on examination and licensing requirements for electricians for conformity with PL 2023 c. 327.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 135: Electrical Permits**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1102-C, 1153, 1153-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending requirements relating to the issuance of electrical permits.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASES RULE DEVELOPMENT: N/A

**CHAPTER 150: Reciprocity**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 160: Power Generation Systems as Electrical Installations**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1101, 1153, & 1153-A

PURPOSE: The Board may review and revise its rules on when installations of power generation systems are, and are not, considered “electrical installations” as defined in statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 1201-B; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-322**

**STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS**

Maine Administrative Procedure Act  
2023-2024 Regulatory Agenda Filing  
July 8, 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-322**

AGENCY NAME: **STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS**  
(Affiliated with the Department of Professional and Financial Regulation)

**RULE-MAKING LIAISON:** David Jackson, Executive Director, 92 State House Station,  
Augusta, ME 04333-0092. Telephone: (207) 287-3236. E-mail: [david.jackson@maine.gov](mailto:david.jackson@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** General Provisions

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update, to clarify language, and to conform to Model Law, Model Rule,  
Maine statute, board policy and practice, as needed.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Licensees, including licensed and retired professional engineers,  
certified engineer interns, and applicants for licensure, certification, or licensure renewal.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2:** Licensure

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update, to clarify language, and to conform to Model Law, Model Rule,  
Maine statute, board policy and practice, as needed.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Licensees, including licensed and retired professional engineers,  
certified engineer interns, and applicants for licensure, certification, or licensure renewal.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3:** Professional Development Hours

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update, to clarify language, and to conform to Model Law, Model Rule,  
Maine statute, board policy and practice, as needed.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Licensees, including licensed and retired professional engineers,  
certified engineer interns, and applicants for licensure, certification, or licensure renewal.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4:** Code of Ethics

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update, to clarify language, and to conform to Model Law, Model Rule,  
Maine statute, board policy and practice, as needed.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Licensees, including licensed and retired professional engineers, certified engineer interns, and applicants for licensure, certification, or licensure renewal.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Application and Licensure Fees**

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update, to clarify language, and to conform to Model Law, Model Rule, Maine statute, board policy and practice, as needed.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Licensees, including licensed and retired professional engineers, certified engineer interns, and applicants for licensure, certification, or licensure renewal.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Advisory Rulings**

STATUTORY BASIS: 32 M.R.S.A. §1306(2)

PURPOSE: To update, to clarify language, and to conform to Model Law, Model Rule, Maine statute, board policy and practice, as needed.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Licensees, including licensed and retired professional engineers, certified engineer interns, and applicants for licensure, certification, or licensure renewal.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-331**  
**STATE BOARD OF**  
**FUNERAL SERVICE**  
2023-2024 Regulatory  
Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-331**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **State Board of Funeral Service**

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](mailto:kristin.racine@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

Review and revise current rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions and to establish a process to issue a license by endorsement to individuals from other jurisdictions.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: This chapter sets forth definitions of terms used in the rules. The board may review and revise its rules that define terms related to the practice of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

**CHAPTER 2-A: Advisory Rulings**

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

PURPOSE: The board may review and revise its rules that provide for the discretionary issuance of advisory rulings by the board.

ANTICIPATED SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Educational Requirements for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the educational



requirements for a person seeking licensure as a practitioner of funeral service in the State of Maine.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

#### **CHAPTER 5: Practitioner Trainees**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the requirements completed by practitioner trainees prior to application for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for trainee status, practitioner trainees, and applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

#### **CHAPTER 6-A: Pathways to Licensure as a Practitioner of Funeral Service**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the procedures and requirements for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

#### **CHAPTER 7: Funeral Establishments**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the licensing requirements for funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

#### **CHAPTER 8: Safety and Health Standards**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the protection of the safety and health of the general public by setting forth the equipment and health related requirements applicable to licensed funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

#### **CHAPTER 10: General Rules/Scope of Practice**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding (1) hairdressing and cosmetology; (2) the scope of practice of practitioners of funeral service and funeral attendants; (3) the referral of inquiries to a

licensed practitioner; (4) mandatory disclosures; and other topics.  
ANTICIPATED SCHEDULE: Within one year, if necessary  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A.

**CHAPTER 11: Annual Renewal; Continuing Education; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501 and 1506  
PURPOSE: This chapter was amended, effective January 22, 2023, in accordance with 32 M.R.S. § 1506, regarding continuing education requirements for license renewal and sets forth procedures regarding inactive status Licensure.  
ANTICIPATED SCHEDULE: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A.

**CHAPTER 12: Transportation of Human Remains**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501  
PURPOSE: Major substantive rule was provisionally adopted since the last regulatory agenda. Rulemaking repealed and replaced Chapter 12 regarding the transportation of human remains to implement Public Law 2021, c. 268.  
ANTICIPATED SCHEDULE: Within one year.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Disinterment**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501  
PURPOSE: The board may review and revise its rules regarding the disinterment of human remains by funeral service licensees.  
ANTICIPATED SCHEDULE: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 14: Temporary Storage**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501  
PURPOSE: The board may review and revise its rules regarding the storage of human remains by funeral service licensees.  
ANTICIPATED SCHEDULE: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 15: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501  
PURPOSE: The board may review and revise its rules regarding the established code of ethics for licensees of the Board.  
ANTICIPATED SCHEDULE: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the

public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 16: Prearranged Funerals – Mortuary Trust Agreements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 1401(2), 1451, 1501

PURPOSE: The board may review and revise the forms of mortuary trust agreements for use in Maine. The board may propose rulemaking to address the question of funding Mortuary Trust Accounts with proceeds of life insurance policies.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-333**  
**BOARD OF LICENSURE OF PROFESSIONAL FORESTERS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-333**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Professional Foresters**

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 RULE-MAKING ACTIVITY**: The Board is currently in the process of proposing the following rulemaking:

- Chapter 70-A: Licensure by Endorsement to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement to applicants from other U.S. jurisdictions holding an active forester license.
- Chapter 70: Qualifications for a Forester License - The principal reason for this proposed rulemaking is to align the rule with 32 M.R.S. § 5516 (2)(B) regarding the pathway for those applicants applying on the basis of a license in another jurisdiction.
- Chapter 100: Code of Ethics - Repeal and replace with a chapter that clarifies terminology and definitions, describe forester roles and when an agreement is required.

**CHAPTER 20: General Information**

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter provides for the election of Board officers. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 30: Advisory Rulings**

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

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 40: Educational Qualifications for Issuance of an Intern Forester License**

STATUTORY AUTHORITY: 32 M.R.S. §§ 5506(1), (2), and 5514(2)

PURPOSE: This chapter sets forth the education and experience requirements necessary for licensure as an intern forester. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 70: Qualifications for Forester License**

STATUTORY AUTHORITY: 32 M.R.S. §§ 5506(2), 5515(3), (5), (5-A), (6), (10) and 5516(2)

PURPOSE: This chapter sets forth the education, experience, and examination requirements for licensure as a forester. Changes may be necessary to clarify a provision and to amend provisions as necessary to implement P.L. 2021, c. 167, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 80: Continuing Forestry Education**

STATUTORY AUTHORITY: 32 M.R.S. §§5515(7); 5506(4), 5514(4)

PURPOSE: This chapter establishes the minimum continuing education required for license renewal. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 90: Registration of Foresters for the Supervision of Unlicensed Personnel**

STATUTORY AUTHORITY: 32 M.R.S. § 5515(10)(B)

PURPOSE: This chapter implements a registration system for foresters who supervise unlicensed individuals in the practice of forestry. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 100: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 5506(3)

PURPOSE: This chapter defines unprofessional practice as failure to comply with the Code of Ethics adopted by the Board in this chapter. This chapter may be amended as necessary to address unprofessional conduct resulting from Board complaints and changes in forestry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 5516; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-343**  
**BOARD OF RESPIRATORY CARE PRACTITIONERS**  
Maine Administrative Procedure Act  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-343**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Respiratory Care Practitioners**

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**: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing 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. Review of current rules will be conducted and updated as may be necessary.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 9704

PURPOSE: This chapter defines terms used throughout 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Advisory Rulings**

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 9704

PURPOSE: This chapter sets forth procedures for the issuance of advisory rulings by the board. This chapter may be subject to review for 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: License Requirements for Respiratory Care Practitioners**

STATUTORY AUTHORITY: 32 M.R.S. §§ 9702(6) and (7), 9704(1) and (2), 9705, 9706-A, 9707-A, 9711

PURPOSE: This chapter defines and describes eligibility requirements for Respiratory Therapists, Respiratory Care Technicians, temporary licensees and trainees. This chapter also sets forth license renewal procedures for Respiratory Therapists and Respiratory Care Technicians. This chapter may be subject to review for 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 6: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 9704(2)  
PURPOSE: This chapter specifies the manner in which respiratory care practitioners shall practice respiratory care. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Misconduct**

STATUTORY AUTHORITY: 32 M.R.S. §§ 9704(2)  
PURPOSE: This chapter provides examples of inappropriate behaviors that would constitute unprofessional conduct. The Board may review this for conformance with current statutes and make changes as needed.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 9714  
PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 9709-A; 10 M.R.S. 8003-H  
PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A



**02-344**  
**BOARD OF LICENSING OF DIETETIC PRACTICE**  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-344**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensing of Dietetic Practice**

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**: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing 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. Review of current rules will be conducted and updated in line with current professional standards and definitions.

**CHAPTER 1: General Information**

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules outlining the guidelines relating to meetings, records and advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers, applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Rules for Licensing of Dietetic Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2); 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may review and revise its rules regarding licensure in dietetic practice, including educational requirements, examination requirements, application and licensing procedures, fees, and continuing education requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Complaints and Investigations**

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules describing the procedure by which complaints and investigations will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers, applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

**PURPOSE:** The board may review and revise its rules regarding codes of ethics for licensed dietitians and dietetic technicians.

**SCHEDULE FOR ADOPTION:** Within one year, if necessary

**AFFECTED PARTIES:** Consumers and licensees.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**02-360**  
**BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-360**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure for Professional Land Surveyors**

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**: The board expects to adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. The Board also expects to clarify examination requirements in Chapter 60: Licensure by Comity.

**CHAPTER 10: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter defines terms used in the Board's rules. The Board may need to amend the rule to define new terms or clarify existing terms.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 20: General Information**

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter establishes guidelines for meeting agendas and election of Board officers. The Board has proposed a change that clarifies how agendas are sent to Board members. Additional changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 30: Advisory Rulings**

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

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 40: Qualification for Licensure as Land Surveyor-In-Training**

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212, 18223

PURPOSE: This chapter sets forth the requirements for licensure as a land surveyor-in-training. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 50: Qualification for Licensure as Professional Land Surveyor**

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212, 18224

PURPOSE: This chapter establishes the licensing qualifications for professional land surveyors. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 60: Licensure by Comity**

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212, 18227, 18227-A; 10 M.R.S. § 8003-H;

PURPOSE: This chapter sets forth the conditions under which a licensee from another jurisdiction may be licensed as a land surveyor-in-training or professional land surveyor in Maine. Changes may be needed to clarify a provision and to amend provisions as necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 70: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212 & 18225

PURPOSE: This chapter establishes the continuing education requirements for license renewal. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 90: Standards of Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter sets forth the standards of practice for licensees. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-371**  
**NURSING HOME ADMINISTRATORS LICENSING BOARD**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-371**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Nursing Home Administrators Licensing Board**

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**: The board intends to repeal and replace all existing rules in their entirety. Rulemaking expected to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules would establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise its definitions for applicable terms contained in the rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Nursing Home Administrators**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: This chapter sets forth the general requirements for licensure as a Nursing Home Administrator and the continuing education requirements for license renewal. The board will propose that no new nursing home administrator licenses be issued but that those licensees who hold current, valid nursing home administrator licenses may continue to renew that license or may transition to the multi-level facility administrator license by passing a board-approved exam. The board will also propose to update and revise provisions pertaining to the administrator-in-training program for nursing home and multi-level facility administrators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Residential Care Facility Administrators**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will revise and update the general requirements for licensure as a Residential Care Facility Administrator and the continuing education requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 4: Multi-Level Long Term Care Facility Administrators**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the general requirements for licensure as a Multi-Level Long Term Care Facility Administrator and the continuing education requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 5: Licensing**

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 64-B; 10 M.R.S. § 8003(5-A)(D)(5)

PURPOSE: The board will update and revise the guidelines for license issuance, renewal, and reinstatement, and for the disciplining of licensees. The board will also propose to add new provisions on inactive status licensure, as authorized by 10 M.R.S. § 8003(5-A)(D)(5).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 6: Endorsement**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2) and (9)

PURPOSE: The board will update and revise the requirements for licensure by endorsement for licensees who hold licenses from another jurisdiction.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants currently licensed in other jurisdictions who will seek licensure in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 7: Temporary Licenses**

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2)

PURPOSE: The board will update and revise the requirements for temporary licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 8: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 65

PURPOSE: The board will update and revise the continuing professional education requirements for administrators licensed by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 9: Advisory Rulings**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2); 5 M.R.S. §§ 8051, 9001

PURPOSE: The board will update and revise the process for obtaining advisory rulings with regard to interpretation of these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees, and public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10: Fees**

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: This chapter has been superseded by 10 M.R.S. § 8003(2-A)(D) and rulemaking pursuant to Chapter 10 of the rules of the Office of Professional & Occupational Regulation, and therefore should be repealed entirely.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

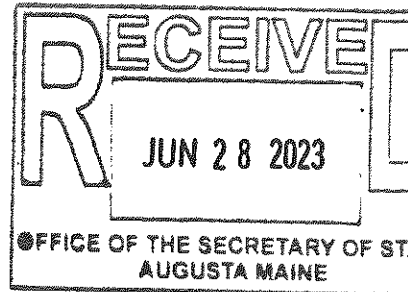
PURPOSE: The board will update and revise its code of ethics by adopting nearly verbatim the most recent version of the American College of Health Care Administrators Code of Ethics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-373**  
**MAINE BOARD OF LICENSURE IN MEDICINE**  
2023-2024 Regulatory Agenda  
*Filed: June 27, 2023*



AGENCY UMBRELLA-UNIT NUMBER: **02-373**

AGENCY NAME: **Board of Licensure in Medicine**

**RULE-MAKING LIAISON:** Maureen S. Lathrop, Administrative Assistant, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3603; e-mail: [maureen.s.lathrop@maine.gov](mailto:maureen.s.lathrop@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023 - 2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Rule Regarding Physicians

STATUTORY BASIS: 32 M.R.S. §§ 3269(1),(2),(3),(7); 3271; 3280-A

PURPOSE: This chapter sets forth licensure and renewal requirements for medical doctors. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Applicants for licensure/renewal of licensure and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 2:** Joint Rule Regarding Physician Assistants

STATUTORY BASIS: 32 M.R.S. §§ 3269(7), 3270-E(5); 10 M.R.S. § 8003(5)(C)(4)

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure pertaining to the licensure, scope of practice, continuing clinical competency, consultation, collaborative agreements, practice agreements, notification, and continuing education requirements for physician assistants who are licensed in Maine. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Applicants for licensure/renewal of licensure and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 3:** Professional Standards

STATUTORY BASIS: 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a rule to define unprofessional conduct by physicians and physician assistants.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)



**CHAPTER 4: Rules for the Issuance of Citations**

STATUTORY BASIS: 32 M.R.S. § 3269(7); 10 M.R.S. § 8003-E

PURPOSE: This chapter lists the violations for which a citation and administrative fine 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. The Board may propose changes to citation amounts.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians and physician assistants

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 7 Rule Related to the Conduct of Adjudicatory Hearings**

STATUTORY BASIS: 32 M.R.S. §§ 3282-A, 3269(4)

PURPOSE: The Board may develop and propose a rule regarding the conduct of adjudicatory hearings.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 8 Rule Related to Complaint Investigations and Complaint Reviews**

STATUTORY BASIS: 32 M.R.S. §§ 3282-A, 3269(8)

PURPOSE: The Board may develop and propose a rule regarding complaint investigations and complaint reviews.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 10: Sexual Misconduct**

STATUTORY BASIS: 32 M.R.S. §§ 3269(3), 3269(7)

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure that defines sexual misconduct by physicians and physician assistants, sets forth the range of sanctions applicable to violations of this rule, and identifies the factors the Board should consider in imposing sanctions. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 11: Joint Rule Regarding Telehealth Standards of Practice**

STATUTORY BASIS: 32 M.R.S. § 3269(3),(7), 3300AA – 3300EE

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Nursing. This chapter establishes standards for using telehealth in providing healthcare. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON FOR THIS CHAPTER: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 12: Joint Rule Regarding Office Based Treatment of Opioid Use Disorder**

STATUTORY BASIS: 32 M.R.S. §§ 3269(3),(7), 3300-EE, 3300-F

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Nursing. The purpose of this chapter is to ensure safe and adequate treatment of opioid use disorder with Approved Medications in an outpatient medical setting that is not a certified Opioid Treatment Program. The Board plans to propose amendments to make the rule consistent with changes to DEA registration requirements. The Board may also propose changes as needed.

SCHEDULE FOR ADOPTION: In process

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER 21: Use of Controlled Substances for Treatment of Pain**

STATUTORY BASIS: 32 M.R.S. §§ 3269(3),(7), 3300-F

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure, the Board of Nursing and Board of Licensure of Podiatric Medicine to ensure adequate relief of pain to the citizens of Maine. The Board plans to propose amendments to make the rule consistent with changes to DEA registration requirements. The Board may also propose changes as needed.

SCHEDULE FOR ADOPTION: In process

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**CHAPTER X**

STATUTORY BASIS: Title 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a joint rule with the Maine Medical Marijuana Program regarding appropriate record keeping, the physician-patient relationship, unethical or unprofessional conduct, and standards of practice.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

#### **CHAPTER X**

STATUTORY BASIS: Title 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a joint rule with the Board of Osteopathic Licensure and the Board of Nursing regarding universal precautions for prescribing controlled substances.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04330-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

#### **CHAPTER X**

STATUTORY BASIS: Title 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a joint rule with the Board of Osteopathic Licensure regarding medical records retention, including storage, length of time for retention, and notification to patients about how to access medical records following the closure of a medical practice.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04330-0137; (207) 287-3605; e-mail: [dennis.e.smith@maine.gov](mailto:dennis.e.smith@maine.gov)

**02-384**  
**STATE BOARD OF ALCOHOL AND DRUG COUNSELORS**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-384**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **State Board of Alcohol and Drug Counselors**

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:**

The Board is in the process of completing rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement, which will be located in a newly created Chapter 5-A. Rules may also be proposed to implement these laws to establish a process to grant provisional licenses to applicants from other jurisdictions.

Other expected rulemaking will be to implement: P.L. 2021, c. 291 governing 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; and P.L. 2019, c. 83, a new rule specifying qualifications for licensure of a Certified Clinical Supervisor.

Review of current rules will be conducted and updated as may be necessary.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 6212

PURPOSE: This chapter defines certain specialized terms used in 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Advisory Rulings**

STATUTORY AUTHORITY: 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: Requirements for Registration as an Alcohol and Drug Counseling Aide (ADCA)**

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6213-B

PURPOSE: This chapter states the eligibility requirements for registration to practice as an alcohol and drug counseling aide. This chapter also requires ADCAs to provide prompt notice of change of employment. 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 4: Requirements for Licensure as a Certified Alcohol and Drug Counselor (CADC)**

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212(1), 6214-C, 6216

PURPOSE: This chapter states the eligibility requirements for a certificate to practice as a certified alcohol and drug counselor, including application, education, experience and examination. 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 5: Requirements for Licensure as a Licensed Alcohol and Drug Counselor (LADC)**

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6214-D, 6216

PURPOSE: This chapter states the eligibility requirements for issuance of a license to practice as a licensed alcohol and drug counselor, including application, education, experience and examination. 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 6: Standards for Certification of Clinical Supervisors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6214-E, 6216

PURPOSE: This chapter states the eligibility requirements for certification of clinical supervision to alcohol and drug counseling aides, certified alcohol and drug counselors and licensed alcohol and drug counselors. The Board will review this chapter for conformance with P.L. 2019 c. 83 which codifies the requirements of licensure as a certified clinical supervisor.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Continuing Professional Education for Alcohol and Drug Counselors, Alcohol and Drug Counseling Aides and Certified Clinical Supervisors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6219, 6219-A, 6219-B

PURPOSE: This chapter describes the continuing education required for renewal of licenses, registrations and certificates. The Board may review this chapter for conformance with statutes and make updates to continuing education requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 8: Enforcement and Disciplinary Procedures**

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6217-B  
PURPOSE: This chapter sets forth the right of an applicant or an alcohol and drug counselor, alcohol and drug counseling aide, or certified clinical supervisor to appeal certain board actions. This chapter also specifies the enforcement and disciplinary procedures used by the board and sets forth as standards of practice the board's interpretation of certain grounds for discipline contained in 32 M.R.S. § 6217-B. 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: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 6212(9)  
PURPOSE: This chapter contains the Code of Ethics for the performance of alcohol and drug counseling services. 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 NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 6212, 32 M.R.S. § 6235  
PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. §§ 6212, 6220; 10 M.R.S. 8003-H  
PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-385**  
**MANUFACTURED HOUSING BOARD**  
2023- 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-385**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Manufactured Housing Board**

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 RULE-MAKING ACTIVITY:**

The Board may undertake rulemaking to re-organize and re-number multiple chapters to clarify provisions within them and to make the rules easier to navigate and understand.

**CHAPTER 110: State Certification of Modular Homes**

STATUTORY AUTHORITY: 10 M.R.S. §§ 9005-A, 9041, and 9042

PURPOSE: This chapter sets forth construction standards, compliance assurance, inspection requirements, grounds for violation, and licensee appeal procedures relating to State-certified modular homes. The Board may propose a rule to update the adopted codes for modular home construction.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 340: Licensing – Licenses**

STATUTORY AUTHORITY: 10 M.R.S. § 9021

PURPOSE: This chapter sets forth requirements for licensure as a mechanic, installer, dealer, developer dealer or manufacturer of manufactured housing. The Board may update this rule to amend the license renewal from a 2-year period to the current 1-year period, and to clarify recordkeeping requirements at dealer branches.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 350: Licensing – Scope of Practice, Obligations of Licensees, Prohibited Practices**

STATUTORY AUTHORITY: 10 M.R.S. § 9021

PURPOSE: This chapter describes the scope of practice applicable to the different licenses, obligations of licensees, and prohibited practices. The Board may update this rule to clarify the obligations of licensees and prohibited practices regarding contractors, and to clarify recordkeeping requirements at dealer branches.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 820: Definitions**

STATUTORY AUTHORITY: 10 M.R.S. § 9085

PURPOSE: This chapter defines terms used in the rules relating to manufactured housing communities. The board may propose an amendment of this rule to update/change the private water system definition to align with Chapter 840.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 840: Rules Relating to Drinking Water Systems of Manufactured Housing Communities**

STATUTORY AUTHORITY: 10 M.R.S. §§ 9005-A, 9084, 9085

PURPOSE: This chapter outlines the jurisdiction of the Board and the Division of Environmental Health within the Maine Center for Disease Control and Prevention, Department of Health and Human Services, in regulating the drinking water systems of manufactured housing communities. This chapter also sets forth the safe drinking water requirements for manufactured housing communities with Private Water Systems, which are regulated by the Board. These requirements pertain to Private Water System approval, operation, and modification; annual water testing, reporting, and notice to community residents; and enforcement remedies when a community violates these rules. The rules in this chapter are established to protect public health from unsafe Private Water Systems and to require that a community notify the population served of annual water test results. The Board may propose a rule to simplify the test scheduling requirements making it easier to understand while maintaining the same level of safety.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 850: Community Licensing – Standards**

STATUTORY AUTHORITY: 10 M.R.S. § 9082 and § 9085.

PURPOSE: This chapter establishes licensing standards relating to minimum lot size, potable water, plumbing, fuel supplies, electrical connections, life and fire safety, streets, and nuisances. The Board may propose rulemaking to move Chapter 850, Section 2 to Chapter 840, Section 3(1), update/change the incorporation of the NFPA 70, 2014 to the edition currently adopted by the Electricians' Examining Board and update requirements for fuel supply systems to meet requirements of the Maine Fuel Board.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 890: Manufactured Home Installation Standards**

STATUTORY AUTHORITY: 10 M.R.S. § 9061, 42 U.S.C. § 5404(c)(2)(section 605(c)(2))

PURPOSE: This chapter sets forth minimum requirements for the initial installation of new manufactured homes (HUD) in accordance with federal standards. The Board may propose rulemaking to clarify that these standards do not apply to Tiny Homes as defined in 29-A M.R.S. § 101(80-C), to make compliance with the Pre-Occupation



inspection program easier while adding clarity to those requirements and adding clarification language to other individual sections of the chapter.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 900: Used Manufactured Home Installation Standard**

STATUTORY AUTHORITY: 10 M.R.S. § 9061 and §§ 9062-9070

Purpose: This chapter sets forth minimum requirements for the installation of used manufactured homes. The Board may propose rulemaking to clarify that these standards do not apply to Tiny Homes as defined in 29-A M.R.S. §101(80-C), and add language for clarification.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 950: Used Standard – Plumbing Systems**

STATUTORY AUTHORITY: 10 M.R.S. § 9061 and §§ 9062-9070

Purpose: This chapter covers the plumbing materials, fixtures, and equipment installed within or on used manufactured (HUD) homes. It is the intent of this chapter to assure water supply, drain, waste and vent systems permit satisfactory functioning and provide for health and safety under all conditions. The Board may propose rulemaking in order to assure that sections within this rule do not conflict with those adopted by the Plumbers Examining Board.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 960: Used Standard – Heating and Fuel Burning Systems**

STATUTORY AUTHORITY: 10 M.R.S. § 9061 and §§ 9062-9070

Purpose: This chapter covers heating and fuel burning equipment installed within or on used manufactured (HUD) homes. It is the intent of this chapter to assure that properly licensed technician inspects the heating equipment for safe operation and compliance with appropriate codes. The Board may propose rulemaking in order to clarify, adding specific requirements for gas fired systems, and assure that sections within this rule do not conflict with those adopted by the Maine Fuel Board.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-392**  
**MAINE BOARD OF PHARMACY**  
2023 - 2024 Regulatory Agenda

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 130<sup>th</sup> Legislature will require the Board to adopt new rules and review current rules for updates. They include:

- *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 131st Legislature also passed the following laws which may require the Board to adopt new rules:

- *P.L. 2023, c. 245* (LD 899) An Act to Authorize Vaccine Administration by Pharmacy Technicians and Reduce Vaccine Administration Training Requirements for Pharmacists (**Emergency**)
- *P.L. 2023, c. 170* (LD 1151) An Act Concerning the Authority for Pharmacists to Administer Vaccines (**Emergency**)
- *P.L. 2023, c. 115* (LD 351) An Act to Increase Access to Birth Control by Making Certain Contraception Accessible from a Pharmacist
- *P.L. 2023, c. 329* (LD 1615) An Act Regarding Limits on Medication in Vending Machines

The Board may also:

- Complete a 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 Vaccines and Operation of a Drug or Vaccine Administration Clinic Inside, Outside or Off the Premises of Licensed Retail Pharmacy, Rural Health Clinic or Free Clinic**

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(1)(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 Pharmacies**

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, 13759

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 Substitution**

**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

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: 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. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 42: 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. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-393**  
**BOARD OF EXAMINERS IN PHYSICAL THERAPY**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-393**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners in Physical Therapy**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOP 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**: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, 167 and P.L. 2021, c. 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348. Adopt new rules to implement P.L. 2021, c. 291 governing 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. The Board may review and amend for updates and compliance with current law the licensure requirements and procedures for physical therapists, physical therapist assistants, and physical therapy aids. Pursuant to P.L. 2019, c. 503, the Board will delete the character references for initial licensing. The Board may also review and update the code of professional practice as may be necessary.

The Board will review its rules and make any changes necessary to conform the rules to the changes made the law by P.L. 2023, c. 317 (LD 1453), An Act to Amend the Physical Therapist Practice Laws. Specifically, the Board will begin the process of promulgating a rule to implement continuing education requirements that will be contingent for license renewal.

**CHAPTER 1: Definitions**

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C)

PURPOSE: The chapter defines certain professional terms used throughout 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: General Provisions**

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C); 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. 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: Licensure Requirements for Physical Therapists and Physical Therapist Assistants**

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(A), (B), and (C), 3114-A, 3116

PURPOSE: The chapter states the requirements for issuance of a license to practice physical therapy, including application, education, experience, and references. The Board may review this chapter for conformance with law and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Standards for Supervision of Physical Therapist Assistants and Physical Therapy Aides**

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(C), 3113-B(6)

PURPOSE: The chapter establishes the standards by which physical therapist assistants and physical therapy aides will be supervised. 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 5: Enforcement and Disciplinary Procedures**

STATUTORY BASIS: 32 M.R.S. §§ 3112(5), 3117-A

PURPOSE: The chapter outlines enforcement and disciplinary procedures used by the Board, including grounds for discipline and clarification of terms. 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 6: Code of Ethics**

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C)

PURPOSE: The chapter sets the standards of professional practice of physical therapy. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Fees**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3112(5)(C) and (D), 3114-A(2)(B)

PURPOSE: The chapter establishes fees and is subject to repeal because fees for this program are now established by the Director of the Office of Professional and Occupational Regulation (OPOR) in Chapter 10 of OPOR's rules, as authorized by 10 M.R.S. § 8003(2-A)(D).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-395**  
**PLUMBERS' EXAMINING BOARD**  
Maine Administrative Procedure Act  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-395**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Plumbers' Examining Board**

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 RULE-MAKING ACTIVITY**: Rulemaking is expected to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, regarding issuance of provisional licenses and establishing a process to issue licenses by endorsement.

**CHAPTER 1: Advisory Rulings**

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Licensing Requirements**

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules for licensure as a Trainee Plumber, Journeyman-in-Training, Journeyman Plumber, and Master Plumber.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Installation Standards**

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board will amend this chapter to implement LD 675/Resolve 2023, c. 65.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Reciprocity**

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-396**  
**BOARD OF LICENSURE OF PODIATRIC MEDICINE**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-396**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Podiatric Medicine**

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**: Rulemaking expected to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to grant provisional licenses to applicants from other jurisdictions.

The Board expects to adopt rulemaking it has already proposed, a newly created chapter Chapter 1-A, Licensure by Endorsement, which outlines the process to issue a license to an applicant who presents proof of licensure by another jurisdiction of the United States as long as the other jurisdiction maintains substantially equivalent license requirements.

Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules would establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rulemaking for possible amendments to Chapter 21 ( a joint rule with Board of Licensure in Medicine, Nursing and Osteopathic Doctors) as well as whether to suspend enforcement of certain provisions of the rule that may conflict with recent changes to federal regulations regarding prescribing Suboxone. Review of current rules will be conducted and updated as may be necessary.

**CHAPTER 1: Licensing of Podiatrists**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3605-B(3), 3651-A, 3652, 3654

PURPOSE: The board may review and revise the application procedure and qualifications for licensure. Provisions may be added pertinent to the staff review of applications.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Fees**

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may repeal existing fee provisions now that the Office of Professional & Occupational Regulation has established fees for this board pursuant to 10 M.R.S. § 8003(2-A)(D) and 02-041 C.M.R., Chapters 10 and 11.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A



**CHAPTER 3: Continuing Education for Podiatrists**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3605-B(2), (3) and 3652

PURPOSE: The board may review and revise the academic requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 21: Use of Controlled Substances for Treatment of Pain**

STATUTORY AUTHORITY: 32 M.R.S. § 3657

PURPOSE: The board may review and revise the principles of proper pain management and the treatment of pain.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. §§ 3605-B, 3665

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 3654; 10 M.R.S. § 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-415**  
**BOARD OF EXAMINERS OF PSYCHOLOGISTS**  
Maine Administrative Procedure Act  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-415**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners of Psychologists**

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 RULE-MAKING ACTIVITY**: Rules will be established to implement P.L. 2021, c. 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; P.L. 2021, c. 233, An Act to Address Behavioral Health Practice in the State; P.L. 2021, c. 291, An Act Regarding Telehealth Regulations and P.L. 2021, c. 302, An Act to Ensure That Children Receive Behavioral Health Services. Review of current rules will be conducted and updated as may be necessary.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter defines terms used throughout the board's rules. The board may review this chapter for clarity and conformance with current 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 AUTHORITY: 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 clarity and conformance with current 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: Application, Examination and the Licensure Process**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3824(2), (5); 3831-3832

PURPOSE: This chapter sets forth the application and examination sequence for persons applying for licensure as a psychologist or psychological examiner, including authorization for acceptance of the ASPPB Certificate of Professional Qualification in Psychology (CPQ), ASPPB Psychology Licensure Universal System (PLUS) and the National Register (NR). This chapter also contains limitations on the conditional and temporary licenses, and provisions relating to licensure generally and supervision.

The board may review this chapter for clarity and conformance with current 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 4: Licensure of Psychologists**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3824(2); 3831-3832

PURPOSE: This chapter establishes standards for the education and pre- and post-doctoral supervised experience of psychologists, supervision program requirements and supervisor responsibilities. The board may review this chapter to amend pre- and post-doctoral supervised experience requirements and review the rules for clarity and conformance with current statutes and make updates as may be necessary. The board may consider establishing procedures for licensees in another state to be licensed in this State by written agreement with another jurisdiction under a written licensing compact or any other method of license recognition.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

#### **CHAPTER 5: Licensure of Psychological Examiners**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3811(1), 3824(2)

PURPOSE: This chapter establishes standards for the education and supervised experience of psychological examiners. This chapter also addresses the provision of intervention services by psychological examiners. The board may review this chapter for clarity and conformance with current 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 6: Supervision of Unlicensed Personnel**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3812-A(1), 3824(2)

PURPOSE: This chapter establishes standards for the supervision of unlicensed persons who participate in the provision of psychological services. The board may review this chapter for clarity and conformance with current 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: Qualifications of Supervisors**

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter sets forth qualification standards for supervising psychologists. The board may review this chapter for clarity and conformance with current 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 8: Continuing Professional Education**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3824(2), (6); 3835

PURPOSE: This chapter requires licensees to update and advance their skills through continuing professional education so that the public may benefit from the most current and effective standards of professional practice. The board may review this chapter for clarity and conformance with current 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 9: Ethical Standards and Practice Requirements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 3816, 3824(2)

PURPOSE: This chapter establishes ethical standards for psychologists and psychological examiners. The board may review this chapter for clarity and conformance with current 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 10: Enforcement and Disciplinary Procedures**

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter specifies the enforcement and disciplinary procedures used by the board, sets forth grounds for discipline that interpret or supplement the statutory grounds for discipline contained in 10 M.R.S. § 8003(5-A) and 32 M.R.S. § 3837-A, and provides for the psychological evaluation of psychologists who may be impaired. The board may review this chapter for clarity and conformance with current 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 NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 3850-I

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 3836; 10 M.R.S. § 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-416**  
**BOARD OF SOCIAL WORKER LICENSURE**  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: 02-416  
AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Social Worker Licensure**

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**: Rules may be amended as necessary to implement LD 1400, enacted by the 131st Legislature as PL 2023, c. 315, An Act to Allow Certain Social Workers to Diagnose Organic Mental Illnesses.

**CHAPTER 10: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. §§ 7001-A, 7030(2)

PURPOSE: The board may review and revise the terms used in these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Advisory Rulings**

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

PURPOSE: The board may review and revise the provision that allows for the Board's discretionary issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Licensure by Endorsement**

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(2); 10 M.R.S. § 8003-H

PURPOSE: The board may review and revise the rule establishing the pathway for applicants in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine's requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Licensure**

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(2), 7053, 7057 and 7060

PURPOSE: The board may review and revise the requirements for the various types of social work licenses.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 14: Continuing Professional Education**

STATUTORY AUTHORITY: 32 M.R.S. § 7030(5)

PURPOSE: The board may review and revise the continuing professional education requirements for social workers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 15: Scope of Practice**

STATUTORY AUTHORITY: 32 M.R.S. §§ 7001-A(11), 7053-A

PURPOSE: The board may review and revise the permissible scope-of-practice provisions applicable to the various licensure types issued by the board, and related provisions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 16: Code of Ethics and Grounds for Discipline**

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(2), 7059

PURPOSE: The board may review and revise its rules regarding the adopted code of ethics and the board's interpretation of certain grounds for discipline contained in 10 M.R.S. 8003(

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 17: Record Retention Requirements**

STATUTORY AUTHORITY: 32 M.R.S. § 7030(2)

PURPOSE: The board may review and revise its existing rules with regard to retaining client records by licensees.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 18: Telehealth**

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(2), 7071

PURPOSE: This Chapter implements the provisions of P.L. 2021, c. 291 (32 M.R.S. §§ 7071 *et seq.*) by establishing standards of practice and appropriate restrictions for when social workers use telehealth to provide services to clients.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-465**  
**RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS**  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-465**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Radiologic Technology Board of Examiners**

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**: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing 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. Review of current rules will be conducted and updated as may be necessary.

**CHAPTER 1: Application and Scope**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise this chapter, which describes the scope of the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise the terms used in these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Advisory Rulings**

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

PURPOSE: The board may review and revise this chapter, which provides for its discretionary issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Licensure of Radiographers, Nuclear Medicine Technologists and Radiation Therapists**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise qualifications for the initial licensure of radiographers, nuclear medicine technologists and radiation therapists. The issuance of limited licenses, temporary licenses and special permits is described in Chapters 5 and 7 of the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 5: Temporary Licenses and Special Permits**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise qualifications and application procedures for the issuance of temporary licenses to practice as a radiographer, nuclear medicine technologist or radiation therapist, and special permits to practice as a nuclear medicine technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 6: Trainees for Limited Radiographer License**

STATUTORY AUTHORITY: 32 M.R.S. §§ 9853(6)(C), 9854(3)(C), 9855(4)

PURPOSE: The board may review and revise the education and training to be completed by trainees in preparation for the limited radiographer license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 7: Limited Radiographer License**

STATUTORY AUTHORITY: 32 M.R.S. § 9855(4)

PURPOSE: The board may review and revise the application and examination procedure leading to issuance of the limited radiographer license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 8: Scope of Practice**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise the permissible scope of practice of radiographers, nuclear medicine technologists, radiation therapists and limited radiographers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 9: Initial Application; License Renewal and Continuing Education; Inactive Status; Reporting Obligations**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)(D)(5)

PURPOSE: The board may review and revise the license renewal, continuing education requirements and procedures relating to inactive status licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.



CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10: Denial Appeals**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)

PURPOSE: The board may review and revise this chapter, which sets forth a licensee's right to appeal a license denial.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Grounds for Disciplinary Action**

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)(A)(5)

PURPOSE: The board may review and revise this chapter, which sets forth the grounds for disciplinary action against licensees.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 9863

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 9857; 10 M.R.S. § 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-477**  
**BOARD OF OCCUPATIONAL THERAPY PRACTICE**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-477**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Occupational Therapy Practice**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR 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:**

Rules will be established to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules would establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

**CHAPTER 2: Advisory Rulings**

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

PURPOSE: The board may revise its rules regarding the discretionary issuance of advisory rulings by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Licensure by Endorsement**

STATUTORY AUTHORITY: 10 M.R.S. § 8003-H; 32 M.R.S. § 2279(6)

PURPOSE: Provides the pathway for Maine Licensure for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine's requirements for the licensed profession or occupation.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3-A: Licensure as a Temporary Licensee, Occupational Therapist or Occupational Therapy Assistant**

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2278, 2279, 2284

PURPOSE: The board may review and revise the requirements and procedures governing the issuance of permanent and temporary licenses, and licenses granted via endorsement, for the practice of occupational therapy.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: License Renewal and Continuing Education Requirements;  
Reinstatement**

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2); 2283(4); 10 M.R.S. § 8003(5-A)(D)(5)

PURPOSE: Continuing education was made as a requirement for Occupational Therapist and Occupational Therapist Assistants license renewals based on P.L. 2021, c. 278 adopting the Occupational Therapy Interstate Compact. This rule was adopted by the Board, effective April 3, 2023.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Role of the Occupational Therapy Assistant; Supervision of Occupational Therapy Assistants and Temporary Licensees**

STATUTORY AUTHORITY: 32 M.R.S. §§ 2272(12), 2274(2)

PURPOSE: The board may review and revise the permissible duties of the Occupational Therapy Assistants and the duties of Occupational Therapists in the supervision of their Assistants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2272(12-D)

PURPOSE: The board may review and revise the rules regarding the code of ethics for licensed Occupational Therapists and Occupational Therapy Assistants by adopting the Occupational Therapy Code of Ethics published by the American Occupational Therapy Association.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 9: Professional Misconduct**

STATUTORY AUTHORITY: 32 M.R.S. § 2274(2), 2286

PURPOSE: The board may review and revise the rules describing professional misconduct that may result in disciplinary action against a licensee, including denial or nonrenewal of a license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 2274(2), 2272(12-D), 2276-A

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-502**  
**BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS**  
2023 – 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-502**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Complementary Health Care Providers**

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 RULE-MAKING ACTIVITY**: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to issue licenses by endorsement and provisional licenses. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348.

Adopt new rules to implement P.L. 2021, c. 291, to establish standards for the delivery of 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.

The Board may adopt rules to implement P.L. 2019, c. 269 for licensing auricular acupuncture detoxification specialists, which will include at a minimum, requirements for licensure and approved training. The Board may consider overall rule updates, errors, and omissions as may be necessary. The Board may also consider updating the rule on prescribing noncontrolled legend drugs by naturopathic doctors in accordance with 32 M.R.S. § 12522 and standards for collaborative relationships between a licensed allopathic or osteopathic physician and a naturopathic doctor.

The Board may review and update rules for the licensing of professional midwives and rules, including but not limited to, requirements for initial and renewal licensure, continuing professional education, standards for the practice of midwives, drug formulary, informed consent documentation, preexisting conditions that render a pregnancy ineligible for out-of-hospital birth, and rules on data collection and reporting for a licensed midwife.

**CHAPTER 1: Definitions**

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter defines and clarifies terms used throughout 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Advisory Rulings**

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter sets forth procedures for the 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.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Licensure Requirement for Acupuncturists**

STATUTORY BASIS: 32 M.R.S. §§ 12503 (B) and (D), 12512

PURPOSE: The chapter establishes requirements for issuance of a license to practice acupuncture, including application, education, experience, and references. 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: License applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3-A: Certification for the Formulation and Dispensing of Custom-Made Chinese Herbal Formulations**

STATUTORY BASIS: 32 M.R.S. § 12513-A(3)

PURPOSE: The chapter establishes requirements for the certification of licensed acupuncturists to formulate and dispense custom-made Chinese herbal formulations. 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: License applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Licensure Requirement for Naturopathic Doctors**

STATUTORY BASIS: 32 M.R.S. § 12525

PURPOSE: The chapter establishes requirements for issuance of a license to practice naturopathy, including application, education, experience, and references. 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: License applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4-A: Licensure Requirement for Certified Professional Midwives**

STATUTORY BASIS: 32 M.R.S. §§ 12533, 12538

PURPOSE: This chapter states the requirements for issuance of a license to practice midwifery, including application and educational experience.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 4-B: Licensure Requirement for Certified Midwives**

STATUTORY BASIS: 32 M.R.S. §§ 12534, 12538

PURPOSE: This chapter states the requirements for issuance of a license to practice midwifery, including application, educational experience and references.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: License applicants and licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Standards for Continuing Professional Education for Acupuncturists, Naturopathic Doctors, Certified Professional Midwives and Certified Midwives**

STATUTORY BASIS: 32 M.R.S. § 12526  
PURPOSE: The chapter states the requirements for continuing education as required for acupuncturists, naturopathic doctors, Certified Professional Midwives and Certified Midwives. The Board may need to amend this chapter to conform to rules adopted by the Office of Professional and Occupational Regulation on substantiation of continuing education by licensed practitioners.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships**

STATUTORY BASIS: 32 M.R.S. §§ 12503(1)(A) and (B), 12506  
PURPOSE: The formulary listing in this chapter may be subject to updates and/or revisions based on federal or state standards with regard to noncontrolled legend drugs, which may be prescribed according to 32 M.R.S. § 12522. Rules adopted pursuant to 32 M.R.S. § 12522(4) are major substantive rules. See 32 M.R.S. § 12506.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**Chapter 6-A: Standards Relating to Certified Professional Midwives Authority to Obtain and Administer Drugs, Medical Devices, and Scope of Practice**

STATUTORY BASIS: 32 M.R.S. §§ 12503, 12535(3), 12535(4), 12535(5)  
PURPOSE: Describes standards by which a certified professional midwife may obtain and administer certain drugs, the authorized certified professional midwife scope of practice and establishes the circumstances under which they shall recommend and facilitate modification of the care relationship.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**Chapter 6-B: Standards Relating to Certified Professional Midwives' Prescriptive Authority and Scope of Practice**

STATUTORY BASIS: 32 M.R.S. §§ 12503, 12537(2), (3), (4) and (5)  
PURPOSE: Describes standards by which a certified midwife may prescribe, obtain and administer drugs and medical devices.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Grounds for Discipline**

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter references the statutory grounds for discipline and includes examples of prohibited conduct. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 8: Code of Ethics**

STATUTORY BASIS: 32 M.R.S. § 12503(B)

PURPOSE: The chapter establishes standards of professional practice in the practice of acupuncture and naturopathic medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-514**  
**BOARD OF COUNSELING PROFESSIONALS LICENSURE**  
2023-24 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-514**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Counseling Professionals Licensure**

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](mailto:kristin.racine@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None.

**EXPECTED 2023-24 RULEMAKING ACTIVITY**: Adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rules will be established to implement P.L. 2021, c. 291 governing 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. Implement P.L. 2021, c. 302, An Act to Ensure That Children Receive Behavioral Health Services. Review of current rules will be conducted and updated as may be necessary.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines terms used in the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 1-A: Advisory Rulings**

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

PURPOSE: The board may review and revise this chapter, which describes a procedure for the issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Licensed Professional Counselors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853(2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the professional counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A



**CHAPTER 3: Licensed Clinical Professional Counselors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the professional clinical counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Licensed Marriage and Family Therapists**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the marriage and family therapist license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Licensed Pastoral Counselors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the pastoral counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 5-A: Registered Counselors**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which sets forth provisions relating to the scope of practice and obligations of registered counselors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Applications / Applicants Licensed in Another Jurisdiction**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13857, 13858(8).

PURPOSE: The board may review and revise this chapter, which sets forth general requirements relating to applications for licensure, applicants trained in foreign countries, and applicants licensed in other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6-A: Licensure by Endorsement.**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853(2), 13857, 13858(8); 10 M.R.S. § 8003-H

PURPOSE: This chapter describes the pathway for Maine licensure for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are

substantially similar to Maine's requirements. This rule implements LD 149 (enacted as P.L. 2021, c. 167 and codified at 10 M.R.S. § 8003-H), An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions and LD 2035 (P.L. 2021, c. 642), An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 7: License Renewal; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13864; 10 M.R.S. § 8003(5-A)(D).

PURPOSE: The board may review and revise this chapter, which describes the board's application and renewal process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 7-A: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13860(2).

PURPOSE: The board may review and revise this chapter, which makes peer consultation an optional, as opposed to mandatory, component of continuing education, and also requires continuing education in domestic violence, substance abuse or emotional trauma.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 8-A: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the code of ethics to be followed by licensed and registered counselors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 8-B: Client Bill of Rights; Disclosure Statements**

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the client bill of rights and counselor disclosure statements adopted by the board and requires counselors to distribute these documents to clients in hand at the commencement of the counseling relationship.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees, members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-658**  
**Maine Fuel Board**  
2023 - 2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-658**

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

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](mailto:kristin.racine@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None.

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

The Board is currently in the process of a complete update of all rule chapters:

The Board has proposed to repeal and replace the following:

- Chapter 1 Definitions
- Chapter 2 Advisory Rulings
- Chapter 3 Categories and Responsibilities of Licensure
- Chapter 4 Qualifications for Examination and Licensure
- Chapter 5 Use of Other License Authorities
- Chapter 6 Adoption of Standards
- Chapter 7 Modification of Standards
- Chapter 8 Installation of Oil Burning Equipment (with Appendix)
- Chapter 9 Installation of Solid Fuel Burning Equipment
- Chapter 10 Chimneys
- Chapter 11 Installation of Waste Oil Appliances and Waste Oil Supply Tanks
- Chapter 12 Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations
- Chapter 13 Installation of Propane and Natural Gas Burning Equipment

The Board has proposed a new chapter: Chapter 14 Propane and Natural Gas Containers, Dispensers, and Piping (with Appendix).

The principal reasons for this rulemaking are to update all of the Board's rules to reflect statutory changes, to add clarity to the phrasing and structure of the rules, and to adopt updated codes and standards.

The Board may also adopt rules necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

### **CHAPTER 1: Definitions**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter clarifies terms in the law and these rules. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

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 establishes guidelines relating to advisory rulings. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 3: Categories and Responsibilities of Licensure**

STATUTORY BASIS: 32 M.R.S. §§ 18123(2), 18132, 18133, 18134, 18134-A, 18135, 18136, 18138, 18139

PURPOSE: This chapter describes the duties and responsibilities for licensure. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 4: Qualifications for Licensure**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the qualifications for licensure and describes the application and examination process. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 5: Use of Other License Authorities**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the requirements for licensed master and journeyman oil and solid fuel technicians to gain licensed experience as an apprentice to qualify for an additional license authority. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 6: Adoption of Standards and Rules**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the standards for installation of any oil and solid fuel

burning equipment, propane and natural gas equipment, chimneys, fireplaces and vents. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute, and will update adopted standards to more recent versions of published codes and standards.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 7: Modification of Standards**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter allows the board to authorize modifications to installation standards under unusual circumstances. This chapter provides the board with the discretion to alter installation standards after appropriate technical consideration. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 8: Installation of Oil Burning Equipment**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the guidelines for the installation of oil burning equipment with necessary safety controls, devices and standards for the reduction of fire hazards associated with oil fired equipment used in residential, commercial and industrial applications. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 9: Installation of Solid Fuel Burning Equipment**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: The purpose of this chapter is to specify the proper installation of solid fuel burning equipment in accordance with NFPA # 211. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 10: Chimneys**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: The primary purpose of this chapter is to set forth the rules governing the removal of waste gases. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Installation of Waste Oil Appliances and Waste Oil Supply Tanks**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter provides requirements for the use of waste oil burning equipment and accessory equipment installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the requirements for permitting aboveground and underground propane and natural gas storage facilities and rooftop installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Installation of Propane and Natural Gas Burning Equipment**

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the guidelines for the installation of propane and natural gas burning equipment with necessary safety controls. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 18142-A; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**02-643**  
**BOARD OF SPEECH, AUDIOLOGY AND HEARING**  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-643**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Speech, Audiology and Hearing**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR 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:**

The board may review and revise its rules regarding continuing education requirements to improve compliance and eliminate confusion surrounding content and “live” or “interactive” hours as written in the current chapter. The board may review and revise the chapter that outlines pathways for educational and practicum requirements for Speech-Language Assistants to meet who are seeking licensure before becoming Speech-Language Pathologists.

The board may need to amend chapter 10 to reference the most recent Food and Drug Administration (FDA) Federal Law to increase the public’s access to hearing aids. The FDA established a new category of over-the-counter hearing aids made available to consumers without the supervision, involvement or prescription of a licensed health care professional.

The board is expected to propose a new rule, Chapter 6-A, to implement licensure by endorsement. This chapter will provide a pathway for Maine licensure for applicants with an active speech-language pathologist, audiologist, or hearing aid dealer and fitter license in another jurisdiction that maintains licensing requirements that are substantially equivalent to Maine’s requirements, so long as the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license and no cause for denial exists under 10 M.R.S. § 8003(5-A)(A), 32 M.R.S. § 17307, or under any other law.

Rules will be established to implement P.L. 2021, c. 291 governing 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.

**CHAPTER 1: Definitions**

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise this chapter, which defines terms used in the board’s rules.

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 AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)  
PURPOSE: The board may review and revise this chapter, which provides for the discretionary issuance of advisory rulings by the board.  
SCHEDULE FOR ADOPTION: Within one year, if necessary. AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Pathways to Licensure as a Speech-Language Pathologist, Audiologist or Hearing Aid Dealer and Fitter**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(1), (3) and (4), 17302(1)  
PURPOSE: The board may review and revise the criteria for the initial licensure of speech-language pathologists, audiologists and hearing aid dealers and fitters.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Licensure of Temporary Speech-Language Pathologists and Audiologists**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(6)  
PURPOSE: The board may review and revise the provisions for initial and renewal licensure of temporary speech-language pathologists and audiologists.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Permitting and Licensing of Hearing Aid Dealers and Fitters**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(2), 17302(2)  
PURPOSE: The board may review and revise the criteria for the permitting, renewal, examination and supervision requirements for trainee hearing aid dealers and fitters.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Applicants for licensure  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Application for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)  
PURPOSE: The board may review and revise the application procedures for licenses, registrations and permits issued by the board.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.



AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: License Renewal; Inactive Status**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17310

PURPOSE: The board may review and revise the procedures for: (a) license renewal by speech-language pathologists, audiologists and hearing aid dealers and fitters; (b) application for and renewal of inactive status licensure; and (c) reinstatement from inactive to active status licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 8: Continuing Professional Education**

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise the continuing education requirements for licensees of the board as described above.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 9: Speech-Language Pathology Assistants**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(5), 17103(6)

PURPOSE: The board may review and revise the qualifications, supervision requirements, and other responsibilities of speech-language pathologists for the assistants they supervise, and the scope of practice of speech-language pathology assistants.

SCHEDULE FOR ADOPTION: Within one year

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10: Practice of Hearing Aid Dealing and Fitting**

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17305(5) and (6)

PURPOSE: The board may review and revise the practice requirements relating to the calibration of audiometers and minimum testing requirements for hearing and the model notice that the board is required to prepare pursuant to 32 MRSA §17305(6) in the form of a Sample Hearing Aid Purchase Agreement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Code of Ethics**

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)  
PURPOSE: The board may review and revise its code of ethics.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Professional Misconduct**

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2), 17307(1)  
PURPOSE: The board may review and revise this chapter, which describes professional misconduct.  
SCHEDULE FOR ADOPTION: Within one year, if necessary.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER NUMBER AND TITLE: N/A**

STATUTORY BASIS: 32 M.R.S. § 17203(2), 17401  
PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.  
SCHEDULE FOR ADOPTION: Within the year.  
AFFECTED PARTIES: Licensees and members of the public.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**Department of Corrections  
2023-2024 Regulatory Agenda  
June 28, 2023**

**RULE-MAKING LIAISON:** Mary Lucia, Policy Development Coordinator, State House Station 111, Augusta, Maine 04333. Telephone: (207) 530-0983.  
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**03-201: Department of Corrections  
03-208: State Parole Board**

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AGENCY UMBRELLA-UNIT NUMBER: **03-201**  
AGENCY NAME: **Department of Corrections**

**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:**  
None

**EXPECTED 2023 – 2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Detention and Correctional Standards for Counties and Municipalities and Additional Accommodations

STATUTORY AUTHORITY: 34-A MRSA §§ 1208, 1208-A, 1208-B and 30-A § 1583

PURPOSE: This rule sets forth standards for county and municipal detention facilities. A review of this rule may be needed to ensure compliance with newly enacted laws.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Benefited parties: Confined persons and staff. Regulated parties: municipal and county detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2:** Community Corrections Professional Standards Council

STATUTORY AUTHORITY: 34-A MRSA §§ 1208-B, 1210-E & 1210-F

PURPOSE: This rule sets forth requirements for jails. This rule is needed to ensure compliance with newly enacted laws.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Benefited parties: Confined persons and staff. Regulated parties: Jails.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3** County Jail Operations Fund Distribution of Funds Formula

STATUTORY AUTHORITY: 34-A MRSA §1210-D

PURPOSE: This rule sets forth the formula for the distribution of funds from the fund to the counties for jail operations. A review of this rule may be needed to ensure compliance with newly enacted laws.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Benefited parties: None. Regulated parties: municipal and county detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Line of Duty Death Benefits for Corrections Officers**

STATUTORY AUTHORITY: 25 M.R.S.A. §1612

PURPOSE: This rule sets forth procedures governing the award of a death benefit to the child, spouse, or parent of a corrections officer who dies while in the line of duty. A repeal and replacement or an amendment to the rule is needed to make statutory updates.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10, Sec. 2.12: Prisoner/Resident Accounts - Fiscal Management**

STATUTORY AUTHORITY: 34-A MRSA §3039

PURPOSE: This rule sets forth procedures for the management of prisoner and resident fiscal accounts. A repeal and replacement or an amendment to the rule is needed to adjust fiscal procedures, make other updates and clarifications.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: Juveniles and adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10, Sec. 2.15: Agreements with Community Agencies - Fiscal Management**

STATUTORY AUTHORITY: 34-A MRSA §1206

PURPOSE: This rule will be repealed, as the statutory authority for the rule has been repealed.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Community agencies having fiscal agreements with the Department

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10: (ADULT), Sec. 6.6: Payment of Restitution or Fines**

STATUTORY AUTHORITY: 34-A MRSA §§ 3035, 3809-A and 4111

PURPOSE: This rule sets forth procedures for the collection of court ordered restitution, whether as a separate sentence or disposition, or as a condition of probation. It also applies to all residents and clients who have a court ordered fine. A repeal and replacement or an amendment to the rule is needed for anticipated modifications to the payment of restitution fines process.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: Adults in the custody or under the supervision of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10 (ADULT), Sec. 14.8: Section 504 Grievance Procedure**

STATUTORY AUTHORITY: 34-A MRSA 1402

PURPOSE: This rule will be repealed as the Department has comprehensive grievance procedures that address this subject.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Clients of the Department of Corrections

CONSENSUS -BASED RULE DEVELOPMENT: N/A

**CHAPTER 10, Sec. 20.1:** Prisoner Discipline

STATUTORY AUTHORITY: 34-A MRSA §3032

PURPOSE: This rule describes disciplinary offenses and punishments for prisoners in Departmental adult facilities. This rule will be repealed and replaced to make updates to the discipline system.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10 (ADULT), Sec. 20.2:** Prisoner Drug and Alcohol Testing

STATUTORY AUTHORITY: 34-A MRSA §§ 1402 and 3032

PURPOSE: This rule sets forth procedures for drug and alcohol testing of adult clients. This rule will be repealed and replaced to modify the drug and alcohol testing procedures.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: Adults in the custody or under the supervision of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10 (ADULT), Sec. 24.3:** Religious Services

STATUTORY AUTHORITY: 34-A MRSA §3048

PURPOSE: This rule provides for the accommodation of any prisoner who expresses a desire to practice a religion of the prisoner's choice as long as the practice does not present a threat to the safety, security or orderly management of the facility. This rule will be repealed and replaced to update and clarify religious accommodations for prisoners.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10, Sec. 30.7:** Variances

STATUTORY AUTHORITY: 34-A MRSA §§1208 & 1208-A

PURPOSE: This rule establishes procedures to govern the submission and consideration of requests for variances from county or municipal detention facility from established Departmental standards, including provisions for Department consideration of appeals of decisions. An amendment of the rule is needed to clarify and add new information regulating municipal and county variances.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Benefited parties: Confined persons & staff. Regulated parties: municipal and county detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12 (JUVENILE), Sec. 15.3:** Resident Discipline System

STATUTORY AUTHORITY: 34-A MRSA §3032

PURPOSE: This rule describes disciplinary offenses and punishments for juveniles in Departmental facilities and establishes a fair and orderly procedure for processing disciplinary complaints. A repeal and replacement are needed to make updates in accordance with professional practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: Juveniles in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12 (JUVENILE), Sec. 15.4:** Drug and Alcohol Testing of Juvenile Clients  
STATUTORY AUTHORITY: 34-A MRSA §§ 1402 and 3032  
PURPOSE: This rule sets forth procedures for drug and alcohol testing of juvenile clients. This rule will be repealed and replaced to modify the procedures for juvenile client drug and alcohol testing.  
ANTICIPATED SCHEDULE: Prior to October 1, 2024.  
AFFECTED PARTIES: Regulated parties: Juveniles in the custody or under the supervision of the Department.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTERS 12 (JUVENILE), Sec. 20.1:** Furlough Pass/Furlough Leave Program  
STATUTORY AUTHORITY: 34-A MRSA §3035  
PURPOSE: This rule sets forth procedures on eligibility, requirements, and conditions for clients under sentence to the Department to participate in a furlough. This rule will be repealed and replaced to clarify when a resident of a juvenile facility may be eligible for or removed from furlough and to add an appeal provision.  
ANTICIPATED SCHEDULE: Prior to October 1, 2024.  
AFFECTED PARTIES: Regulated parties: Juveniles committed to the Department.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12 (JUVENILE), Sec. 20.4:** Community Transition Program  
STATUTORY AUTHORITY: 34-A, MRSA §3035  
PURPOSE: To propose a rule governing the transitioning of juveniles into the community through work release and other programs.  
ANTICIPATED SCHEDULE: Prior to October 1, 2024.  
AFFECTED PARTIES: Regulated parties: Juveniles committed to the Department.  
CONSENSUS BASED RULE DEVELOPMENT: N/A

**CHAPTER 15:** Batterer Intervention Program Certification  
STATUTORY AUTHORITY: 19-A MRSA § 4014  
PURPOSE: This rule sets forth standards and procedures for the certification of batterer intervention programs. An amendment to the rule is needed to revise the standards for the batterer intervention programs.  
ANTICIPATED SCHEDULE: Prior to October 1, 2024.  
AFFECTED PARTIES: Benefited parties: Program staff and participants. Regulated parties: Batterer intervention programs.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:**

None

**EXPECTED 2023 - 2024 RULE-MAKING ACTIVITY:** None

AGENCY UMBRELLA-UNIT NUMBER: **03-208**

AGENCY: **State Parole Board**

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**MAINE ADMINISTRATIVE PROCEDURE ACT**  
**2023-2024 Regulatory Agenda**  
**July 8, 2023**

**AGENCY UMBRELLA-UNIT NUMBER: 05-071**

**AGENCY NAME: Department of Education, Office of the Commissioner**

**RULE-MAKING LIAISON:** Laura Cyr, Rulemaking Liaison Maine Department of Education, 23 State House Station, Augusta, ME 04333-0023, Cell;207-446-8791, email: [laura.cyr@maine.gov](mailto:laura.cyr@maine.gov)

**RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

None

**EMERGENCY RULE ADOPTED SINCE LAST REGULATORY AGENDA:**

None

**CONSENSUS-BASED RULE DEVELOPMENT:**

None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 13: Qualifying Examinations for Teachers, Educational Specialists and Administrators  
REPEAL LANGUAGE RELATING TO MANDATED PRAXIS**

**State Board of Education Rule**

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§ 13031-13038

PURPOSE: Repeal rule language regarding the required qualifying examinations. Revise to discontinue the use of hearing impaired pursuant to PL 2021, Chapter 348

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: School personnel seeking certification under the qualifying exam.

**CHAPTER 33: Rule Governing Physical Restraint and Seclusion – Major Substantive Rule**

STATUTORY AUTHORITY: 20-A MRSA §4502(5)(M); Resolves 2013 Ch. 8

PURPOSE: Review/Revise rules regarding physical restraints and seclusion.

ANTICIPATED SCHEDULE: Provisionally adopted and filed with the Legislature by January 6, 2023.

Approved and signed for emergency final adoption, Resolves 2023 Ch. 49.

AFFECTED PARTIES: Local school administrative units.

**CHAPTER 40: Rule for Medication Administration in Maine Schools – Major Substantive**

STATUTORY AUTHORITY: 20-A M.R.S.A. §254(5)(A-D)

PURPOSE: Update rule to reflect statute changes related to LD 867

ANTICIPATED SCHEDULE: 2025 adoption

AFFECTED PARTIES: School health personnel

**CHAPTER 41: Offering Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated Defibrillator in Maine Public Schools**

STATUTORY AUTHORITY: 20-A MRS §6304

PURPOSE: Update rule to include the minimum standard number of staff per school who are required to be trained in CPR/AED - may require preliminary statute change to 20-A 6304  
ANTICIPATED SCHEDULE: 2025 adoption  
AFFECTED PARTIES: School personnel and administration

**CHAPTER 61: Rules for Major Capital School Construction Projects – Major Substantive State Board of Education Rule**

STATUTORY AUTHORITY: 20-A M.R.S.A. §3; §405(3)(J); §15905 sub-§4  
PURPOSE: Update movable cost structure in Section 10. Pre-construction costs  
ANTICIPATED SCHEDULE: 2025 adoption  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 64: Maine School Facilities Program and School Revolving Renovation Fund – Major Substantive**

**Joint Rule with Maine Municipal Bond Bank**

STATUTORY AUTHORITY: 20-A M.R.S.A. §4001, 5804, 5805, 15603, 15907, 15917, 15918, AND 30-A M.R.S.A. §5953-E, 6006-E, 6006-F, 6014  
PURPOSE: Update joint rule in alignment with LD 1472  
ANTICIPATED SCHEDULE: 2025  
AFFECTED PARTIES: Local school administrative districts, bond bank

**CHAPTER 81: School Transportation Safety**

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)  
PURPOSE:  
ANTICIPATED SCHEDULE: 2025 adoption  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 83: School Transportation Operations Program**

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)  
PURPOSE:  
ANTICIPATED SCHEDULE: 2024 adoption  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 84: School Bus Refurbishment Program - REPEAL**

STATUTORY AUTHORITY: 29-A M.R.S. §2311; 20-A MRS § 5401(17)  
PURPOSE: Repeal as the State Maine Military Authority no longer refurbishes school buses.  
ANTICIPATED SCHEDULE: 2024 adoption  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 85: School Bus Purchase Program**

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)  
PURPOSE: Need to strike Section 1 of this chapter where the School Bus Refurbishment Program is mentioned.  
ANTICIPATED SCHEDULE: 2024 adoption  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 86: Maine Uniform School Bus Specifications**

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)



**PURPOSE:** Update requirements for electric buses - The Department shall adopt rules for Zero Emission Public School Bus Fleet Goal. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**ANTICIPATED SCHEDULE:** 2024 adoption

**AFFECTED PARTIES:** Local school administrative units

**CHAPTER 101: Maine Unified Special Education Regulation – Major Substantive Rule**

**STATUTORY AUTHORITY:** 20-A, M.R.S.A., §7005 (1)

**PURPOSE:** Revise rule and revise the term hearing impaired pursuant to PL 2021, Chapter 348.

**ANTICIPATED SCHEDULE:** 2025 adoption

**AFFECTED PARTIES:** Special education programs and services for eligible infants, toddlers, and children from birth through age 22, school administrative units, and private schools.

**CHAPTER 104: Educational Programs for Gifted and Talented Children**

**STATUTORY AUTHORITY:** 20-A, M.R.S.A., §8101, 15603(22)

**PURPOSE:** Revise and update to reflect actual practice

**ANTICIPATED SCHEDULE:** 2025 adoption

**AFFECTED PARTIES:** Local school administrative units

**CHAPTER 114: Purpose, Standards and Procedures for the Review and Approval of Preparation Programs for Education Personnel**

**State Board of Education Rule**

**STATUTORY AUTHORITY:** 20-A, M.R.S.A. Sections 8, 402(4), 405(3)(F) and 406

**PURPOSE:** Update statutory authority. Review/Revise rules regarding teacher education program approval and revise the term hearing impaired pursuant to PL 2021, Chapter 348.

**ANTICIPATED SCHEDULE:** 2024 adoption

**AFFECTED PARTIES:** Educational personnel preparation programs, educational personnel in training.

**NEW RULE: Rule Regarding the Duties of School Counselors and School Social Workers - MAJOR SUBSTANTIVE RULE**

**STATUTORY AUTHORITY:** PL 2019, Chapter 45

**PURPOSE:** Establish a new rule to create guidelines regarding the duties at least 80% of time of school counselors and school social workers providing direct services to and indirect services on behalf of students including for delivery of a comprehensive school counseling program.

**ANTICIPATED SCHEDULE:** Provisionally adopted and filed with the Legislature by January 6, 2023.

Approved and signed for emergency final adoption, Resolves 2023 Ch. 31.

**AFFECTED PARTIES:** All school administrative units, school counselors and school social workers, and students

**CHAPTER 119: Adjudicatory Proceedings on Certification Issues**

**State Board of Education Rule**

**STATUTORY AUTHORITY:** 20-A MRS §13011(4); 5 MRS §8051

**PURPOSE:** Review and revise rules regarding the procedures for the conduct of formal adjudicatory hearings pertaining to applications for the issuance or renewal of any certificate or endorsement which has been tentatively denied by the Commissioner.

**ANTICIPATED SCHEDULE:** 2025

**AFFECTED PARTIES:** School personnel seeking certification

**CHAPTER 124: Basic School Approval: Public Preschool Programs**

**STATUTORY AUTHORITY:** 20-A M.R.S.A. §4271(4)

**PURPOSE:** Review/Revise rules

ANTICIPATED SCHEDULE: 2025  
AFFECTED PARTIES: All local school administrative units

**CHAPTER 125: Basic Approval Standards: Public Schools and School Administrative Units  
A JOINT RULE WITH THE MAINE STATE BOARD OF EDUCATION**

STATUTORY AUTHORITY: 20-A M.R.S.A. Ch. 206  
PURPOSE: Review/Revise rule that establishes school approval standards governing school administrative units and public schools of the State to reflect changes in State law and rules.  
ANTICIPATED SCHEDULE: 2024 adoption  
AFFECTED PARTIES: All local school administrative units

**CHAPTER 127: Instructional Program, Assessment, and Diploma Requirements – Major Substantive**

STATUTORY AUTHORITY:  
PURPOSE: Update to reflect statutory authority and field practice  
ANTICIPATED SCHEDULE: 2025 adoption  
AFFECTED PARTIES: All local school administrative units

**CHAPTER 128: Truants and Drop-outs Guidelines Repeal**

STATUTORY AUTHORITY: Was 20 MRS §911. The new relevant statute, 20-A Chapter 211 has sufficient detail.  
PURPOSE: Repeal the existing Chapter 128 as the current statute has sufficient detail and the former rule is not consistent with the new statute. Team would like to repeal and replace to focus on chronic absenteeism.  
ANTICIPATED SCHEDULE: 2025  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 131: The Maine Federal, State, and Local Accountability Standards- Major Substantive Rule**

STATUTORY AUTHORITY: 20-A M.R.S.A §6202  
PURPOSE: Review/Revise rules to update aligning with changes in the field since 2013 update  
ANTICIPATED SCHEDULE: 2025  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 132: Learning Results: Parameters for Essential Instruction – Major Substantive Rule**

STATUTORY AUTHORITY: 20-A M.R.S.A. §6211  
PURPOSE: Review/Revise the rule to update any necessary changes.  
ANTICIPATED SCHEDULE: 2024 adoption  
AFFECTED PARTIES: Local school administrative units

**CHAPTER 147: Rules for the Licensing of Privately Owned Business, Trade and Technical Schools – Proprietary Schools**

STATUTORY AUTHORITY: 20-A M.R.S.A. §9503 (5), §9506, §9507  
PURPOSE: Review and revise the rule which details the criteria to be met by any privately owned business, trade, and technical school to obtain a license to do business in the State of Maine.  
ANTICIPATED SCHEDULE: 2024 adoption  
AFFECTED PARTIES: Privately owned business, trade, and technical school

**CHAPTER 149: Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine**

**State Board of Education Rule**

STATUTORY AUTHORITY: 20-A M.R.S.A. §

PURPOSE: Review and revise the rule which details the criteria to be met by any educational institution that confers degrees or offers degree programs

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Public and private higher education institutions

**CHAPTER 150: Licensing Privately Owned Correspondence Schools**

STATUTORY AUTHORITY: 20-A M.R.S.A. §

PURPOSE: Potential repeal of rule to incorporate language into another existing rule

ANTICIPATED SCHEDULE: 2024 5

AFFECTED PARTIES: Correspondence schools

**CHAPTER 221: Adult Education Administrative Cost Reimbursement**

STATUTORY AUTHORITY: Title 20-A MRS §8602

PURPOSE: Review and revise to change the recruiter to navigator

ANTICIPATED SCHEDULE:

AFFECTED PARTIES: Adult education administrative costs for which school administrative units, regions and centers may claim reimbursement.

**CHAPTER 222: Adult Career and Technical Education, and Workforce Training and Re-training, Cost Reimbursement**

STATUTORY AUTHORITY: Title 20-A MRS §8602

PURPOSE:

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Adult education administrative costs for which school administrative units, regions and centers may claim reimbursement.

**CHAPTER 225: Adult Education High School Completion Programs**

STATUTORY AUTHORITY: 20-A, M.R.S.A. §§257, 8602

PURPOSE: Review/Revise rule to reflect changes in state statute and federal guidelines.

ANTICIPATED SCHEDULE: 2024 adoption

AFFECTED PARTIES: Local adult education programs

**CHAPTER 229: ADULT EDUCATION FEES**

STATUTORY AUTHORITY: 20-A MRS §§ 2388, 8602

PURPOSE: Review and revise to address how the compensation works with out of school youth and the SAU of the adult education program who serves the youth.

ANTICIPATED SCHEDULE: 2024Adoption

AFFECTED PARTIES: This rule provides clarification about the collection and utilization of fees in adult education programs.

**CHAPTER 230: Adult Education Program Requirements**

STATUTORY AUTHORITY: Title 20-A MRS §8602

PURPOSE: Review/Revise rule to reflect changes in state statute and federal guidelines.

ANTICIPATED SCHEDULE: 2025

AFFECTED PARTIES: Local adult education programs

**CHAPTER 231: Vocational Program and Funding Procedure REPEAL**

STATUTORY AUTHORITY: 20-A, M.R.S.A. §8306-B

**PURPOSE:** Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to career and technical education program approval and funding based on national industry standards and assessments. Revise the term handicap pursuant to PL 2021, Chapter 348.

**ANTICIPATED SCHEDULE:** 2024 adoption

**AFFECTED PARTIES:** All school administrative units

**CHAPTER 232: Standard Criteria for Maine Secondary Vocational Programs**

**STATUTORY AUTHORITY:** 20-A, M.R.S.A. §8306-B

**PURPOSE:** Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to career and technical education program(s) and courses based on national industry standards and assessments. Revise the term handicap pursuant to PL 2021, Chapter 348.

**ANTICIPATED SCHEDULE:** 2024 adoption

**AFFECTED PARTIES:** All school administrative units

**CHAPTER 236: Program (Vocational Education) Evaluation Requirements REPEAL**

**STATUTORY AUTHORITY:** 32, M.R.S.A. §8306-B

**PURPOSE:** Repeal and replace the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to program evaluation requirements for Career and Technical Education programs based on national industry standards and assessments.

**ANTICIPATED SCHEDULE:** 2024 adoption

**AFFECTED PARTIES:** All school administrative units

**CHAPTER 237: "Live or Outside Work" REPEAL**

**STATUTORY AUTHORITY:** 20-A, M.R.S.A. §8306-B

**PURPOSE:** Review/Revise the rule to change the title to reflect Career and Technical Education Programs and to update the rule with regard to requirements for Career and Technical Education Live or Outside Work Programs based on national industry standards and assessments.

**ANTICIPATED SCHEDULE:** 2024 adoption

**AFFECTED PARTIES:** All school administrative units

**NEW RULES**

**NEW RULE:** Retention and Graduation Rates for Maine's Colleges and Universities

**STATUTORY AUTHORITY:** PL 2011, Chapter 232; 20-A, M.R.S.A., §10011

**PURPOSE:** May develop any necessary RT rules to carry out the provisions of statute.

**ANTICIPATED SCHEDULE:** As necessary

**AFFECTED PARTIES:** Department of Education and Maine's colleges and universities.

**NEW RULE:** Rules for Purple Star Schools

**STATUTORY AUTHORITY:** PL 2021, Chapter 248, 20-A, M.R.S.A., §6995

**PURPOSE:** The Department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**ANTICIPATED SCHEDULE:** Outreach with other states underway

**AFFECTED PARTIES:** All school administrative units and military-connected students

**NEW RULE:** Rules for Private School Approval - **MAJOR SUBSTANTIVE RULE**

**STATUTORY AUTHORITY:** 20-A M.R.S. § 261; 20-A M.R.S. §2954

**PURPOSE:** The Department shall adopt rules to implement this subsection.

**ANTICIPATED SCHEDULE:** As necessary.

**AFFECTED PARTIES:** Department of Education and school administrative units, and private schools approved for the receipt of public funds

**NEW RULE:** Food Service Programs

**STATUTORY AUTHORITY:** PL 2023, Chapter 181, 20-A MRSA §6602

**PURPOSE:** The Department shall adopt or amend rules about the qualifications of food service programs' personnel and rules to implement the federal summer food service program for children. To the extent allowed under federal law, rules adopted under this subchapter must allow for the greatest amount of flexibility in mealtimes and packaging of meals to send home with students.

**ANTICIPATED SCHEDULE:** 2025

**AFFECTED PARTIES:** All school administrative units

**DEPARTMENT OF INLAND FISHERIES AND WILDLIFE (09-137)**

**AGENDA OF PROPOSED REGULATIONS**

**OCTOBER 1, 2023 – SEPTEMBER 31, 2024**

**AGENCY UMBRELLA-UNIT NUMBER: 09-137**

**AGENCY NAME: DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**AGENCY CONTACT:** Becky Orff, Department of Inland Fisheries & Wildlife, Commissioner's Office, #41 State House Station, 353 Water Street, Augusta, ME 04333-0041; telephone: 207-287-5202.

**INTENT:** It is the intent of the Department of Inland Fisheries and Wildlife to adopt and amend reasonable regulations as necessary to ensure that all species of inland fish and wildlife are perpetuated to be used now and for the foreseeable future; and also to repeal regulations that are deemed no longer necessary for the protection, enhancement and continued use of these resources.

**STATUTORY AUTHORITY:** 12 MRSA, Section 10104, subsection 1 states: "The Commissioner may, with the advice and consent of the Advisory Council and in conformity with the Administrative Procedures Act, Title 5, Part 18, and except as otherwise provided, adopt, amend and repeal reasonable regulations, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that the commissioner is charged with the duty of administering. These rules duly adopted have the full force and effect of law and are effective upon filing with the Secretary of State unless a later date is required by statute or specified in the rule." The provisions of the law that the Commissioner is charged with the duty of administering are Part 13 of Title 12 MRSA Chapters 901 to 941.

**PURPOSE OF THE REGULATIONS:** The purpose of any proposed regulation regarding fish and wildlife is to provide for the fullest level of use of the resource without adversely affecting species distribution and abundance. In order to have an organized and systematic way of accomplishing this goal, Species Management Plans were developed, and updated at five-year intervals, for all major fish and wildlife species or species groups. All proposed regulation changes will be based on the adopted goals and objectives for a particular species or species group. Species management goals and objectives are developed with input from representatives of the public from various geographic areas of the state, biological staff and members of Warden Service, and are presented to the Commissioner and the Advisory Council for adoption. Regulations regarding recreational vehicle use are adopted to provide for the use, to the fullest extent possible, of such vehicles (watercraft, airmobiles, snowmobiles and all-terrain vehicles), without adversely affecting the resource and the safety and welfare of persons and property; and administrative regulations are promulgated for the purpose of setting forth reasonable criteria for the proper licensing, registering and tagging, and

training requirements specified by law for the safety and welfare of the resource and citizens of the State.

**POTENTIALLY BENEFITED PARTIES:**

- General public - residents and non-residents
- The hunting, fishing, and trapping public
- Sporting camp operators and others offering meals and lodging
- Sportsmen's organizations
- The boating and recreational vehicle owners and dealers
- Private property owners
- Commercial forest landowners
- Landowners and land users

**EMERGENCY RULES ADOPTED SINCE LAST AGENDA:**

The Department did not adopt any emergency rules since the last agenda.

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**EMERGENCY RULES:** As necessary.

**CHAPTER 1 -- OPEN WATER AND ICE FISHING REGULATIONS:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12452

PURPOSE: To provide for season dates, daily bag and possession limits, size limits, etc. for open water and ice fishing.

ANTICIPATED SCHEDULE: Fishing regulations are promulgated and published on an annual basis January 1 – Dec. 31: Ice Fishing and Open Water: July (or as necessary).

**CHAPTER 1-A – STATE HERITAGE FISH WATERS:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12461

PURPOSE: To maintain a list of waters identified as eastern brook trout waters and arctic charr waters that have never been stocked or not stocked for at least 25 years according to any reliable records and provide special protections to those waters in an effort to preserve those fish species.

ANTICIPATED SCHEDULE: In conjunction with Chapter 1 Ice Fishing and Open Water Regulations: July (or as necessary).

**CHAPTER 2 -- RULES PERTAINING TO FISHING DERBIES AND TOURNAMENTS:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12504, 12505

PURPOSE: Establish application procedures, restrictions, and requirements for fishing derbies and tournaments.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 2 -- RULES PERTAINING TO FISHERY MANAGEMENT AND FISH CULTURE:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12751, 12754

**PURPOSE:** Designate waters for use in fish culture and scientific research; establish rules for the taking of alewives, eels, suckers and yellow perch and regulations pertaining to commercially grown or imported fish.

**ANTICIPATED SCHEDULE:** Throughout the year as necessary.

**CHAPTER 3 – PUBLIC INTERACTION AND CONFLICTS WITH WILDLIFE (FEEDING OF DEER)**

**STATUTORY AUTHORITY:** 12 MRSA Section 10105, sub-§14

**PURPOSE:** To regulate the feeding of deer, bear, moose and wild turkey in order to minimize potential public safety hazards or detrimental effects on specific species as well as minimize the risk of chronic wasting disease.

**ANTICIPATED SCHEDULE:** As necessary.

**CHAPTER 4 -- FALCONRY:**

**STATUTORY AUTHORITY:** 12 MRS Section 11159.

**PURPOSE:** General provisions to practice falconry in Maine.

**ANTICIPATED SCHEDULE:** As necessary.

**CHAPTER 5 -- REGULATIONS PERTAINING TO THE USE OF STATE-OWNED WILDLIFE MANAGEMENT AREAS:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104, 12701

**PURPOSE:** Establish regulations regarding hunting, fishing, trapping or other public uses of any wildlife management area, sanctuary, or department owned or maintained sites provided public access to inland or coastal waters.

**ANTICIPATED SCHEDULE:** As necessary.

**CHAPTER 5.03. – SHOOTING RANGES:**

**STATUTORY AUTHORITY:** 12 MRS Section 10104, 12701

**PURPOSE:** Establishing rules for Department owned shooting ranges to set clear expectation of behavior for the public and provide a mechanism for law enforcement to deal with users that display disrespectful or potentially dangerous behavior at ranges.

**ANTICIPATED SCHEDULE:** As necessary

**CHAPTER 5.04 – STATE-OWNED BOAT LAUNCH FACILITY SITES:**

**STATUTORY AUTHORITY:** 12 MRS Section 10104, 12701

**PURPOSE:** To provide the Department and public clear guidance on how water access facilities can be utilized.

**ANTICIPATED SCHEDULE:** As necessary.

**CHAPTER 6 – EDUCATIONAL AND SCIENTIFIC COLLECTION PERMIT RULES:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104, 12704

**PURPOSE:** To establish an application process for permitting the collection of fish and or wildlife for scientific purposes as well as reporting requirements, restrictions, etc.

**ANTICIPATED SCHEDULE:** As necessary



**CHAPTER 7 -- RULES FOR IMPORTATION, POSSESSION, PROPAGATION, REHABILITATION AND EXHIBITION OF WILDLIFE:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104, 12152.

**PURPOSE:** To ensure that all wildlife possessed under the following permits receive humane treatment and property husbandry and security and to safeguard the interests of the wildlife and citizens of the State.

Wildlife Exhibit Regulations: Food and water requirements; health conditions, safety, comfort, sanitation, etc.

Propagator's permit: Possession, care and use.

Wildlife Rehabilitation: Food and shelter requirements, disposition of rehabilitated animals, inspections, etc.

Wildlife Importation: Permitting standards, criteria, application process.

General Possession: Wolf hybrids in captivity.

**ANTICIPATED SCHEDULE:** As necessary

**CHAPTER 8 -- ENDANGERED SPECIES:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104, 12802

**PURPOSE:** Qualifications for consideration for listing species as endangered or threatened; review of listed species; designation of habitat as essential for those species designation criteria, protection guidelines, etc.

**ANTICIPATED SCHEDULE:** Every 4 years or as necessary. Last filing was with 131<sup>st</sup> Legislature (2023). Next filing required in 2027.

**CHAPTER 9 -- GENERAL SNOWMOBILE AND ATV (ALL-TERRAIN VEHICLES) REGULATIONS:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104

**PURPOSE:** Establish display requirements for registration numbers and stickers, and content of snowmobile registration.

**ANTICIPATED SCHEDULE:** As necessary

**CHAPTER 10 -- SIGNIFICANT WILDLIFE HABITAT:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104, 12804

**PURPOSE:** Definitions of significant wildlife habitat as described in Title 38

**ANTICIPATED SCHEDULE:** As necessary.

**CHAPTER 11 -- PROTECTION AND SAFETY OF SPECTATORS AT SNOWMOBILE RACES:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104, 13112

**PURPOSE:** Permitting of snowmobiles to be operated at a prearranged racing meet whose sponsor has obtained a permit to hold such a meet from the commissioner.

**ANTICIPATED SCHEDULE:** As necessary.

**CHAPTER 12 -- ALL-TERRAIN VEHICLE PLATES AND RENEWAL STICKERS:**

**STATUTORY AUTHORITY:** 12 MRSA Sections 10104, 13156

**PURPOSE:** Registration, safety, etc.; registration agents.

**ANTICIPATED SCHEDULE:** As necessary.

**CHAPTER 13 -- WATERCRAFT RULES:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 13051

PURPOSE: Establish, registration procedures; accident reporting requirements; safety equipment on motorboats and other watercraft; water-skiing restrictions and operation rules between watercraft on internal waters.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 13.08 -- WATERCRAFT RULES:**

STATUTORY AUTHORITY: Horsepower limitations on various bodies of water are governed by 12 MRSA, Section 13051, subsection 5

PURPOSE: Establish horsepower limitations to ensure the safety of persons and property (may be adopted only as a result of a petition from 25 citizens or the municipal officers of the towns/county commissioners of unorganized townships in which the waters are located).

ANTICIPATED SCHEDULE: Considered throughout the year as petitions are received-effective date to coincide with publication of the open water fishing regulations, if possible.

**CHAPTER 14 -- COMMERCIAL WHITEWATER RAFTING:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12909, 12910, 12913

PURPOSE: Establish regulations for whitewater personnel requirements; safety equipment requirements; craft specifications; allocations and order of launch.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 15 -- INTERSTATE WILDLIFE VIOLATIONS COMPACT:**

STATUTORY AUTHORITY: 12 MRSA §10103(2).

PURPOSE: The commissioner is authorized to enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of wildlife resources in the respective member states and may adopt rules necessary to implement certain provisions of the compact. Pursuant to this rule, the commissioner exercises this statutory authority and enters into the Wildlife Violators Compact on behalf of the State of Maine with any and all states legally joining therein in accordance with its terms.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 16 -- HUNTING**

STATUTORY AUTHORITY: 12 MRSA §10104, VARIOUS.

PURPOSE: To ensure proper management of Maine's wildlife species through set season dates, bag limits and methods of harvest.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 16.07 -- DEER HUNTING (ANTLERLESS DEER PERMIT ALLOCATIONS)**

STATUTORY AUTHORITY: 12 MRS §10104, 11152

PURPOSE: Antlerless deer permit numbers are adjusted by MDIFW on an annual basis by department biologists who consider deer harvest levels, biological metrics and indices, and estimates of winter severity when evaluating the status of the deer

population within each wildlife management district (WMD). Antlerless deer permit recommendations are based on removal rates of adult does that will stabilize, increase, or decrease deer densities.

ANTICIPATED SCHEDULE: May-June

**CHAPTER 16.08 - MOOSE HUNTING (PERMIT ALLOCATIONS)**

STATUTORY AUTHORITY: 12 MRS §11551, 11552

PURPOSE: Moose permit areas and numbers are adjusted on an annual basis in response to moose population estimates and population goals in each Wildlife Management District (WMD).

ANTICIPATED SCHEDULE: April

**CHAPTER 16.11 – MIGRATORY GAME BIRD HUNTING**

STATUTORY AUTHORITY: 12 MRS §10104, 11855

PURPOSE: To implement the Federal Migratory Bird Treaty Act which establishes the general guidelines within which the States are permitted to regulate the hunting of migratory game birds.

ANTICIPATED SCHEDULE: February

**CHAPTER 17 – TRAPPING**

STATUTORY AUTHORITY: 12 MRSA §10104, 12251.

PURPOSE: To ensure proper management of Maine's wildlife species through set season dates, bag limits and methods of harvest.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 17.06 – BEAVER TRAPPING**

STATUTORY AUTHORITY: 12 MRSA §10104, 12251.

PURPOSE: To make annual adjustments to the areas where beaver trapping is opened or prohibited to manage beavers and beaver conflicts on a local scale.

ANTICIPATED SCHEDULE: May.

**CHAPTER 18 -- STATE GAME FARM (MAINE WILDLIFE PARK):**

STATUTORY AUTHORITY: 12 MRSA Sections 10104

PURPOSE: Establish restrictions on the use of the area designated as "state game farm", also known as "The Maine Wildlife Park".

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 19 -- OPERATION OF MOTOR VEHICLES ON PUBLIC WATER SUPPLY:**

STATUTORY AUTHORITY: 12 MRSA Section 10104 and 22 MRSA Section 2649

PURPOSE: Restrict motor vehicles on the ice on public water supplies.

ANTICIPATED SCHEDULE: As petitioned.

**CHAPTER 20 – TAXIDERMY LICENSE:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12952

PURPOSE: Establish license classifications, eligibility, examinations and restrictions.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 21 – LICENSING AND REGISTRATION AGENTS:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 10801

PURPOSE: Appointment of agents, application form and issuance, selection and operation standards, reporting requirements, etc.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 23 – YOUTH CAMP TRIP LEADER PERMITS AND JUNIOR MAINE GUIDE PROGRAM:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12860

PURPOSE: Application procedures, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 24 -- LICENSED GUIDES:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12851

PURPOSE: Establish prerequisites for applicants to be examined for guide's licenses; establish classifications; examination process, standards of competency, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 25 -- LEASHED TRACKING DOG PERMIT RULES:**

STATUTORY AUTHORITY: 12 MRSA Sections 10104

PURPOSE: Eligibility, testing, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 26 – COMMERCIAL WILDLIFE PERMIT FOR AMPHIBIANS OR NONMARINE INVERTIBRATES:**

STATUTORY AUTHORITY: 12 MRSA Sections 12159 and 12161

PURPOSE: To regulate the commercial harvest of amphibians and nonmarine invertebrates. Persons interested in collecting these species from the wild for the purposes of export, sale or commercial purposes are required to obtain a permit from the Commissioner.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 27 – ANIMAL DAMAGE CONTROL AGENT CERTIFICATE:**

STATUTORY AUTHORITY: 12 MRS Sections 10104, 10053

PURPOSE: Rules for certification and standards of operation for individuals that become permitted under the Commissioner to assist the Department for the control of coyotes and other nuisance wildlife that exceeds normal funding and staffing levels within the Department.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 28 – EDUCATIONAL TRIP LEADER RULES**

STATUTORY AUTHORITY: 12 MRS Sections 10104, 12863

PURPOSE: As a result of LD 1474 - An Act To Promote Outdoor Recreational Opportunities for Maine Students, the Department enacted rules to develop an

educational trip leader advisory committee, application process and standards for permit revocation, suspension or denial.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 29 – SPECIES OF SPECIAL CONCERN**

STATUTORY AUTHORITY: 12 MRS Sections 10105, 12152

PURPOSE: Establish criteria for determining when a species of fish or wildlife that is not an endangered species or a threatened species is of special concern including a category for species that are rare.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 25 (09-585) -- MAINE OUTDOOR HERITAGE FUND BOARD:**

STATUTORY AUTHORITY: 12 MRSA Section 10301

PURPOSE: Schedule for grants; strategic plan, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**MISCELLANEOUS REGULATIONS:** Other regulations necessary for the proper administration, implementation, enforcement and interpretation of 12 MRS, Chapters 901 to 941 - Throughout the year as necessary.

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10 and 14  
Department of Health and Human Services (DHHS)  
Annual Regulatory Agenda  
October 1, 2023 – September 30, 2024

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List of reported agendas:

**Licensing Rules** (several umbrella-unit numbers).

- 10-144:** **Division of Administrative Hearings**  
**10-144:** **Office of MaineCare Services, Division of Policy**  
**10-144:** **Office for Family Independence** (formerly Office of Integrated Access and Support)  
**10-144:** **Maine Center for Disease Control and Prevention**  
*(includes 90-429, Board of Licensure of Water Treatment Plant Operators)*  
**10-146:** **Office of Data, Research and Vital Statistics**  
**10-148:** **Office of Child and Family Services** *(chapters not already listed under Licensing Rules)*  
**14-118:** **Office of Behavioral Health Services** (formerly the Office of Substance Abuse and Mental Health Services)  
**10-149 & 14-197:** **Office of Aging and Disability Services** (formerly the Office Elder Services and the Office of Adults with Cognitive and Physical Disability Services)
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**Licensing Rules:**

- 10-144:** DHHS – General  
**10-148:** Office of Child and Family Services  
**10-149 & 14-197:** Office of Aging and Disability Services (formerly the Office Elder Services and the Office of Adults with Cognitive and Physical Disability Services)  
**14-118:** Office of Behavioral Health Services (formerly the Office of Substance Abuse and Mental Health Services) -- includes 14-191: Mental Health and Mental Retardation and 14-193: Office of Adult Mental Health
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AGENCY UMBRELLA-UNIT NUMBER: **10-144**

AGENCY NAME: Division of Licensing and Certification

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**Division of Licensing and Certification CONTACT PERSON:** Jonathan Leach, Compliance Manager, #11 State House Station Augusta, ME 04333-0011 Telephone: (207) 287-5825

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**

**10-144**

**10-144 CHAPTER 129. Rules and Regulations Governing In-Home Personal Care and Support Workers.**

- STATUTORY BASIS: 22 M.R.S. §§42 and 1717; 22-A M.R.S. §205.
- PURPOSE: The rule will be amended to implement the licensure of personal care agencies in response to the passage of LD 636, to include enforcement authority and penalties including injunctive relief for operating an unlicensed personal care agency.
- AFFECTED PARTIES; Other state agencies, providers, and consumers of services provided by personal care agencies and placement agencies.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2023/2024

**10-144 CHAPTER 113. Regulations Governing the Licensing and Functioning of Assisted Housing Programs**

- STATUTORY BASIS: 22 M.R.S., Chapters 1663 and 1664; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE. To merge the current 10 sections of Assisted Housing rule into one rule to facilitate the licensing process for providers.
- AFFECTED PARTIES: Other state agencies, providers, and consumers of services.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2023/2024

**10-144 CHAPTER 500. Rules Governing the Maine Certification of Health Cooperative Agreements**

- STATUTORY AUTHORITY: 20-A M.R.S. Chapter 405-A.
- PURPOSE OF THE RULE: Repeal in accordance with PL 2023 Ch. 37. This rule provided a voluntary procedure for state review and continuing supervision of cooperative agreements through the issuance of a certificate of public advantage.
- AFFECTED PARTIES: Primary care physicians and health care facilities
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2023/2024

**10-144 CHAPTER 114. Rules Governing the Reporting of Sentinel Events**

- STATUTORY BASIS: 22 M.R.S. Chapter 1684, 22 M.R.S. §42 and 22-A M.R.S. §205
- PURPOSE. To update terms and procedures for further clarity.
- AFFECTED PARTIES: Hospitals and Medical Facilities
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Spring/Summer 2024

**10-144 CHAPTER 118. Regulations Governing The Licensing And Functioning Of Intermediate Care Facilities For Persons With Mental Retardation**

- STATUTORY BASIS: 22 M.R.S. 42(1)
- PURPOSE. To update terms, remove references to “mental retardation”, and update procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Intermediate Care Facilities for Persons with Intellectual and Developmental Disabilities
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Spring/Summer 2024

**10-144 CHAPTER 112. Regulations For the Licensing of Hospitals**

- STATUTORY BASIS: Public Law 2007, Chapters 314 and 324; 22 M.R.S. Chapter 405; 22 M.R.S. §42; and 22-A MRS §205.
- PURPOSE. To address changes in response to statute regarding staffing policies and use of the Maine Background Check Center and update terms and procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.) Repeal Chapters 112 and 150 (Free Care Guidelines, below) and replace with one rule that incorporates the Free Care Guidelines.
- AFFECTED PARTIES: Hospitals
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2024/2025

**10-144 CHAPTER 150. Free Care Guidelines**

- STATUTORY BASIS: 22 M.R.S. §§1716 and §42; 22-A M.R.S. §205.
- PURPOSE: See 10-144 CMR Ch 112 above. Repeal this rule and replace with a revised Ch 112 that incorporates the guidelines for the free care policies of hospitals determining whether individuals are unable to pay for hospital services, including minimum income guidelines.
- AFFECTED PARTIES: Providers and consumers.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2024/2025

**10-144 Chapter 60. Maine Background Check Center Rule**

- STATUTORY AUTHORITY: 22 M.R.S. Chapter 1691, §§ 9051-9065.
- PURPOSE: To adopt statutory changes regarding biometric data, procedures for relief, and scope of mandated users enacted by PL 2023 Chapter 241.
- AFFECTED PARTIES: Currently mandated users and hospitals.



- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Winter/Spring 2024/2025

**10-144 CHAPTER 128. Rules and Regulations Governing the Functioning of Certified Nursing Assistants and Direct Care Workers Registry.**

- STATUTORY BASIS: 22 M.R.S. §§ 42, 1812-G, and 1812-J; 22-A M.R.S. §205.
- PURPOSE: To implement statutory changes regarding rules related to the operation of the Certified Nursing Assistants and Direct Care Workers Registry enacted by PL 2023 Chapter 241.
- AFFECTED PARTIES: Healthcare facilities, long-term care facilities, personal care agencies and placement agencies, temporary nurse agencies, and direct care workers.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Winter/Spring 2024/2025

**10-144 CHAPTER 110. Rules Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities**

- STATUTORY BASIS: 22 MRS Chapter 405
- PURPOSE. To update terms and procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Nursing facilities, consumers, family members
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Spring/Summer 2025

**10-144 CHAPTER 119. Regulations Governing the Licensing and Functioning of Home Health Care Services in the State of Maine**

- STATUTORY BASIS: 22 M.R.S. Chapter 419; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE: Amend rules to comply with federal and state statutory changes to allow home health agencies meeting the Federal Conditions of Participation for Home Health Agencies.
- AFFECTED PARTIES: Other state agencies, providers, and consumers of Home Health Care services.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Spring/Summer 2025

**14-118 CHAPTER 6. Regulations for Employee Assistance Programs for Employers Operating in the State of Maine**

- STATUTORY BASIS: 26 MRS § 683 (1)(B)
- PURPOSE: Repeal this rule contingent upon statutory revision of 26 MRS § 683 (1)(B) to remove DHHS certification of Employee Assistance Providers, as redundant of Department of Labor processes regarding Employee Assistance Programs and Plans and DLC licensing of Behavioral Health Organizations.
- AFFECTED PARTIES: Employee Assistance Programs and employers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Pending statutory revision

**10-144 CHAPTER 117. Regulations Governing the Licensing and Functioning of Adult Day Services Programs**

- STATUTORY BASIS: 22 M.R.S. 42(1)
- PURPOSE: Establishes the minimum requirements for the licensing and functioning of Adult Day Services Programs and requirements that the provider must meet regarding application and licensing standards.
- AFFECTED PARTIES: Adult Day Services providers and consumers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 120. Regulations Concerning the Licensing and Functioning of Hospice Programs**

- STATUTORY BASIS: 22 M.R.S. Chapter 1681; 22 M.R.S.§42; 22-A M.R.S.§205.
- PURPOSE. To assure that hospice programs meet the needs of patients.
- AFFECTED PARTIES: Other state agencies, providers, and consumers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined.
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 125. Regulations Governing the Licensing of Ambulatory Surgical Facilities**

- STATUTORY BASIS: 22 M.R.S. Chapter §1812-E
- PURPOSE: Establishes standards for ambulatory surgical facilities that provide elective surgical care to a patient who is admitted to and discharged from the facility within the same day.
- AFFECTED PARTIES: Ambulatory surgical facility providers, other State agencies and consumers of ambulatory care services.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 CHAPTER 126. Regulations Governing the Licensing and Functioning of End Stage Renal Disease Units/Facilities**

- STATUTORY BASIS: 22 M.R.S. c 412 §§2041-2042
- PURPOSE: Establishes standards for the licensing of end-stage renal disease facilities.
- AFFECTED PARTIES: End-stage renal disease service providers, consumers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144 Chapter 130. Epinephrine Auto-Injector Training and Certification Rule**

- STATUTORY AUTHORITY: 22 M.R.S. Chapter 423
- PURPOSE OF THE RULE: Rules certifying the training of healthcare practitioners who are licensed in the State of Maine to conduct anaphylaxis training.
- AFFECTED PARTIES: physicians (MD and DO), advanced registered nurse practitioners (ARNP), physician assistants (PA), registered nurses (RN) and emergency medical technicians (EMT) or paramedics.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned

- SCHEDULE FOR ADOPTION: None Anticipated

### **NEW RULES ANTICIPATED**

**10-144 CHAPTER 124. Behavioral Health Licensing Rule.** Consolidates the following rules into one rule:

**14-118 CHAPTER 5.** Regulations for Licensing and Certifying of Substance Abuse Treatment Programs,

**14-193 CHAPTER 6.** Rules Licensing of Mental Health Facilities, and

**14-193 CHAPTER 6-A.** Rules Licensing of Private Non-Medical Institutions [PNMI] Mental Health Facilities.

- STATUTORY BASIS: 5 M.R.S. Chapter 521; 22 M.R.S. Chapter 1669; 22 M.R.S. §42; 22-A M.R.S. §205; and 34-B M.R.S. Chapter 3.
- PURPOSE: Three rules in force will be repealed and replaced by a single behavioral health program licensing rule. The new rule will include the development of core licensing standards for behavioral health programs, including mental health and substance abuse treatment. The new rule will include deeming provisions for accredited providers to avoid redundancies in the licensing and accreditation processes and a section governing independent contractors.
- AFFECTED PARTIES; Other State agencies, providers and consumers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2023/2024

**10-144 CMR CHAPTER TBD Temporary Nurse Agency Licensing Rule.**

- STATUTORY BASIS: LD 451
- PURPOSE: To implement a licensing protocol for temporary nursing agencies in response to statutory changes.
- AFFECTED PARTIES: Temporary Nursing Agencies, other State agencies, and consumers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2023/2024

**10-144 CMR CHAPTER TBD Home and Community Based Programs Licensing Rule.**

- STATUTORY BASIS: PL 2023 Chapter 89.
- PURPOSE: To implement a licensing protocol for currently unlicensed providers of Section 21 and 29 residential services and day programs.
- AFFECTED PARTIES; Other State agencies, providers, and consumers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: Fall/Winter 2023/2024

**CERTIFICATE OF NEED RULE.** Consolidate the following CON rules into one rule:

**10-144 CHAPTER 503. Maine Certificate of Need Procedures Manual for Health Care Facilities (other than Nursing Care Facilities)**

- STATUTORY BASIS: 22 M.R.S.A. Chapter 103-A, Maine Certificate of Need Act of 2002; Public Law 2011, Chapter 424; 22 M.R.S. §42, and 22-A M.R.S. §205.
- PURPOSE: The three current CON rules will be repealed and replaced by a single CON rule that will include what is now in Section 71 (nursing facility CON provisions) and a number of mandated statutory changes.
- AFFECTED PARTIES: Other state agencies, providers, and consumers.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned

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**10-149 CHAPTER 5, SECTION 71. Certificate of Need for Nursing Facility Level of Care Projects**

- STATUTORY BASIS: 22 M.R.S. Chapter 103-A, Maine Certificate of Need Act of 2002; Public Law 2011, Chapter 424; 22 M.R.S. §42, and 22-A M.R.S. §205.
- PURPOSE: This rule will be repealed and Chapter 503 (above) will include nursing facility CON provisions.
- AFFECTED PARTIES; Other state agencies, providers, and consumers.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned

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**10-144 CHAPTER 501. Maine Certificate of Need Act Limitations.**

- STATUTORY AUTHORITY: 22 M.R.S. § 342
- PURPOSE: This rule will be repealed. These rules limit the CON applications the State will accept.
- AFFECTED PARTIES: Providers subject to the certificate of need process.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION OF NEW RULE: Winter/Spring 2024/2025

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AGENCY UMBRELLA-UNIT NUMBER: **10-144**

AGENCY NAME: **Division of Administrative Hearings**

**CONTACT PERSON:** Joseph Pickering, Chief Administrative Hearing Officer, #11 State House Station Augusta, ME 04333-0011 Telephone: (207) 624-5350

**EXPECTED 2023-2024 RULE MAKING ACTIVITY:**

**10-144 CHAPTER 1. Administrative Hearing Regulations**

- STATUTORY BASIS: 5 M.R.S. §§ 8051-10004, 22 M.R.S. § 42, and 22-A M.R.S. § 207.
  - PURPOSE. The rules describe the procedure for conducting administrative hearings.
  - AFFECTED PARTIES: DHHS representatives and parties who request administrative hearings.
  - CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
  - SCHEDULE FOR ADOPTION: None anticipated
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AGENCY UMBRELLA-UNIT NUMBER: 10-144

AGENCY NAME: **Office of MaineCare Services, Division of Policy**

**CONTACT PERSON:** Jennifer Patterson, Director, Division of Policy, Office of MaineCare Services, #11 State House Station, Augusta, ME 04333-0011. Tel. (207) 287-7729

**2023-2024 Regulatory Agenda (Rules) - Department of Health and Human Services - State of Maine- Office of MaineCare Services, Division of Policy**

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS BASED RULEMAKING:** None

**EXPECTED RULEMAKING ACTIVITY- October 1, 2023- September 30, 2024:**

**CHAPTER 101:** MaineCare Benefits Manual: Chapters I, II, III, IV, V, VI, VII, VIII, X and relevant Principles of Reimbursement

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 42, § 3173; P.L. 99 Chapter 777
- **PURPOSE:** These rules describe requirements for the provision and reimbursement of services under the MaineCare (formerly, Maine Medicaid and State Child Health Insurance Program (SCHIP), also known as Cub Care) program. It also describes certain administrative functions necessary for the operation of the MaineCare Program. They will be amended to comply with federal changes, to update policy and to implement new services and regulations, as necessary.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when all of the changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes as a result of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- **AFFECTED PARTIES:** MaineCare members, MaineCare providers, and Managed Care Organizations

**CHAPTER 104:** Maine State Services Manual

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 257
- **PURPOSE:** These rules describe requirements for the provision and reimbursement of services under the state funded services including Drugs for the Elderly (DEL) Benefit and Maine Rx+ Benefit. It also describes certain administrative functions necessary for the operation of these Benefits. They will be amended to comply with federal changes, to update policy and to implement new services and regulations, as necessary.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when all of the changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes as a result of identified problems require the timely amendment or adoption of new rules over the course of the year.
- **AFFECTED PARTIES:** Participants and providers in DEL and other state funded benefits.

## **CHAPTER 107: Medical Eye Care Program**

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 3521
- **PURPOSE:** These rules govern the operation of Maine's **State-funded Eye Care Program**. They will be amended to reflect administrative changes found necessary through monitoring of this program.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when changes will be made to the above regulations because of the nature of this policy. State-initiated changes as a result of identified problems will require the timely amendment of the rules. It is anticipated this chapter will be incorporated into Chapter 104.
- **AFFECTED PARTIES:** Children and adults not eligible for Medicaid for whom the State would reimburse for certain eye care services as well as the providers of these services

## **CHAPTER 275: Reporting Requirements for Pharmaceutical Manufacturers and Labelers**

- **STATUTORY AUTHORITY:** 22 MRSA § 2698-A, 22 MRSA § 2700-A
- **PURPOSE:** These rules define statutory obligations of manufacturers and labelers of prescription drugs and biological products to publicly register and report results of clinical trials and also report gifts to prescribers and marketing costs in Maine.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when additional changes will be made to the above regulations because of the nature of this policy. State-initiated changes as a result of identified problems will require the timely amendment of the rules. Two changes for the upcoming year include new requirements for prescriber confidentiality and academic detailing.
- **AFFECTED PARTIES:** Residents of Maine

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**AGENCY NAME:** Office for Family Independence (OFI): Eligibility, Employment and Training and Support Enforcement and Recovery

**ELIGIBILITY AND EMPLOYMENT AND TRAINING CONTACT PERSON:** Anthony Pelotte, Director, Office for Family Independence, #11 State House Station, 109 Capitol Street Augusta, ME 04333-0011. Telephone: (207) 624-4104. E-mail: [anthony.pelotte@maine.gov](mailto:anthony.pelotte@maine.gov)

**SUPPORT ENFORCEMENT AND RECOVERY CONTACT PERSON:** Jerry Joy, Director, Division of Support Enforcement and Recovery, #11 State House Station, 109 Capitol Street, Augusta, ME 04333-0011. Telephone: (207) 624-6985. E-mail: [Jerry.Joy@Maine.gov](mailto:Jerry.Joy@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**SUPPORT ENFORCEMENT AND RECOVERY:**

**CHAPTER 351 Child Support Enforcement Manual:** None

**EXPECTED RULEMAKING ACTIVITY- October 1, 2023 - September 30, 2024:**

**ELIGIBILITY:**

**CHAPTER 301:** Supplemental Nutrition Assistance Program (SNAP) Rules

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 3104
- **PURPOSE:** These rules establish requirements for eligibility for the Food Supplement Program. The rules will be amended to reflect policy and law changes as well as to clarify requirements already in effect.
- **ANTICIPATED SCHEDULE:** Year round
- **AFFECTED PARTIES:** Individuals who receive or apply for Food Supplement Program benefits.

**CHAPTER 323:** Maine General Assistance Manual

- **STATUTORY AUTHORITY:** 22 M.R.S.A. §§ 4300-4323
- **PURPOSE:** These rules establish overall requirements for eligibility for the General Assistance program. Rules are further delineated by municipal ordinances. These rules will be amended to reflect policy and law changes as well as to clarify rules already in effect.
- **ANTICIPATED SCHEDULE:** Year round
- **AFFECTED PARTIES:** Individuals who apply for or receive General Assistance benefits.

**CHAPTER 331:** Maine Public Assistance Manual (TANF – Temporary Assistance for Needy Families)

- **STATUTORY AUTHORITY:** 22 M.R.S.A. §§ 3761-3789
- **PURPOSE:** These rules establish overall requirements for eligibility for the Temporary Assistance for Needy Families and other cash assistance programs. The rules will be amended to reflect policy, law changes, and federal program instructions as well as to clarify requirements already in effect.
- **ANTICIPATED SCHEDULE:** Year round
- **AFFECTED PARTIES:** Families who apply for or receive Temporary Assistance for Needy Families and other cash assistance.

**CHAPTER 332:** MaineCare Eligibility Manual

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 3173
- **PURPOSE:** These rules establish requirements for eligibility for Maine's MaineCare and State Supplement to Supplemental Security Income programs. The rules will be amended to reflect changes in law, including health care reform, and to clarify requirements already in effect.
- **ANTICIPATED SCHEDULE:** Year round
- **AFFECTED PARTIES:** Individuals and families applying for or receiving MaineCare or State Supplement benefits.

**CHAPTER 333:** Low Cost Drugs for the Elderly and Disabled (DEL) - Eligibility

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 254-D
- **PURPOSE:** These rules establish requirements for eligibility for Low Cost Drugs for the Elderly and Disabled (DEL) program. The rules will be amended to reflect changes in law and to clarify requirements already in effect.
- **ANTICIPATED SCHEDULE:** Year round
- **AFFECTED PARTIES:** Individuals and families applying for or receiving DEL benefits.

**CHAPTER 334: Maine Rx Plus - Eligibility**

- STATUTORY AUTHORITY: 22 M.R.S.A. § 2681
- PURPOSE: These rules establish requirements for eligibility for Maine Rx Plus Program. The rules will be amended to reflect changes in law and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families applying for or receiving Maine Rx Plus benefits.

**EMPLOYMENT AND TRAINING:**

**CHAPTER 330: Higher Opportunity for Pathways to Employment (HOPE) Program Rules**

- STATUTORY AUTHORITY: 22 M.R.S.A. § 3790
- PURPOSE: These rules establish overall requirements for eligibility for the Higher Opportunity for Pathways to Employment program. The rules will be amended to reflect policy, law changes, and federal program instructions as well as to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Families who apply for or receive Higher Opportunity for Pathways to Employment.

**CHAPTER 607: ASPIRE-TANF Program Rules**

- STATUTORY AUTHORITY: 22 M.R.S.A. § 3781-A
- PURPOSE: These rules establish requirements for participants in the ASPIRE program who are receiving Temporary Assistance for Needy Families benefits. They will be amended to reflect changes in law and policy and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals participating in the ASPIRE/TANF program.

**CHAPTER 609: Supplemental Nutrition Assistance Program (SNAP) Employment and Training Program Rules**

- STATUTORY AUTHORITY: 22 M.R.S.A. § 3104
- PURPOSE: These rules establish requirements for participants in the ASPIRE program who are receiving Food Supplement Program benefits. The rules will be amended to reflect changes in law and policy and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals participating in the ASPIRE program who are receiving Food Supplement Program benefits.

**SUPPORT ENFORCEMENT AND RECOVERY:**

**CHAPTER 351 Child Support Enforcement Manual: None**

**EXPECTED RULEMAKING ACTIVITY- October 1, 2023 - September 30, 2024:**

**CHAPTER 351: Maine Child Support Enforcement Manual**

- STATUTORY AUTHORITY: Title 19-A, Chapters 63 and 65
- PURPOSE: These rules establish requirements and procedures for enforcement and recovery of child support pursuant to court and administrative orders. The rules will be amended to reflect changes in law, and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round



- **AFFECTED PARTIES:** Individuals and families for whom the Division of Support Enforcement and Recovery collects child and spousal support.
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**AGENCY UMBRELLA-UNIT NUMBER: 10-144 and 10-146**  
**AGENCY NAME: Maine Center for Disease Control and Prevention**

**MAINE CDC RULEMAKING LIAISON:** Tera Pare, JD, Manager, Policy and Compliance, Maine CDC, 11 SHS- 286 Water Street, Augusta, ME 04333-0011; (207) 287-5680; [tera.pare@maine.gov](mailto:tera.pare@maine.gov)

**EXPECTED FY 2023-2024 RULEMAKING ACTIVITY:** October 1, 2023 to September 30, 2024

#### **CHAPTER 124. EMERGENCY MEDICAL SERVICES REPORTING RULE**

- **STATUTORY BASIS:** 22 MRS §820(1)(C)
- **PURPOSE:** To enable the surveillance of the personnel aspect of Maine emergency medical system during a state of civil emergency, to ensure that the Department can assist in responding appropriately to public health emergencies and support the Maine EMS as a comprehensive and effective system for optimizing patient care during a state of civil emergency.
- **AFFECTED PARTIES:** EMS staff; MEMA
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** None anticipated

**10-144**

#### **CHAPTER 200. STATE OF MAINE FOOD CODE**

- **STATUTORY BASIS:** 22 MRS §2496(1) & 7 MRS §12
- **PURPOSE:** To update any recent protocols for this rule, which addresses controls for risk factors and further establishes 5 key public health interventions to protect consumer health. Specifically, these interventions demonstrate knowledge, implement employee health controls, control hands as a vehicle of contamination, set time and temperature parameters for controlling pathogens, and govern the consumer advisory.
- **AFFECTED PARTIES:** Eating establishments licensed in the State of Maine by the Health Inspection Program and food establishments licensed in the State of Maine by the Department of Agriculture, Conservation and Forestry.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2023-2024

**10-144**

#### **CHAPTER 201. RULES RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF ESTABLISHMENTS REGULATED BY THE HEALTH INSPECTION PROGRAM**

- **STATUTORY AUTHORITY:** 22 MRS §2496
- **PURPOSE OF THE RULE:** To describe application, licensing, and inspection requirements, licensing fees and enforcement sanctions for Maine eating establishments, lodging places, campgrounds, sporting/recreational camps, youth camps, public pools and spas regulated by the Health Inspection Program.
- **AFFECTED PARTIES:** Owners of eating establishments, lodging places, recreational camps, youth camps, campgrounds, public pools and spas in the State of Maine

- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 202. RULES RELATING TO PUBLIC SWIMMING POOLS AND SPAS**

- STATUTORY AUTHORITY: 22 MRS §§2496 and 2664
- PURPOSE OF THE RULE: To protect public health and provide specific compliance and enforcement requirements regarding public pools and spas licensed by the Health Inspection Program.
- AFFECTED PARTIES: Owners/operators of public swimming pools and spas.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 203: RULES RELATING TO THE SALE AND DELIVERY OF TOBACCO PRODUCTS IN MAINE**

- STATUTORY AUTHORITY: 22 MRS Ch. 262-A; 22 MRS §42(1)
- PURPOSE OF THE RULE: To regulate the licensing of retail tobacco sales.
- AFFECTED PARTIES: Licensed tobacco retailers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 205. RULES RELATING TO CAMPGROUNDS**

- STATUTORY AUTHORITY: 22 MRS § 2496
- PURPOSE OF THE RULE: To clarify definitions of recreational vehicle classification, event camping and the definitions of temporary campground, and agricultural fair campground.
- AFFECTED PARTIES: Public, fairs, event promoters, and owners/operators of campgrounds.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 206. RULES RELATING TO LODGING ESTABLISHMENTS**

STATUTORY AUTHORITY: 22 MRS §2496

- PURPOSE OF THE RULE: To protect public health by regulating and licensing lodging places. Amendments will update requirements and clarify lodging definitions.
- AFFECTED PARTIES: Lodging places licensed by the Health Inspection Program in the State of Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 208. RULES RELATING TO BOYS, GIRLS, BOYS AND GIRLS, DAY CAMPS AND PRIMITIVE AND TRIP CAMPING**

- STATUTORY AUTHORITY: 22 MRS §2496
- PURPOSE OF THE RULE: To clarify requirements for youth camps licensed by the Health Inspection Program, in order to ensure greater protection of health and safety .

- AFFECTED PARTIES: Youth camp counselors and staff, children who attend summer youth camps.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 209. RULES RELATING TO BODY PIERCING**

- STATUTORY AUTHORITY: 32 MRS §4326.
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of body piercing and licensed by the Health Inspection Program.
- AFFECTED PARTIES: Body piercers and the public who receive body piercings.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 210. RULES RELATING TO TATTOOING**

- STATUTORY AUTHORITY: 32 MRS §4251
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of tattooing.
- AFFECTED PARTIES: Tattoo artists and the public who receive tattoos.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 211. RULES RELATING TO MICROPIGMENTATION PRACTITIONERS**

- STATUTORY AUTHORITY: 32 MRS §4313
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of micropigmentation.
- AFFECTED PARTIES: Micropigmentation practitioners and the public who receive micropigmentation.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 212. RULES FOR THE PRACTICE OF ELECTROLOGY**

- STATUTORY AUTHORITY: 32 MRS §1242.
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of electrology.
- AFFECTED PARTIES: Electrologists and the public who receive electrology.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 214. MASS GATHERING RULES AND INFORMATIONAL GUIDELINES**

- STATUTORY AUTHORITY: 22 MRS §1602
- PURPOSE OF THE RULE: To describe the requirements for applying for permits, determining event populations, and properly managing mass gatherings in Maine.
- AFFECTED PARTIES: Public, municipalities, and event promoters.

- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 220. RULES RELATING TO RADIATION PROTECTION**

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To protect public health and administer both State and federal rules required under an agreement with the U.S. Nuclear Regulatory Commission to regulate radioactive materials.
- AFFECTED PARTIES: All persons who receive, possess, use, transfer, own or acquire any source of radiation in Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

**PART A, GENERAL PROVISIONS**

- PURPOSE OF THE RULE: To protect public health by establishing provisions to control hazards associated with use of radiation.
- AFFECTED PARTIES: All users of ionizing radiation.
- SCHEDULE FOR ADOPTION: None anticipated

**PART B, ENFORCEMENT ACTIONS, PROCEDURES AND CIVIL PENALTIES**

- PURPOSE OF THE RULE: To establish administrative and civil remedies to address violations of the rule.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: None anticipated

**PART C, LICENSING OF RADIOACTIVE MATERIAL**

- PURPOSE OF THE RULE: To establish protocols, fees and procedures for the licensing of use of radioactive material.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: None anticipated

**PART D, STANDARDS FOR PROTECTION AGAINST RADIATION**

- PURPOSE OF THE RULE: To administer specific state and federal standards and protect public health from radiation.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: None anticipated

**PART E, RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS.**

- PURPOSE of the rule: To protect public health by administering standards for the licensing of industrial radiographic operations.
- AFFECTED PARTIES: All industrial radiography licensees.
- SCHEDULE FOR ADOPTION: None anticipated

**PART F, X-RAYS IN THE HEALING ARTS**

- PURPOSE OF THE RULE: To protect public health by administering standards for licensure of anyone administering x-rays.
- AFFECTED PARTIES: All users of x-ray machines.

- SCHEDULE FOR ADOPTION: None anticipated

#### **PART G, USE OF RADIONUCLIDES IN THE HEALING ARTS**

- PURPOSE OF THE RULE: To protect public health by administering standards for use of radionuclides in the healing arts.
- AFFECTED PARTIES: All medical users of radioactive material.
- SCHEDULE FOR ADOPTION: None anticipated

#### **PART H, RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL AND OTHER INDUSTRIAL RADIATION MACHINES**

- PURPOSE OF THE RULE: To protect public health by administering standards for analytical and other industrial radiation machines.
- AFFECTED PARTIES: All industrial users of x-ray machines.
- SCHEDULE FOR ADOPTION: None anticipated

#### **PART I, RADIATION SAFETY REQUIREMENTS FOR PARTICLE ACCELERATORS**

- PURPOSE OF THE RULE: To protect public health by administering standards for use of particle accelerators.
- AFFECTED PARTIES: All industrial users of particle accelerators.
- SCHEDULE FOR ADOPTION: None anticipated

#### **PART J, NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS**

- PURPOSE OF THE RULE: To protect public health by administering standards over any employers using radiation.
- AFFECTED PARTIES: All employers using radiation.
- SCHEDULE FOR ADOPTION: None anticipated

#### **PART K, RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES**

- PURPOSE OF THE RULE: To protect public health by administering standards over any employers using radiation.
- AFFECTED PARTIES: All persons using sources of radiation for wireline service operations including mineral logging, radioactive markers, and subsurface tracer studies.
- SCHEDULE FOR ADOPTION: None anticipated

#### **PART L, TRANSPORTATION OF RADIOACTIVE MATERIAL**

- PURPOSE OF THE RULE: To protect public health by administering standards over the transportation of radioactive material.
- AFFECTED PARTIES: All shippers of radioactive materials.
- SCHEDULE FOR ADOPTION: None anticipated

#### **PART N, REGULATION AND LICENSING OF TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIALS**

- PURPOSE OF THE RULE: To protect public health through regulating and licensing the use of naturally occurring radioactive materials.
- AFFECTED PARTIES: All users of naturally occurring radioactive elements.
- SCHEDULE FOR ADOPTION: None anticipated

**PART S, PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2  
QUANTITIES OF RADIOACTIVE MATERIAL**

- PURPOSE OF THE RULE: To establish security requirements for the use and transport of the most risk-significant quantities of radioactive materials, as well as shipments of small amounts of irradiated reactor fuel.
- AFFECTED PARTIES: All users of radioactive materials
- SCHEDULE FOR ADOPTION: None anticipated

**PART X, THERAPEUTIC X-RAY MACHINES**

- PURPOSE OF THE RULE: To protect public health by administering standards for medical users of therapeutic x-ray machines.
- AFFECTED PARTIES: All medical users of therapeutic x-ray machines.
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 221. SELECTION OF VOLUNTEER PERSONNEL TO ESTABLISH/ MAINTAIN  
RADIATION MONITORING PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To establish and maintain a continuous airborne radiation monitoring system consisting of volunteers who are required to report their findings to the Radiation Control Program.
- AFFECTED PARTIES: Volunteers of airborne radiation
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 222. RULES RE: PUBLIC NOTIFICATION OF RADIOACTIVE EMISSIONS  
FROM NUCLEAR POWER PLANT**

- STATUTORY AUTHORITY: 22 MRS §674 and 35-A MRS §4332
- PURPOSE OF THE RULE: To govern the public notice requirements in the event of a radioactive release or specific safety-related events at any nuclear power plant.
- AFFECTED PARTIES: DHHS Staff, MEMA
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 223. RULES RELATING TO TANNING FACILITIES**

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To protect public health by administering standards to regulate tanning and other changes in the industry.
- AFFECTED PARTIES: Tanning facility owners and users of tanning facilities.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY2023-2024

**10-144**

**CHAPTER 224. AIR AND WATER RADON SERVICE PROVIDER REGISTRATION  
RULES**

- STATUTORY AUTHORITY: 22 MRS §781

- PURPOSE OF THE RULE: To protect public health by administering standards for individuals/companies providing radon testing/mitigation services in Maine and describe testing and mitigation requirements for property owners of multi-family apartment buildings.
- AFFECTED PARTIES: Radon Service Providers and the general public that contract such services, as well as property owners/landlords of multi-family residential properties.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 225. RULES RELATING TO THE LICENSING OF SUPPLIERS OF COMPRESSED AIR USED IN SELF-CONTAINED BREATHING APPARATUS**

- STATUTORY AUTHORITY: 22 MRS §1585
- PURPOSE OF THE RULE: To provide standards for the accurate testing of air and provide for third party testing.
- AFFECTED PARTIES: Dive shops, fire departments, other suppliers of compressed air.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 226. RULES RELATING TO CROSS CONNECTIONS**

- STATUTORY AUTHORITY: 22 MRS §2612(5)
- PURPOSE OF THE RULE: To regulate, control, and prevent the contamination of drinking water by the backflow of water or other liquids, mixtures or substances into the distribution pipes of a public water system from a source or sources other than its intended source.
- AFFECTED PARTIES: All public drinking water systems serving greater than 1,000 people or have an industrial account.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 227. RULES RELATING TO LICENSING AND INSPECTION OF CREMATORIA**

- STATUTORY AUTHORITY: 32 MRS §1405
- PURPOSE OF THE RULE: To license crematoria to insure the proper cremation of bodies and disposal of ashes.
- AFFECTED PARTIES: Owners/operators of crematoria.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 230. RULES RELATING TO DRINKING WATER STATE REVOLVING LOAN FUND**

- STATUTORY AUTHORITY: 30-A MRS §§5959(1) and 6006-B
- PURPOSE OF THE RULE: To implement federal rules for administering the Drinking Water State Revolving Loan Fund to public water systems, establish a prioritization system for distributing funds, outline the process for certifying project eligibility, and administer the environmental review process.

- **AFFECTED PARTIES:** All community public drinking water systems and non-community non-profit public drinking water systems.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** None anticipated

**10-144**

**CHAPTER 231. RULES RELATING TO DRINKING WATER**

- **STATUTORY AUTHORITY:** 22 MRS §§2605, 2611-2613; and 2618.
- **PURPOSE OF THE RULE:** To protect residents and visitors of Maine in their consumption of drinking water. This rule administers the federal Safe Drinking Water Act and the Maine Water for Human Consumption Act for all public water systems in Maine.
- **AFFECTED PARTIES:** All public water systems regulated by the Maine CDC Drinking Water Program.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2023-2024

**10-144**

**CHAPTER 232. WELL DRILLERS AND PUMP INSTALLERS RULES**

- **STATUTORY AUTHORITY:** 32 MRS §4700-H
- **PURPOSE OF THE RULE:** To administer examination and license requirements for well drilling, pump installation and hydro-fracturing, as well as prescribe a code of conduct for well drillers and pump installers
- **AFFECTED PARTIES:** Well drillers and pump installers registered in the State of Maine, as well as public water systems with groundwater sources.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2023-2024

**CHAPTER 234. LEAD TESTING IN SCHOOL DRINKING WATER RULE**

- **STATUTORY AUTHORITY:** 22 MRS §2604-B(3); 30-A MRS §6006-F(3)
- **PURPOSE:** This new rule will establish testing protocols, lead mitigation/abatement guidance measures from Maine CDC and public notification requirements for lead testing in all Maine schools.
- **AFFECTED PARTIES:** School administrators, municipalities/water districts, Maine CDC Drinking Water Program
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** None anticipated

**10-144**

**CHAPTER 235. RULES RELATING TO BULK WATER**

- **STATUTORY AUTHORITY:** 22 MRS §2660-A
- **PURPOSE OF THE RULE:** To regulate the water quality standards associated with transport of bulk water.
- **AFFECTED PARTIES:** Bottled water suppliers, water haulers and vendors.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** None anticipated



**10-144**

**CHAPTER 240. RULES FOR APPOINTMENT AND ADMINISTRATION OF LOCAL PLUMBING INSPECTORS**

- STATUTORY AUTHORITY: 22 MRS §§ 42(3), 42(1)(3-A), 42(3-B); 30-A MRS §§ 4211(5), 4212(1), 4215(4), 4221, and 4451.
- PURPOSE OF THE RULE: To refine and clarify established procedures for the eligibility requirements, appointment, and duties of local plumbing inspectors.
- AFFECTED PARTIES: Persons certified as Local Plumbing Inspectors, and those seeking such certification.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 241. MAINE SUBSURFACE WASTEWATER DISPOSAL SYSTEM RULES**

- STATUTORY AUTHORITY: 22 MRS §§ 42(3), 42(3-A), 42(3-B); 30-A MRS §§4211(5), 4215(4), 4211 & 4452; 22-A MRS §205(2).
- PURPOSE OF THE RULE: To regulate the design, permitting, and installation of subsurface wastewater disposal systems as necessary, and to correct mistakes from the last rulemaking.
- AFFECTED PARTIES: Any person, establishment, and/or institution using an on-site subsurface wastewater disposal system for sanitary wastewater.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 242. RULES FOR CONVERSION OF SEASONAL DWELLING UNITS INTO YEAR-ROUND RESIDENCES IN THE SHORELAND ZONE**

- STATUTORY AUTHORITY: 22 MRS §42; 30-A MRS §§ 4211-4212 & 4215.
- PURPOSE OF THE RULE: To regulate the conversion of seasonal residences using onsite subsurface wastewater disposal to year-round use. This Rule is intended to complement municipal planning, zoning, and land use control.
- AFFECTED PARTIES: Anyone wishing to convert a seasonal residence to year-round use.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Repealed in FY 2022

**10-144**

**CHAPTER 243. MINIMUM LOT SIZE LAW VARIANCE RULES**

- STATUTORY AUTHORITY: 12 MRS §4807
- PURPOSE OF THE RULE: To update and clarify established provisions for approval of subsurface wastewater disposal systems on lots with less than 20,000 square feet and 100 feet of frontage if the lot abuts a water body.
- AFFECTED PARTIES: Anyone wishing to develop a lot meeting the exemption requirements of 12 MRS §4807.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 245. MAINE RULES FOR SITE EVALUATORS OF SUBSURFACE WASTEWATER DISPOSAL SYSTEMS**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: To update established standards of professional conduct and practice related to the examination and licensing of Site Evaluators.
- AFFECTED PARTIES: Approximately 330 individuals are licensed to determine soil suitability and prepare designs for subsurface wastewater disposal systems handling less than 2,000 gallons per day of wastewater.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated.

10-144

**CHAPTER 249. RULES RELATING TO SMOKING IN PUBLIC PLACES**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: These rules delineate the requirements for smoking in public places. Proposed changes include adding definition of “electronic smoking device and amending the definition of “smoking,” due to statutory changes, removing four definitions, amending Section 3 to clarify prohibitions and limitations to prohibitions on smoking, and clarifying Section 4 for posting.
- AFFECTED PARTIES: Public, employees, owners/operators of restaurants.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 250. RULES RELATING TO SMOKING IN THE WORKPLACE**

- STATUTORY AUTHORITY: 22 MRS §1580-A
- PURPOSE OF THE RULE: This rule defines where smoking in the workplace is allowed, addresses outdoor smoking areas and operation of childcare/day care related to smoking. Proposed changes would be to upgrade and clarify rules as related to non-smoking areas in restaurants, and to increase the fee to \$50 annually.
- AFFECTED PARTIES: Public, employees, owners/operators of restaurants.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 251. RULES GOVERNING RABIES MANAGEMENT**

- STATUTORY AUTHORITY: 22 MRS §1313(1)
- PURPOSE OF THE RULE: To ensure consistency between State procedures and national guidelines for the prevention and control of rabies in humans and among domestic animals.
- AFFECTED PARTIES: Human and animal health professionals, members of the public
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 252. RULES GOVERNING THE IMPLEMENTATION OF HYPODERMIC APPARATUS EXCHANGE PROGRAMS**

- STATUTORY AUTHORITY: 22 MRS §1341(2)
- PURPOSE OF THE RULE: To establish requirements for hypodermic apparatus exchange programs and for program certification requirements.
- AFFECTED PARTIES: People who share needles, people who administer certified needle exchange programs
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 253. MAINE CHRONIC DISEASE SURVEILLANCE DATA QUALITY AND FOLLOW-UP STUDY RULES**

- STATUTORY AUTHORITY: 22 MRS §1692-B
- PURPOSE OF THE RULE: This rule governs the operation of Maine chronic disease surveillance methods of data quality assurance and follow-up investigations. They establish the objectives, responsibilities and duties pertinent to the validation and operation of Maine chronic disease surveillance programs and set forth guidelines for the operation, conduct, and implementation of follow-up investigations.
- AFFECTED PARTIES: Hospitals, physicians, institutions, and/or State departments
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 254. OCCUPATIONAL DISEASE REPORTING RULES AND REGULATIONS**

- STATUTORY AUTHORITY: 22 MRS §1491
- PURPOSE OF THE RULE: To set forth criteria for submission of patient information by hospitals, and medical personnel, and establish the objectives, responsibilities, and duties pertinent to the operation of Maine's Occupational Disease Reporting Program.
- AFFECTED PARTIES: Health care providers, health care facilities, medical laboratories.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 255. CANCER INCIDENCE REGISTRY REGULATIONS**

- STATUTORY BASIS: 22 MRS §1402
- PURPOSE OF THE RULE: To protect public health by establishing standards for reporting on all persons diagnosed with cancer living in Maine and to tabulate and summarize patient data to determine the frequency and incidence rates. Changes would include updating the Maine Cancer Registry Rules and Regulations reflect current cancer surveillance standards and revised definitions. These include, but are not limited to, required reporting procedures.
- AFFECTED PARTIES: Reporting sources (hospital registrars and others) and Registry Staff of hospitals, hospices, health care providers and facilities, medical laboratories and other related facilities and associated administrative personnel.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 257. SCHEDULE OF CHARGES OF THE DIAGNOSTIC LABORATORY OF DHHS**

- STATUTORY AUTHORITY: 22 MRS §565(3)
- PURPOSE OF THE RULE: To amend and revise charges as required by budgetary needs and by law.
- AFFECTED PARTIES: DHHS labs, programs and citizens served by DHHS labs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 258. CONTROL OF NOTIFIABLE DISEASES AND CONDITIONS RULE**

- STATUTORY AUTHORITY: 22 MRS §802(3)
- PURPOSE: To establish requirements for: reporting and other surveillance methods for measuring the occurrence of communicable, occupational and environmental diseases and the potential for epidemics; designate and classify communicable, environmental and occupational diseases; investigate cases, epidemics and occurrences of communicable, environmental and occupational diseases; and establish procedures for the control, detection, prevention, and treatment of communicable, environmental and occupational diseases, including public immunization and contact notification programs.
- AFFECTED PARTIES: Physicians, physician's assistants, and nurse practitioners; medical laboratories; healthcare facilities; healthcare administrators; health officers; veterinarians and veterinary medical laboratories
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 260. RABIES IMMUNIZATION REQUIREMENTS FOR DOG LICENSURE**

- STATUTORY AUTHORITY: 7 MRS §3922(3)
- PURPOSE OF THE RULE: To explain the requirements for rabies vaccination of puppies and dogs, as required for licensure. This rule is consistent with 7 MRS§ 3922(3) and with current veterinary practice and vaccine specifications.
- AFFECTED PARTIES: Municipalities, dog owners
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 261. IMMUNIZATION REQUIREMENTS FOR SCHOOL CHILDREN**

- STATUTORY AUTHORITY: 20-A MRS §§6358(1), 6359(6)
- PURPOSE: To specify those diseases for which immunization is required and establish school record keeping and reporting requirements and procedures for the exclusion of nonimmunized children from school, and to establish medical exceptions to receiving vaccines or toxoids for each disease.
- AFFECTED PARTIES: School nurses, school age children and parents of school age children.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 262. POST-SECONDARY SCHOOL IMMUNIZATIONS RULE**

- STATUTORY AUTHORITY: 22 MRS §6359(6)
- PURPOSE: This rule outlines the immunization requirements of post-secondary school students. It prescribes the dosage for required immunizations and defines responsibilities, exclusion periods, record keeping and reporting requirements for school officials.
- AFFECTED PARTIES: Post-secondary facilities and school health providers and their students, parents
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 263. MAINE COMPREHENSIVE AND LIMITED ENVIRONMENTAL LABORATORY ACCREDITATION RULE**

- STATUTORY AUTHORITY: 22 MRS §567(2)
- PURPOSE OF THE RULE: To establish quality assurance procedures for laboratory data received by the Department of Health and Human Services and the Department of Environmental Protection and establish procedures for the accreditation of labs by setting minimum criteria for lab operations, performance and administration.
- AFFECTED PARTIES: Drinking water labs performing analyses for samples collected in the State of Maine; Wastewater labs not exempted by 38 MRS §413, and other labs not permitted for exception by memo between DEP and DHHS.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 264. IMMUNIZATIONS REQUIREMENTS FOR HEALTH CARE WORKERS**

- STATUTORY AUTHORITY: 22 MRS §802
- PURPOSE: To outlines the immunization requirements of employees of designated health care facilities, with prescribed dosages for required immunizations. This rule defines responsibilities, exclusion periods, record keeping and reporting requirements for officials of designated health care facilities.
- AFFECTED PARTIES: Hospitals and health care facilities and their employees who provide direct care to residents or patients of the facilities.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 265. MAINE DRUG TESTING LABORATORY RULES**

- STATUTORY AUTHORITY: 26 MRS §687; 22 MRS §§ 42 and 565
- PURPOSE OF THE RULE: To establish the substances that employers in the State of Maine may test their employees for. The rule is intended to ensure that employees and applicants receive reliable and accurate testing, and that privacy rights are protected.
- AFFECTED PARTIES: Employers and programs requiring testing of employees and applicants for substances of use; workplace substance of use testing programs. Benefited parties—employees affected by such programs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 266. CERTIFICATION STANDARDS FOR PERSONS CONDUCTING  
CHEMICAL ANALYSIS FOR DETECTION/IDENTIFICATION OF DRUGS**

- STATUTORY AUTHORITY: 17-A MRS §1112(1) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule sets forth the technical qualifications necessary for an individual to be certified by the Department of Health and Human Services to detect and identify drugs. Included in the rule are criteria pertaining to necessary laboratory facilities and equipment, reference standards, record keeping, security and proficiency testing
- LISTING OF AFFECTED PARTIES: Chemists analyzing drugs; suspects in cases of alleged possession of drugs and/or Maine citizens, especially those involved either as suspects or victims in OUI situations.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 267. CERTIFICATION STANDARDS FOR PERSONS CONDUCTING  
CHEMICAL ANALYSES OF BLOOD AND BREATH FOR THE PURPOSES  
OF DETERMINING THE BLOOD ALCOHOL LEVEL**

- STATUTORY AUTHORITY: 29-A MRS §2524(6) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule establishes the qualifications necessary for an individual to be certified by the Department of Health and Human Services to analyze blood and breath samples for alcohol level. Included are criteria pertaining to proficiency testing, sample procedures, accuracy of analyses, reporting data and continuing certification.
- LISTING OF AFFECTED PARTIES: Law enforcement, general public
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 269. RULES GOVERNING SELF-CONTAINED BREATH ALCOHOL TESTING  
EQUIPMENT**

- STATUTORY AUTHORITY: 29-A MRS §2524(6) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule establishes procedures for self-contained breath alcohol testing equipment. All self-contained breath alcohol testing equipment must be approved by the U.S. Department of Transportation as stated in the Federal Register and the State of Maine, Department of Health and Human Services rule. Each instrument must be tested and approved by the Maine CDC Public Health Laboratory and retested and re-approved semi-annually. Certain procedures are specified for calibration checks and use of self-contained breath alcohol testing equipment.
- LISTING OF AFFECTED PARTIES: Law enforcement
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 270. RULES FOR SAMPLE COLLECTION AND DRUG TESTING IN  
SUSPECTED O.U.I. CASES**

- STATUTORY AUTHORITY: 29-A MRS §§1951, 2527
- PURPOSE OF THE RULE: This rule is set forth for law enforcement agencies and laboratories involved in testing of persons suspected of operating under the influence of intoxicating liquor or drugs. The rule is intended to ensure that subjects are afforded accurate and reliable testing,

and that results of such testing will be in compliance with legal requirements for forensic purposes.

- LISTING OF AFFECTED PARTIES: Law enforcement agencies and laboratories involved in testing of persons suspected of operating under the influence of intoxicating liquor or drugs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None Anticipated

**10-144**

**CHAPTER 272. CHILDREN WITH SPECIAL HEALTH NEEDS PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §§42 (1) and 2001
- PURPOSE: To enhance the provision of and access to comprehensive health services for children with special health care needs.
- AFFECTED PARTIES: Licensed health care providers and families.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 274. IMMUNIZATION INFORMATION SYSTEM (IIS) RULES**

- STATUTORY AUTHORITY: 22 MRS §1064
- PURPOSE OF THE RULE: To explain the primary purpose of the immunization information system, which is to collect data related to vaccine administration and to promote effective and cost-efficient prevention of vaccine preventable diseases. The rule outlines confidentiality requirements and authorized user access.
- AFFECTED PARTIES: Immunization providers and other entities who have a contract or MOU with DHHS to participate in the vaccine distribution system, the immunization information system or to provide related support services.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 276. RULES GOVERNING INFLUENZA IMMUNIZING AGENT DISTRIBUTION REPORT**

- STATUTORY AUTHORITY: 22 MRS § 1065
- PURPOSE: This rule governed the implementation of the Influenza Immunizing Agent Distribution Reports required by a law change in the 122<sup>nd</sup> Legislature (LD 2106), to monitor supply and demand for influenza immunizing agents
- AFFECTED PARTIES: Influenza Immunizing Agent Manufacturers and Distributors
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: To be repealed in FY 2023-2024

**10-144**

**CHAPTER 279. RULES RELATING TO THE NEWBORN HEARING PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §1686
- PURPOSE: To define reporting requirements, program functions and responsibilities regarding newborn hearing screening, diagnosis and intervention.
- AFFECTED PARTIES: Hospitals, health care providers and citizens of Maine.
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None planned

- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 280. RULES RELATING TO THE MAINE BIRTH DEFECTS PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §8944
- PURPOSE OF THE RULE: To define reporting requirements, program functions and responsibilities regarding the Maine Birth Defects Program.
- AFFECTED PARTIES: Providers of health care licensed under Title 22 (Hospitals) and Title 32 (Health Professionals).
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: none
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 281. REGULATIONS FOR SPINAL SCREENING**

- STATUTORY AUTHORITY: 20-A MRS §6452
- PURPOSE OF THE RULE: To establish requirements for screening children in school settings to assess for spinal abnormalities, including frequency of screening and qualifications of screening personnel.
- AFFECTED PARTIES: School personnel (including school nurses or qualified physical education teachers), students and their families.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Repeal planned for FY 2023-2024 (statute was repealed)

**10-144**

**CHAPTER 283. RULES AND REGULATIONS RELATING TO TESTING NEWBORN INFANTS FOR DETECTION OF CAUSES OF COGNITIVE DISABILITIES AND SELECTED GENETIC CONDITIONS**

- STATUTORY AUTHORITY: 22 MRS §1533(2)(G)
- PURPOSE: To ensure that all infants born in Maine are screened for causes of developmental disabilities and selected genetic conditions.
- AFFECTED PARTIES: Hospitals, health care providers and citizens of Maine.
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 286. WIC PROGRAM RULES**

- STATUTORY AUTHORITY: 22 MRS §§42 and 3107
- PURPOSE OF THE RULE: To describe the procedures and standards for WIC participants, local agencies and WIC-authorized vendors.
- AFFECTED PARTIES: WIC participants, local agencies and WIC authorized vendors.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024



10-144

**CHAPTER 292. RULES RELATING TO THE LEAD POISONING CONTROL ACT**

- STATUTORY AUTHORITY: 22 MRS §1323
- PURPOSE OF THE RULE: To describe the requirements for property owners with environmental lead hazards identified by Department environmental lead investigations; set the responsibilities of licensed lead inspectors and risk assessors when conducting environmental lead investigations; and describe the information, including abatement orders, assessed to owners as a result of these investigations. This rule establishes the requirements for substitute dwellings used to relocate families living in rental units at the time an environmental lead hazard is identified and explains requirements for blood lead screening by health care providers and health care programs, including the requirements for approving health care providers, WIC and Head Start facilities to use in office blood lead testing devices and to report those results electronically to the Department.
- AFFECTED PARTIES: Landlords, tenants, health care facilities, health care providers, medical laboratories, and health care programs.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 293. LEAD POISONING PREVENTION FUND FEE RULES**

- STATUTORY AUTHORITY: 22 MRS §1322-F
- PURPOSE OF THE RULE: To identify the manufacturers subject to the fee, provide methods of fee calculation, establish a low quantity exemption, describe reporting and payment requirements and establish population blood lead surveillance criteria for when the rules will expire.
- AFFECTED PARTIES: Paint manufacturers and customers of paint in the State of Maine
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 294. RULES GOVERNING QUALIFICATIONS OF LOCAL HEALTH OFFICERS**

- STATUTORY AUTHORITY: 22 MRS §451(2)
- PURPOSE: To develop rules to institute qualifications for local health officers
- AFFECTED PARTIES: Municipalities, local health officers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY2023-2024

10-144

**CHAPTER 295. DENTAL SERVICES DEVELOPMENT AND SUBSIDY PROGRAMS**

- STATUTORY AUTHORITY: 22 MRS §2127(7)
- PURPOSE OF THE RULE: To define the terms and conditions for the participation in, and receipt of funding for the Dental Services Development and Subsidy Programs as authorized and funded by 22 MRS §2127, and to address as needed statutory changes in use of funding. This rule addresses the requirements and conditions to which applicants for funds provided must respond in order to receive the funds.
- AFFECTED PARTIES: Eligible non-profit dental clinics
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 296. "FILLINGS: THE CHOICES YOU HAVE - MERCURY AMALGAM AND OTHER FILLING MATERIALS"**

- STATUTORY AUTHORITY: 32 MRS §1094-C (Repealed)
- PURPOSE OF THE RULE: To provide a required brochure to reflect current scientific and public health information.
- AFFECTED PARTIES: Providers of clinical dental services offering restorative services
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: To be repealed in FY 2023-2024

**10-144**

**CHAPTER 297. DENTAL CARE ACCESS CREDIT PROGRAM RULE**

- STATUTORY AUTHORITY: 36 MRS 5219-DD(5)
- PURPOSE OF THE RULE: To establish the criteria for receiving the dental care access tax credit from the Maine CDC as well as describe the Maine CDC's procedure in selecting the eligible dentists receiving the tax credit.
- AFFECTED PARTIES: Dentists licensed in Maine on or after January 1, 2009.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 298. RULES GOVERNING THE CERTIFICATION PROGRAM FOR PRIMARY CARE TAX CREDIT**

- STATUTORY AUTHORITY: 36 MRS §5219-LL(4)
- PURPOSE: To establish the criteria for receiving the primary care tax credit from the Maine CDC and describe the Department's process in selecting the eligible primary care providers for the tax credit.
- AFFECTED PARTIES: MRS, Eligible primary care professionals working in underserved areas of Maine who apply for the income tax credit
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 504. RULES FOR IMPLEMENTING THE 1985 AMENDMENTS TO THE MAINE MEDICAL COMPACT ACT AND MAINE OSTEOPATHIC STUDENT LOAN PROGRAM (PRIMARY CARE)**

- STATUTORY AUTHORITY: 20-A MRS §11804
- PURPOSE OF THE RULE: To describe the procedure that the Department will follow in determining areas that are underserved by primary care physicians.
- AFFECTED PARTIES: Primary care physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Repeal planned FY 2023-2024

10-144

**CHAPTER 506. RULES FOR IMPLEMENTING THE 1985 AMENDMENTS TO THE MAINE MEDICAL COMPACT ACT (DENTAL CARE)**

- STATUTORY AUTHORITY: 20-A MRS §11804-A(3).
- PURPOSE OF THE RULE: To describes the procedure that the Commissioner of Health and Human Services will follow in determining areas as underserved by dental care practitioners.
- AFFECTED PARTIES: Dental care practitioners and dental facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 508. SELECTION PROCESS FOR IDENTIFYING SITES FOR STATE LOAN REPAYMENT PROGRAM (SLRP)**

- STATUTORY AUTHORITY: 20-A MRS §12107
- PURPOSE OF THE RULE: To describe loan forgiveness through FAME for medical students pursuing qualifying medical specialties in medically underserved regions in Maine.
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 509. RULES FOR DESIGNATING AREAS, POPULATIONS OR HOSPITALS AS UNDERSERVED BY SPECIALTY PHYSICIANS**

- STATUTORY AUTHORITY: 20-A MRS §§11810 and 12006
- PURPOSE OF THE RULE: Loan forgiveness through FAME for medical students pursuing qualifying medical specialties in medically underserved regions in Maine.
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

**CHAPTER 510. REGULATIONS GOVERNING THE RURAL MEDICAL ACCESS PROGRAM**

- STATUTORY AUTHORITY: 24-A MRS §6311
- PURPOSE OF THE RULE: Disbursement of financial incentives to promote the availability of physicians to deliver babies in underserved areas of the State
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 512. COMMUNITY SCHOLARSHIP PROGRAM**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: To increase availability of primary health care practitioners in designated health, professional shortage areas through cooperative community, state and federal funding,
- AFFECTED PARTIES: Medical health care providers, consumers.

- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 700. MATERNAL, FETAL AND INFANT MORTALITY REVIEW PANEL**

- STATUTORY AUTHORITY: 22 MRS §261; PL2019, Ch. 671
- PURPOSE: To identify the factors associated with maternal and infant deaths and make recommendations for system changes to improve services for women and infants in the State. Amendments required to reflect changes to statute in 2017.
- SCHEDULE FOR ADOPTION: None planned
- AFFECTED PARTIES: Hospitals, healthcare providers, Women and infants
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 707. RULES RELATING TO THE NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM (NBCCEDP) IN MAINE**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: Add the group of women, age 40-49, who are not high risk or symptomatic, as fourth priority and move women, age 35-59, who are symptomatic, as fifth priority under Priority for Program Expenditures (Section 6.0). If Komen grant is not reissued, will need to change Sections 2.1.1.1 and 6.0 eliminating the 35-39-yearold age group.
- AFFECTED PARTIES: Maine Equal Justice, women in the 35-39-yearold age group, physicians and other health practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-144**

**CHAPTER 708. RULES RELATING TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT (BCCPTA) IN MAINE**

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: These rules are created to implement the requirements of the Breast and Cervical Cancer Prevention and Treatment Act, which expand MaineCare full benefits to certain eligible women who are diagnosed with breast or cervical cancer or a pre-cancerous condition. These rules are necessary to process enrollment applications received by the MBCHP and to establish protocol in determining eligibility to the treatment act program.
- AFFECTED PARTIES: Participants in the Program and physicians and other health care providers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-144**

**CHAPTER 709. CRITICAL CONGENITAL HEART DISEASE SCREENING**

- STATUTORY BASIS: 22 MRS §1532; 22 MRS §42
- PURPOSE : To define screening and reporting requirements, program functions and responsibilities regarding screening for critical congenital heart disease.
- AFFECTED PARTIES: Hospitals, healthcare providers, and parents of newborns.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

- SCHEDULE FOR ADOPTION: FY 2023-2024

#### 10-144

### **CHAPTER 720. RULES GOVERNING THE IMPLEMENTATION OF EXPEDITED PARTNER THERAPY**

- STATUTORY AUTHORITY: 22 MRS §1242(5)
- PURPOSE: To implement Expedited Partner Therapy (EPT), which facilitates the treatment and prevention of sexually transmitted infections by prescribing, dispensing, furnishing, or otherwise providing prescription antibiotic drugs to the sexual partner(s) of persons clinically diagnosed with sexually transmitted infections without physical examination of the partner(s).
- AFFECTED PARTIES: Individuals, organizations providing screening and treatment of individuals with sexually transmitted infections.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

#### 10-146

### **Chapter 1. TRANSPORTATION AND FINAL DISPOSITION OF DEAD BODIES**

- STATUTORY AUTHORITY: 22 MRS §§2843 and 2846
- PURPOSE: To set the responsibilities of municipal clerks, funeral directors and authorized persons for transportation and final disposition of dead bodies in Maine.
- LISTING OF AFFECTED PARTIES: General public, municipal clerks, funeral directors, crematories and cemetarians
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

#### 10-146

### **Chapter 2. AMENDMENT OF VITAL RECORDS**

- STATUTORY AUTHORITY: 22 MRS §§2705, 2761, 2765 -67, 2768(5), 2769(5)
- PURPOSE: To govern the responsibilities for correcting or completing data on vital records.
- LISTING OF AFFECTED PARTIES: Municipal clerks and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

#### 10-146

### **Chapter 3. EVIDENCE OF LEGITIMATION**

- STATUTORY AUTHORITY: 22 MRS Ch. 703; 22 MRS §42
- PURPOSE: To govern the requirements for new birth certificate after legitimation.
- LISTING OF AFFECTED PARTIES: Municipal clerks, DHHS, and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

#### 10-146

### **Chapter 4. PUBLIC ACCESS TO VITAL RECORDS**

- STATUTORY AUTHORITY: 22 MRS Ch. 701; 22 MRS §42; 22 MRS §2706 sub-§5-A
- PURPOSE: To explain the responsibilities of public access to Vital Records.
- LISTING OF AFFECTED PARTIES: General public and hospitals licensed under chapter 405 or a health care practitioner as defined in section 1711-C, subsection 1, paragraph F (PL 2023 c. 110)
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

- SCHEDULED FOR ADOPTION: FY 2023-2024

**10-146**

**Chapter 5. MEDICAL CERTIFICATION OF CAUSE OF DEATH**

- STATUTORY AUTHORITY: 22 MRS §§42, 2842-A, 2847
- PURPOSE: This rule clarifies procedures for completing medical certification and registration of death records and fetal death records.
- LISTING OF AFFECTED PARTIES: Physicians, general public, municipal clerks and medical certifiers
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-146**

**Chapter 6: MARRIAGE LICENSE AND REGISTRATION**

- STATUTORY AUTHORITY: 19-A MRS Chapter 23 and 22 MRS §42
- PURPOSE: To describe the responsibilities for the Department's issuance of a marriage license and procedures for applying for marriage intentions, issuing a marriage license, filing cautions, who may officiate, as well as the methods marriages may be solemnized.
- LISTING OF AFFECTED PARTIES: Municipal clerks and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-146**

**Chapter 7. VITAL RECORDS FEES**

- STATUTORY AUTHORITY: 22-A MRS §210
- PURPOSE: To set the cost applied to search, issue, or apply processes to vital records.
- LISTING OF AFFECTED PARTIES: DHHS and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

**10-146**

**Chapter 9. DELAYED BIRTH REGISTRATION**

- STATUTORY AUTHORITY: 22 MRS §§42 and 2764
- PURPOSE: Regulations governing responsibilities for filing a delayed record of birth.
- LISTING OF AFFECTED PARTIES: Hospitals, physicians, municipal clerks
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

**10-146**

**Chapter 10: BIRTH REGISTRATION**

- STATUTORY AUTHORITY: 22 MRS §§2706(8), 2761, 2761-B(6) - §2763
- PURPOSE: To govern the registration of live births in Maine.
- LISTING OF AFFECTED PARTIES: Hospitals, physicians, municipal clerks
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-146

**CHAPTER 11. VITAL STATISTICS ADMINISTRATION**

- STATUTORY AUTHORITY: 22 MRS Ch. 701, 22 MRS §42
- PURPOSE: To describe the responsibilities for registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required; and activities including the tabulation, analysis, publication, and dissemination of vital statistics.
- LISTING OF AFFECTED PARTIES: DHHS, municipal clerks, and general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-146

**CHAPTER 12. ADULT ADOPTEES ACCESS TO ORIGINAL BIRTH RECORD**

- STATUTORY AUTHORITY: 22 MRS §2768(5)
- PURPOSE: To establish data elements required in the contact preference form, medical history form and application form and to establish procedures for the Department issuing copies of original sealed birth records to adult adoptees.
- LISTING OF AFFECTED PARTIES: Adult adoptees.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-146

**CHAPTER 13. STATE SHARE OF VITAL RECORDS FEE**

- STATUTORY AUTHORITY: 22 MRS §263
- PURPOSE: To allocate funds from increased municipal fees as revenue for program operating expenses for the Maine CDC Office of Data, Research and Vital Statistics
- LISTING OF AFFECTED PARTIES: Maine Municipalities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-146

**Chapter 15. DEATH WITH DIGNITY REPORTING RULE**

- STATUTORY AUTHORITY: 22 MRS §2140 (17)
- PURPOSE: This new rule will describe what medical providers must report to the Department's Maine CDC, as well as what the Department will maintain for records, when a qualified patient with a terminal disease requests a lethal dose of medication to end their life.
- AFFECTED PARTIES: Providers who prescribe lethal doses of medication; consulting physicians, qualified patients.
- SCHEDULE FOR ADOPTION: None anticipated

**Chapter 16. GENDER MARKER ON BIRTH RECORD RULE**

- STATUTORY AUTHORITY: 22 MRS §2761
- PURPOSE: This new rule will provide administrative processes to designate X on birth records and issue a new record after changes are requested to the assigned gender marker and to change the first and middle name concurrent with gender marker change, through the Maine CDC Office of Data, Research and Vital Statistics.
- LISTING OF AFFECTED PARTIES: Maine citizens interested in receiving a new birth record that reflects their gender identity
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-148

**CHAPTER 100 AIDS DRUG REIMBURSEMENT PROGRAM**

- STATUTORY AUTHORITY: 5 MRS §19205
- PURPOSE: To govern the operation of the Maine AIDS Drug Assistance Program
- AFFECTED PARTIES: People living with HIV, Physicians, Physician’s Assistants, Nurse Practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2023-2024

**90-429 BOARD OF LICENSURE OF WATER TREATMENT PLANT OPERATORS**

**CHAPTER 1: RULES RELATING TO LICENSURE OF WATER TREATMENT AND DISTRIBUTION OPERATORS OF PUBLIC WATER SYSTEMS**

- STATUTORY AUTHORITY: 22 MRS §2628
- PURPOSE OF THE RULE: To administer licensing requirements for water treatment operators, establish classifications, set license fees and outline complaint procedures.
- AFFECTED PARTIES: All community and non-transient public water systems, which are required by federal law to designate licensed operators; any transient public water systems specifically required by the Drinking Water Program to obtain a licensed water operator; and all water treatment operators doing business in the State of Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2023-2024

95-659

**CHAPTER 248. LIST OF VACCINES TO BE PROVIDED BY THE UNIVERSAL CHILDHOOD IMMUNIZATION PROGRAM.**

- STATUTORY BASIS: 22 MRS §1066(11)
- PURPOSE OF THE RULE: To allow the Board, after it conducts a public hearing, to consider which vaccines should be covered by the Program, to vote to either maintain the current list of vaccines or amend the list. The governing statute, 22 MRS §1066, requires the Board to review the vaccines covered by the Program on an annual basis.
- AFFECTED PARTIES: Physicians and other healthcare practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

10-144 jointly with 90-590

**CHAPTER 730 INTERAGENCY REPORTING OF CANCER REGISTRY AND VITAL STATISTICS DATA**

- STATUTORY AUTHORITY: 22 MRS § 8715-A
- PURPOSE: To establish requirements related to reporting data from the cancer-incidence registry established pursuant to 22 MRS § 1404 and data related to the registration of vital statistics, pursuant to 22 MRS § 2701
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated



## NEW RULES ANTICIPATED-MAINE CDC

10-144

### CHAPTER XXX HIV/AIDS ASSISTANCE

- STATUTORY AUTHORITY: 5 MRS §19205, 22 MRS §42
- PURPOSE: This new rule will set forth the eligibility requirements and govern the operation of HIV/AIDS Assistance granted through the HIV Care Program.
- AFFECTED PARTIES: People living with HIV/AIDS
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2023-2024

10-144

### CHAPTER XXX UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS RULE

- STATUTORY AUTHORITY: 37-B MRS §949-I
- PURPOSE OF THE RULE: To implement statute that establishes a registry of volunteer health practitioners who may provide health services subject to an emergency proclamation.
- AFFECTED PARTIES: Health care practitioners, Maine Emergency Management Agency
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

### CHAPTER XXX AMYOTROPHIC LATERAL SCLEROSIS INCIDENCE REGISTRY RULE

- STATUTORY AUTHORITY: 22 MRS § 1415
- PURPOSE: This new rule would require healthcare providers to report cases of ALS to the Maine CDC Data Records and Vital Statistics within 6 months of diagnosis. This rule will govern the Maine CDC's operation of the ALS registry, reporting requirements to the registry, and data release protocols.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

### CHAPTER XXX AGING AND DISABILITY MORTALITY REVIEW PANEL RULE

- STATUTORY AUTHORITY: 22 MRSA §264
- PURPOSE: To implement Maine's Aging and Disability Mortality Review Panel and establish rules for collecting information and data, selecting and setting any limits on the number of terms for the members of the panel, managing and avoiding conflicts of interest of members, collecting and using individually identifiable health information and conducting reviews.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2023-2024

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AGENCY UMBRELLA-UNIT NUMBER: 10-144, 10-148, and 14-472

AGENCY NAME: Office of Child and Family Services, Division of Child Welfare

**CONTACT PERSON:** Brianna Gutierrez, Communication and Compliance Manager, Office of Child and Family Services, #11 State House Station, 2 Anthony Avenue, Augusta, ME 04333-0011. Telephone: (207) 626-8670. E-mail: [brianna.gutierrez@maine.gov](mailto:brianna.gutierrez@maine.gov)

EXPECTED 2023-2024 RULE-MAKING ACTIVITY: List of all rules agency expects to propose between now and October, 2024.

**10-144**

**CHAPTER 2: Community Services Block Grant Program**

- **STATUTORY AUTHORITY:** Title 22 MRS, Chapter 1477
- **PURPOSE:** These rules provide consistent statewide guidelines for the use of federal funds appropriated under the Community Services Block Grant Act of 1981, including funding and program requirements. These rules ensure consistency with the Community Opportunities, Accountability, and Training and Educational Services Human Services Reauthorization Act of 1998 (P.L. 105-285).
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2024.
- **AFFECTED PARTIES:** Community Action Agencies that receive and distribute CSBG funding and individuals who receive support via these agencies.

**10-148**

**CHAPTER 6: Child Care Subsidy Policy Manual**

- **STATUTORY AUTHORITY:** Title 22 MRS, Chapter 1052-A
- **PURPOSE:** These rules establish, define, and clarify the primary responsibilities and processes for the planning and administration of child care subsidies funded with the Child Care Development Fund. The Child Care and Development Fund (“CCDF”) Block Grant Act of 1990, as amended, 42 USC § 9858b (b)(1)(A), (the “Act”) requires the Lead Agency to “administer, directly, or through other governmental or non-governmental agencies” the funds received. The regulations at 45 CFR 98.11 provide that, in addition to retaining “overall responsibilities” for the administration of the program, the Lead Agency must also (among other things) promulgate all rules and regulations governing the overall administration of the CCDF Program.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2024.
- **AFFECTED PARTIES:** Parents in need of child care services and assistance with obtaining and payment of those services; individuals who provide child care services; and children who receive child care services.

**10-148**

- **CHAPTER 7: Rules for Authorization of Background Checks for Prospective Adoptive Parents**

**STATUTORY AUTHORITY:** Title 18-C, Article 9

- **PURPOSE:** These rules provide for and describe the procedures for completion of background checks for prospective adoptive parents. These rules are designed to protect the health, safety, and wellbeing of children adopted in the State of Maine.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2024.
- **AFFECTED PARTIES:** Child placing agencies, prospective adoptive parents, and children who are eligible for adoption in the State of Maine.

**10-148**

**CHAPTER 12: Rules for Permanency Guardianship**

- STATUTORY AUTHORITY: Title 22, Chapter 1071
- PURPOSE: These rules set forth eligibility requirements and guidelines for permanency guardianship assistance to eligible families, including the terms of the agreement between the family and the state.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Children in the State’s custody and caregivers who are or will become engaged in a permanency guardianship of a child in the State’s custody.

**10-148**

**CHAPTER 13: Rules for the Adoption Assistance Program**

- STATUTORY AUTHORITY: Title 18-C, Article 9
- PURPOSE: These rules establish the eligibility requirements for adoption assistance available to adoptive families and outline the terms of the agreement between the adoptive family and the State.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Children in the State’s custody and caregivers who have or will adopt a child from the State’s custody.

**10-148**

**CHAPTER 14: Rules for Levels of Care for Foster Homes**

- STATUTORY AUTHORITY: Title 22 MRS §4062.
- PURPOSE: These rules describe the procedures, requirements, and rates for the Office of Child and Family Services’ levels of care system. This system provides for placement of children in state custody in the appropriate setting based on their medical and behavioral health needs, as well as ensuring appropriate reimbursement to resource parents for the cost of caring for children based on their needs.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Proposed rule will be presented for input to a variety of groups that are involved in rate setting.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Children in care, individuals who care for children in foster care, treatment foster care agencies, children in foster care.

**10-148**

**CHAPTERS 15 and 16: Rules for the Licensing of Family Foster Homes\* for Children and Rules Providing for the Licensing of Specialized Children’s Foster Homes\* (\*Planned name change to Resource Homes)**

- STATUTORY AUTHORITY: Title 22 MRS §8102.
- PURPOSE: These rules describe the procedures and requirements for licensing of resource families providing for care of children in state custody.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Rule changes are presented to a variety of groups that are involved in caring for children in state custody and supporting resource parents who provide care for children in state custody. The Kinship Advisory Board will be a part of providing feedback.

- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Children in care, individuals who care for children in foster care, treatment foster care agencies, and kinship families.

**10-148**

**CHAPTER 17:** Rules for Licensing of Family Foster Homes Providing Respite Care for Children

- STATUTORY AUTHORITY: Title 22 MRS, Chapter 1669
- PURPOSE: These rules describe the procedures and standards for licensing of family foster homes that provide only respite care for children in the State's custody.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Children in the State's custody and caregivers who have provide respite care for children in the State's custody.

**10-148**

**CHAPTER 19:** Rules Providing for Licensing of Child Placing Agencies With and Without Adoption Programs, including Addendum, Home Certification Process

- STATUTORY AUTHORITY: Title 22 MRS, Chapter 1671
- PURPOSE: These rules provide the requirements for the Department's licensing of child placing agencies, including the criteria for denying, revoking, or suspending such a license. These rules govern operation of child placing agencies including the organization and administration, personnel, and standards utilized by the agency, as well as ensuring confidentiality of records.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Child placing agencies and the members of the public who interact with these agencies.

**10-148**

**CHAPTER 19-A:** Rules for the Licensure of Private Non-medical Institutions-Child Placing Agencies With and Without Adoption Programs

- STATUTORY AUTHORITY: Title 22 MRS, Chapter 1671
- PURPOSE: These rules provide the requirements for the Department's licensing of child placing agencies, including the criteria for denying, revoking, or suspending such a license. These rules govern operation of child placing agencies including the organization and administration, personnel, and standards utilized by the agency, as well as ensuring confidentiality of records.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Child placing agencies and the members of the public who interact with these agencies.

**10-148**

**CHAPTER 21:** Rules for the Provision of Payments for Residential Programs Serving Children

- STATUTORY AUTHORITY: Title 22 MRS §4062.
- PURPOSE: These rules provide for reimbursement for room and board for residential programs serving children at a standard rate within the available funds, to ensure that the payments are reasonable and consistently applied to like programs while meeting the needs of the children in the facility.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Agencies and businesses that provide residential care for children, children receiving residential services, parents of children receiving residential services.

**10-148**

**CHAPTER 24:** Rules on the Disclosure of HIV Status Information on a Child in the Custody of the Department of Human Services

- STATUTORY AUTHORITY: 22 MRS, Chapter 1071.
- PURPOSE OF THE RULE: This rule governs the disclosure of HIV test results for a child in the legal custody of the Department of Health and Human Services.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Children, parents/guardians, resource parents, and other caregivers.

**10-148**

**CHAPTER 34:** Child Care Provider (Child Care Facilities and Family Child Care Providers) Background Check Licensing Rule

- STATUTORY AUTHORITY: Title 22 MRS §8302-A
- PURPOSE OF THE RULE: This rule governs the comprehensive background checks required for licensed child care providers.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Licensed child care providers and their staff.

**10-148**

**CHAPTER 35:** Children's Residential Care Facilities Licensing Rule

- STATUTORY AUTHORITY: 22 MRS Chapter 1661, 1663, 1669.
- PURPOSE OF THE RULE: This rule governs the licensing of children's residential care facilities in Maine to protect the health, safety, and welfare of residents.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- AFFECTED PARTIES: Children's residential care providers, parents/guardians, recipients of services.

**10-148**

**CHAPTER 201:** Procedures for the Abuse or Neglect Substantiation Process, for Appeals for Persons Substantiated as Perpetrators of Abuse or Neglect of Children, and Appeals for Denial of Access to Confidential Records

- **STATUTORY AUTHORITY:** Title 22 MRS §4004.
- **PURPOSE:** These rules outline procedures to govern the substantiation/indicated process, and to notify and provide an appeal to persons who have been substantiated or indicated by the Department of Health and Human Services as having abused or neglected a child or children. In addition, this rule provides an appeal process for individuals denied access to their confidential child protective records.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2024.
- **LISTING OF AFFECTED PARTIES:** Individuals found to be substantiated or indicated for abuse of children, families and children affected by abuse. Individuals seeking access to their confidential child protective records.

**10-148**

**CHAPTER 577:** Alumni Transition Grant Program Rules

- **STATUTORY AUTHORITY:** Title 22 MRS §4010-C.
- **PURPOSE:** These rules govern the implementation and operation of the transition grant program which provides support to individuals who exited the Department's custody and who are enrolled in a postsecondary educational program.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2024.
- **LISTING OF AFFECTED PARTIES:** Individuals who were previously in the Department's custody and who exited the voluntary extended care program due to their age.

**10-148**

**NEW RULES ANTICIPATED**

**10-148**

**Chapter XXX:** Investigation of Out-of-Home Abuse and/or Neglect Rule

**STATUTORY AUTHORITY:** 22 MRS, Chapter 1674

- **PURPOSE OF THE RULE:** Implements the provisions of 22 MRS Chapter 1674 regarding the investigation of alleged incidents of child abuse and neglect in out of home settings.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2024.
- **LISTING OF AFFECTED PARTIES:** Individuals and entities subject to investigation.

**10-148**

**Chapter XXX:** Rules for Child Care Provider Salary Supplement Payments

- **STATUTORY AUTHORITY:** Title 22 MRS §3737-A
- **PURPOSE:** These rules govern the implementation and operation of the State's salary supplement program for staff in child care programs.

- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- LISTING OF AFFECTED PARTIES: Child care providers and their staff and parents, guardians, and children who are served by child care providers.

#### 10-148

##### **Chapter XXX: Rules for the First 4 ME Early Care and Education Program**

- STATUTORY AUTHORITY: Title 22 MRS §3931
- PURPOSE: These rules govern the implementation and operation of the First 4 ME Early Care and Education Program
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- LISTING OF AFFECTED PARTIES: Providers and communities who participate in the First 4 ME program and the children and families they serve.

#### 14-472

##### **CHAPTER 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment**

- STATUTORY AUTHORITY: Title 34-B MRS §§3003 and 15002.
- PURPOSE: To provide for the rights of children receiving mental health services.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- LISTING OF AFFECTED PARTIES: Providers of mental health services to children, children, family members of children.

#### 14-472

##### **CHAPTER 4: Regulations to Establish a Sliding Fee Methodology for State Grant Funded Children's Services**

- STATUTORY AUTHORITY: Title 34-B MRS §1208
- PURPOSE: To establish a sliding fee scale pursuant to state.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- LISTING OF AFFECTED PARTIES: Providers of services subject to the sliding fee scale and children and families who utilize these services.

#### 14-472

##### **NEW RULES ANTICIPATED**

#### 14-472

##### **CHAPTER XXX: Rules Governing Behavior Plan Development and Implementation**

- STATUTORY AUTHORITY: 34-B MRS, Chapter 5
- PURPOSE: To set forth requirements for behavioral health providers who serve children in the development and implementation of behavior plans. These rules will ensure the protection of the child's rights and wellbeing during the course of their treatment and provide a standardized system for review and approval of behavior plans when needed.

- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2024.
- LISTING OF AFFECTED PARTIES: Providers of behavioral health services to children, children who receive behavioral health services, and the parents/caregivers of those children.

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AGENCY UMBRELLA-UNIT NUMBER: **14-118 and 14-193**

AGENCY NAME: **Office of Behavioral Health Services** (formerly Office of Substance Abuse and Mental Health Services)

**CONTACT PERSON:** Danielle Hess, Policy, Communications, and Compliance Manager. #11 State House Station, 41 Anthony Avenue, Augusta, Maine, 04333-0011; (207) 441-8496;  
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**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**14-193, Chapter 1, Rights of Recipients of Mental Health Services**

- STATUTORY BASIS: 34-B M.R.S.A. § 3003
- PURPOSE (of the rule): These rules govern the rights of recipients of Mental Health Services. The rules set the framework for interaction with the department, and the process by which consumers receive services. These rules will be amended to comply with state and federal changes, to update policy, definitions and references, and to implement changed services and regulations, as necessary. The pending private right of action statute will have accompanying rules. Rights for adult and child recipients of mental health services will be amended and updated as part of the rule.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be promulgated by July 1, 2025, per Resolve Ch. 132. The rules are currently undergoing a complete review for accuracy, clarity, and efficacy.
- LISTING OF AFFECTED PARTIES: Other state agencies, providers, and individuals who receive mental health services.

**14-193, Chapter 4, Rules for Board Representation at Community Mental Health Programs**

- STATUTORY BASIS: 34-B M.R.S.A. § 3603 (P.L. 1986, ch. 761)
- PURPOSE (of the rule): To assure representation on the boards of directors of community mental health programs principally funded by the department from area affiliates of Maine Alliance for Addiction and Mental Health Services, or similarly organized mental health consumer organizations. Legislative intent was to require a consumer voice and consumer vote in the policy deliberations of agencies receiving substantial public funding which, because of the amount and type of their services, make a major impact on the lives of consumers of mental health services and their families.
- SCHEDULE FOR ADOPTION: Not yet determined.
- LISTING OF AFFECTED PARTIES: Community mental health programs, providers, individuals with mental illness, and mental health consumer organizations.



**14-193, Chapter 40, Review of Requests for Specialized Out-of-State Mental Health Treatment for adults**

- STATUTORY BASIS: 34-B M.R.S.A §3003
- PURPOSE (of the rule): This rule will be reviewed for amendment or inclusion into relevant rule(s) to comply with other state and federal changes and exemptions to covered treatment and funding appropriations. OBH will partner with stakeholders including but not limited to the Office of MaineCare Services to ensure all individuals requiring specialized, out-of-state treatment have a well-defined process for preauthorization and funding allocation based on medical necessity, best clinical practice, and cost-effectiveness. The primary goal is to ensure the process is outlined and applicable to all individuals seeking mental health treatment subject to their eligibility under such proposed amendments or restructure.
- SCHEDULE FOR ADOPTION: Not yet determined.
- LISTING OF AFFECTED PARTIES: Individuals with mental illness, Office of MaineCare Services, other state agencies and providers.

**14-118, Chapter 2, Driver Education and Evaluation Program Procedure Manual**

- STATUTORY BASIS: 5 M.R.S.A. § 20005 and 5 M.R.S.A. Part 25, c. 521 Sub-chapter 5
- PURPOSE (of the rule): These rules govern the Driver Education and Evaluation Program (DEEP) Procedures. They set forth the framework of how the system should function as well as the requirements for both consumers and providers. An internal review of the program has been occurring which will result in changes to the regulatory framework that governs DEEP.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented by Winter 2024/Spring 2025.
- AFFECTED PARTIES: Community-based service providers and OUI offenders.

**14-118, Chapter 11, Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications**

- STATUTORY BASIS: 22 M.R.S.A. §7252, §7523, §7254, and P.L. 2015, ch. 488
- PURPOSE (of the rule): These rules implement the controlled substances prescription monitoring program, established by the Legislature as a means to promote the public health and welfare and to detect and prevent substance abuse. These rules also implement requirements for the prescription of opioid medications.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented by Winter 2024.
- LISTING OF AFFECTED PARTIES: Prescribers, providers, dispensers (pharmacies), other healthcare professionals, and PMP staff.

**14-118, Chapter 19, Rules Governing Community-Based Overdose Prevention Programs**

- STATUTORY BASIS: 22 M.R.S.A. §2353
- PURPOSE (of the rule): Describes policies and procedures related to the establishment of Overdose Prevention Programs and the storage, dispensing, and distribution of Naloxone Hydrochloride in Community-based Agency settings.
- SCHEDULE FOR ADOPTION: It is expected that the rules will be implemented by Winter 2024.
- LISTING OF AFFECTED PARTIES: Community-based service providers, healthcare professionals, individuals with substance use disorders, and other state agencies.

**14-118, Chapter \_\_, Rules Governing the Bridging Rental Assistance Program (New Policy)**

- STATUTORY BASIS: 34-B M.R.S.A. § 3011
- PURPOSE (of the rule): These rules will govern the Bridging Rental Assistance Program (BRAP). They will set the framework of how the transitional housing voucher program should function as well as the requirements for consumers.
- SCHEDULE FOR ADOPTION: Not yet determined as these rules are currently in development.
- LISTING OF AFFECTED PARTIES: Providers and individuals with mental illness.

**14-118, Chapter \_\_, Rules Governing the Certification of Recovery Residences (New Policy)**

- STATUTORY BASIS: 5 M.R.S.A. § 20005 (P.L. 2019 ch. 524)
- PURPOSE (of the rule): These rules will establish criteria for the certification of recovery residences. The criteria will be based on criteria developed by a nationally recognized organization that supports persons recovering from substance use disorder and certification will be voluntary.
- SCHEDULE FOR ADOPTION: Not yet determined as these rules are currently in development.
- LISTING OF AFFECTED PARTIES: Other state agencies, providers, and individuals who receive substance use disorder services.

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AGENCY UMBRELLA-UNIT NUMBER: **10-149** and **14-197**

AGENCY NAME: **Office of Aging and Disability Services**, formerly two separate offices: the Office of Elder Services; and the Office of Adults with Cognitive and Physical Disability Services

CONTACT PERSON: Esther Miller, Policy & Program Development Manager; Office of Aging and Disability Services; 11 State House Station, Augusta, ME 04333-0011; 207-441-8349; [esther.miller@maine.gov](mailto:esther.miller@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULEMAKING ACTIVITY:**

**10-149, Chapter 1, Adult Protective Services System**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22 M.R.S. § 3470 *et seq.*; 34-B M.R.S. § 5604-A.
- PURPOSE (of the rule): These rules govern the operation of the Adult Protective Services unit. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: Winter 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults, and Incapacitated and Dependent Adults.

**10-149, Chapter \_\_, Adult Protective Services Guardianship (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22 M.R.S. § 3470 *et seq.*; 34-B M.R.S. § 5604-A.
- PURPOSE (of the rule): 10-149 CMR ch. 5, section 15, the public guardianship/conservatorship rule, was last updated in 2007. Since that time, the structure of the program has changed warranting rule updates and the Maine probate code has been fully

overhauled so the statutory references throughout the rule are no longer up to date. As a result, the rule requires substantial revisions.

- SCHEDULE FOR ADOPTION: Spring 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults, and Incapacitated and Dependent Adults.

**10-149, Chapter \_\_, Adult Protective Services Training Program Requirements (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22 M.R.S. § 3470 *et seq.*; 34-B M.R.S. § 5604-A.
- PURPOSE (of the rule): LD 35 *An Act to Establish Adult Protective Services Training Requirements for Professionals Mandated to Report Suspected Abuse, Neglect or Exploitation to Enhance Protection of Incapacitated and Dependent Adults*, was signed into law during the first session of the 131<sup>st</sup> legislature. This new law requires that those who are mandated reporters to APS receive training on their duty to report. A rule is needed to establish how mandated reporters will demonstrate compliance with this training requirement and what criteria will need to be met for an organization to successfully offer such a training to their staff should they choose to do as an alternative to the training offered directly by DHHS.
- SCHEDULE FOR ADOPTION: Summer 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults, and Incapacitated and Dependent Adults.

**10-149, Chapter 5, Sections 1-76, Office of Elder Services [Office of Aging and Disability Services] Policy Manual**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22-A M.R.S. § 205; 22 M.R.S. §§ 342, 3493, 5106, 6108, 6203, 7303, 7312, 7853, 8602, and 9002; and 24 M.R.S. § 6214
- PURPOSE (of the rule): These rules govern the operation of programs administered by the Office of Aging and Disability Services, including the State Unit on Aging programs (under the *Older Americans Act*), the long term supports and services system of care, as well as the Adult Protective Services unit. These rules will be proposed and amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter 6, Section 6, Long-Term Care Ombudsman Program, Office of Elder Services [Office of Aging and Disability Services] Policy Manual**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22 M.R.S. §§ 5106(10), (11-C), 5107-A
- PURPOSE (of the rule): This rule governs the operation of Maine's Long-Term Care Ombudsman Program pursuant to the *Older Americans Act*. Maine's Long-Term Care Ombudsman Program investigates complaints received on behalf of individuals receiving long term services and supports. This rule will be proposed to comply with state and federal law and to implement services and regulations.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state

legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.

- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter 6, Section 7, Legal Services for Older Adults, Office of Elder Services [Office of Aging and Disability Services] Policy Manual**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106(10), (11-A)
- PURPOSE (of the rule): These rules govern the operation of legal services for older adults pursuant to the *Older Americans Act*. These rules are intended to provide important assistance for older adults in accessing long term services and supports options, as well as to protect older adults against direct challenges to their independence, choice, and financial security. These rules will be proposed to comply with state and federal changes, to update policy, and to implement changed services and regulations. This rule will replace the existing Chapter 5, Section 64, that is scheduled to be repealed.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter \_\_, Section \_\_, Aging and Disability Resource Centers (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106(10), (11-A)
- PURPOSE (of the rule): The purpose of this rule is to establish Maine's Aging and Disability Resources Centers as part of the No Wrong Door System pursuant to the Older Americans Act of 1965, as amended through P.L. 116–131. This proposed rule aims to establish statewide programmatic and organizational standards to ensure consist and reliable delivery of services provided by Aging and Disability Resources Centers. This proposed rule will also outline the process for designating Aging and Disability Resource Centers throughout Maine.
- SCHEDULE FOR ADOPTION: Summer 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter \_\_, Section \_\_, Medicare Beneficiary Education Program (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106(10), (11-A)
- PURPOSE (of the rule): The purpose of this rule is to provide programmatic requirements for Maine's State Health Insurance Assistance Program (SHIP), Senior Medicare Patrol (SMP), and Medicare Improvement for Patients and Providers Act (MIPPA) federally funded programs. This proposed rule seeks to establish statewide programmatic standards and expectations of providers.
- SCHEDULE FOR ADOPTION: Summer 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter \_\_, Section \_\_, Evidence-Based Health Promotion and Disease Prevention (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106(10), (11-A)
- PURPOSE (of the rule): The purpose of this rule is to develop programmatic requirements on the delivery of Evidence-Based Health Promotion and Disease Prevention Services in Maine pursuant to Older Americans Act of 1965, as amended through P.L. 116–131.
- SCHEDULE FOR ADOPTION: Fall 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter \_\_, Section \_\_, Affordable Assisted Living Facilities (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106
- PURPOSE (of the rule): These rules establish minimum standards for the licensing of assisted living programs. Assisted living services are the provisions by an assisted living program, either directly by the provider or indirectly through contracts with persons, entities or agencies, assistance with activities of daily living and instrumental activities of daily living, personal supervision, protection from environmental hazards, meals, diet care, care management and diversional or motivational activities. Assisted living programs must be resident oriented and meet professional standards of quality. The purpose of this Assisted Living Services rulemaking is to provide key terms used for assisted living services, eligibility requirements, duration and limitations of services, covered and non-covered services, policies and procedures, staffing requirements, responsibilities, and resident payment methodology.
- SCHEDULE FOR ADOPTION: Fall 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter \_\_, Section \_\_, In Home Services for Older Individuals (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106
- PURPOSE (of the rule): The purpose of this rule is to provide programmatic guidance on the delivery of Older Americans Act funded In-Home Services in Maine as defined by Section 102(30) of the Older Americans Act of 1965, as amended through P.L. 116–131, and Federal program guidance.
- SCHEDULE FOR ADOPTION: End of 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**10-149, Chapter \_\_, Section \_\_, Adult Day (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106
- PURPOSE (of the rule): The purpose of this rule is to provide programmatic guidance on the delivery of Older Americans Act funded Adult Day Services in Maine pursuant to the Older Americans Act of 1965, as amended through P.L. 116–131, and Federal program guidance.
- SCHEDULE FOR ADOPTION: End of 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

**14-197, Chapter 3, Definition of Mental Retardation and Autism; Appeal Procedure**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22-A M.R.S. § 205; 34-B M.R.S. §§ 5432, 5465, and 6003
- PURPOSE (of the rule): These rules set out definitions, policies and appeal procedures for persons with intellectual disabilities or autism spectrum disorder. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: End of 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

**14-197, Chapter 4, Joint Regulations Between Division of Special Education and Bureau of Mental Retardation**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22-A M.R.S. § 205; 34-B M.R.S. §§ 5432, 5465, and 6003
- PURPOSE (of the rule): These rules are intended to coordinate the delivery of services for individuals with intellectual disabilities or autism spectrum disorder transitioning from receiving services in a school setting into the adult service system (although the rule is no longer relied upon by DHHS offices).
- SCHEDULE FOR ADOPTION: This rule will be repealed, and the Department will consider replacement. It is not possible to establish a timeline.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

**14-197, Chapter 5, Regulations Governing Behavioral Support, Modification and Management for People with Intellectual Disabilities or Autism in Maine**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 34-B M.R.S. § 5201(9), and § 5601 *et seq.*
- PURPOSE (of the rule): These regulations are designed to implement Maine law regarding the rights of persons with intellectual disabilities and autism spectrum disorder particularly when an individual is engaging in a challenging behavior. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: Summer 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

**14-197, Chapter 7, Pilot Program for Transitional Services**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 34-B M.R.S. § 5609
- PURPOSE (of the rule): Chapter 7 is no longer in effect and will be repealed. The intent of the rule was to carry out a Pilot Program for Transitional Services, offering a method of funding for innovative services which are otherwise unavailable or not reimbursable under existing funding systems.
- SCHEDULE FOR ADOPTION: This rule will be repealed, although it is not possible to establish a timeline.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

**14-197, Chapter 10, Certification Requirements for Agencies Seeking to Provide Community Based Targeted Case Management for Adults with Intellectual Disabilities and Autism**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22-A M.R.S. § 205; and 34-B M.R.S. §§ 5201, 5432 and 5465
- PURPOSE (of the rule): These rules set out the requirements for certification for agencies seeking to provide community based targeted case management for adults with intellectual disorders or autism spectrum disorder.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

**14-197, Chapter 12, Reportable Events System**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 34-B M.R.S. § 5604-A
- PURPOSE (of the rule): This rule sets out the Department's policy on reportable events and the investigation of allegations of abuse, neglect and exploitation of adults with intellectual disorders and autism spectrum disorder and the process for individuals appealing a substantiation of abuse, neglect and exploitation. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: Fall 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

**14-197, Chapter 14, Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); 22 M.R.S. § 3088-A.
- PURPOSE (of the rule): The purpose of the rule is to comply with P.L. 2019, ch. 488, *An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors*. Within the limits of its available resources, the department may enter into contracts with organizations representing individuals with a brain injury and their families, bringing together state and national expertise to provide core brain injury support for underserved populations of individuals with an acquired brain injury, including, but not limited to, individuals who experienced an opioid drug overdose resulting in anoxic or hypoxic brain injury, who are veterans, who are victims of domestic violence, who are experiencing homelessness, who are ineligible for MaineCare and who have a newly acquired brain injury. For the purposes of this section, "core brain injury support" includes, but is not limited to, resource facilitation, brain injury support groups, outreach designed for individuals who have a newly acquired brain injury, access to a joint state and national helpline, information and resource education and family caregiver training. The department may adopt rules to implement this section.
- SCHEDULE FOR ADOPTION: End of 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Acquired Brain Injuries receiving services from the Department

**14-197, Chapter \_\_, Home and Community Based Services Program Requirements (New Policy)**

- STATUTORY BASIS: 22 M.R.S. §§ 42(1); PL 2023 Chapter 89
- PURPOSE (of the rule): To implement program requirements needed as a result of licensing protocols for currently unlicensed providers of Developmental Disability (including Brain Injury and Other Related Conditions) residential, community support and employment support services.
- SCHEDULE FOR ADOPTION: Summer 2024
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Persons with Intellectual Disabilities or Autism Spectrum Disorder, and Persons with Acquired Brain Injuries receiving services from the Department



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**DEPARTMENT OF LABOR**  
Regulatory Agenda 2023-2024  
October 1, 2023 to September 30, 2024

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**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](mailto: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

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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

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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](mailto: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.

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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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Scott.R.Cotnoir@Maine.gov) .

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**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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Scott.R.Cotnoir@Maine.gov) .

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AGENCY UMBRELLA-UNIT NUMBER: **12-172**

AGENCY NAME: **Bureau of Unemployment Compensation<sup>1</sup>**

**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](mailto:Laura.Boyett@maine.gov)**

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Definitions

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<sup>1</sup> 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.

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

**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

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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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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

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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](mailto: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](mailto: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](mailto: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](mailto:Joan.m.Dolan@Maine.gov).

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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](mailto: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

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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](mailto: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](mailto: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](mailto:Lisa.A.Haskell@maine.gov).

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**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](mailto: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.

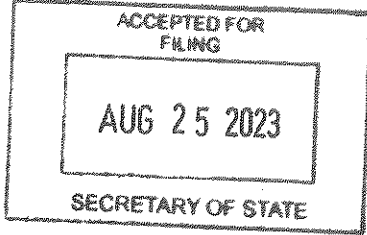
ANTICIPATED SCHEDULE: By September 30, 2024

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](mailto:Isaac.h.gingras@maine.gov).





13

**Department of Marine Resources**

October 2023- September 2024 Regulatory Agenda  
July 8, 2023

AGENCY UMBRELLA-UNIT NUMBER: **13-188**  
AGENCY NAME: **Department of Marine Resources**

**CONTACT PERSON:** Deirdre Gilbert, Director, State Marine Policy, 21 State House Station, Augusta, ME 04333-0021. Telephone: (207) 624-6553. E-mail: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**CHAPTER 41:** 2022 Menhaden Commercial Fishery Closed

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: Under the Interstate Fishery Management Plan (ISFMP) for Atlantic menhaden, Maine is allocated roughly 2.2 million pounds, but has typically landed over 20 million pounds through the combination of state allocated quota, Episodic Event Set Aside quota (EESA), transfers of quota from other states along and landings via the incidental catch and small scale fishery (ICSSF) provision. In 2022, Maine landed 170% more pounds of menhaden under the ICSSF than in 2021 due in part to increased participants. For FY2021, total landings of menhaden (including landings under the ICSSF provision) exceeded the Total Allowable Catch (TAC) of 194,400 mt set for menhaden. Additional commercial landings of menhaden jeopardized the TAC set for FY2022. The Commissioner determined that it was necessary to take emergency action to end the commercial fishing season to prevent unusual damage to the menhaden resource by exceeding available quota.

EFFECTIVE DATE OF ADOPTED RULE: August 28, 2022

AFFECTED PARTIES: Menhaden harvesters, lobster harvesters

**CHAPTER 34:** Emergency Rulemaking to Adjust Recreational Groundfish Measures for Cod and Haddock

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: For consistency with the NOAA Fisheries federal rulemaking, the Department implemented regulatory changes for charter, party and recreational fishing vessels operating in state waters regarding Gulf of Maine cod and haddock. The bag limit for Gulf of Maine haddock was increased to 20 fish, with the fishing season and minimum size remaining unchanged. The season for Gulf of Maine cod was expanded such that cod may be possessed on board charter, party, or recreational fishing vessels from April 1-14, inclusive, and from September 1 – October 7, inclusive. The minimum size for Gulf of Maine cod was also increased to 22 inches, and there was no change to the 1-fish bag limit. This action ensured compliance with the federal fishery management plan. It also expanded recreational fishing opportunities for these species in Maine state waters. For these reasons, the Commissioner adopted an emergency regulation to modify the recreational groundfish measures for Gulf of Maine cod and haddock.

EFFECTIVE DATE OF ADOPTED RULE: September 1, 2022

AFFECTED PARTIES: Charter, party and recreational fishing vessels targeting cod and haddock

**CHAPTER 36:** Atlantic herring 2022 Season 2 Harvest Controls

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: During the Days Out meeting held on September 14, 2022, the Days Out Commissioners set zero landing days for October 1 through November 6, 2022 at 5:59 pm. The Days Out Commissioners designated four landing days for Season 2 (Trimester 3; October 1 – December 31) of the Atlantic herring fishery, Sunday at 6:00 p.m. through Thursday at 6:00

p.m., beginning on Sunday, November 6, 2022 at 6:00 p.m. contingent upon receipt of the 1,000 mt quota transfer from the management uncertainty buffer associated with catches from the Canadian weir fishery. The Commissioner determined that it was necessary to take emergency action to comply with the changes to the interstate management of the Atlantic herring resource and to reduce the risk of an overage in the Area 1A sub-ACL that could deplete the supply of Atlantic herring.

EFFECTIVE DATE OF ADOPTED RULE: September 29, 2022

AFFECTED PARTIES: Herring harvesters

**CHAPTER 11:** Targeted Closures: (8) East Moosabec Reach LAA; (9) Upper Chandler Bay, and; (10) Upper Narraguagus Bay

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish scallop conservation closures for East Moosabec reach LAA, Upper Chandler Bay and Upper Narraguagus Bay, all in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2022-2023 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2022 Scallop surveys that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in important scallop harvest areas. For these reasons, the Commissioner adopted an emergency closure of Maine's scallop fishery in these areas.

EFFECTIVE DATE OF ADOPTED RULE: January 8, 2023

AFFECTED PARTIES: Scallop harvesters

**CHAPTER 11:** Targeted Closures: Narraguagus/Pigeon Hill Rotational Area; Cobscook, Whiting & Dennys Bays; Lower Blue Hill Bay/Jericho Bay Rotational Area

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish scallop conservation closures in the Narraguagus/Pigeon Hill and Lower Blue Hill/Jericho Bays Rotational Areas (Zone 2) and Cobscook, Whiting and Dennys Bays in Zone 3. The Department was concerned that continued harvesting for the remainder of the 2022-2023 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2022 Scallop surveys that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in important scallop harvest areas. For these reasons, the Commissioner adopted an emergency closure of Maine's scallop fishery in these areas.

EFFECTIVE DATE OF ADOPTED RULE: February 19, 2023

AFFECTED PARTIES: Scallop harvesters

**CHAPTER 42:** Striped Bass Slot Limit

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: This rulemaking responded to emergency action taken by the Atlantic States Marine Fisheries Commission's (ASMFC) Atlantic Striped Bass Board to reduce the maximum size limit in the recreational striped bass fishery to 31-inches. This action was taken in response to a significant increase in 2022 recreational removals which substantially reduced the probability of rebuilding the stock by 2029. As a result, a 28-inch to 31-inch slot limit is expected to reduce harvest, provide greater protection to the 2015 year-class, support a higher probability of rebuilding, and maintain compliance with the ASMFC fishery management plan. For these reasons, the Commissioner adopted an emergency action to modify Maine's striped bass slot limit to be 28-inches to 31-inches, inclusive.

EFFECTIVE DATE OF ADOPTED RULE: May 18, 2023

AFFECTED PARTIES: Recreational anglers targeting striped bass



**CHAPTER 55: Gear Restrictions Saco River**

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: This rulemaking responded to increased recreational fishing catch and release mortality on the Saco River below the Cataract Dam. Anglers reported large amounts of dead striped bass below this area and the DMR concluded that this was directly linked to targeting fish in a confined area with no way to properly release fish without causing a high discard mortality. The striped bass is in a rebuilding stage due to a significant increase in 2022 recreational removals which substantially reduced the probability of rebuilding the stock by 2029. This emergency rule was part of a larger regulatory framework to ensure this stock rebuilds and was required to avoid unusual damage to the striped bass resource. For these reasons, the Commissioner adopted an emergency action to modify Maine's Gear Restriction Regulation, Chapter 55.99.

EFFECTIVE DATE OF ADOPTED RULE: June 10, 2023

AFFECTED PARTIES: Recreational anglers targeting striped bass

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

(CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated for all rules listed.)

**CHAPTER 1: WATERCRAFT EXCISE TAX DECAL**

No rule-making anticipated.

**CHAPTER 2: AQUACULTURE**

STATUTORY BASIS: 12 M.R.S. §§ 6072, 6072-A, 6072-C, 6172

PURPOSE: Update Chapter 2 to include regulations that modify portions of the Limited Purpose Aquaculture (LPA) and leasing programs, to implement past legislation, and to clarify existing rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Aquaculture industry

**CHAPTER 3: FOREIGN FISH PROCESSING WITHIN THE STATE OF MAINE'S INTERNAL WATERS**

No rule-making anticipated

**CHAPTER 4: CERTIFICATION, RECERTIFICATION, REVOCATION OF CERTIFICATION FOR MUNICIPAL SHELLFISH CONSERVATION WARDEN**

No rule-making anticipated

**CHAPTER 5: CONFIDENTIALITY OF STATISTICS**

No rule-making anticipated

**CHAPTER 6: LOBSTER PROCESSING, RESTRICTIONS AND PROHIBITIONS**

No rule-making anticipated

**CHAPTER 7: REQUIREMENTS FOR MUNICIPALITIES HAVING SHELLFISH CONSERVATION PROGRAMS**

STATUTORY BASIS: 12 M.R.S. §§ 6671, 6673

PURPOSE: To update and amend the regulations for towns with approved shellfish conservation management programs.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Municipalities that have DMR approved Shellfish Conservation Programs

**CHAPTER 8: LANDINGS PROGRAM**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6173

PURPOSE: To update landings reporting requirements in conjunction with the implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP) and to collect landings information as necessary for management purposes.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesters and dealers

#### **CHAPTER 9: HARVESTER: SHELLSTOCK HARVESTING, HANDLING AND SANITATION**

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters

#### **CHAPTER 10: CLAMS AND QUAHOGS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the clam and quahog resources.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Clam and quahog harvesters

#### **CHAPTER 11: SCALLOPS**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6856, 6171-A, 6728, 6706

PURPOSE: To establish or amend local and/or state-wide regulations pertaining to the management of the scallop resource, including annual setting of the season. Establishment of an apprenticeship program and/or limited entry system for the scallop fishery. Amendments for inconsistencies or technical corrections.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Scallop harvesters and dealers

#### **CHAPTER 12: MUSSELS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the mussel resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Mussel harvesters

#### **CHAPTER 13: WHELKS AND PERIWINKLES**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Regulations pertaining to management of the periwinkle resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Periwinkle harvesters

#### **CHAPTER 14: OYSTERS**

STATUTORY BASIS: 12 M.R.S. §6171, §6863

PURPOSE: Amendments to size and harvest restrictions, regulations pertaining to management of the oyster resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Oyster harvesters

#### **CHAPTER 22: RETAIL SEAFOOD**

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER 24: IMPORTATION OF LIVE MARINE ORGANISMS**

STATUTORY BASIS: 12 M.R.S. §§ 6071, 6171

PURPOSE: Updates to prevent the introduction of infectious organisms that pose a danger to indigenous marine life or its environment; update shellfish health guidelines for wild and aquaculture industry; shellfish regulation updates or establishment of testing, movement restrictions and hatchery inspection requirements; and amend for applicable land-based marine organism aquaculture permitting.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Any person seeking an importation permit, aquaculturists

**CHAPTER 25: LOBSTER AND CRAB**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A, 6175, 6431, 6446, 6447, 6448

PURPOSE: To adopt lobster trap limits, number of traps per trawl, the periods allowed for complying with the trap limit and the time of day when fishing may occur as established by lobster management zones' referenda on policy proposals; amend license entry eligibility requirements per zone; amend apprentice requirements; education and safety requirements; and resolve boundary line disputes. In addition, to update rules for consistency with new statutes or amend for clarifications and technical corrections; to amend seed lobster fund rules, double tag requirements for enforcement, rules regarding island limited entry for lobster fishing communities; rules regarding the use of fresh water and marine sources of bait; student license rules pertaining to serving a percentage of their time with their sponsor. To bring Maine into compliance with the ASMFC Amendments to the Interstate Fishery Management Plan for Lobster including but not limited to most restrictive rules, minimum & maximum sizes, gauge changes. Implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: lobster harvesters; lobster dealers

**CHAPTER 26: SEA URCHIN**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6749, 6749-W, 6302-A

PURPOSE: To establish or amend local or state-wide urchin regulations pertaining to management of the urchin resource. To amend the season to reallocate the days available for fishing or to reflect spawning conditions, set daily catch limits, adjust size limits or tolerance(s), minimum and maximum size, tolerances, closures for research, zone selection rules; establish rules to govern zone council elections etc. Designate the open days and selection of early or late season(s) for the sea urchin fishery in Zones 1 and 2.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

**CHAPTER 27: SEA CUCUMBER**

STATUTORY BASIS: 12 M.R.S. §6813

PURPOSE: To establish or amend local or state-wide sea cucumber regulations pertaining to management of the sea cucumber resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea cucumber harvesters and dealers

**CHAPTER 28: MARINE WORMS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To establish or amend regulations pertaining to management of the marine worm resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Worm harvesters and dealers

**CHAPTER 29: SEAWEED**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to implement rockweed management measures.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Seaweed harvesters and dealers

**CHAPTER 30: RIVER HERRING**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To establish or amend regulations pertaining to management of the river herring resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational river herring fishermen

**CHAPTER 31: HORSESHOE CRABS**

No rule-making anticipated

**CHAPTER 32: EELS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to comply with ASMFC measures and changes in statute, to provide for the distribution of elver quota and to ensure enforceability of the elver quota system.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Eel and elver harvesters and dealers

**CHAPTER 34: GROUND FISH**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To manage groundfish stocks by adjusting the sizes and rules to conform with Fisheries Management Plan restrictions and adjust Maine regulations for liberalization of rules pertaining to recovering groundfish stocks. Compliance with NEFMC measures for groundfish.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational groundfish harvesters

**CHAPTER 36: HERRING**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to conform with the joint New England Fisheries Management Council (NEFMC) and ASMFC herring plans, implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies. Changes may include days out of the fishery, fixed gear rules, monitoring, spawning closures, and addendums passed by ASMFC and NEFMC.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Herring harvesters and processors; bait dealers, lobstermen

**CHAPTER 37: FRESHWATER FISH REGULATIONS**

No rule-making anticipated

**CHAPTER 39: STURGEON**

No rule-making anticipated

**CHAPTER 40: SMELTS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage the smelt fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Smelt camp owners and harvesters

**CHAPTER 41: MENHADEN**

STATUTORY BASIS: 12 M.R.S. §6171, §6171-A

PURPOSE: Restrictions as necessary on areas for management of the menhaden resource and reduce potential for gear conflict. Amend regulations as necessary to conform to ASMFC menhaden plan.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Menhaden harvesters

**CHAPTER 42: STRIPED BASS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to manage the striped bass fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Striped bass harvesters

**CHAPTER 43: BLUEFISH**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to manage the bluefish fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Bluefish harvesters

**CHAPTER 44: AMERICAN SHAD**

No rule-making anticipated

**CHAPTER 45: SHRIMP**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A

PURPOSE: Amend regulations as necessary to allow for the changes made to shrimp management by the ASMFC and other new measures.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shrimp harvesters and dealers

**CHAPTER 49: SHELLFISH BAIT REGULATIONS**

No rule-making anticipated

**CHAPTER 50: SPINY DOGFISH AND COASTAL SHARKS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To provide compliance with interstate fisheries management plans (ASMFC) for coastal sharks or the National Marine Fisheries Service (NMFS) Fishery Management Plan for Dogfish in territorial seas through limits on commercial and recreational fisheries. Update rules to be consistent with federal rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational dogfish and coastal shark harvesters, dealers

**CHAPTER 52: MACKEREL**

No rule-making anticipated

**CHAPTER 55: GEAR RESTRICTIONS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage various fisheries and clarify regulations regarding methods of fishing and taking.

SCHEDULE FOR ADOPTION: Throughout the year as necessary.

AFFECTED PARTIES: Commercial and recreational harvesters and commercial dealers

**CHAPTER 60: RESOURCE MANAGEMENT PLAN**

STATUTORY BASIS: 12 M.R.S. §6171(2-A)

PURPOSE: To update resource management plans as necessary.

SCHEDULE FOR ADOPTION: Throughout the year as necessary.  
AFFECTED PARTIES: Recommendations in the plans may be utilized by agencies in permitting decisions.

**CHAPTER 65: BURNT ISLAND, LIVING LIGHTHOUSE AND FACILITIES**

No rule-making anticipated

**CHAPTER 70: CABLE AREA PROHIBITIONS**

No rule-making anticipated

**CHAPTER 75: PROTECTED RESOURCES**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Rules for compliance and consistency with NOAA Fisheries rules; species involved may include whales, sea turtles, sturgeon, etc.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational harvesters

**CHAPTER 80: COMMERCIAL PELAGIC AND ANADROMOUS FISHING LICENSE**

No rule-making anticipated

**CHAPTER 85: SALTWATER FISHING REGISTRY**

No rule-making anticipated

**CHAPTER 90: CONSERVATION AREAS**

No rule-making anticipated

**CHAPTER 94: SANITARY CONTROL OF MOLLUSCAN SHELLFISH**

STATUTORY BASIS: 12 M.R.S. §6171-A; §6856

PURPOSE: To amend regulations as necessary to reference current versions of the National Shellfish Sanitation Program Model Ordinance (NSSP MO), or update existing Department requirements for the retail trade and various permits that are not currently included in the NSSP MO.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Individuals engaged in the retail trade of shellfish including dealers, depuration processors, shellstock shippers, reshippers, enhanced retail seafood license holders, and relay activities.

**CHAPTER 95: CLOSED POLLUTED AREAS**

No rule-making anticipated

**CHAPTER 96: CLOSED AREAS**

No rule-making anticipated

**CHAPTER 105: SAFETY REGULATIONS**

No rule-making anticipated

**CHAPTER 110: MARINE HARVESTING DEMONSTRATION LICENSE**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage licensed activities.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesting demonstration license holders

**CHAPTER 115: VIBRIO PARAHAEMOLYTICUS CONTROL PLAN**

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: New and amended regulations as necessary for compliance and safety.

**SCHEDULE FOR ADPTION: Throughout the year as necessary**  
**AFFECTED PARTIES: Shellfish harvesters and dealers in affected areas**

**MAINE DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT  
2023-2024 Regulatory Agenda**

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**15-213: Military Bureau**

**15-214: Maine Emergency Management Agency (MEMA)**

**15-215: Bureau of Veterans Services**

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AGENCY UMBRELLA-UNIT NUMBER: **15-213 - Military Bureau**

**CONTACT PERSON:** Scott A. Young, Department of Defense, Veterans and Emergency Management; 33 State House Station, Augusta, ME 04333-0033; Tel: (207) 430-5997; E-mail: [Scott.A.Young@maine.gov](mailto:Scott.A.Young@maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

CHAPTER NUMBER AND TITLE: **Chapter 1:** Maine Military Family Relief Fund

STATUTORY BASIS: 37-B M.R.S. §158

PURPOSE: This proposed amendment would revise all aspects of the current rule to include application process, advisory committee, evaluation criteria, and approval process. New rules may incorporate the Adjutant General's authority to provide logistical and administrative support to military welfare societies to facilitate the distribution of emergency financial relief to eligible members of the Maine National Guard.

SCHEDULE FOR ADOPTION: Prior to March 31, 2024.

AFFECTED PARTIES: Members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States.

CONTACT PERSON: Scott A. Young, Department of Defense, Veterans and Emergency Management; 33 State House Station, Augusta, ME 04333-0033; Tel: (207) 430-5997; E-mail: [Scott.A.Young@maine.gov](mailto:Scott.A.Young@maine.gov) .

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AGENCY UMBRELLA-UNIT NUMBER: **15-214 – Maine Emergency Management Agency**

**CONTACT PERSON:** Scott A. Young, Department of Defense, Veterans and Emergency Management; 33 State House Station, Augusta, ME 04333-0033; Tel: (207) 430-5997; E-mail: [Scott.A.Young@maine.gov](mailto:Scott.A.Young@maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**



None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

CHAPTER NUMBER AND TITLE: **Chapter 2:** Establishment of Fees for the Reporting of Hazardous Materials

STATUTORY BASIS: 37-B M.R.S. §801, sub-§2A

PURPOSE: This proposed amendment would revise the fee schedule for registering facilities who store, handle, manufacture, process or otherwise use toxic chemicals and fees related to quantities reported by these facilities.

SCHEDULE FOR ADOPTION: Prior to March 1, 2024.

AFFECTED PARTIES: All current registered facilities or future facilities who store, handle, manufacture, process or otherwise use certain hazardous chemicals.

CONTACT PERSON: Joe Legee, Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency; 72 State House Station, 45 Commerce Drive, Augusta, ME 04333; Tel: (207) 215-0442; E-mail:

[Joe.Legee@maine.gov](mailto:Joe.Legee@maine.gov).

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**15-215**

AGENCY UMBRELLA-UNIT NUMBER: **15-215 - Bureau of Veterans Services**

AGENCY NAME: Maine Department of Defense, Veterans and Emergency Management

**CONTACT PERSON:** Scott A. Young, Department of Defense, Veterans, and Emergency Management; 33 State House Station, Augusta, ME 04333-0033; Tel: (207) 430-5997; Email: [Scott.A.Young@maine.gov](mailto:Scott.A.Young@maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

CHAPTER NUMBER AND TITLE: **Chapter 5:** Eligibility of Maine National Guard for Burial in the Maine Veterans Memorial Cemetery System

STATUTORY BASIS: 37-B, M.R.S. §504

PURPOSE: This proposed rule would establish criteria for the burial in the Maine Veterans Memorial Cemetery System of a person, and any spouse or minor child of that person, who was a member or former member of the Maine National Guard; member or former member of the state military forces or the Reserve Components of the United States Armed Forces; or member of a reserve officer training corps of the United States Armed Forces.

SCHEDULE FOR ADOPTION: Prior to December 31, 2023.

AFFECTED PARTIES: Military members and their dependents as defined in 37-B, M.R.S. §504, sub-§4, ParaB-1.

CONTACT PERSON: Dave Richmond, Maine Bureau of Veterans Services; 117 State House Station, Augusta, ME 04333-0117; Tel: (207) 430-6034; Email: [David.A.Richmond@maine.gov](mailto:David.A.Richmond@maine.gov) .

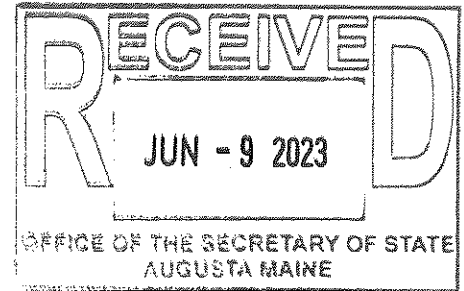
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**DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
2023 - 2024 RULEMAKING AGENDA**

**AGENCY UMBRELLA-UNIT NUMBER: 16-219**

**AGENCY NAME:**

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
JOSEPH E. THOMAS, STATE FIRE MARSHAL  
52 STATE HOUSE STATION  
AUGUSTA, ME 04333-0052  
Tel: (207) 626-3870



**RULE-MAKING LIAISON AND SMALL BUSINESS IMPACT CONTACT:**

Richard E. Taylor, Senior Research & Planning Analyst  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052  
Tel: (207) 626-3873

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

None

**CONSENSUS-BASED RULE DEVELOPMENT:**

None

**EXPECTED 2023 - 2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: FEE SCHEDULE FOR PLANS EXAMINATION**

STATUTORY AUTHORITY: 25 M.R.S. §2450, 2452; 32 M.R.S. §1374

PURPOSE: This rule establishes fees to support construction plan reviews for permits of building construction and licensing in the following areas:

Fee Schedule for Plans Examination

Plans Review and Permits for Fire Sprinkler Systems

Schedule of Fees for Plans Review and Permit of Barrier Free Construction

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All customers who are required to submit building construction plans to the Office of State Fire Marshal for review.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: RULES ESTABLISHING CRITERIA FOR APPROVAL OF SMOKE DETECTORS**

STATUTORY AUTHORITY: 25 M.R.S. §2464

PURPOSE: Establishes rules for approving smoke detectors to meet statutory requirements in various occupancies. The approval process will recognize smoke

detectors approved by a nationally recognized testing agency for the purpose of this rule.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All customers who are required to meet the installation of smoke detectors for occupancy type and classification.

### **CHAPTER 3: FIRE PREVENTION CODE**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: This National Fire Prevention Code provides a nationally recognized fire prevention code for state and municipal enforcement.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All fire service agencies, within the State of Maine, that have enforcement requirements for life safety in structures from fire.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 4: WATER-BASED FIRE PROTECTION SYSTEMS**

STATUTORY AUTHORITY: 25 M.R.S. §2452; 32 M.R.S. §1373, 1374, 1382

PURPOSE: Establishes the design, installation, operation, maintenance and all other aspects of sprinkler protection for occupancies with sprinkler system fire protection measures and references National Fire Protection Association and State of Maine standards.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All occupancies requiring the protection measures of water based sprinkler system fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 5: PORTABLE FIRE EXTINGUISHERS**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes the rules for the installation and maintenance of portable fire extinguishers.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All occupancies requiring protective measures utilizing portable fire extinguishers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 6: FIRE EXTINGUISHING SYSTEMS**

STATUTORY AUTHORITY: 25 M.R.S. §2452; 32 M.R.S. §1382

PURPOSE: Establishes rules for the installation, operation, maintenance and all other aspects of fire protection systems for occupancies that require such fire protection measures.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Any occupancies that require or utilize fire extinguishing systems for fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

### **CHAPTER 10: STATIONARY COMBUSTION ENGINES AND GAS TURBINES**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the installation and operation of stationary combustion engines and gas turbines.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Occupancies that utilize or require the use of this type of equipment.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 14: NATIONAL FUEL GAS CODE**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the design, construction, operation and maintenance of these systems.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities and occupancies that utilize these types of systems.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 15: FIRE PROTECTION RULES FOR MEDICAL FACILITIES AND EQUIPMENT**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: This chapter contains specific information, regulations and minimum requirements relating to: inhalation anesthetics, respiratory therapy, laboratories in health related institutions, hyperbolic facilities, nonflammable medical gas systems; and inhalation anesthetics in ambulatory care facilities.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities or occupancies that utilize the types of activities covered in this chapter.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 16: STORAGE AND HANDLING OF LIQUID PETROLEUM GASES**

STATUTORY AUTHORITY: 25 M.R.S. §2452, 2482

PURPOSE: Establishes rules for the storage, handling, transportation, and use of LP-Gas and the design, construction, location, installation, operation, and maintenance of refrigerated and nonrefrigerated utility gas plants.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities and occupancies that utilize these types of systems.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 17: NATIONAL FIRE ALARM CODE, N.F.P.A. 72**

STATUTORY AUTHORITY: 25 M.R.S. §2396, 2452

PURPOSE: Establishes rules for the design, operation and maintenance of fire alarm systems.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities or occupancies that require the installation and use of a fire alarm system for occupant and fire department notification in the event of fire.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 19: VAPOR REMOVAL FROM COOKING EQUIPMENT**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for minimum fire safety requirements (preventative and operative) related to the design, installation, operation, inspection, and maintenance of public and private cooking operations.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities or occupancies that utilize this type of equipment and require the appropriate fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 20: FIRE SAFETY IN BUILDINGS AND STRUCTURES**

STATUTORY AUTHORITY: 25 M.R.S. §2452; 8 M.R.S. §236

PURPOSE: Establishes rules and regulations for the protection of life and property from fire.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities or occupancies that require protective measures to be taken to protect life and property from fire.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 21: TENTS, GRANDSTANDS, AIR SUPPORTED STRUCTURES FOR PLACES OF ASSEMBLY**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for the minimum requirements for life safety in relation to fire, storm, collapse, and crowd behavior in tents, membrane structures, and assembly seating.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities meeting this occupancy use and the appropriate life safety and fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 22: CHIMNEYS, FIREPLACES, VENTS AND SOLID FUEL BURNING APPLIANCES**

STATUTORY AUTHORITY: 25 M.R.S. §2452, 2465

PURPOSE: This rule focuses on the removal of waste gases, the reduction of fire hazards associated with construction and installation of chimneys, fireplaces and venting systems for residential, commercial and industrial appliances; and the installation of solid fuel burning appliances.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities or occupancies that utilize the features of chimneys, fireplaces or vents and the subsequent fire protection measures associated with these features.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 23: PURGED AND PRESSURIZED ENCLOSURES FOR ELECTRICAL EQUIPMENT**

STATUTORY AUTHORITY: 25 M.R.S. §2452

PURPOSE: Establishes rules for purged enclosures for electrical equipment in Class I hazardous locations, and pressurized enclosures for electrical equipment in Class II hazardous locations.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Facilities or occupancies that utilize or meet the requirements of the subject matter contained in this chapter for fire protection measures.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 24: FIRE SAFETY TECHNICIAN TRAINING AND CERTIFICATION PROGRAM**

STATUTORY AUTHORITY: 22 M.R.S. §8304-A

PURPOSE: This rule establishes the criteria that must be met to achieve the certification of Fire Safety Technician. Components include: Life Safety Code training, basic inspection techniques, documentation procedures and an overview of the Department of Human Services rules.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Individuals involved in obtaining Fire Safety Technician Certification.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 25: RULES FOR THE DISPLAY OF FIREWORKS**

STATUTORY AUTHORITY: 8 M.R.S. §236

PURPOSE: Establishes the rules for the manufacture, transportation, storage and display of fireworks, pyrotechnic articles and model rocketry.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Persons who are involved in all aspects of the display of fireworks, pyrotechnic articles and model rocketry.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 26: STANDARD FOR THE USE OF PYROTECHNICS BEFORE A PROXIMATE AUDIENCE**

STATUTORY AUTHORITY: 8 M.R.S. §236

PURPOSE: Establishes rules for the use of pyrotechnic and flame based activities before a proximate audience.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Persons, organizations, companies or activities that utilize the activities associated with flame or pyrotechnics before a proximate audience.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 28: RULES GOVERNING OPERATIONS OF AMUSEMENT DEVICES AND MIDWAYS**

STATUTORY AUTHORITY: 8 M.R.S. §476

PURPOSE: Establishes rules and regulations for the condition and operation of such facilities and activities for life safety purposes.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Operators of amusement devices and midways

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 29: RULES AND REGULATIONS RELATING TO STRUCTURES USED BY THE PUBLIC AS SPECTATORS DURING MOTOR VEHICLE RACING**

STATUTORY AUTHORITY: 8 M.R.S. §562

PURPOSE: Establishes rules and regulations relating to structures used to accommodate and protect spectators during motor vehicle racing. This chapter further assures the safe and proper construction and maintenance of grandstands, bleachers, stadiums, arenas, safety barriers and the surface upon which they are placed.

ANTICIPATED SCHEDULE: Prior to October 31, 2024  
AFFECTED PARTIES: Facilities or activities that utilize structures for use by spectators at motor vehicle racing.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 31: RULES FOR THE MANUFACTURE, TRANSPORTATION, STORAGE AND USE OF EXPLOSIVE MATERIALS**

STATUTORY AUTHORITY: 25 M.R.S. §2472  
PURPOSE: Establishes rules for the safeguarding of persons through the manufacture, transportation, storage, sale and use of explosive materials.  
ANTICIPATED SCHEDULE: Prior to October 31, 2024  
AFFECTED PARTIES: Persons, organizations, companies or entities who are involved in the manufacture, transportation, sale, storage or use of explosive material.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 34: RULES AND REGULATIONS RELATING TO FLAMMABLE AND COMBUSTIBLE LIQUIDS**

STATUTORY AUTHORITY: 25 M.R.S. §2482  
PURPOSE: Establishes rules for the safe storage, possession, handling, dispensing and transportation of flammable or combustible liquids (including waste liquids).  
ANTICIPATED SCHEDULE: Prior to October 31, 2024  
AFFECTED PARTIES: Persons, firms, corporations, co partnerships, voluntary associations and governmental agencies, except federal; that transport, store, handle or use these materials.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 36: CONSUMER FIREWORKS SALES LICENSE**

STATUTORY AUTHORITY: 8 M.R.S. §236; 25 M.R.S. §2452  
PURPOSE: This rule describes the licensing process and safety regulations for the sale of consumer fireworks in Maine.  
ANTICIPATED SCHEDULE: Prior to October 31, 2024  
AFFECTED PARTIES: People interested in obtaining a license to sell consumer fireworks in Maine.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 50: DEATH BENEFITS FOR FIREFIGHTERS WHO DIE IN THE LINE OF DUTY**

STATUTORY AUTHORITY: 25 M.R.S. §1612  
PURPOSE: This rule describes the procedures governing the award of death benefits to the child, spouse or parent of a firefighter who dies in the line of duty.  
ANTICIPATED SCHEDULE: Prior to October 31, 2024  
AFFECTED PARTIES: Children, spouses and parents of firefighters who die in the line of duty.  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 52: CERTIFICATION STANDARDS FOR MUNICIPAL CODE ENFORCEMENT OFFICERS AND THIRD-PARTY INSPECTORS**

STATUTORY AUTHORITY: 30-A M.R.S. §4451



**PURPOSE:** This rule describes the standards and procedures used to certify and recertify local code enforcement officers, local plumbing inspectors, building officials, and third-party inspectors.

**ANTICIPATED SCHEDULE:** Prior to October 31, 2024

**AFFECTED PARTIES:** Individuals involved in obtaining certification or recertification.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A



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Janet T. Mills  
Governor

STATE OF MAINE  
*Department of Public Safety*  
**MAINE CRIMINAL JUSTICE ACADEMY**  
15 Oak Grove Road  
Vassalboro, Maine 04989



Michael J. Sauschuck  
Commissioner

Jack D. Peck, Jr.  
Director

To: Don Wismer at the Secretary of State's Office  
From: Director Jack D. Peck, Jr.  
Re: MCJA Regulatory Agenda 2023/2024  
Date: July 7, 2023

AGENCY UMBRELLA UNIT: **16-227**

AGENCY NAME: **Maine Criminal Justice Academy (MCJA)**

CONTACT PERSON: **Jack D. Peck, Jr., 15 Oak Grove Road, Vassalboro, Maine 04989,**  
Tel: (207) 877-8011, email: [jack.d.peck@maine.gov](mailto:jack.d.peck@maine.gov)

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: **None.**

CHAPTER NUMBER AND NAME: **Chapter 1 – General Provisions.**

STATUTORY AUTHORITY: **25 M.R.S. § 2803-A (18).**

PURPOSE: **To amend changes in Chapter 1 that reflects statutory changes and MCJA Board of Trustee Specification changes, as it relates to general provisions and terminology.**

SCHEDULE FOR ADOPTION: **Prior to October 1, 2024.**

AFFECTED PARTIES: **Maine Law Enforcement and Corrections agencies.**

CONSENSUS-BASED RULE DEVELOPMENT: **None anticipated.**

CHAPTER NUMBER AND NAME: **Chapter 3 – Entrance Standards.**

STATUTORY AUTHORITY: **25 M.R.S. § 2803-A (18).**

PURPOSE: **To amend changes in Chapter 3 that reflects statutory changes and MCJA Board of Trustee Specification changes, as it relates to entry standards for the Basic Corrections Course, Law Enforcement Pre-service Course and the Basic Law Enforcement Training Program.**

SCHEDULE FOR ADOPTION: **Prior to October 1, 2024.**

AFFECTED PARTIES: **Maine Law Enforcement and Corrections agencies.**

CONSENSUS-BASED RULE DEVELOPMENT: **None anticipated.**

**CHAPTER NUMBER AND NAME: Chapter 5 – Training Standards.**  
**STATUTORY AUTHORITY: 25 M.R.S. § 2803-A (18).**  
**PURPOSE: To amend changes in Chapter 5 that reflects statutory changes and MCJA Board of Trustee Specification changes, as it relates to the Basic Corrections Course, Law Enforcement Pre-service Course and the Basic Law Enforcement Training Program and other training program standards.**  
**SCHEDULE FOR ADOPTION: Prior to October 1, 2024.**  
**AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.**  
**CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.**

**CHAPTER NUMBER AND NAME: Chapter 7 – Certificates and Awards.**  
**STATUTORY AUTHORITY: 25 M.R.S. § 2803-A (18).**  
**PURPOSE: To amend changes in Chapter 7 that reflects statutory changes and MCJA Board of Trustee Specification changes as it relates to granting certificates and awards**  
**SCHEDULE FOR ADOPTION: Prior to October 1, 2024.**  
**AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.**  
**CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.**

**CHAPTER NUMBER AND NAME: Chapter 9 – Extensions and Waivers.**  
**STATUTORY AUTHORITY: 25 M.R.S. § 2803-A (18).**  
**PURPOSE: To amend changes in Chapter 9 that reflects statutory changes and MCJA Board of Trustee Specification changes as it relates to granting extension and waivers for the Basic Corrections Course, Law Enforcement Pre-service Course and the Basic Law Enforcement Training Program and other training program standards.**  
**SCHEDULE FOR ADOPTION: Prior to October 1, 2024.**  
**AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.**  
**CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.**

**CHAPTER NUMBER AND NAME: Chapter 11 – Costs.**  
**STATUTORY AUTHORITY: 25 M.R.S. § 2803-A (18).**  
**PURPOSE: To amend changes in Chapter 11 that reflects any statutory changes and MCJA Board of Trustee Specification or MCJA Board Policy changes, as it relates to costs for the Maine Criminal Justice Academy.**  
**SCHEDULE FOR ADOPTION: Prior to October 1, 2024.**  
**AFFECTED PARTIES: Maine Law Enforcement and Corrections agencies.**  
**CONSENSUS-BASED RULE DEVELOPMENT: None anticipated.**

AGENCY UMBRELLA UNIT: **16-633**

AGENCY NAME: **Department of Public Safety, Gambling Control Board (GCB)**

**RULEMAKING LIAISON:** Milton Champion, Executive Director, 87 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3900. E-mail: [milton.f.champion@Maine.gov](mailto:milton.f.champion@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**

**CHAPTER 1:** Introduction

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All entities involved with casino gambling.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 2:** Licenses and Applications

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 3:** Control of Licensees

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 4:** Licensee Records

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 5:** Internal Controls

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 6:** Ticket Redemption and Forfeited Winnings

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

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LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.  
CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 7: Collection of Payments**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 8: Slot Machines and Table Games: Location and Hours of Operation**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and all patrons participating in gambling activities.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 9: Uniform Location Agreement; Contract Disclosures**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos and distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 10: Slot Machine Maintenance**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 11: Transportation of Slot Machines**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos and distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 12: Fingerprinting Procedure**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 13: Exclusion**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and affected patrons at the casino.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 14: Advertising**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 15: Alcoholic Beverages and Tobacco Products**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 16: Weapons**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 17: On Premise Office Space**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 18: Responsible Gaming Programs**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 19: Slot Machine Testing and Certification**

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos and slot machine distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 20:** Slot Machine and Electronic Table Game Standards

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos, slot machine and table game distributors licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 21:** Prohibition of Credit

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and affected patrons at the casino.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 22:** Patron Disputes

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and patrons of the casinos.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 24:** The Use of Front Money Deposits

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and patrons of the casinos.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 25:** Approval of Table Games Rules of Play

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board and patrons of the casinos.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 26:** Posting of Rules

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All casinos licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.



**CHAPTER 27:** Rules of Practice and Procedure of Gaming Conduct

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All entities licensed by the Gambling Control Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 28:** Advanced Deposit Wagering.

STATUTORY AUTHORITY: 8 M.R.S. §1003

PURPOSE: To establish rules to conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 29:** The Promotional Credits and other Players Incentives

STATUTORY AUTHORITY: 8 M.R.S. §1001 and § 1003

PURPOSE: To establish rules to conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

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AGENCY UMBRELLA UNIT: **16-633**

AGENCY NAME: **Department of Public Safety, Gambling Control Unit**

**RULEMAKING LIAISON:** Milton Champion, Executive Director, 87 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3900. E-mail: [milton.f.champion@Maine.gov](mailto:milton.f.champion@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**

**CHAPTER 30:** Rules Relating to Beano and Bingo by Federally Recognized Indian Tribes

STATUTORY AUTHORITY: 17 M.R.S. §317

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: Federally recognized Indian Tribes in the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 31:** Rules Relating to Beano

STATUTORY AUTHORITY: 17 M.R.S. §317

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: Eligible organizations who wish to conduct beano games.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 32:** Rules Relating to Games of Chance

STATUTORY AUTHORITY: 17 M.R.S. §1843

PURPOSE: To ensure that the rules conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: Eligible organizations who wish to conduct Games of Chance.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

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AGENCY UMBRELLA UNIT: **16-633**

AGENCY NAME: **Department of Public Safety, Gambling Control Unit**

**RULEMAKING LIAISON:** Milton Champion, Executive Director, 87 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3900. E-mail: [milton.f.champion@Maine.gov](mailto:milton.f.champion@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**

**CHAPTER 33:** Introduction

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 34:** Definitions

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 35:** License Application

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 36:** License Fee and Renewal

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 37:** Fantasy Contest Monitoring

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 38:** Fantasy Contest Account Activity

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 39:** Registration of Fantasy Contestants

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 40:** Fantasy Contestant Funds and Required Reserves

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 41:** Licensee Record, Annual Reporting and Audits

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 42:** Collection of Payments

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 43:** Complaints and Disciplinary Actions

STATUTORY AUTHORITY: 8 M.R.S. §1102, §1106

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators who will conduct Fantasy Sports contests.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

AGENCY UMBRELLA UNIT: **16-633**

AGENCY NAME: **Department of Public Safety, Gambling Control Unit**

**RULEMAKING LIAISON:** Milton Champion, Executive Director, 87 State House Station, Augusta, Maine 04333-0152. Telephone: (207) 626-3900. E-mail: [milton.f.champion@Maine.gov](mailto:milton.f.champion@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY**

**CHAPTER 50:** Introduction

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 51:** Definitions

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 52:** License Application, Fee and Renewal

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 53:** Internal Controls

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 54:** Facility Licensee Operational Requirements

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 55: Physical Premise Requirements**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 56: House Rules**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 57: Sports Wagering System Requirements**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 58: Sports Wagers**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 59: Sports Wagering Kiosks**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 60: Sports Wagering Accounts**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 61: Sports Wagering Revenue Reconciliations**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 62: Geolocation and Remote Gaming Systems**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 63: Responsible Wagering Program**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 64: Sports Wagering Advertising**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 65: Sports Wagering Exclusions and Restrictions**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

**CHAPTER 66: Complaints and Disciplinary Actions**

STATUTORY AUTHORITY: 8 M.R.S. §1203

PURPOSE: To establish rules to conform to the requirements as set in the statute.

SCHEDULE FOR ADOPTION: Prior to October 1, 2024

LISTING OF AFFECTED PARTIES: All licensed operators, management services and suppliers in conducting Sports Wagering in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not anticipated.

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**DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
BUREAU OF BUILDING CODES & STANDARDS  
2023-2024 RULEMAKING AGENDA**

**AGENCY UMBRELLA-UNIT NUMBER: 16-642**

**AGENCY NAME:**

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
JOSEPH E. THOMAS, STATE FIRE MARSHAL  
52 STATE HOUSE STATION  
AUGUSTA, ME 04333-0052  
Tel: (207) 626-3870

**RULE-MAKING LIAISON AND SMALL BUSINESS IMPACT CONTACT:**

Richard E. Taylor, MA, Senior Research & Planning Analyst  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052  
Tel: (207) 626-3873  
Cell: (207) 592-6105

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:  
NONE.**

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: MAINE UNIFORM BUILDING CODE AND UNIFORM ENERGY  
CODE- ADMINISTRATIVE PROCEDURES**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: To set forth procedures for each individual municipality to recognize and where applicable, enforce these Codes. The chapter also provides five options for building inspections, including the use of a third-party inspector.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All municipalities within the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: MAINE UNIFORM BUILDING CODE AND UNIFORM ENERGY  
CODE-THIRD PARTY INSPECTORS ('TPI')**

STATUTORY AUTHORITY: 10 M.R.S. §9723

PURPOSE: To provide guidance to TPIs on inspections, construction files, issuing a Notice to Proceed and issuing an inspection report.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All certified TPIs

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: MAINE UNIFORM BUILDING CODE- COMMERCIAL BUILDING  
CODE OF MAINE**

STATUTORY AUTHORITY: 10 M.R.S. §9722



PURPOSE: This chapter sets forth the standards for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structure, with the exception of detached one and two-family dwellings and townhouses.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: All municipalities within the State of Maine; all commercial building owners

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 4: MAINE UNIFORM BUILDING CODE- EXISTING BUILDING CODE**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: This chapter sets forth the standards for the repair, alteration, change of occupancy, addition and relocation of all existing buildings.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Owners of buildings performing renovations and all Municipal Code Enforcement Officers and all certified TPIs.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 5: MAINE UNIFORM BUILDING AND ENERGY CODE AND MAINE UNIFORM BUILDING CODE-RESIDENTIAL BUILDING CODE FOR ONE AND TWO FAMILY DWELLINGS IN MAINE**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: This chapter sets forth the standards for residential construction for one and two-family dwellings that are part of the MUBEC and MUBC.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Anyone building a new one or two-family dwelling

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 6: MAINE UNIFORM ENERGY CODE- ENERGY CONSERVATION CODE OF MAINE**

STATUTORY AUTHORITY: 10 M.R.S. §9722

PURPOSE: This chapter sets forth the regulation of the design and construction of buildings for the effective use of energy and is applicable to both residential and commercial buildings.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Owners of buildings and all Municipal Code Enforcement Officers and all certified TPIs.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 7: IMC UNIFORM BUILDING AND ENERGY CODE – MECHANICAL CODE**

STATUTORY AUTHORITY: 10 M.R.S. §1103

PURPOSE: This chapter sets forth the standards the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structure, with the exception of detached one and two-family dwellings and townhouses. he regulation of the design and construction of buildings for the effective use of energy and is applicable to both residential and commercial buildings.

ANTICIPATED SCHEDULE: Prior to October 31, 2024

AFFECTED PARTIES: Owners of buildings and all Municipal Code Enforcement Officers and all certified TPIs.

CONSENSUS-BASED RULE DEVELOPMENT: N/A



AGENCY UMBRELLA-UNIT NUMBER: **17-229**  
AGENCY NAME: **Department of Transportation**

CONTACT INFORMATION FOR THE AGENCY: **Anne Paré**  
16 SHS  
Augusta, ME 04333-0016  
207-624-3020  
anne.m.pare@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**  
None

**EXPECTED 2023-2024 RULEMAKING ACTIVITY**

**CHAPTER NUMBER AND TITLE:** Chapter 602, Rules Relating to Maine State Ferry Service Tolls.  
**STATUTORY BASIS:** 23 M.R.S. § 52 and 23 M.R.S. §4404.  
**PURPOSE:** To revise the tolls for the use of the Maine State Ferry Service.  
**SCHEDULE FOR ADOPTION:** Fall 2023. No rulemaking has been initiated.  
**AFFECTED PARTIES:** Residents of islands served by the Maine State Ferry Service and passengers on vessels operated by the Maine State Ferry Service; employees of the Maine State Ferry Service.  
**CONSENSUS-BASED RULE DEVELOPMENT:** Not anticipated.  
**CONTACT PERSON:** Same as Agency Contact above.

**CHAPTER NUMBER AND TITLE:** Chapter 103, Rule for the Sensible Transportation Policy Act.  
**STATUTORY BASIS:** 23 M.R.S. §52 and 23 M.R.S. §73 subsection 4 (as amended by LD 1674, An Act to Require and Encourage Safe and Interconnected Transportation).  
**PURPOSE:** To amend Chapter 103 to include provisions concerning safe and efficient access to the transportation system for all persons.  
**SCHEDULE FOR ADOPTION:** No rulemaking has been initiated.  
**AFFECTED PARTIES:** Traveling public, including bicyclists, pedestrians, and transit and motor vehicle users.  
**CONSENSUS-BASED RULE DEVELOPMENT:** Public participation process pursuant to Chapter 103.  
**CONTACT PERSON:** Same as Agency contact above.

**CHAPTER NUMBER AND TITLE:** New proposed rule, Establishment of Speed Limits in Work Zones, under LD 31 (An Act to Allow the Commissioner of Transportation to Reduce Speed Limits at

Construction Sites with Input from Municipalities and Utilities).  
STATUTORY BASIS: 23 M.R.S. §52 and 29 M.R.S. §2075 subsection 2-A.  
PURPOSE: To establish criteria for temporarily reducing the posted speed limit on a section of a public way where a municipal or utility construction project is located when construction workers are present.  
SCHEDULE FOR ADOPTION: Spring 2024. No rulemaking has been initiated.  
AFFECTED PARTIES: Any municipality or utility with a construction project on a public way and construction workers involved in that project; traveling public.  
CONSENSUS-BASED RULE DEVELOPMENT: The Department has invited input from municipalities and utilities.  
CONTACT PERSON: Same as Agency contact above.

18  
**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
**2023-2024 Regulatory Agenda**

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**18-119: Office of the State Controller**  
**18-125: Bureau of Revenue Services**  
**18-134: Capitol Planning Commission**  
**18-389: Bureau of Human Resources**  
**18-553: Bureau of Alcoholic Beverages and Lottery Operations**  
**18-554: Bureau of General Services**  
**18-691: Office of Cannabis Policy**

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AGENCY UMBRELLA-UNIT NUMBER: **18-119**  
AGENCY NAME: **Office of the State Controller**

**CONTACT PERSON:** Douglas Cotnoir, State Controller, Office of the State Controller, 14 State House Station, Augusta, Maine 04333-0014, (207) 626-8428, [Douglas.E.Cotnoir@Maine.gov](mailto:Douglas.E.Cotnoir@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: TRAVEL AND EXPENSE REIMBURSEMENT POLICIES**

STATUTORY BASIS: 5 M.R.S. §1541, subsection 13.

PURPOSE: These regulations specify official policy which governs travel and expense reimbursement for State employees and officials, the definition of which expenses are reimbursable and the levels of such reimbursement. The Office of the State Controller may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: All Maine State Employees who may travel in the course of their official duties.

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AGENCY UMBRELLA-UNIT NUMBER: **18-125**  
AGENCY NAME: **Bureau of Revenue Services**

**CONTACT PERSON:** Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024, (207) 624-9712, [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**  
None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2023-2024 RULEMAKING ACTIVITY:**

**CHAPTER 102: ELECTRONIC FUNDS TRANSFER**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 193

PURPOSE: This rule describes the requirements for tax and other types of payments by electronic funds transfer. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: All Maine taxpayers who make Maine tax payments with Maine Revenue Services.

**CHAPTER 104: FILING OF MAINE TAX RETURNS**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 193

PURPOSE: This rule describes the requirements for filing certain Maine tax returns, including mandatory electronic filing of certain Maine tax returns. Maine Revenue Services anticipates amending this rule to require the mandatory electronic filing of special tax returns.

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: All Maine taxpayers who file Maine tax returns with Maine Revenue Services.

**CHAPTER 105: GENERAL ADMINISTRATIVE PROVISIONS**

STATUTORY BASIS: 36 M.R.S. § 112

PURPOSE: The State Tax Assessor is considering adopting a new rule to provide possible updates, if any, to certain general administrative provisions.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: All Maine taxpayers and/or tax return preparers.

**CHAPTER 202: TREE GROWTH TAX LAW VALUATIONS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, and 576

PURPOSE: 36 M.R.S. § 576 requires the State Tax Assessor to annually establish the current use values for forest land enrolled in the Tree Growth Tax Law program. The current use values are determined after considering area growth rates, tree-type distributions, and timber stumpage sales during previous calendar years. The annual current use values are used to determine municipal property tax rates for affected land and State reimbursements to municipalities. The rule is being repealed and replaced to update the per acre values for the tax year beginning April 1, 2024.

SCHEDULE FOR ADOPTION: By April 2024.

AFFECTED PARTIES: All Maine municipal assessors and Maine taxpayers with land enrolled in the Tree Growth Tax Law program.

**CHAPTER 308: DIRECT PAY PERMITS**

STATUTORY BASIS: 36 M.R.S. § 112

PURPOSE: This rule may be amended to reflect ongoing administrative considerations.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: Taxpayers and remitters affected by direct pay permits.

**CHAPTER 323: COMMERCIAL AGRICULTURAL PRODUCTION, COMMERCIAL AQUACULTURAL PRODUCTION, COMMERCIAL FISHING, AND COMMERCIAL WOOD HARVESTING**

STATUTORY BASIS: 36 M.R.S. § 112

PURPOSE: This rule may be amended to reflect ongoing administrative considerations and to incorporate relevant legislative changes.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: Retailers and persons who are engaged in commercial agricultural production, commercial aquacultural production, commercial fishing, and commercial wood harvesting.

**CHAPTER 325: SALES TAXATION: MAINE INDIAN TRIBES, TRIBAL MEMBERS AND TRIBAL ENTITIES**

STATUTORY BASIS: 36 M.R.S. § 112 & P.L. 2021, c. 681

PURPOSE: This rule provides definitions, explanations and examples of taxable and non-taxable transactions related to sales to Maine Indian tribes, tribal members, and tribal entities, including sales sourced to tribal lands. It also addresses other potential sales and use tax issues related to such parties. This rule will be amended to reflect ongoing administrative considerations and to incorporate relevant legislative changes.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: The Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, and the Penobscot Nation, members and entities of such tribes, and retailers and resellers of tangible personal property and taxable services who make sales to such parties.

**CHAPTER 603: MAINE ESTATE TAX AFTER 2012**

STATUTORY BASIS: 36 M.R.S. § 112

PURPOSE: This rule provides certain clarifications of Maine Estate Tax laws for estates of decedents dying on or after January 1, 2013. Maine Revenue Services may amend this rule to reflect certain clarifications.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: Maine estates subject to Maine Estate Tax.

**CHAPTER 801: APPORTIONMENT**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5210-5212

PURPOSE: This rule explains Maine corporate income tax apportionment for business entities. Maine Revenue Services anticipates amending this rule to update and clarify issues related to Maine corporate income tax apportionment and for legislative changes.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: Business taxpayers that have nexus with Maine and that have income from business operations within and without Maine.

**CHAPTER 805: COMPOSITE FILING**

STATUTORY BASIS: 36 M.R.S. §§ 112

PURPOSE: This rule describes the procedures for filing composite returns on behalf of eligible persons. Maine Revenue Services anticipates amending this rule for updates in procedures and for clarification.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: Pass-through entity businesses and persons eligible to participate in composite filings.



**CHAPTER 810: MAINE UNITARY BUSINESS TAXABLE INCOME, COMBINED REPORTS AND TAX RETURNS**

STATUTORY BASIS: 36 M.R.S. §§ 112, 5102, and 5200

PURPOSE: This rule explains standards for determining Maine corporate income tax for unitary businesses and for filing combined reports and related tax returns. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: Unitary businesses subject to the Maine corporate income tax.

**NEW CHAPTER 811 STUDENT LOAN REPAYMENT TAX CREDIT**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5217-E

PURPOSE: This new rule would provide explanations of statutory terms and procedures for claiming the new Maine student loan repayment tax credit pursuant to 36 M.R.S. § 5217-E.

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim this credit.

**CHAPTER 813: PROPERTY TAX FAIRNESS CREDIT**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-KK

PURPOSE: This rule provides guidance for the calculation of the Property Tax Fairness Credit. Maine Revenue Services anticipates amending this rule for legislative updates and clarifications.

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim the credit.

**NEW CHAPTER 819: EASY ENROLLMENT HEALTH INSURANCE CHECKOFF**

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5294

PURPOSE: This new rule would adopt procedures regarding the collection and sharing of certain taxpayer information with the Maine Health Insurance Marketplace.

SCHEDULE FOR ADOPTION: By June 2024.

AFFECTED PARTIES: All Maine individual taxpayers who check the easy enrollment health insurance checkoff boxes on Maine individual income tax returns filed for tax years beginning on or after January 1, 2023.

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AGENCY UMBRELLA-UNIT NUMBER: **18-134**

AGENCY NAME: **Capitol Planning Commission**

**CONTACT PERSON:** Elaine Clark, DAFS Deputy Commissioner, 77 State House Station, Augusta, Maine 04333-0077, (207) 624-7366, [Elaine.Clark@Maine.gov](mailto:Elaine.Clark@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: CAPITOL AREA RULES AND REGULATIONS**

STATUTORY BASIS: 5 M.R.S. §298

PURPOSE: This rule outlines the procedures to be used for construction, reconstruction, or demolition of buildings within the Capitol Area of the City of Augusta, as defined in 1 M.R.S. §814. The rule specifies site plan review and design requirements which include height, setback, driveway location, exterior design, landscaping, parking regulations, signage, and materials. They further set forth certain zone, park and land use areas, and allowed and prohibited uses within the area. Chapter 1 (previously approved in 2022-23) is being amended to strengthen provisions protecting the security and privacy of the Blaine House. In addition, application procedures will be clarified, electronic meetings added, boundaries updated to reflect a land purchase, zone boundaries and designations updated, EV charger locations and requirements established, energy references updated, and the rules generally updated to reflect the 2022 Augusta Area Facilities Master Plan.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Property owners within Capitol Planning Commission jurisdiction.

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AGENCY UMBRELLA-UNIT NUMBER: **18-389**

AGENCY NAME: **Bureau of Human Resources**

**CONTACT PERSON:** Breena Bissell, State Director, Bureau of Human Resources, 4 State House Station, Augusta, ME 04333-0004, (207) 624-7368, [Breena.Bissell@Maine.gov](mailto:Breena.Bissell@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: PURPOSE, ADOPTION AND AMENDMENT OF RULES AND DEFINITION OF TERMS**

STATUTORY BASIS: 5 M.R.S. §7036, sub-§17

PURPOSE: Ensures definitions are consistent with Civil Service Law and the Administrative Procedure Act, reflecting changes in policy and procedures as a result of changes to these laws.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 2: INTERMITTENT EMPLOYMENT**

STATUTORY BASIS: 5 M.R.S. §7053

PURPOSE: To comply with the Civil Service Law and to provide clarification of the benefits available to intermittent employees.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 3: DIVISIONS OF THE CLASSIFIED SERVICE**

STATUTORY BASIS: 5 M.R.S. §§ 7036 and 7065; Ch. 147, P&SL 06/14/76

PURPOSE: Identifies the competitive, non-competitive (also known as "direct hire"), and labor divisions of Maine State Service.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 4: CLASSIFICATION PLAN**

STATUTORY BASIS: 5 M.R.S. §7061

PURPOSE: Explains the classification plan and mechanism for its maintenance.

Defines the allocation and re-allocation of positions and related actions. Identifies the purpose and use of classification specifications and classification titles and states the mechanism for appeals of classification actions.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 5: COMPENSATION PLAN**

STATUTORY BASIS: 5 M.R.S. §§ 7036 and 7065

PURPOSE: Defines the compensation plan in terms of fixed salary schedules as adopted, published, and emended for covered classifications of work in Maine State Service. Identifies pay rates, presents overtime provisions and gives rates of pay for specific personnel actions such as new hires, promotions, demotions, transfers, non-standard work designations, and project appointments.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 6: APPLICATIONS AND EXAMINATIONS**

STATUTORY BASIS: 5 M.R.S. §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Provides information and procedures regarding the character and content of examinations and related announcement/examination administration practices.

Gives requirements for admission, outlines exam scoring and notice procedures, and presents the mechanism for appeal of examination results.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 7: ELIGIBLE REGISTERS**

STATUTORY BASIS: 5 M.R.S. §§ 7034, 7036, 7052, 7053, 7062, 7064

PURPOSE: Identifies the types of employment registers and the way they are maintained and used. Establishes a mechanism for adding and removing names and specifies the normal duration of registers.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 8: CERTIFICATION AND APPOINTMENT**

STATUTORY BASIS: 5 M.R.S. §§ 781-791, 7034, 7036, 7051, 7052, 7053, 7054, 7055, 7062, 7064

PURPOSE: Establishes rules which govern appointments to position vacancies in the classified service. Includes procedures for appointments made by certification from classification registers and for appointments resulting from nominations submitted by appointing authorities. Provisions are also included for: apprentice, trainee, and conditional appointment referrals that may be authorized by the Director; acting capacity assignments; and the reemployment of retired persons.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 9: PROBATIONARY PERIOD**

STATUTORY BASIS: 5 M.R.S. §§ 7036, 7051

PURPOSE: Identifies the purpose and duration of the probationary period and presents the mechanism for transition from probationary to permanent status.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 10: PERFORMANCE APPRAISAL AND TRAINING**

STATUTORY BASIS: 5 M.R.S. §§ 7036, 7065, 7070

PURPOSE: Identifies the purpose and requirements for the performance appraisal system and establishes a mechanism for internships and apprentice training.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 11: HOLIDAYS, LEAVE OF ABSENCE AND RELATED COMPENSATION PRACTICES**

STATUTORY BASIS: 5 M.R.S. §§ 721-727, 7036

PURPOSE: Designates holidays and related compensation procedure and presents regulations governing leaves of absence with pay and without pay. Includes sick leave, vacation leave, military leave, educational leave, jury duty and court appearances, workers' compensation, and unclassified service appointments.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

#### **CHAPTER 12: DISCIPLINARY ACTION, DEMOTION AND LAYOFF**

STATUTORY BASIS: 5 M.R.S. §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Presents the basis and procedure for demotions, suspensions, and dismissals in the State service; the procedure for resignation in good standing; and the statewide mechanism for addressing the unavoidable layoff of employees.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

### **CHAPTER 13: COMPLAINTS, GRIEVANCES AND INVESTIGATIONS**

STATUTORY BASIS: 5 M.R.S. §§ 7036, 7051, 7081-7085

PURPOSE: Presents the various mechanisms through which complaints and/or grievances of State employees may be discovered, filed and/or heard, and related investigation and enforcement powers of the Director with respect to proper administration and application of the Civil Service Law to these rules.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

### **CHAPTER 14: EMPLOYEE WORK RECORDS AND PAYROLL CERTIFICATION PROCEDURE**

STATUTORY BASIS: 5 M.R.S. §§ 7070, 7071

PURPOSE: Provides information and establishes procedures with respect to employment history and records maintained by the appointing authority and the Bureau of Human Resources. Provides requirements for information regarding changes in employee status for purposes of payroll authorization and the permanent record thereof. Provides access to public records, with restriction.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

### **CHAPTER 15: THE MAINE MANAGEMENT SERVICE**

STATUTORY BASIS: 5 M.R.S. §§ 7031, 7034, 7036, 7051, 7052, 7061, 7065, 7081-7085

PURPOSE: This chapter established the Maine Management Service and provides separate and distinct rules for confidential employees who occupy positions that are specifically designated as included in the Maine Management Service. This chapter provides a definition and outlines the goals of the Maine Management Service; provides the manner in which positions are included in the Maine Management Service; and defines terms associated with the Maine Management Service. This chapter also provides a classification and compensation plan for the Maine Management Service; provides unique procedures for recruitment, application, selection, training, and development. This chapter also provides a unique procedure for layoff, complaints, grievances, investigations, and discipline of employees included in the Maine Management Service.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Applicants for positions included in the Maine Management Service, confidential employees who occupy positions that are specifically designated as included in the Maine Management Service.

AGENCY UMBRELLA-UNIT NUMBER: **18-553**  
AGENCY NAME: **Bureau of Alcoholic Beverages and Lottery Operations (BABLO)/Maine State Liquor and Lottery Commission**

**CONTACT PERSON:** Michael Boardman, Interim Director, Bureau of Alcoholic Beverages and Lottery Operations, 8 State House Station, Augusta, ME 04333-0008, (207) 287-4614, [Michael.Boardman@Maine.gov](mailto:Michael.Boardman@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 2: PRICING OF SPIRITS**

STATUTORY BASIS: 28-A M.R.S. §§83 and 606, sub-§4-A

PURPOSE: To establish such rules as necessary for the administration of the state liquor laws under the jurisdiction of the Bureau of Alcoholic Beverages and Lottery Operations for the sale and distribution of spirits and creating sales incentives programs for agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Agency liquor store licensees; wholesale distributors of spirits and suppliers of spirits.

**CHAPTER 3: ON-PREMISE DATA COLLECTION**

STATUTORY BASIS: 28-A M.R.S. §453-C, sub-§4, ¶D

PURPOSE: To establish such rules as necessary for mitigating the costs incurred by reselling agents in providing sales data of spirits to on-premise licensees to the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Agency liquor stores that are licensed as reselling agents.

**CHAPTER 4: RULES GOVERNING THE PROCESS FOR THE RELOCATION OF AN AGENCY LIQUOR STORE WITHIN THE SAME MUNICIPALITY**

STATUTORY BASIS: 28-A M.R.S. §453-D, sub-§3.

PURPOSE: To establish a process by which an agency liquor store may provide support of, or objection to the relocation of another agency liquor store within the same municipality.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons licensed as an agency liquor store.

**CHAPTER 10: MAINE STATE LOTTERY**

STATUTORY BASIS: 8 M.R.S. §374

PURPOSE: To establish such rules as necessary for the operation of the Maine State Lottery including types of games offered, subscriptions, price of tickets, number and size of prizes, manner of selecting winning tickets, the method of paying prizes, the sale of tickets and the licensing, performance, fee charges and commission of ticket agents.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

**CHAPTER 20: POWERBALL RULES**

STATUTORY BASIS: 8 M.R.S. §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

**NEW CHAPTER 30: CASH POP RULES**

STATUTORY BASIS: 8 M.R.S. §374

PURPOSE: To establish rules for the operation of a Maine only lottery game including any marketing and promotion of the lottery game.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

**CHAPTER 40: MEGA MILLIONS RULES**

STATUTORY BASIS: 8 M.R.S. §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

**CHAPTER 50: LUCKY FOR LIFE RULES**

STATUTORY BASIS: 8 M.R.S. §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

**CHAPTER 70: WORLD POKER TOUR RULES**

STATUTORY BASIS: 8 M.R.S. §374

PURPOSE: To establish rules for the operation of a Maine only lottery including any marketing and promotion of the lottery game.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

**CHAPTER 80: LOTTO AMERICA RULES**

STATUTORY BASIS: 8 M.R.S. §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

**CHAPTER 101: OPERATION AND CONTROL OF ALL LICENSED PREMISES**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of 28-A M.R.S. Maine Liquor Laws.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons owning and/or operating premises licensed to sell and/or serve alcoholic beverages pursuant to applicable provisions of 28-A M.R.S.

**CHAPTER 102: PREMISES LICENSED FOR ON-PREMISES CONSUMPTION ONLY**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A M.R.S. Maine Liquor Laws, applicable to licenses for on-premises consumption of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be consumed on-premises.

**CHAPTER 103: PREMISES LICENSED FOR OFF-PREMISES SALES ONLY**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A M.R.S. Maine Liquor Laws, applicable to licenses for off-premises sales of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be sold off-premises.

**CHAPTER 104: PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS AND CERTIFICATES OF APPROVAL**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A M.R.S. Maine Liquor Laws, applicable to wholesalers and manufacturers of alcoholic beverages, and certificates of approval.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Wholesalers and manufacturers of alcoholic beverages; holders of certificates of approval.

**CHAPTER 105: LABELING**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A M.R.S. Maine Liquor Laws, applicable to the labeling of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Labelers of alcoholic beverages.

**CHAPTER 106: SALESPERSONS**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A M.R.S. Maine Liquor Laws, applicable to salespersons selling alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Salespersons selling alcoholic beverages.

**CHAPTER 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A M.R.S. Maine Liquor Laws, applicable to persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2024.



AFFECTED PARTIES: Persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

**CHAPTER 110: AGENCY LIQUOR STORES**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A M.R.S. Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 120: LICENSING PROCEDURE**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A M.R.S. Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 130: SELECTION AND LOCATION OF AGENCY LIQUOR STORES**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A M.R.S. Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 140: MERCHANDISING AND STOCK**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A M.R.S. Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 150: SIGNS AND ADVERTISING**

STATUTORY BASIS: 28-A M.R.S. §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A M.R.S. Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2024.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

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AGENCY UMBRELLA-UNIT NUMBER: **18-554**

AGENCY NAME: **Bureau of General Services**

**CONTACT PERSON:** William Longfellow, Director, Bureau of General Services,  
77 State House Station, Augusta, Maine 04333-0077, (207) 624-7371

[William.Longfellow@Maine.gov](mailto:William.Longfellow@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 2: THE BOCA NATIONAL BUILDING CODE**

STATUTORY BASIS: Unknown

PURPOSE: Because the purpose of this rule is to reference standards of design and construction for State of Maine facilities, and the BOCA National Building Code had been replaced by other codes several years ago, this rule is completely obsolete. If deemed necessary, a rule that may replace this could indicate public improvement projects for State of Maine facilities shall abide by the codes and standards in effect in the municipality in which the project resides, typically governed by the Maine Uniform Building and Energy Code (MUBEC).

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: Architects, Engineers, and Contractors, and State agency managers of facilities.

**CHAPTER 3: LIFE CYCLE ANALYSIS**

STATUTORY BASIS: 5 M.R.S. § 1764

PURPOSE: The stated purpose of this rule is: "...[that] life cycle costing become a part of the evaluation process for public improvements to assure that energy considerations, first cost, operating costs and long-term costs are consistently analyzed as public improvement projects are being considered for approval." The reason the Bureau of General Services believes this rule should be removed or substantially revised is three-fold. First, the formulas, methodologies, standards, and forms in the rule are out of date by decades. Attempting to simply substitute new content in the given format will not work. Second, much of the benefit the rule hopes to achieve is included in today's standard of care for architectural and engineering services, and in updated building codes. Third, the variability of standards over a short period of time cannot be managed by the Bureau of General Services, which does not have the in-house resources to maintain, monitor, evaluate, and determine the appropriateness of a life cycle analysis.

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: Architects, Engineers, and Contractors, and State agency managers of facilities.

**CHAPTER 4: STANDARD 62-1981R "VENTILATION FOR ACCEPTABLE INDOOR AIR QUALITY ADOPTION**

STATUTORY BASIS: 5 M.R.S. § 1742

PURPOSE: The stated purpose of the rule is: "(1) To ensure the application of latest standards to provide acceptable and healthful indoor air quality in public schools. and (2) Unify codes by mandating the application of a common standard in both state-owned public buildings and public schools." Since the purpose of the rule is incorporated in the Maine Uniform Building and Energy Code (MUBEC), this rule has been obsolete for many years. The Bureau of General Services believes this rule should be deleted.

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: Architects, Engineers, and Contractors, and State agency managers of facilities.

**CHAPTER 6: 1981 STANDARDS OF CONSTRUCTION FOR MAKING BUILDINGS USABLE BY PHYSICALLY HANDICAPPED**

STATUTORY BASIS: 25 M.R.S. §2702-A

PURPOSE: The purpose of this rule is stated in the title of the rule, and it adopted in whole a national standard for accessibility. The standard has now been superseded by subsequent federal laws and the State of Maine has adopted legislation which addresses this issue completely, negating the need for a Bureau of General Services rule. See Title 5, Part 12, Chapter 337, the Maine Human Rights Act. Also, in 2021 Maine adopted State law to "...to discontinue the use of the terms "handicap," "handicapped" and "hearing impaired."

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: Architects, Engineers, and Contractors, and State agency managers of facilities.

#### **CHAPTER 60: IMPROVEMENT OF ENERGY EFFICIENCY IN STATE-FUNDED CONSTRUCTION**

STATUTORY BASIS: 5 M.R.S. §1764-A

PURPOSE: The purpose of this rule is to address "methods to improve the energy efficiency and environmental impacts of certain buildings starting in the planning and design phases and requiring documentation that those energy- and environmentally-conscious standards will be effective." Similar to other rules which have become obsolete and superseded by more recent adoptions of codes and standards, this rule should be deleted because the goals of this rule are addressed in the Maine Uniform Building and Energy Code (MUBEC).

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: Architects, Engineers, and Contractors, and State agency managers of facilities.

#### **NEW CHAPTER 10: LEASE OF STATE-OWNED FACILITIES**

STATUTORY BASIS: 5 M.R.S. §1781-1786

PURPOSE: 5 M.R.S. §1785 requires the Director of the Bureau of General Services to adopt rules to implement Title 5, Chapter 154. The purpose of the rules is to implement the Director's authority to establish procedures for offering state-owned facilities that are wholly or partly unused to other state agencies; for offering such facilities by competitive bidding to organizations that are not state agencies; for offering such facilities in some cases without competitive bidding to organizations that are not state agencies; for determining costs generated by users or lessees of such facilities for purposes of reimbursement to the State; and for determining rental fees based on the location of the facilities, accessibility, local market rates, services, or in-kind contributions provided by the user or lessee and any other standards deemed necessary by the Director.

SCHEDULE FOR ADOPTION: By December 2023.

AFFECTED PARTIES: Anyone interested in leasing unused, State-owned facilities.

CONTACT PERSON for this Chapter: Elaine Clark, DAFS Deputy Commissioner, 77 State House Station, Augusta, Maine 04333-0077, (207) 624-7366, [Elaine.Clark@Maine.gov](mailto:Elaine.Clark@Maine.gov)

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AGENCY UMBRELLA-UNIT NUMBER: **18-691**

AGENCY NAME: **Office of Cannabis Policy**

**CONTACT PERSON:** Gabrielle Bérubé Pierce, Esq., Policy Director, Office of Cannabis Policy, 162 State House Station, Augusta, Maine 04333-0162, (207) 287-3282, [Gabi.Pierce@Maine.gov](mailto:Gabi.Pierce@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: ADULT USE CANNABIS PROGRAM RULE**

STATUTORY BASIS: 28-B M.R.S, CHAPTER 1; PL 2019, Ch. 676

PURPOSE: These regulations specify the minimum standards for Adult Use Cannabis Program Licensees; revisions to this Rule are in response to changes to the program to implement new legislation, including without limitation off-premises sales, on-site consumption, signs, advertising and marketing to minimize the appeal of adult use cannabis and adult use cannabis products to persons under 21 years of age, vehicle wraps, and delivery of cannabis and cannabis products by adult use cultivation or manufacturing facility licensees. Currently, 18-691, Ch. 1 has 11 sections. During this rulemaking session, OCP intends to repeal 18-691, Ch. 1 and replace that chapter with a new chaptered rule for each section in 18-691, Ch. 1:

- Chapter 10: Adult Use Cannabis Rule
- Chapter 20: Licenses and Licensing
- Chapter 30: General Compliance
- Chapter 40: Tracking, Transportation and Authorized Transfers
- Chapter 50: Advertising
- Chapter 60: Trade and Employee, and Mandatory Sampling
- Chapter 70: Testing
- Chapter 80: Waste Management
- Chapter 90: Packaging and Labeling
- Chapter 100: Enforcement
- Chapter 110: Fee Schedule

SCHEDULE FOR ADOPTION: By September 2024. (preliminary, major substantive rules require legislative review).

AFFECTED PARTIES: All Maine Adult Use Cannabis licensees.

**CHAPTER 2: MEDICAL USE OF CANNABIS PROGRAM RULE**

STATUTORY BASIS: 22-M.R.S., CHAPTER 558-C

PURPOSE: These regulations specify the minimum standards for Maine Cannabis Use of Marijuana Program registrants. Revisions to this rule may include changes required to effectuate statutory changes since the rule was last promulgated, including without limitation graduated enforcement.

SCHEDULE FOR ADOPTION: By September 2024. (preliminary, major substantive rules require legislative review)

AFFECTED PARTIES: Maine Medical Use of Cannabis registrants.

**CHAPTER 5: RULES FOR THE CERTIFICATION OF CANNABIS TESTING FACILITIES**

STATUTORY BASIS: 28-B M.R.S, CHAPTER 1; PL 2019, Ch. 676.

PURPOSE: These regulations specify the minimum standards for Adult Use Cannabis Program Licensees; revisions to this Rule may be necessary in response to changes implemented by the legislature and to ensure consistency between the licensing and testing rules for the adult use cannabis program.

SCHEDULE FOR ADOPTION: By November 2023.

AFFECTED PARTIES: All Maine Adult Use Cannabis licensees.

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**Department of Economic and Community Development  
2023-2024 Regulatory Agenda**

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**19-100: Department of Economic and Community Development - General**  
**19-498: Office of Tourism and Community Development**  
**19-499: Office of Business Development**  
**99-639: ConnectME Authority**

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AGENCY UMBRELLA-UNIT NUMBER: **19**

AGENCY NAME: **Department of Economic and Community Development**

**CONTACT PERSON:** Denise Garland, Office of the Commissioner, DECD, 59 State House Station, Augusta, ME 04333. Telephone: (207) 624-7496 Email: [denise.garland@maine.gov](mailto:denise.garland@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**POSSIBLE 2023-2024 RULE-MAKING ACTIVITY:**

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**100: Office of Administration and Policy**

**Chapter 1:** Municipal Tax Increment Financing Rule

STATUTORY AUTHORITY: 30-A §5223 and §5229

PURPOSE: Amend the rules to align with current statute and other technical adjustments.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, unorganized territories, businesses, communities

**Chapter 50:** Affordable housing tax increment financing

STATUTORY AUTHORITY: 30-A §5250-A and §5250-B

PURPOSE: Amend the rules to carry out duties of an affordable housing development district.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, unorganized territories, businesses, communities

**Chapter 75:** Business disclosure associated with eligibility for public subsidies and incentives

STATUTORY AUTHORITY: 5 §13070-J

PURPOSE: Amend the rule to align with current statute and other technical adjustments.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Businesses seeking state assistance and/or access to state incentive programs.

**CHAPTER 90:** The Maine Rural Development Authority

STATUTORY AUTHORITY: 5 §13120-L

PURPOSE: Amend the rule to align with current statute and other technical adjustments.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Communities seeking loans for the development of commercial facilities.

**CHAPTER 95:** The Maine Rural Development Authority

STATUTORY AUTHORITY: 5 §13120-R

PURPOSE: Create the rule to align with current statute

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Communities and other entities seeking grants for the development of commercial facilities.

**CHAPTER 100:** Pine Tree Development Zone Program

STATUTORY AUTHORITY - 30-A §5250-M

PURPOSE: Amend the rule to align with current statute and other technical adjustments

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Companies using or eligible for Pine Tree Development Zone benefits, Economic Development organizations and consultants.

**CHAPTER 200:** Pine Tree Recreation Zone

STATUTORY AUTHORITY: 30-A §5250-Q

PURPOSE: Amend the rule to align with current statute and other technical adjustments.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, unorganized territories, businesses, communities

**CHAPTER 400:** Employment Tax Increment Financing (ETIF) Program Rule

STATUTORY AUTHORITY: 36 §6759

PURPOSE: Amend the rule to align with current statute and other technical adjustments

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Companies using or eligible for ETIF, State Agencies, Economic Development Consultants.

**CHAPTER 450:** Rules for the Maine Technology Centers

STATUTORY AUTHORITY: 5 § 15321

PURPOSE: These rules establish the criteria for grants and program operation for targeted technology incubators.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, economic development organizations, communities and businesses

**CHAPTER 500:** Brunswick Naval Air Station Jobs Increment Financing Fund

STATUTORY AUTHORITY: 5 § 13083-S-1

PURPOSE: These rules establish the criteria for grants and program operation for targeted technology incubators.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, economic development organizations, communities and businesses

**CHAPTER 550:** Rural Workforce Recruitment and Retention Grant Program

STATUTORY AUTHORITY: 5 § 13056-I

PURPOSE: These rules establish the criteria for grants and program operation for local economic development initiatives.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, economic development organizations, communities and businesses

**CHAPTER 600:** Housing Opportunity Program

STATUTORY AUTHORITY: 5 § 13056 and 30-A § 4364 and § 4364-A § 4364-B

PURPOSE: These rules establish the criteria for grants and program operation for increasing housing opportunities in Maine.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, economic development organizations and communities



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## **498: Office of Community Development**

### **CHAPTER 42: Community Development Block Grant Program**

STATUTORY AUTHORITY: 5 §13073

PURPOSE: The rule outlines the procedures by which DECD will administer the Community Development Block Grant Program and allows DECD to administer the federal grant funds in a timely and efficient manner.

ANTICIPATED SCHEDULE: When Conditions are right

AFFECTED PARTIES: Municipalities, economic development organizations, communities and businesses

### **CHAPTER 60: Communities for Maine's Future Program**

STATUTORY AUTHORITY: 5 § 13056-D

PURPOSE: These rules implement the program to provide funding for the rehabilitation, revitalization and enhancement of downtowns and village centers and main streets in the State.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Maine municipalities looking for assistance in community development efforts.

### **CHAPTER 65: Historic Preservation Revolving Fund**

STATUTORY AUTHORITY: 5 § 13056-F

PURPOSE: These rules implement the program to provide funds to qualified nonprofit historic preservation organizations for the purpose of acquiring endangered historic properties of local, state or national significance.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Qualified nonprofits seeking funds to preserve historic property.

### **CHAPTER 70: Regional Economic Development Assistance**

STATUTORY AUTHORITY: 5 § 13073-A

PURPOSE: These rules implement the program to award start-up grants to nonprofit local or regional community organizations providing local or regional economic development programs.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Economically distressed communities in Maine.

### **CHAPTER 75: Riverfront Community Development Program**

STATUTORY AUTHORITY: 5 § 13083-T

PURPOSE: These rules implement the program to assist communities along the State's rivers to revitalize their riverfronts in an environmentally sustainable manner and to promote river-oriented community development and enhancement projects.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Maine municipalities located along rivers.

**CHAPTER 80: Economic Opportunity Program**

STATUTORY AUTHORITY: 5 § 13090-B

PURPOSE: These rules establish the criteria for implementation of the program.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Maine municipalities seeking grants to secure public and/or private investments to stimulate economic growth.

**499: Office of Business Development**

**CHAPTER 255: Visual Media Production Certification**

STATUTORY AUTHORITY: 5 § 13090-L

PURPOSE: These rules establish the criteria for program operation of the Visual Media Production Certification.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Producers of Maine media projects.

**CHAPTER 301: Maine Products Marketing Program**

STATUTORY AUTHORITY: 5 § 13058(3) and 13061, *et seq.*

PURPOSE: These rules establish the criteria for program operation of the Maine Products Marketing Program.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Maine producers of consumer goods.

**CHAPTER 311: Maine Microenterprise Initiative Fund**

STATUTORY AUTHORITY: 5 § 13063-K and 13063-M

PURPOSE: These rules establish the criteria for carrying out this article.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Maine community-based organizations providing training to microenterprises.

**CHAPTER 321: Travel Promotion Matching Fund Program**

STATUTORY AUTHORITY: 5 § 13090-G

PURPOSE: These rules establish the criteria for carrying out this program.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Maine public and private nonprofit travel promotional organizations.

**CHAPTER 331: Technology Centers**

STATUTORY AUTHORITY: 5 § 15322

PURPOSE: These rules establish the program to support early-stage development of technology-based businesses.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Early-stage, technology-based businesses in the State

**CHAPTER 342:** Grants to Municipalities to Retain Mature or Dominant Employers

STATUTORY AUTHORITY: 5 § 13063-D and 13063-C

PURPOSE: Routine technical rules to establish criteria for grant program.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities with major employers in need of assistance during tough economic times with funds from Job Retention Program.

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**SECRETARY OF STATE**  
2023 - 2024 Regulatory Agenda

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**29-250: Bureau of Motor Vehicles –Bureau of Motor Vehicles**

**CONTACT PERSON:** Tina Corkum, Bureau of Motor Vehicles, 29 State House Station, Augusta, Maine 04333-0029. Tel: (207) 624-9023.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULEMAKING ACTIVITY**

**CHAPTER 1: Rules for administrative suspension regulates for administration suspension relating to demerit point accumulation, convictions, and adjudications.**

**STATUTORY AUTHORITY:** 29-A M.R.S.A. Section 2458, subsection 3

**PURPOSE:** These rules describe identifying the reckless or negligent driver of a motor vehicle and to establish a uniform system of assigning demerit points for specified convictions or adjudications of violations of statutes and regulations governing the operation of motor vehicles. These rules will serve as the basis for the Secretary of State or any Deputy Secretary of State to suspend the license or privilege to operate a motor vehicle or the certificate of registration of any person without preliminary hearing determined to be incompetent to operate a motor vehicle, or whom is found to be a reckless or negligent operator of a motor vehicle, or whom has been convicted or adjudicated of designated traffic offenses.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect holders of all types of driver's licenses, motor vehicle owners and registrants, and consumers in the commercial vehicle industry.

**CHAPTER 2: Rules for Administrative Hearings**

**STATUTORY AUTHORITY:** 29-A M.R.S., Section 153

**PURPOSE:** These rules describe the conduct of civil administrative hearings held by the Bureau of Motor Vehicles to deny, suspend, revoke, probate or otherwise modify a license, registration certificate or plate, motor vehicle driver's license, permit, certificate of title, operating authority, license or fuel use identification decal.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect holders of all types of driver's licenses, motor vehicle owners and registrants, and consumers in the commercial vehicle industry.

**CHAPTER 3: Physical, Emotional and Mental Competence to Operate a Motor Vehicle**

**STATUTORY AUTHORITY:** 29-A M.R.S., Section 153

**PURPOSE:** These rules describe the standards to be used by the Secretary of State in determining physical, emotional, and mental competence of a person to operate a motor vehicle. These rules which were adopted pursuant to 29-A M.R.S.A., Section 153, may be amended based on recommendations from the Medical Advisory Board to the Secretary of State.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect all license applicants and anyone holding a motor vehicle license.

**CHAPTER 4: Driver License Examination Rules**

**STATUTORY AUTHORITY:** 29-A M.R.S., Section 153

**PURPOSE:** These rules describe the components of the examination used by the Secretary of State to determine a person's qualifications to obtain a license to operate a motor vehicle.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect all driver license applicants.

**CHAPTER 6: Rules for the Suspension of Commercial Driver Licenses**

**STATUTORY AUTHORITY:** 29-A M.R.S., Section 153

**PURPOSE:** These rules implement the provisions of the federal Commercial Motor Vehicle Safety Act of 1986, the Motor Carrier Safety Improvement Act of 1999 and provisions of other federal rules related to the disqualification of persons from operating commercial vehicles and establish suspension requirements for commercial motor vehicle operators. This rule may be amended to incorporate federal rule changes.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect all commercial driver applicants and anyone holding a commercial learner's permit or driver's license.

**CHAPTER 7: RULES FOR THE SUSPENSION OF LICENSES FOR FAILURE TO COMPLY WITH CHILD SUPPORT ORDERS**

**STATUTORY AUTHORITY:** 19-A MRSA §2202 and 29-A MRSA §§ 2459 and 2459-A

**PURPOSE:** These rules implement the provisions of 19-A MRSA §2202 and 29-A MRSA §§ 2459 and 2459-A which require the Secretary of State to suspend the driver permits and licenses of individuals whom the Commissioner of Health and Human Services or the Penobscot Nation certifies are not in compliance with child support orders. The rules establish permit and license suspension and restoration requirements and set conditions for the issuance of temporary driver's licenses.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect all Maine driver license holders.

**CHAPTER 8: Rules for Ignition Interlock Devices**

**STATUTORY AUTHORITY:** 29-A M.R.S., Section 153

**PURPOSE:** This rule may be amended or repealed and replaced to implement the provisions of 29-A MRSA §2508. The rule establishes testing, certification and installation requirements for ignition interlock devices and sets out the conditions for the early restoration of driver's licenses for persons convicted of OUI.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect manufacturers and installers of ignition interlock devices and all OUI offenders.

**CHAPTER 9: Rules Governing Driver Education**

**STATUTORY AUTHORITY:** Title 29-A Subsection 1354

**PURPOSE:** To

1. Establish the minimum qualifications, license standards, and procedures for the licensing of driver education schools and instructors.
2. Implement a standardize driver education curriculum based on best practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Driver Education Schools and Instructors

#### **CHAPTER 10: Rules Implementing the Federal Driver's Privacy Protection Act**

STATUTORY AUTHORITY: 29-A M.R.S., Section 153 and 29-A M.R.S., Section 256

PURPOSE: These rules establish the procedures for the disclosure of personal information in motor vehicle records in accordance with state and federal law and establish rules for the use of facial recognition technology.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: These rules affect BMV, Law enforcement agencies and the providers and recipients of information contained in motor vehicle records.

#### **CHAPTER 11: Rules Governing Motorcycle Rider Education**

STATUTORY AUTHORITY: Title 29-A Subsection 1352

PURPOSE: To establish minimum qualification standards, requirements and application procedures for licensing motorcycle rider education schools and instructors. Inspect and monitor motorcycle rider education programs, and site requirements, to assure the Secretary of State established standards are met and maintained.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Motorcycle Rider Education Schools and Instructors

#### **CHAPTER 12: Rules Governing The Sale Of Records And Databases Related To Driver History, Driver Licenses And Motor Vehicles**

STATUTORY AUTHORITY: 29-A MRSA §§ 251 AND 252

PURPOSE: These rules describe the process by which requests for motor vehicle records must be made and the fees associated with the sale of records and databases.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: All drivers licensed by the State of Maine.

#### **CHAPTER 13: Rules Governing Driver License Restriction**

STATUTORY AUTHORITY: 29-A M.R.S.A. §1257.

PURPOSE: The Secretary of State is responsible for ensuring the safety of the motoring public through the judicious administration of the motor vehicle laws. Persons who present an unreasonable risk to the safety of driving public must be denied the privilege to operate motor vehicles. Other persons may have their operating privileges limited or restricted following a driving evaluation.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: New vehicle dealers, vehicle manufacturers.

#### **CHAPTER 14: Rules For The Maine Motor Vehicle Franchise Board**

STATUTORY AUTHORITY: 10 M.R.S.A. § 1187 (6)

**PURPOSE:** These rules establish procedures for the conduct of adjudicatory proceedings before the Maine Motor Vehicle Franchise Board. They should be read in conjunction with the statutory provisions of the Maine Motor Vehicle Franchise law 10 M.R.S.A. Chapter 204.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** New vehicle dealers, vehicle manufacturers.

### **CHAPTER 15: Rules Governing Acceptable Documents To Establish Legal Presence**

**STATUTORY AUTHORITY:** 29-A MRS §153

**PURPOSE:** These rules implement the provisions of 29-A M.R.S.A. §§ 1301 (2-A) and 1410 (8) which prohibit the Secretary of State from issuing a driver's license or nondriver identification card to an individual unless the individual presents valid documentary evidence of legal presence in the United States. These rules describe the documents that may be accepted to establish evidence of legal presence in the United States. These rules do not apply to credentials issued under the federal REAL ID Act which are governed by federal regulations at 8 CFR §37 *et seq.*

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** General public.

### **CHAPTER 100: Establishment of Renewal Agent Service Fees (For the Renewal of Digital Operator's Licenses)**

**STATUTORY AUTHORITY:** 29-A M.R.S., Sections 153 and 202

**PURPOSE:** This rule authorizes the Secretary of State to establish a service fee that may be charged and retained by certain appointed agents who issue non-commercial driver's license renewals and duplicates and non-driver identification card renewals and duplicates.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** These rules affect those authorized agents of the Secretary of State that issue only non-commercial driver's license renewals and duplicates and non-driver identification card renewals and duplicate.

### **CHAPTER 102: Rules governing Title to Motor Vehicles**

**STATUTORY AUTHORITY:** Title 29-A Chapter 7 subchapter 1 through 4

**PURPOSE:** To establish application procedures and guidelines for the determination of type of ownership when application for title, or duplicate title is made by two or more persons; requirements for transfer of title when the original, or duplicate title was issue in common, or joint ownership; procedures for transfer of title upon the death of the owner of a titled vehicle when there is a surviving spouse, when the original title was issued in joint ownership and when the title was issued in common ownership; procedures for the issuance of titles for abandoned, or unclaimed vehicles; and procedures for the withdrawal of an application for certificate of title.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Motor Vehicle owners requiring titles.

### **CHAPTER 103: Rules for Vehicle Dealers, Auctions, Transporters, Recyclers, Mobile Crushers, and Loaners**

**STATUTORY AUTHORITY:** Title 29-A Chapter 9, Subchapter 1 through 6

**PURPOSE:** Establish the requirements for licensing vehicle dealers, vehicle auctions, recyclers, mobile crushers, and receipt of their registration plates, and holders of loaner and transporter

plates. Set forth required facilities, equipment, records, and application procedures. This rule will establish requirements for annexes and secondary locations.

ANTICIPATED SCHEDULE: prior to October 1, 2024.

AFFECTED PARTIES: All New and Used Vehicles Dealers, Vehicle Auctions, Transporters, Recyclers, Mobile Crushers, and Loaner Plate Holders.

#### **CHAPTER 104: Rules For The Used Car Information Act**

STATUTORY AUTHORITY: 10 M.R.S.A. §1474 subsection 4F

PURPOSE: This Chapter outlines the duties and responsibilities of the Used Car Dealer pursuant to the Used Car Information Act, 10 M.R.S.A. §§ 1471 – 1478

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Vehicle dealers.

#### **CHAPTER 105: Grievance Procedures For The Handicapped**

STATUTORY AUTHORITY: 29 U.S.C. § 794

PURPOSE: Internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by federal regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794).

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Qualifying disabled individuals.

#### **CHAPTER 108: Automobile Manufacturer Or Distributor License**

STATUTORY AUTHORITY: Title 10 M.R.S.A. § 1171-B(4) and Title 5 M.R.S.A. § 8071

PURPOSE: The purpose of this rule is to establish the requirements for obtaining a license for a Manufacturer or Distributor of new motor vehicles in the State of Maine.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Automobile Manufacturer Or Distributors.

#### **CHAPTER 109: Rule Establishing The Fee For Special Legislative Motorcycle Registration Plates**

STATUTORY AUTHORITY: 29-a M.R.S.A. §460(2)

PURPOSE: The purpose of this rule is to establish the fee for the special legislators' motorcycle registration plate authorized in 29A MRSA section 460, (2A). The law required the Secretary of State to develop a special motorcycle registration plate to be made available to members of the legislature, including representatives of an Indian tribe, the President of the Senate and the Speaker of the House of Representatives. The plate may be used in lieu of the regular motorcycle registration plate. The law requires the Secretary of State to produce the plate within existing resources, and to establish a special fee by rule to offset the costs of producing the plate.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Members of the Maine Legislature.

#### **CHAPTER 110: Non-Governmental Registration Agent and Resident Agent Requirements**

STATUTORY AUTHORITY: 29-A MRSA, Section 204



**PURPOSE:** This rule establishes the requirements for non-governmental registration agents and resident agents; sets forth requirements for training, equipment and software, reporting, inventory control, audit, and suspension and hearings for registration agents.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Non-governmental registration agents.

### **CHAPTER 151: Rules Governing Enforcement Of The Federal Heavy Vehicle Use Tax**

**STATUTORY AUTHORITY:** 29-A M.R.S., Section 551

**PURPOSE:** This rule sets forth the provisions for complying with the Federal Heavy Vehicle Use Tax in the State of Maine. Every state is required to enforce the provisions of the Federal Heavy Vehicle Use Tax as a part of their commercial vehicle registration program. Failure to do so, subjects a state to potential loss of up to 25 percent of their federal highway funds.

Motor vehicles registered for a gross weight of 55,000 pounds or more are subject to Federal Heavy Vehicle Use Tax. Owners of these vehicles are required to file annual Federal Heavy Vehicle Use Tax reports with the Internal Revenue Service. Registrants are then required to submit proof of Federal Heavy Use Tax payment to their state Motor Vehicle Department as a part of the vehicle registration process.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Motor vehicle registrants with vehicles registered for a gross weight of 55,000 pounds or more.

### **CHAPTER 153: The Operation of Motor Intrastate Carriers of Passengers For-Hire**

**STATUTORY AUTHORITY:** 29-A MRSA, Section 551

**PURPOSE:** This rule establishes requirements for the operation of motor carriers of passengers for-hire.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** For-Hire motor carriers of passengers and rental vehicles.

### **CHAPTER 155: Rules Governing Permits for Non-Divisible, Oversize and Overweight Combination Vehicles Engaged in Interstate Commerce**

**STATUTORY AUTHORITY:** 29-A MRSA, Section 2382

**PURPOSE:** This rule sets forth the procedures for receiving applications and granting permits for the movement of oversize and/or overweight combination vehicles engaged in interstate travel on highways and bridges.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Transporters of oversize or overweight non-divisible loads.

### **CHAPTER 156: Fee Structure for Over Dimensional and Overweight Loads, Along With State Police Escort Fee**

**STATUTORY AUTHORITY:** 29-A MRSA, Section 2382

**PURPOSE:** This rule establishes permit fees for over-dimensional and overweight non-divisible loads.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Transporters of oversize or overweight non-divisible loads.

**CHAPTER 157: The Administration of Over Dimension and Overweight Permits**

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule establishes requirements and standards for the permitting of non-divisible overdimensional and overweight vehicles and loads which are loads exceeding the size and weight limits.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Transporters of oversize or overweight non-divisible loads.

**CHAPTER 158: Administration Of Trailer Transit Plates**

STATUTORY AUTHORITY: 29-A M.R.S., Section 462, sub-section 8.

PURPOSE: This rule establishes the requirements for the use of trailer transit plates pursuant to 29-A M.R.S.A. Section 462, sub-section 8.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Entities that haul storage trailers, light trailers, and mobile homes.

**CHAPTER 159: Rules Governing the Administration of the Permanent, Semipermanent Semitrailer Registration Programs**

STATUTORY AUTHORITY: 29-A MRSA, Section 512.

PURPOSE: This rule establishes procedures for the implementation of permanent, and semipermanent trailer registration programs.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Long term trailer registrants and agents.

**CHAPTER 162: The Administration of the International Registration Plan**

STATUTORY AUTHORITY: 29-A MRSA, Section 531

PURPOSE: This rule outlines the procedures and standards governing Maine's participation in the International Registration Plan.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Most owners of medium and heavy trucks operating in interstate and foreign commerce.

**CHAPTER 164: The Administration of Overweight Oceangoing Containers (OGC) Permits**

STATUTORY AUTHORITY: 29-A MRSA, Section 2382

PURPOSE: This rule outlines the procedures and standards allowing for the discretionary permitting of overweight oceangoing containers.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: OGC transporters.

**CHAPTER 165: The Administration of the International Fuel Tax Agreement and the Intrastate Fuel Tax Program**

STATUTORY AUTHORITY: 29-A MRSA, Section 525

**PURPOSE:** This rule outlines the procedures and standards for participation in the International Fuel Tax Agreement.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Motor carriers that are required to file motor fuel tax reports and obtain fuel decals.

**CHAPTER 168: The Administration of USDOT Numbers for Certain Intrastate Motor Carriers**

**STATUTORY AUTHORITY:** 29-A MRSA, Section 555-A

**PURPOSE:** This rule outlines the procedures and standards for the administration of United States Department of Transportation (USDOT) numbers to those qualifying intrastate motor carriers.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Intrastate motor carriers required to have USDOT numbers.

**CHAPTER 169: The Administration of the Performance and Registration Information Systems Management (PRISM) Program**

**STATUTORY AUTHORITY:** 29-A MRSA, Section 2458

**PURPOSE:** This rule implements the registration-related requirements of the Performance and Registration Information System and Management program.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Motor carriers which are calculated to be high risk, unsafe transport companies.

**CHAPTER 170: Permitting Commercial Vehicles at Canadian Weight Limits to Travel From Designated Points at the Canadian Border to Baileyville, Madawaska, and Van Buren**

**STATUTORY AUTHORITY:** 29-A MRSA, Section 2354-C

**PURPOSE:** This rule implements the Canadian Weight Limits program.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Motor carriers operating at the Canadian weight limits.

**CHAPTER 171: The Administration of the Unified Carrier Registration Agreement**

**STATUTORY AUTHORITY:** 29-A MRSA Section 551

**PURPOSE:** This rule outlines the procedures and standards governing Maine's participation in the Unified Carrier Registration Agreement.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

**AFFECTED PARTIES:** Maine and certain Canadian interstate motor carriers.

**CHAPTER 172: Rules Governing the Issuance of Vanity Registration Plates**

**STATUTORY AUTHORITY:** 29-A MRSA Section 453

**PURPOSE:** This rule authorizes the Secretary of State to refuse to issue or recall vanity registration plates that meet certain criteria, and authorizes the right to appeal the Secretary of State's decision

**ANTICIPATED SCHEDULE:** Prior to October 1, 2024.

AFFECTED PARTIES: Maine vehicle registrants applying for vanity plates.

**CHAPTER 173: Rules For The Sale, Purchase, Removal, Transport, And Disposal Of Catalytic Converters**

STATUTORY AUTHORITY: 29-A MRSA §§ 153, 1113(14)

PURPOSE: This rule establishes the requirements for the sale, purchase, removal, and transport of catalytic converters. The rule sets forth required marking methods, pertinent information to marking, and reporting requirements to be utilized by licensed recyclers, scrap metal processors, new and used car dealers, as well as private individuals.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Vehicle dealers, salvage yards, auctions, and recyclers.

**CHAPTER 190: RULE FOR THE ADMINISTRATION OF EXPERIMENTAL VEHICLE REGISTRATION**

STATUTORY AUTHORITY: 29-A MRSA Section 470(8)

PURPOSE: This rule establishes requirements for the registration of experimental motor vehicles. The rule sets forth required equipment standards, application procedures, and the limitations of use pursuant to 29A MRSA section 470.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Members of the public that invent or build vehicles as an experiment.

**NEW RULE CHAPTER (# to be assigned): Rules Governing Commercial Driver Education**

STATUTORY AUTHORITY: Title 29-A Subsection 1354

PURPOSE: To establish the minimum qualifications, license standards, and procedures for the licensing of commercial driver education schools and instructors and to implement a standardized commercial driver education curriculum based on best practices and federal mandates.

SCHEDULE FOR ADOPTION: prior to October 1, 2024

AFFECTED PARTIES: Commercial Driver Education Schools and Instructors Licensed by the State of Maine.

**NEW RULE CHAPTER (# to be assigned): Rules for the Collection of Driver's License Reinstatement Fees**

STATUTORY AUTHORITY: 29-A MRSA, Subsection 153

PURPOSE: These rules implement the provisions of 29-A MRSA §§2472, 2486, and 2508, which require the Secretary of State to collect a reinstatement fee prior to the termination of a suspension or revocation and subsequent reinstatement of a driver's license.

SCHEDULE FOR ADOPTION: prior to October 1, 2024.

AFFECTED PARTIES: These rules affect all drivers with license suspensions requiring the payment of a reinstatement fee.

**NEW RULE CHAPTER (# to be assigned): Rules Governing the Electronic Lien Titling Program (ELT)**

STATUTORY AUTHORITY: 29-A M.R.S.A. §651-A, Title 29-A Subsection 153

PURPOSE: This rule implements which authorizes the Secretary of State to operate an Electronic Lien Titling Program (ELT) permitting the creation and exchange of an electronic record for maintaining vehicle title and lien information.

**SCHEDULE FOR ADOPTION:** prior to October 1, 2024.

**AFFECTED PARTIES:** All lending institutions that choose to participate in the Electronic Lien Titling Program and the entities that provide the services to transmit the ELT data between the Bureau of Motor Vehicles.

AGENCY UMBRELLA-UNIT NUMBER: **29-250**

AGENCY NAME: Department of Secretary of State, **Bureau of Corporations, Elections and Commissions**

**CONTACT PERSON:** Julie L. Flynn, Deputy Secretary of State, 101 State House Station, Augusta, Maine 04333-0101. Telephone: (207) 624-7736. Email: [Julie.Flynn@Maine.gov](mailto:Julie.Flynn@Maine.gov) .

**EXPECTED 2023-2024 RULEMAKING ACTIVITY:**

**CHAPTER 200:** Rules for the Use of Expedited Service in Corporations

STATUTORY AUTHORITY: 10 MRSA §1527-B; 13-B MRSA §1402-A; 13-C MRSA §124; 31 MRSA §1457; 31 MRSA §1669; and 31 MRSA §813

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 201:** Rules for the Sale of Publications in Corporations

STATUTORY AUTHORITY: 10 MRSA §1527-D; 13 MRSA §905; 13-B MRSA §1405; 13-C MRSA §143; 31 MRSA §1459; 31 MRSA §1671; and 31 MRSA §815

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 240:** Rules for Limited Liability Partnerships under Title 31, Ch. 15

STATUTORY AUTHORITY: 31 MRSA §812

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for Limited Liability Partnerships.

**CHAPTER 250:** Rules for Business Corporations under Title 13-C

STATUTORY AUTHORITY: 13-C MRSA §141

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for business corporations.

**CHAPTER 260:** Rules for Nonprofit Corporations under Title 13-B

STATUTORY AUTHORITY: 13-B MRSA §1302-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for nonprofit corporations under Title 13-B.

**CHAPTER 270:** Rules for Limited Partnerships under Title 31, Ch. 19

STATUTORY AUTHORITY: 31 MRSA §1456

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited partnerships.

**CHAPTER 280:** Rules for Marks Registered under Title 10, Ch. 301-A

STATUTORY AUTHORITY: 10 MRSA §1527-A, sub-§1

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for a mark in the State of Maine.

**CHAPTER 290:** Rules for Limited Liability Companies under Title 31, Ch. 13

STATUTORY AUTHORITY: 31 MRSA §1668

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited liability companies.

**CHAPTER 401:** Administrative Rules for Uniform Commercial Code Title 11, Article 9-A

STATUTORY AUTHORITY: 11 MRSA §9-1526

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any interested person wishing to file UCC liens or requesting information on filed UCC liens.

**CHAPTER 502:** Rules Governing the Conduct and Procedures for Election Recounts

STATUTORY AUTHORITY: 21-A MRSA §737-A, sub-§12

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Candidates for offices in which a recount has been requested.

**CHAPTER 505:** Voter List Maintenance Procedures under Title 21-A

STATUTORY AUTHORITY: 21-A MRSA §161, sub-§2-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: All municipalities in the State of Maine as well as newly registered voters and registered voters who wish their names to be removed from their respective voter registration lists.

**CHAPTER 510:** Administrative Complaint Procedure for Title III of the *Help America Vote Act of 2002* (HAVA)

STATUTORY AUTHORITY: 21-A MRSA §222

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any person who believes that a violation of Title III of the *Help America Vote Act of 2002* (HAVA) has occurred, is occurring or is about to occur in a federal election.

**CHAPTER 520:** Rules Regarding Publication of Public Comments on Statewide Referenda

STATUTORY AUTHORITY: 1 MRSA §354

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any person or group who wishes to submit a public comment for or against a statewide referenda question for publication in the Citizen's Guide to the Referendum Election.

**CHAPTER 525:** Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots

STATUTORY AUTHORITY: 21-A MRSA §783

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Uniformed Service and Overseas voters ("UOCAVA" voters) who cast a ballot for a federal or state election.

**CHAPTER 535:** Rules Governing the Administration of Elections Determined by Ranked-choice Voting

STATUTORY AUTHORITY: 21-A MRSA §723-A, sub-§5-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Candidates seeking an office that is determined by Ranked-choice voting, municipal election officials and Maine voters.

**CHAPTER 536:** Rules Establishing Procedures for Requesting and Conducting Recounts of Elections Determined by Ranked-choice Voting

STATUTORY AUTHORITY: 21-A MRSA §723-A, sub-§5-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Candidates seeking a recount for an office that is determined by Ranked-choice voting.

**CHAPTER 550:** Rules for Determining Voter Intent

STATUTORY AUTHORITY: 21-A MRSA §696, sub-§6

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.



AFFECTED PARTIES: Municipal election officials who count ballots for statewide elections.

**CHAPTER 700:** Rules Governing Notaries Public, Notarial Officers, Notarial Acts and the Procedures for Electronic and Remote Notarization

STATUTORY AUTHORITY: 4 MRSA §1928 and §1915, sub-§13

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any person applying for a notary public commission, renewing a commission, or seeking authority to perform electronic or remote notarizations, as well as technology providers seeking to become authorized to provide electronic or remote notarization technology services to Maine notaries public.

**CHAPTER 720:** Rules Governing the Licensing of Marriage Officiants who are Authorized to Solemnize Marriages in Maine

STATUTORY AUTHORITY: 5 MRSA §90-G, sub-§3

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Any person applying for a Marriage Officiant License to solemnize marriages in Maine and any person with an active commission as a Notary Public who also wishes to have a Marriage Officiant License.

**CHAPTER 800:** Procedures for the Electronic Filing of Rules

STATUTORY AUTHORITY: 5 MRSA §8056, sub-§8

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: All rulemaking agencies.

**CHAPTER 900:** Administration of Address Confidentiality Program

STATUTORY AUTHORITY: 5 MRSA §90-B, sub-§8

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Victims of domestic abuse, sexual assault or stalking who wish to limit access to their addresses.

**CHAPTER 950:** Rules for Digital Signatures

STATUTORY AUTHORITY: 10 MRSA §9503

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: State agency customers desiring to file electronic transactions which require a digital signature.

**CHAPTER ~~xxx~~:** Rules Governing the Online Voter Registration Process

STATUTORY AUTHORITY: 21-A MRSA §152, sub-§6

PURPOSE: The Secretary of State will be authorized to adopt rules after October 1, 2023 and will be required to adopt them no later than February 1, 2024, pursuant to PL 2023, c. 304, section A-38.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Maine residents, who are U.S. Citizens, and who wish to register to vote or update their existing voter registration using the online voter registration process that will be made available no later than February 1, 2024 and will be accessed from the Secretary of State's publicly accessible website.

**CHAPTER ~~xxx~~**: Rules Governing Pollwatchers, Party Workers and Others Who may be Present in the Polling Place

STATUTORY AUTHORITY: 21-A MRSA §627, sub-§5

PURPOSE: The Secretary of State may adopt rules pursuant to PL 2021, c. 246, §5.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Maine voters, party and campaign workers and others who may wish to observe the election process at a Maine voting place.

**CHAPTER ~~xxx~~**: Rules Governing Post-election Audits

STATUTORY AUTHORITY: 21-A MRSA §726, sub-§7

PURPOSE: The Secretary of State may adopt rules pursuant to PL 2021, c. 635, Pt. ZZ, §2.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Municipal election officials, candidates, party and campaign workers and others who will have an interest in how post-election audits will be conducted.

**CHAPTER ~~xxx~~**: Rules Governing Inspection of Absentee Ballot Applications and Envelopes Before They are Processed

STATUTORY AUTHORITY: 21-A MRSA §760-B, sub-§3

PURPOSE: The Secretary of State may adopt rules pursuant to PL 2023, c. 304, section A-32, which was effective on June 26, 2023.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Municipal election officials, Maine voters and people involved with candidate or issue campaigns who want to inspect absentee ballot applications and envelopes containing voted ballots before they are processed to be sure that these materials have been handled properly by the municipalities.

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# Maine Administrative Procedure Act 2023-2024 Regulatory Agenda Filing Instructions

## ***Filing Deadline: July 8, 2023***

Your agenda should contain the following information. Please include a headline for each section, as shown here in bold (*omit the instructions in italics*).

AGENCY UMBRELLA-UNIT NUMBER: **29-255**  
AGENCY NAME: **Secretary of State, Maine State Archives**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON** (*as defined by 5 MRS §8051-A*), including mailing address, phone, and email address): **Tammy Marks, 84 SHS, 17 Elkins Lane, Williams Pavilion, Augusta, ME 04333-0084, 207-287-5799**

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA** (*either indicate "None", or list all emergency rules*): **None**

**EXPECTED 2023-2024 RULEMAKING ACTIVITY** (*a list of all rules your agency expects to propose for the year beginning October, 2023. For each chapter, include the following information*): **Nothing is anticipated.**

**CHAPTER NUMBER AND TITLE** (*of rule chapter, not statute*):

STATUTORY BASIS:

PURPOSE (*of the rule*):

SCHEDULE FOR ADOPTION:

(*Listing of*) **AFFECTED PARTIES:**

(*Information on any planned use of*) **CONSENSUS-BASED RULE DEVELOPMENT** (*as outlined in 5 MRS §8051-B; if none, use "N/A"*):

**CONTACT PERSON** *for this chapter, if different from the general agency liaison, including mailing address, phone, and email address*):

### ***Procedure***

1. Send your agenda, both on paper and electronically in MS Word (not .pdf) via CD, thumb drive or email, to:

Don Wismer, APA Coordinator – [Don.Wismer@Maine.gov](mailto:Don.Wismer@Maine.gov)  
Bureau of Corporations, Elections and Commissions  
101 State House Station  
Augusta, ME 04333-0101

2. Send a copy of your agenda to the Executive Director of the Legislative Council via the Maine Legislature's Electronic Notification of Agency Rulemaking Application: <http://www.mainelegislature.org/publicrulemaking/>. Please contact the Office of the Executive Director at (207) 287-1615 if you have any

questions about this system.

3. Make copies available to any interested persons.

**65**  
**PUBLIC UTILITIES COMMISSION**  
2023-2024 Regulatory Agenda  
July 2023 – June 2024

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**65-407: Public Utilities Commission (General)**  
**65-624: Emergency Services Communication Bureau**

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AGENCY UMBRELLA-UNIT NUMBER: **65-407**  
AGENCY NAME: **Maine Public Utilities Commission**

**CONTACT PERSON:** Elizabeth J. Wyman, General Counsel, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1321. E-mail: [liz.wyman@maine.gov](mailto:liz.wyman@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS – BASED RULE DEVELOPMENT PROCESS:** At this time, the Commission does not anticipate engaging in the consensus – based rule development process described in 5 M.R.S. § 8051-B during 2023-2024.

**EXPECTED 2022-2023 RULE-MAKING ACTIVITY:**

**CHAPTER 110:** Rules of Practice and Procedure  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111  
PURPOSE: To reexamine this rule based on statutory changes and operational need  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: Utilities and participants in proceedings

**CHAPTER 120:** Filing Requirements for Schedules of Rates, Terms and Conditions  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 101, 103, 104, 107, 111, 112, 301, 304-311, 1301, 1304-1306, 1321, 1702, 1708, 3502, and 6104  
PURPOSE: To reexamine this rule based on statutory changes and operational need  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: Utilities and participants in proceedings

**CHAPTER 140:** Utility Service Area and Infrastructure Maps  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 112, 301, 307, 1311-A, 1311-B, 2012-2015, and 2110  
PURPOSE: Update the rule to reflect regulatory and operational need  
ANTICIPATED SCHEDULE: Fall/Winter 2024  
AFFECTED PARTIES: Regulated utilities

**CHAPTER 200:** Reporting Requirements for Telecommunications Carrier's Service Outages  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, and 7226  
PURPOSE: To update the rule  
ANTICIPATED SCHEDULE: Winter 2024

AFFECTED PARTIES: Incumbent Local Exchange Carriers

**CHAPTER 202:** Requirements for Audiotext (Pay-Per-Call) Services

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 801-808

PURPOSE: To repeal the rule as the Legislature has repealed the authorizing statutes

ANTICIPATED SCHEDULE: Winter 2024

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 210:** Uniform System of Accounts-Telephone Utilities

STATUTORY AUTHORITY: 35-A M.R.S. §§ 101, 103, 104, 107, 111, 112, 501, 502, 504, 505

PURPOSE: To reexamine this rule in light of the substantial changes in the telecommunications industry and telecommunications regulation

ANTICIPATED SCHEDULE: Winter 2024

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 230:** Installation, Maintenance and Ownership of Customer Premises Wire

STATUTORY AUTHORITY: 35-A M.R.S. §§ 111, 7306

PURPOSE: To examine whether this rule should be amended or repealed

ANTICIPATED SCHEDULE: Winter 2024

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 280:** Provision of Competitive Telecommunications Services

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 301, 1301, 2102, 2110, 7101-B, 7104-A, and 7303

PURPOSE: To amend the rule to comport with recent legislative changes to telecommunications regulation in Maine

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Competitive Local Exchange Carriers

**CHAPTER 289:** Requirements and Terms for Bundled Services Offered by Incumbent Local Exchange Carriers

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 704, 7302

PURPOSE: To reexamine this rule in light of the changes in the telecommunications industry and telecommunications regulation

ANTICIPATED SCHEDULE: Winter 2024

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 293:** Abandonment of Service and Authority to Provide Service and Transfer of Customers by Competitive Telecommunications Carriers

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 1105, and 7106

PURPOSE: To reexamine this rule in light of the changes in the telecommunications industry and telecommunications regulation

ANTICIPATED SCHEDULE: Winter 2024

AFFECTED PARTIES: Telephone Utilities

**CHAPTER 301:** Standard Offer Service

STATUTORY AUTHORITY: 35-A M.R.S. § 3212

PURPOSE: To update the rule and to reflect legislative enactments

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Standard Offer Providers and Transmission and Distribution Utilities

**CHAPTER 305:** Licensing Requirements, Annual Reporting, Enforcement and Consumer Protection Provisions For Competitive Provision Of Electricity

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 3203

PURPOSE: To conform rule to recently enacted legislation

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: Competitive Electricity Providers

**CHAPTER 308:** Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 3204(11) AND Resolves 2017, Chapter 49

PURPOSE: To update rule

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: Transmission and Distribution Utilities, their generating affiliates and their customers

**CHAPTER 310:** Uniform System of Accounts for Electric Utilities

STATUTORY AUTHORITY: 35-A M.R.S. §§ 101, 103, 104, 107, 111, 112, 501, 502, 504 and 505

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: Transmission and Distribution Utilities

**CHAPTER 311:** Renewable Resource Portfolio Requirement

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 3210

PURPOSE: To conform rule to recently enacted legislation

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Generator Developers and Competitive Electricity Providers.

**CHAPTER 312:** Distributed Generation Procurement

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 1301, and 3488

PURPOSE: To conform with recent legislative enactment

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Distributed Generation Developers and Transmission and Distribution Utilities

**CHAPTER 313:** Net Energy Billing

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 3209-A, 3209-B

PURPOSE: To conform rule to recently enacted legislation

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Small Generator Developers and Transmission and Distribution Utilities

**CHAPTER 314:** Statewide Low-Income Assistance Plan

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 704, 1308, and 3214

PURPOSE: To conform to recent legislation as well as sources of funding that become available due to federal and state relief programs

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Transmission and Distribution Utilities and their customer.s

**CHAPTER 315: Small Generator Aggregation**

STATUTORY AUTHORITY: 35-A M.R.S. § 104, 111, 1301, and 3210-A

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: Small Generators and Transmission and Distribution Utilities

**CHAPTER 316: Long-Term Contracting and Resource Adequacy**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 3210-C, 3210-G, 3210-H, and 3210-I

PURPOSE: To update the rule and conform with legislative enactments

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Generation Developers, Transmission and Distribution Utilities and their customers

**CHAPTER 317: Statewide Arrearage Management Program**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 3214, and 10110

PURPOSE: To conform rule to recently enacted legislation

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Transmission and Distribution Utilities

**CHAPTER 319: Criteria To Exclude Small Transmission Projects and Distribution Projects from Investigation by the Non-Wires Alternative Coordinator**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 1301, and 3132

PURPOSE: To update the rule and conform to recent legislative enactments

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Transmission and Distribution Utilities and their customers

**CHAPTER 320: Electric Transmission and Distribution Utility Service Standards**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 2305-A, 3104-A, 3106, P.L. 2021, Ch. 702

PURPOSE: To conform to recently enacted legislation

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Transmission and Distribution Utilities and their customers

**CHAPTER 322: Metering, Billing, Collections and Enrollment Interactions Among Transmissions and Distribution Utilities and Competitive Electricity Providers**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, and 3203

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Transmission and Distribution Utilities and Competitive Electricity Providers

**CHAPTER 324: Small Generator Interconnection Procedures**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 3474, and 3482; P.L. 2023 ch. 307

PURPOSE: To continue improvements and refinements

ANTICIPATED SCHEDULE: Fall 2023



AFFECTED PARTIES: Small Generator Developers and Transmission and Distribution Utilities

**CHAPTER 330:** Filing Requirements for Petitions for Certificates of Public Convenience and Necessity and Standards for Granting Certificates  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 101, 104, 107, 111, 112, 3131 and 3132  
PURPOSE: To update the rule  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: Transmission and Distribution Utilities and their customers

**CHAPTER 420:** Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 111, 4508, 4515, 4516-A, and 4705-A  
PURPOSE: To update the rule  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: Natural Gas Utilities and Liquefied Natural Gas Facility Operators and their customers

**CHAPTER 430:** Cost of Gas Adjustment for Gas Utilities  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 4703, and 4706  
PURPOSE: To consider amendments to update the rule  
ANTICIPATED SCHEDULE: Winter 2023  
AFFECTED PARTIES: Natural Gas and Liquefied Natural Gas Facility Operators

**CHAPTER 440:** Gas Utility Meter Performance, Accuracy, Testing, and Related Standards  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111  
PURPOSE: To update the rule  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: Natural Gas Utilities and their customers

**CHAPTER 510:** Authorization and Operation of Ferries in Casco Bay  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 5101, 5101-A-5101-F, and 5102-5017  
PURPOSE: To update the rule  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: Ferry operators and their customers

**CHAPTER 520:** Tour, Charter and Water Taxi Services, and Unscheduled Freight Services in Casco Bay  
STATUTORY AUTHORITY: 35-A M.R.S. §§ 5101-D, 5101-E  
PURPOSE: To update the rule  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: Tour, charter and water taxi services and their customers

**CHAPTER 560:** Publication and Posting Requirements for Rate Changes Filed by the Casco Bay Island Transit District  
STATUTORY AUTHORITY: 35-A M.R.S. § 5101  
PURPOSE: To update the rule  
ANTICIPATED SCHEDULE: Spring 2024  
AFFECTED PARTIES: The Casco Bay Island Transit District and its customers

**CHAPTER 610: Uniform System of Accounts for Water Utilities**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 101, 103, 104, 107, 111, 112, 501, 502, 504, 505; 5 M.R.S. § 8051

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Water Utilities

**CHAPTER 63: Major Construction Projects of Water Utilities**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, and 6102

PURPOSE: To update rule

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Water Utilities

**CHAPTER 65: Water Main Extension and Service Line Rule**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111

PURPOSE: To update rule

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Water Utilities

**CHAPTER 660: Consumer Protection Standards For Water Utilities**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 704, 716, and 1308

PURPOSE: To update rule

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Water utilities

**CHAPTER 675: Infrastructure Surcharge and Capital Reserve Accounts**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 6105, 6107-A

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: Water Utilities and their customers

**CHAPTER 68: Water Utilities Depreciation Rates**

STATUTORY AUTHORITY: 35-A M.R.S. § 111

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Water Utilities and their customers

**CHAPTER 691: Sale of Water Resource Land**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 101-104, 111, 112, 1301, 6109, and 6301

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: Water utilities and their customers

**CHAPTER 710: Auditing Requirements for All Public Utilities**

STATUTORY AUTHORITY: 35-A M.R.S. §§ 101, 103, 104, 107, 111, 112, 501, 502, 504, and 505

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: All public utilities

**CHAPTER 85:** Regulatory Proceeding Expenses

STATUTORY AUTHORITY: 35-A M.R.S. § 111

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Fall 202

AFFECTED PARTIES: Public Utilities

**CHAPTER 815:** Consumer Protection Standards For Electric and Gas Transmission and Distribution Utilities

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, and 717

PURPOSE: To conform rule to recently enacted legislation and other updates

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Transmission and distribution utilities and gas utilities

**CHAPTER 820:** Utility Requirements for Non-Core Activities and Transactions Between Affiliates

STATUTORY AUTHORITY: 35-A M.R.S. §§ 503, 707, 708, 713, 714, and 715

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Summer 2024

AFFECTED PARTIES: All utilities, their affiliates, and their customers

**CHAPTER 83:** Political Activities, Institutional Advertising, Promotional Advertising, and Promotional Allowance by Public Utilities

STATUTORY AUTHORITY: 35-A M.R.S. §§ 111, 302-A

PURPOSE: To update the rule and conform to recent legislative enactments

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Public Utilities and their customers

**CHAPTER 840:** Intervenor Funding

STATUTORY AUTHORITY: 35-A M.R.S. § 101, 111, 705, 1310, 3101, P.L. 2021, Ch. 376

PURPOSE: To conform to recently enacted legislation

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: All utilities and their customers

**CHAPTER 870:** Late Payment Charges, Interest To Be Paid On Customer Deposits, and Charges For Returned Checks

STATUTORY AUTHORITY: 35-A M.R.S. §§ 104, 111, 301, 304, 705(3)

PURPOSE: To update rule

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Public utilities and their customers

**CHAPTER 880:** Attachments to Joint-Use Utility Poles; Determination and Allocation of Costs; Procedure

STATUTORY AUTHORITY: 35-A M.R.S. §§ 111, 301, 711, 7903, 8302; PL 2019 c. 128

PURPOSE: To implement centralized pole database

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Telecommunications providers and Electric Transmission and Distribution Utilities

AGENCY UMBRELLA-UNIT NUMBER: **65-625**

AGENCY NAME: Maine Public Utilities Commission, **Emergency Services  
Communication Bureau**

**CONTACT PERSON:** Elizabeth J. Wyman, General Counsel, 18 State House Station,  
Augusta, ME 04333. Telephone: (207) 287-1321. E-mail: [liz.wyman@maine.gov](mailto:liz.wyman@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2022-2023 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Standards for Establishing a Statewide Enhanced 9-1-1 System

STATUTORY AUTHORITY: 25 M.R.S. § 2926(3); 35-A M.R.S. §§ 103(2)(D), 111

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Public Safety and Emergency Services providers and  
communications providers

**CHAPTER 2:** Requirements for the Enhanced 9-1-1 System Service Provider and Local  
Exchange Carriers

STATUTORY AUTHORITY: 25 A M.R.S. §§ 2926, 2927 2933, 35-A M.R.S. §§ 103(2)(D)

PURPOSE: To update the rule

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: 9-1-1 System Service Providers and Telecommunications Local  
Exchange Carriers

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**ENERGY PROGRAMS:** Formerly 19-530 Department of Economic and Community  
Development, Energy Conservation Division

**CONTACT PERSON:** Elizabeth J. Wyman, General Counsel, 18 State House Station,  
Augusta, ME 04333. Telephone: (207) 287-1321. E-mail: [liz.wyman@maine.gov](mailto:liz.wyman@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2022-2023 RULE-MAKING ACTIVITY:**

**CHAPTER 400:** Energy Efficiency Standards for Subsidized Multi-Family Residences

STATUTORY AUTHORITY: Moved to 65-407, PUBLIC UTILITIES COMMISSION:

July 1, 2003 - PL 2003 ch.20

PURPOSE: Consider updates to rule

ANTICIPATED SCHEDULE: Spring 2024

AFFECTED PARTIES: Subsidized Housing Developers

**REGULATORY AGENDA**

AGENCY UMBRELLA-UNIT NUMBER: **90-351**

AGENCY NAME: **Workers' Compensation Board**

CONTACT INFORMATION FOR THE AGENCY **RULE-MAKING LIAISON**: Richard N.

Hewes, General Counsel, 27 State House Station, Augusta, Maine 04333-0027

Telephone: (207) 287-7107; [Richard.hewes@maine.gov](mailto:Richard.hewes@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update procedures regarding Board forms impacted by electronic filing of information.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Clarify coverage notification requirements.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Clarify notification requirements.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 1: Payment of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

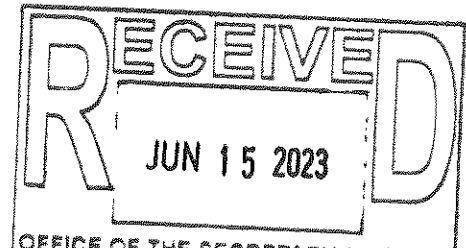
**CHAPTER 2: Section 213 Compensation for Partial Incapacity**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(2)

PURPOSE: To clarify the procedures for collecting permanent impairment data.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys



**CHAPTER 2: Section 213 Compensation for Partial Incapacity**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(1)

PURPOSE: To clarify the procedures regarding extensions of benefits due to extreme financial hardship.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 2: Section 213 Compensation for Partial Incapacity**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(1)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: To require electronic filing of payment and related information.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: To amend procedures for electronic filing of coverage information.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: To clarify filing procedures/requirements.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 3: Form Filing**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To clarify/update eligibility requirements.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To clarify/update procedural issues.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To update fees and expenses and procedures.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 4: Independent Medical Examiner**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To update the medical fee schedule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To update facility fee section.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To clarify procedures.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Medical Fee Schedule**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 5: Release of Healthcare Information**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §208

PURPOSE: Review rules to ensure they are up to date; eliminate unnecessary provisions; revise Workers' Compensation Board forms that authorize release of healthcare information; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 6: Rehabilitation**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §217

PURPOSE: To update/clarify procedures related to rehabilitation.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 6: Rehabilitation**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §217

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §210

PURPOSE: Update utilization review procedures and guidelines.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(8)

PURPOSE: Establish a schedule for determining permanent impairment.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys



**CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(8)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 8: Procedures for Payment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update to conform with electronic filing requirements.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 8: Procedures for Payment**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 9: Procedure for Coordination of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update to conform to electronic filing requirements.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 9: Procedure for Coordination of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A); §221(4)

PURPOSE: Clarify procedures for coordinating benefits.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 9: Procedure for Coordination of Benefits**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A); §221(4)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 10: Attorney's Fees**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §325(3)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.  
ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 11: Mediation**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(6)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.  
ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 12: Formal Hearings**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Clarify procedures, including time for filing petitions.  
ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 12: Formal Hearings**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; and improve operation of the rule.  
ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 13: Appellate Division**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Amend procedures for Appellate Division.  
ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 13: Appellate Division**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.  
ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 14: Review By Full Board**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §320

PURPOSE: Update procedure for Board review of hearing officer decisions.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 14: Review By Full Board**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §320

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 15: Penalties**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Update process/procedure regarding penalties.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 15: Penalties**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 16: Confidentiality of Files**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 17: Expenses and Fees**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312, §315

PURPOSE: Update expenses.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 17: Expenses and Fees**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312, §315

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 18: Examination By Impartial Physician(s) Pursuant to 39-A M.R.S.A. Sec. 611**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312,

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 19: Worker Advocates**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)

PURPOSE: Worker Advocate case management authority.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER 19: Worker Advocates**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; and add provisions that will improve this rule and the operation the Board.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

**CHAPTER ? : Predeterminations**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §105, §105-A, §324(3)

PURPOSE: Establish procedures regarding independent contractors, misclassification of employees.

ANTICIPATED SCHEDULE: Fall 2023

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

June 14, 2023  
Date

Richard N. Hewes  
Richard N. Hewes  
General Counsel  
Workers' Compensation Board

**90-590**  
**MAINE HEALTH DATA ORGANIZATION**  
**2023 - 2024 Regulatory Agenda**

**AGENCY UMBRELLA UNIT NUMBER:** 90-590

**AGENCY NAME:** Maine Health Data Organization (MHDO)

**CONTACT INFORMATION FOR THE AGENCY:** Debra J. Dodge, 102 State House Station, Augusta, ME 04333-0102. Tel: (207) 287-6724, E-mail: [debra.j.dodge@maine.gov](mailto:debra.j.dodge@maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 100: ENFORCEMENT PROCEDURES (Major Substantive)**

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§4 and §8705, sub-§1 and 2, and PL 2019, c470.

PURPOSE: This rule change is necessary to enforce the new reporting requirements in Public Law 2023 Ch. 276 (LD 1395, An Act to Increase Transparency Regarding Certain Drug Pricing Programs).

SCHEDULE FOR ADOPTION: Prior to October 2024

AFFECTED PARTIES: All non-profit hospital and medical service organizations, ambulatory services and surgery facilities, health insurance carriers, pharmaceutical manufacturers, wholesale distributors and pharmacy benefit managers as defined in the rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 241: UNIFORM REPORTING SYSTEM FOR HOSPITAL INPATIENT DATA SETS AND HOSPITAL OUTPATIENT DATA SETS (Routine Technical)**

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§1 and 4 and §8708

PURPOSE: This rule may be amended to add, remove and/or clarify data elements.

SCHEDULE FOR ADOPTION: Prior to October 2024

AFFECTED PARTIES: Maine hospitals as defined in the rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 243: UNIFORM REPORTING SYSTEM FOR HEALTH CARE CLAIMS DATA SETS (Routine Technical)**

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§1 and 4, and §8708

PURPOSE: This rule change will add new fields to collect de-identified substance use disorder (SUD) data, prescription drug rebate data, and additional dental claims information. It modifies fields in the medical claims file to better account for the payment arrangement type at the claim level. It also removes obsolete requirements, definitions, and sources.

SCHEDULE FOR ADOPTION: Prior to Spring 2024

AFFECTED PARTIES: Maine licensed health insurance carriers as defined in the rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 247: UNIFORM REPORTING SYSTEM FOR NON-CLAIMS BASED PRIMARY CARE PAYMENTS (Routine Technical)**

STATUTORY BASIS: 22 M.R.S. §8704 (1-A)(1-5)

PURPOSE: This rule change will add new data fields and updates others to ensure collection of aggregated dollar amounts paid in relation to substance use disorder (SUD) and non-claims-based prescription drug rebate data.

SCHEDULE FOR ADOPTION: Prior to Spring 2024

AFFECTED PARTIES: Maine licensed health insurance carriers as defined in the rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 270: UNIFORM REPORTING SYSTEM FOR HEALTH CARE QUALITY DATA SETS (Major Substantive)**

STATUTORY BASIS: 22 M.R.S.A., §8704, sub-§4 and §8708-A

PURPOSE: This rule will be amended to add health care quality data collected by the MHDO that are relevant due to emerging health care infections and/or other health care quality measures.

SCHEDULE FOR ADOPTION: Prior to October 2024

AFFECTED PARTIES: Maine Hospitals and Nursing Homes as defined in the rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 300: UNIFORM REPORTING SYSTEM FOR HOSPITAL FINANCIAL DATA (Routine Technical)**

STATUTORY BASIS: 22 M.R.S.A. §8704, sub-§4 and §8709

PURPOSE: This rule may be amended to clarify language and reporting requirements.

SCHEDULE FOR ADOPTION: Prior to October 2024

AFFECTED PARTIES: All Maine hospitals and their parent entities.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

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**94-089**  
**Maine Historic Preservation Commission**  
Maine Administrative Procedure Act  
2023-2024 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **94-089**  
AGENCY NAME: **Maine Historic Preservation Commission**

**CONTACT PERSON:**

Kirk F. Mohney, Director  
65 State House Station  
Augusta, ME 04333-0065  
tel: (207) 287-3811  
E-mail: [Kirk.Mohney@Maine.gov](mailto:Kirk.Mohney@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 811:** Historic Buildings Restoration Grants

STATUTORY AUTHORITY: 5 M.R.S.A §1931, 27-A M.R.S.A. §§504, 505, P. and Sp. L. 1985, c. 73.

PURPOSE: The Maine Historic Preservation Commission plans to review and amend as necessary the existing Rules that went into effect in 1986.

SCHEDULE FOR ADOPTION: Promulgation of amended rules in 2024.

AFFECTED PARTIES: Governmental and non-profit owners of properties listed in the National Register of Historic Places in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: The Commission does not plan to use a Consensus-Based Rule Development process for this review and update.

**CHAPTER 810:** Maine Historic Restoration Standards

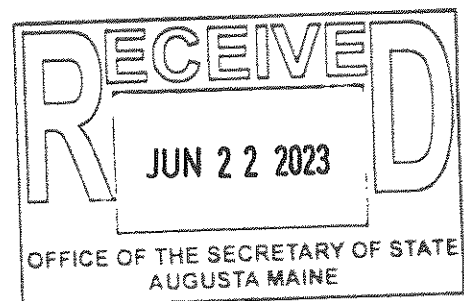
STATUTORY AUTHORITY: 27 M.R.S.A. §504.

PURPOSE: The Maine Historic Preservation Commission plans to review and amend or repeal as necessary the existing standards that went into effect in 1986.

SCHEDULE FOR ADOPTION: Promulgation of amended standards in 2024.

AFFECTED PARTIES: Owners of historic buildings and structures, and local historical commissions involved in the preservation, restoration, reconstruction, and rehabilitation of historic properties.

CONSENSUS-BASED RULE DEVELOPMENT: The Commission does not plan to use a Consensus-Based Rule Development process.



**Kim Wallace Adaptive Equipment Loan Program Rule**  
Regulatory Agenda 2023- 2024  
October 1, 2023 to September 30, 2024

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**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](mailto:Isaac.H.Gingras@Maine.gov) .

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AGENCY UMBRELLA-UNIT NUMBER: **94-178**

AGENCY NAME: **Kim Wallace Adaptive Equipment Loan Program Rule**

**CONTACT PERSON:** 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](mailto:Isaac.H.Gingras@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2022-2023 RULE-MAKING ACTIVITY:**

**CHAPTER 501: Kim Wallace Adaptive Equipment Loan Program Fund Board Rule.**

STATUTORY AUTHORITY: 10 M.R.S.A. §374(4), et seq.; 5 M.R.S.A. §8051, 5 M.R.S.A. §9001.

PURPOSE: To amend as needed to efficiently administer Program or to accommodate legislative changes.

SCHEDULE FOR ADOPTION: by September 30, 2024

AFFECTED PARTIES: Individuals enabled to lead more independent lives as a result of equipment purchased with loan proceeds; businesses able to comply with the Americans Disability Act and the Maine Human Rights Act as a result of use of loan process.

CONSENSUS-BASED RULE DEVELOPMENT: The Board does not intend to employ consensus-based rule development.

**CHAPTER 502: Bylaws and Administration of the Adaptive Equipment Loan Program Fund Board.**

STATUTORY AUTHORITY: 10 M.R.S.A. § 374(4), et seq.; 5 M.R.S.A. §8051, 5 M.R.S.A. §9001.

PURPOSE: To amend bylaws; administrative procedures, and the appeals process as necessary for the efficient administration of the Board and the Program.

SCHEDULE FOR ADOPTION: by September 30, 2024

AFFECTED PARTIES: Any applicant seeking to appeal a decision of the Board. Board members who are provided guidance in the operation of the Board.

CONSENSUS-BASED RULE DEVELOPMENT: The Board does not intend to employ consensus-based rule development.



**CHAPTER 503: Underwriting Guidelines**

STATUTORY AUTHORITY: 10 M.R.S.A. §§ 374 (4) and 375 (3)

PURPOSE: This rule sets forth underwriting guidelines utilized by the Adaptive Equipment Loan Program Fund Board for loans to individuals with disabilities and to qualified businesses.

ANTICIPATED SCHEDULE: By September 30, 2024.

AFFECTED PARTIES: Individuals with disabilities and qualified businesses who apply for loans for the purchase of adaptive equipment and assistive technology to improve the ability of individuals with disabilities to live more independently.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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**94-270**  
**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**  
Maine Administrative Procedure Act  
2023-2024 Regulatory Agenda  
August 16, 2023

**AGENCY UMBRELLA-UNIT NUMBER:** 94-270

**AGENCY NAME:** Commission on Governmental Ethics and Election Practices

**CONTACT PERSON:** Jonathan Wayne, Executive Director, 135 State House Station, Augusta, ME 04333. Telephone: (207) 287-4179. E-mail: [Jonathan.Wayne@maine.gov](mailto:Jonathan.Wayne@maine.gov).

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: Procedures**

**STATUTORY BASIS:** 1 M.R.S.A. § 1003(1); 1 M.R.S.A. § 1016-G(4); 5 M.R.S.A. § 19(5); 21-A M.R.S.A. § 1017(6); 21-A M.R.S.A. § 1019-B.

**PURPOSE:** The Commission will consider amendments to set procedures for selecting meeting dates and quorum requirements that conform to current agency practice; establish procedures for political committees to report revenue from a game night, as directed by P.L. 2023, Chapter 391; remove authorization to file independent expenditure reports by fax to be consistent with P.L. 2023, Chapter 324; amend procedures for determining whether an independent expenditure report is required under 21-A M.R.S.A. § 1019-B(1)(B) to reflect statute changes in P.L. 2023, Chapter 324; and establish simplified registration, reporting, financial management, and recordkeeping procedures for certain political action committees and ballot question committees;

**ANTICIPATED SCHEDULE:** Fall-Winter 2023

**AFFECTED PARTIES:** Candidates, legislators and other elected officials, ballot question committees, party committees, political action committees, and others filing independent expenditure reports.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A

**CHAPTER 3: Maine Clean Election Act and Related Provisions**

**STATUTORY AUTHORITY:** 1 M.R.S. § 1003; 21-A M.R.S. § 1126

**PURPOSE:** The Commission will consider amendments to establish qualifying periods for replacement candidates during which they may qualify for Maine Clean Election Act funds, consistent with P.L. 2023, Chapter 211.

**EXPECTED SCHEDULE FOR ADOPTION:** Fall-Winter 2023.

**AFFECTED PARTIES:** Candidates for the office of Governor, State Senator, or State Representative, and the general public.

**CONSENSUS-BASED RULE DEVELOPMENT:** N/A



## 2023-2024 REGULATORY AGENDA

July 12, 2023

**AGENCY UMBRELLA-UNIT NUMBER: 94-348**

**AGENCY NAME: Maine Human Rights Commission**

**RULE-MAKING LIAISON:**

Barbara Archer Hirsch, Commission Counsel, 51 State House Station, Augusta, ME 04333-0051; 207-624-6290.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

CHAPTER 4: Equal Educational Opportunity

PURPOSE: Update rule to address protected classes other than sex; update to conform with changes to the MHRA's education provisions.

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Public and private schools, school administrative units, school employees, students, parents, and other individuals.

CONSENSUS-BASED RULE DEVELOPMENT: No

CHAPTER 4-A: Procedural Rule: Equal Educational Opportunity

PURPOSE: Update rule to conform with 2022 changes to Rule 2 (the Commission's general procedural rule) and the Commission's most current practices.

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Public and private schools, school administrative units, school employees, students, parents, and other individuals.

CONSENSUS-BASED RULE DEVELOPMENT: No

**2023-2024 REGULATORY AGENDA**

**Filing Deadline: July 8, 2023**

AGENCY UMBRELLA-UNIT NUMBER: **94-411**

AGENCY NAME: **Maine Public Employees Retirement System**

CONTACT INFORMATION FOR THE AGENCY: **Kathy J. Morin, Director, Actuarial and Legislative Affairs**, P.O. Box 349, Augusta, ME 04332-0349, 207-512-3108, Kathy.Morin@mainepers.org.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 101: Earnable Compensation and Calculation of Average Final Compensation**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17001(13)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 102: Qualification as a Full-time Student**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Beneficiaries of participants in the programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 103: Qualified Domestic Relations Orders**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Divorcing members/retirees and their spouses and dependent children who are participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 104: Limitations on Earnable Compensation for Purposes of Calculating Average Final Compensation of State Employee and Teacher Members**

STATUTORY BASIS: 5 M.R.S. §§ 17001(4), 17001(13), 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: State employee and teacher members of the Maine Public Employees Retirement System retirement program for state employees and teachers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 201: Reporting by Participating Local Districts and Public Schools**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: School administrative units and participating local districts in the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 204: Waiver of Member Payment Requirement Where Caused by Employer Error or Omission**

STATUTORY BASIS: 5 M.R.S. § 17103(6)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 301: Interest Calculations**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 302: Retirement Incentives**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 303: Actuarial Factors Tables**

STATUTORY BASIS: 3 M.R.S. § 701(2), 4 M.R.S. § 1201(2), 5 M.R.S. §§ 17001(2), 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 401: Membership and Creditable Service - State Employees and Participating District Employees**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: State employees and participating local district participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 404: Membership and Creditable Service - Public School Teachers**

STATUTORY BASIS: 5 M.R.S. §§ 17001(42), 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate; amend title to explicitly include other public school employees eligible for membership in the teacher plan

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Teacher members of the Maine Public Employees Retirement System retirement program for state employees and teachers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 406: Payment or Repayment of Contributions, Back Time, Refunds or Purchase of Service Credits**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17701(4), 17704, 17704-A, 17763, 18301(4), 18362

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 410: Retirees Returning to Employment after Retirement with the Same Employer**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17859

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 411: Eligible Rollover Distributions**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 412: Limitations on Compensation**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 413: Limitations on Contributions and Benefits**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 414: Required Minimum Distributions**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17604(9), 18205(9)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 415: Contributions, Benefits and Service Credit with Respect to Qualified Military Service**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 505: Request for Suspension of Retirement Benefits**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 506: Eligibility for Disability Retirement Benefits**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 510: Reduction of Disability Retirement Benefits because of Lump-Sum Settlements of Benefits Payable under the Workers' Compensation or Similar Law or the United States Social Security Act**

STATUTORY BASIS: 3 M.R.S. § 853; 4 M.R.S. § 1353(6); 5 M.R.S. §§ 17906(2); 17930(4); 18506(2); 18530(4); 1122(5-A), 1122(6)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants receiving disability benefits from the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 511: Standards for Actively Seeking Work**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 512: Independent Medical Examinations**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17106-B(2)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System



CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 601: Group Life Insurance**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 18503, 18653

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the Group Life Insurance Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 602: Procedures for Contract Awards**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Persons seeking to contract with the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 702: Appeals of Decisions of the Executive Director**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Persons appealing decisions of the Executive Director of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 802: Participating Local Districts: Membership of Part-time, Seasonal or Temporary Employees**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 803: Participating Local District Consolidated Retirement Plan**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 804: Rebuttable Presumption for Death Benefits**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participating Local Districts and Participating Local District employees who participate in the Participating Local District Retirement Program of the Maine Public Employees Retirement System and their surviving spouses and children.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 901: Adjustment to Retirement Benefits for Confidential State Employees**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal or replace if necessary

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Deferred Compensation/Defined Contribution Plans**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: New rule; to establish requirements and procedures for implementing defined contribution plans

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Reduction of Accidental Death Benefits because of Lump-sum Settlements of benefits payable under the Workers' Compensation Act or Similar Law**

STATUTORY BASIS: 3 M.R.S. §856, 4 M.R.S. §1356, 5 M.R.S. §§ 18005(2), 18506(2)

PURPOSE: New rule; to provide basis for proration of lump-sum Workers' Compensation and similar payments

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Disability Retirement Earnings Limitations and Benefit Offsets**

STATUTORY BASIS: § 17103(4)

PURPOSE: New rule; to establish interpretation/application of statutes; standards; procedures

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Compliance with Payroll and Reporting Requirements**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17105(5)(B)

PURPOSE: New rule; to establish a schedule of penalties and interest to ensure compliance with payroll reporting/payment, recordkeeping responsibilities, and related compliance procedures

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Payroll Reporting**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17601, 17701, 18301, 18303

PURPOSE: New rule; to establish requirements of the System's recordkeeping processes, some of which may change as processes are automated.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants and employers of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Death Benefits**

STATUTORY BASIS: 5 M.R.S. §§ 17103((4), 17951-17953, 18001-18006, 18551-18557, 18601-18606

PURPOSE: New rule; to establish procedural and other requirements

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Designated beneficiaries, surviving spouses, children, parents and estates of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Refunds of Accumulated Contributions**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17705-A, 17706-A, 18306-A, 18307-A

PURPOSE: New rule; to establish procedural and other requirements

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants and designated beneficiaries, surviving spouses, children, parents and estates of participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE: Auditing of Employer Records**

STATUTORY BASIS: 5 M.R.S. §§ 17054-A, 17103(4), 17105(5)

PURPOSE: New rule; to establish guidelines for the auditing of employer records to ensure compliance with applicable laws

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**OTHER RULEMAKING ACTIONS: Automated Processing**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend current rules and adopt new rules as necessary to convert to increased use of automated processing to enhance timeliness and accuracy of the functions performed in the programs of the Maine Public Employees Retirement System.

SCHEDULE FOR ADOPTION: 2023-2024

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**95-648**  
**EFFICIENCY MAINE TRUST**  
2023-2024 Regulatory Agenda  
July 7, 2023

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AGENCY UMBRELLA-UNIT NUMBER: **95-648**  
AGENCY NAME: **Efficiency Maine Trust**

**RULEMAKING LIAISON:** Nat Haslett, 168 Capitol Street, Suite 1, Augusta, ME 04330. 207-213-4150. [nat.haslett@efficiencymaine.com](mailto:nat.haslett@efficiencymaine.com)

**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:** None

**EXPECTED 2023 – 2024 RULEMAKING ACTIVITY:**

**CHAPTER 1, Contracting Process for Service Providers and Grant Recipients**

STATUTORY BASIS: 35-A MRSA §10105(4), 10105(5), 10109, 10110(3), 10111(3), 10119(3), 10124, 10125, 10126, 10127, 10154, 10155, 10159.

PURPOSE: To amend the rule to accommodate a broader range of agreement types resulting from the Efficiency Maine Trust's competitive solicitations.

SCHEDULE FOR ADOPTION: Winter 2024

AFFECTED PARTIES: Service providers and consumers participating in Efficiency Maine Trust programs.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 2, Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements**

STATUTORY BASIS: 35-A MRSA §10105(5), §10109.

PURPOSE: To update the rule to reflect the Efficiency Maine Trust's administration of the Regional Greenhouse Gas Initiative (RGGI) Trust Fund, eliminating legacy language from when the RGGI Trust Fund was managed by the Energy and Carbon Savings Trust.

SCHEDULE FOR ADOPTION: Winter 2024

AFFECTED PARTIES: Industrial energy consumers, Governor's Energy Office, Office of the Public Advocate, environmental advocates.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 3, Electric Efficiency and Conservation Programs**

STATUTORY BASIS: 35-A MRSA §10105(5), §10110(13).

PURPOSE: To update the rule to reflect the Efficiency Maine Trust's administration of the Energy Efficiency and Conservation Programs, updating the cost-effectiveness test as necessary to reflect recent changes in statute.

SCHEDULE FOR ADOPTION: Winter 2024

AFFECTED PARTIES: Consumers and vendors of energy equipment and services.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5, Commercial Property Assessed Clean Energy (C-PACE) Program Regulations**

STATUTORY BASIS: 35-A MRSA §10203(5)

PURPOSE: To update the rule to reflect the Efficiency Maine Trust's administration of the Commercial Property Assessed Clean Energy (Commercial PACE) program.

SCHEDULE FOR ADOPTION: Winter 2024

AFFECTED PARTIES: Commercial consumers participating in Efficiency Maine Trust programs, municipalities, banking institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6, Administration of the Electric Vehicle Fund**

STATUTORY BASIS: 35-A MRSA §10105(5), §10126(5)

PURPOSE: To establish a rule to implement the Efficiency Maine Trust's electric vehicle rebate program.

SCHEDULE FOR ADOPTION: Winter 2024

AFFECTED PARTIES: Electric vehicle advocates, auto dealers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 103, Renewable Resources Fund Regulations: Selection Criteria for Demonstration Projects, Cost-Effectiveness Requirements for Renewable Energy Rebates and Quality Assurance System**

STATUTORY BASIS: 35-A MRSA §10121

PURPOSE: To repeal the rule to reflect recent changes in statute.

SCHEDULE FOR ADOPTION: Winter 2024

AFFECTED PARTIES: Trust stakeholders and advocates, solar energy advocates and system installers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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**MAINE STATE HOUSING AUTHORITY**

**MAINE ADMINISTRATIVE PROCEDURES ACT  
2023-2024 REGULATORY AGENDA**

*Filing Deadline: July 8, 2023*

AGENCY UMBRELLA-UNIT NUMBER: 99-346

AGENCY NAME: Maine State Housing Authority ("MaineHousing")

CONTACT PERSON: Ashley Janotta, Chief Counsel, 26 Edison Drive, Augusta, Maine  
04330.

Tel: (207) 626-4600.

E-mail: [ajanotta@mainehousing.org](mailto:ajanotta@mainehousing.org)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2023-2024 RULE-MAKING ACTIVITY:**

**CHAPTER 1: Home Mortgage Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)

PURPOSE: This rule sets forth the basic criteria for determining eligible borrowers and the terms governing MaineHousing's purchase and servicing of loans to eligible borrowers generated by participating lenders.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Lenders, servicers, and homebuyers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 5: Energy Cost and Utility Allowance Determinations**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)

PURPOSE: This rule outlines the procedures that MaineHousing utilizes to determine energy costs and utility allowances for tenants of multi-unit housing projects whose rents are subsidized under Section 8 of the U. S. Housing Act of 1937.

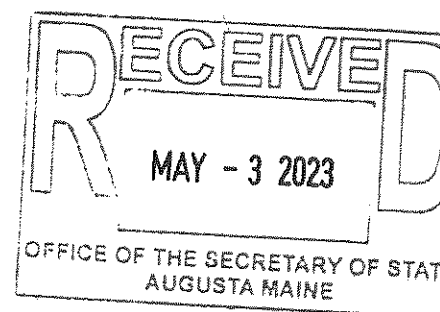
ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Tenants and landlords.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**CHAPTER 7: Indian Housing Mortgage Insurance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), 4936



PURPOSE: The rule sets forth eligibility standards and application, closing, default, and insurance claim procedures.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Indians residing on reservations and lenders.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **CHAPTER 12: Residential Property Municipal Securities Approval Rule**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), 4722(1)(T)

PURPOSE: This rule sets forth standards pursuant to which MaineHousing may issue certificates of approval under the Municipal Securities Approval Program for issuances of revenue obligation securities to provide financing for projects consisting of multi-family or single family residential property.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Developers and municipalities.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **CHAPTER 16: Low Income Housing Tax Credit Rule**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), (14); Internal Revenue Code §42

PURPOSE: This rule establishes the policies and procedures for the allocation of low income housing tax credits.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Developers, contractors, lenders, architects, and accountants.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **CHAPTER 19: Homeless Solutions Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1) and (18)

PURPOSE: This rule sets forth the basic criteria for determining eligible recipients and the terms governing the grants.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Homeless persons and shelter operators.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.



## **CHAPTER 24: Home Energy Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §§4722(1)(W), 4741(1) and (15), 4991 *et seq.*

PURPOSE: The rule establishes the Home Energy Assistance Program (HEAP) for the State of Maine as administered by MaineHousing. The rule also incorporates standards for the Weatherization component of HEAP and the Central Heating Improvement Program (CHIP).

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Community action program agencies, tenants, landlords, homeowners, oil dealers, wood vendors, contractors, and public utility companies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 25: Weatherization Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1) and (15), 4722(1)(W)

PURPOSE: The rule establishes the Weatherization Program for the State of Maine as administered by MaineHousing. The Weatherization Program provides weatherization assistance to low-income households.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Community action program agencies, technical colleges, homeowners, landlords, tenants, and contractors.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 27: Transfers of Ownership Interests**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)

PURPOSE: This rule provides guidelines for the transfer of ownership of certain multi-family and supportive housing developments for which MaineHousing is a mortgagee, and where the current owner and prospective new owner would like MaineHousing's financing to be retained after the ownership transfer.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Developers, nonprofit housing corporations and social service providers, including state agencies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 28: Temporary Housing Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §4762

PURPOSE: This rule sets forth the basic criteria for determining eligible sub-grantees and the terms governing the provision of assistance under the Temporary Housing Assistance Program.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Community action program agencies, homeless shelter operators, social service providers and advocates such as Maine Equal Justice and Pine Tree Legal Assistance.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 29: Multi-family Mortgage Loans**

STATUTORY AUTHORITY: 30-A MRSA §§4832(2), 4741(1) and 4722(1) (L)

PURPOSE: This rule governs MaineHousing's allocation of resources for loan and grant programs for the acquisition, construction, rehabilitation, and preservation of residential rental housing for low income persons and for housing for low income persons with supportive service needs, the publication and distribution of program guides, eligibility standards, loan and grant standards, construction and rehabilitation requirements, management requirements, and potential selection criteria in connection with such programs.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Tenants, landlords, developers, local housing authorities, lenders, contractors, architects, municipal community development offices, homeowners, Department of Health and Human Services, and mental health service providers.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

## **CHAPTER 30: Single Family Home Improvement Loan Programs**

STATUTORY AUTHORITY: 30-A MRSA §§4722(1), 4741(1)

PURPOSE: This rule will govern program design, eligibility standards, mortgage standards, and construction standards for mortgage financing of improvements to single-family homes.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Homeowners, contractors, community action program agencies, housing organizations, lenders, and State and federal agencies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **CHAPTER 31: Affordable Housing Development District – Recovery of Public Revenue**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), 5250-E.2

PURPOSE: This rule provides for the recovery from the municipality of public revenue resulting from beneficial tax shifts resulting from the creation of the affordable housing development district in the event that an affordable housing development district fails to continue satisfying the conditions of its creation.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Municipalities, developers, counties, State

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **CHAPTER 32: State Low Income Home Energy Assistance Program Rule**

STATUTORY AUTHORITY: 30-A MRSA § 4722.1W and § 4741.15

PURPOSE: This rule governs the administration of funds from other than federal resources which MaineHousing may receive to provide fuel assistance to low income households in the State of Maine.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary

AFFECTED PARTIES: Community action program agencies, tenants, homebuyers, oil dealers and public utility companies.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **CHAPTER 33: AccessAble Home Tax Credit Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), 36 MRSA §5219-PP.2

PURPOSE: This rule establishes standards for a State income tax credit for expenses incurred for certain modifications to make a homestead accessible to individuals with a disability or physical hardship.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary

AFFECTED PARTIES: Taxpayers; persons with a disability or physical hardship requiring home accessibility modifications

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

### **CHAPTER 34: Preservation and Relocation Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741.1, §4973, §4976.1 and §4977

PURPOSE: Under the Maine Housing Authorities Act, a landlord who plans to take an action that would result in the termination of financial assistance for tenants in low income housing must give notice to the tenants, to MaineHousing, and to any local housing authority; and give a right of first

refusal to MaineHousing. This rule sets forth the required content of the notices, a mechanism for determining MaineHousing's purchase price, and the terms of relocation assistance to help displaced tenants.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary

AFFECTED PARTIES: Local housing authorities; landlords; tenants.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

### **CHAPTER 35: State Low Income Housing Tax Credit Rule**

STATUTORY AUTHORITY: 30-A M.R.S.A §§4722 and 4741.1 and 36 M.R.S.A. §5219-WW

PURPOSE: This rule establishes the policies and procedures for the allocation of State low income housing tax credits.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Developers, contractors, lenders, architects, and accountants.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **NEW RULE: Rule governing the Lead Hazard Control Program**

STATUTORY AUTHORITY: 30-A MRSA §4741(1)

PURPOSE: This rule will establish policy and guidelines governing MaineHousing's Lead Hazard Control Program.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Community action program agencies, homeowners, tenants, landlords, and contractors

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

### **NEW RULE: Rule governing municipal affordable housing development district tax increment financing program.**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), 5250-B

PURPOSE: This rule will allow MaineHousing to carry out its duties imposed by the law establishing a municipal affordable housing development district tax increment financing program and to ensure municipal compliance following designation of an affordable housing development district.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Municipalities, developers, counties, State

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**NEW RULE: Rule governing the Preservation of Low-Income and Moderate-Income Rental Housing with Federal Assistance**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), 4977

PURPOSE: This rule will govern implementation of statutory authority given MaineHousing in connection with preservation of low-income and moderate-income rental housing.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Owners and managers of low-income or moderate-income rental housing, tenants

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE: Rule governing conversion of low-income rental housing.**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), 4976.1

PURPOSE: This rule will set tenant relocation standards for owners of low-income rental housing taking action that will result in the termination of rental assistance.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Tenants, owners and managers of low-income or moderate-income rental housing.

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No

**NEW RULE: State Surplus Property**

STATUTORY AUTHORITY: 30-A MRSA §§4741(1), 4756

PURPOSE: This rule will govern implementation of the statute allowing MaineHousing to provide surplus state property at below market value to developers who agree to develop affordable housing for low-income and moderate-income households.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Developers, tenants, homebuyers

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE: Loans to Financial Institutions**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), 4803.1

PURPOSE: This rule will govern the making by MaineHousing of loans to financial institutions for mortgage loans for the financing of housing units or housing projects for persons of low-income for the purposes of expanding the supply of residential mortgage funds, improving housing for low-income persons, and improving energy conservation.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Financial institutions, homeowners, tenants, landlords

PLAN TO USE CONSENSUS-BASED RULE DEVELOPMENT: No.

**NEW RULE: Rental Assistance and Voucher Guarantee Program Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), §4994-A

PURPOSE: This rule will require MaineHousing to establish and administer the Maine Rental Assistance and Voucher Guarantee Program. The program will include a rental assistance component to assist individuals with the cost of rent and a rental voucher guarantee component to encourage landlords to work with the program and other rental assistance programs in the State.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Tenants and landlords.

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No

**NEW RULE: Assist Public School Students and Families who Are Homeless Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), §4762

PURPOSE: This rule will give priority for temporary housing assistance to homeless students and their families who are identified and referred to MaineHousing by a local education agency liaison for children and youth experiencing homelessness under the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001.

ANTICIPATED SCHEDULE; Prior to October 2024, as necessary.

AFFECTED PARTIES: Homeless persons

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No

**NEW RULE: Promote Energy-efficient Affordable Housing Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), §4841

PURPOSE: This rule will be used by MaineHousing to fund the construction of energy-efficient affordable housing through the green housing construction project established by legislation.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Developers, contractors, lenders, architects, and accountants.

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No

**NEW RULE: Support Development and Operation of Housing First Projects Rule**

STATUTORY AUTHORITY: 30-A MRSA §4741(1), §4762

PURPOSE: This Rule will be a joint rule by MaineHousing and the Department of Health and Human Services to support the development and operation of Housing First projects serving the chronically homeless. The funding mechanism will primary support the Department of Health and Human Services funded services, but initially will be used for the construction of projects.

ANTICIPATED SCHEDULE: Prior to October 2024, as necessary.

AFFECTED PARTIES: Homeless persons

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No





AGENCY UMBRELLA-UNIT NUMBER: **99-639**

AGENCY NAME: **ConnectME Authority**

**CONTACT PERSON:** Denise Garland, ConnectME Authority, DECD, 59 State House Station, Augusta, ME 04333. Telephone: (207) 624-7496 Email: [denise.garland@maine.gov](mailto:denise.garland@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**POSSIBLE 2023-2024 RULE-MAKING ACTIVITY:**

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**639: ConnectME Authority**

**Chapter 101:** ConnectME Authority

STATUTORY AUTHORITY: 35-A, Chapter 93

PURPOSE: Amend the rules to align with current statute and other technical adjustments.

ANTICIPATED SCHEDULE: When Conditions are Right

AFFECTED PARTIES: Municipalities, unorganized territories, businesses, communities