

NOTICE OF STATE AGENCY RULEMAKING

PUBLIC INPUT FOR RULES A list of state agency rule proposals is published here each Wednesday. You can get a copy of a proposed rule by contacting the person listed in the notice. You can comment on a proposed rule by submitting a written comment to the agency or by attending the public hearing, if one is scheduled. If no hearing is scheduled, you can request one. The agency must hold a hearing if it receives 5 or more requests. If you have a disability and need assistance to participate in a hearing you should tell the agency at least 7 days before the hearing. **ONLINE INFORMATION** Weekly notices, full text of adopted rules, and a list of agency rulemaking contacts are available at this website:

<https://www.maine.gov/sos/cec/rules/index.html>

PROPOSALS

AGENCY: 10-144 Department of Health and Human Services, Maine Center for Disease Control and Prevention

CHAPTER NUMBER AND TITLE: Ch. 258, Control of Notifiable Diseases and Conditions Rule

PROPOSAL TRACKING NUMBER: 2025-P006

TYPE OF RULE: Routine Technical

BRIEF SUMMARY: The Department proposes routine technical rule changes to its rule to control specific notifiable communicable, occupational, and environmental diseases and conditions, as authorized by Maine law (22 MRS chapter 250). Proposed changes include adding COVID-19, Enterococcus resistant diseases, Hard Tick Relapsing Fever, Hepatitis C (acute and chronic), Mpox virus infection, PFAS serum test results and removing Rabies post-exposure prophylaxis from the notifiable diseases list, which will align with US CDC's priorities for state surveillance. In addition, the Department proposes to clarify definitions for "Child Care Facility" and "Commissioner", add a definition of "Occupational Disease", update national standard references, and clarify language in Section 2 around what, when, and how to report notifiable diseases and conditions. The proposed rule improves Maine's ability to prepare for, investigate, and respond to cases, epidemics and occurrences of communicable, environmental, and occupational diseases and declare health emergencies in the event of an actual or threatened epidemic or public health threat.

The Department is proposing to remove the maximum cap that it may fine a laboratory per year, clarifying that each report submitted by a laboratory or reporting facility in a manner inconsistent with this rule is considered a separate civil violation, subject to fine imposition (22 MRS § 804). The Department proposes to incorporate its recent authority to assess a fine of between \$250 and \$1,000 for each violation, in accordance with 22 MRS 804(2) and PL 2021, ch 349, § 8, for each day a person or entity fails to comply with an order to cease and desist, and repeated noncompliance may result in progressive enforcement action. Additionally, the Department propose changes to Section 6 to reflect recent law changes authorizing an

Associate Local Health Officer to assist with the duties of the Local Health Officer during an actual or threatened epidemic or other public health threat. (P.L. 2023 c. 46.) Minor changes to address format are also included.

PUBLIC HEARING (*if any*): Not scheduled. A public hearing may be requested by contacting the person identified below for this filing. (5 MRS § 8053(3)(B).)

COMMENT DEADLINE: Monday, March 10, 2025

CONTACT PERSON FOR THIS FILING: Bridget Danis; 11 State House Station – 286 Water Street, Augusta, ME, 04333-0011; Tel: 287-9394 or 711 (TTY); Fax: 287-2887;

bridget.danis@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §19203; 22 MRS §§ 42(1), 802(3), 821 and 835

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

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

AGENCY (MAINE CDC) RULEMAKING LIAISON: Tera.Pare@maine.gov

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

DHHS RULEMAKING LIAISON: Emily.A.Cathcart@Maine.gov

AGENCY: 10-144 Department of Health and Human Services, Office for Family Independence

CHAPTER NUMBER AND TITLE: Chapter 301, Supplemental Nutrition Assistance Program (SNAP) Rules (Alpha Index, Table of Contents, Sections 1, 111-2, 222-5, 222-6, 444-1, 444-4, 444-8, 555-3, and 999-1; SNAP Rule #227 – Noncitizen Language)

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P007

BRIEF SUMMARY: The purpose of this proposed rule is to clarify program requirements in Sections 1, 111-2, 222-5, 222-6, 444-1, 444-4, 444-8, 555-3 for SNAP applicants and recipients as well as Department staff pertaining to citizenship and noncitizen eligibility consistent with 7 C.F.R. § 273.2(f)(ii). Throughout the proposed rule's open sections and Table of Contents "Noncitizens" replaces "aliens." The rulemaking proposes continued non-substantive changes to improve the readability and inclusivity of the manual. In addition, the proposed rule would remove Code of Federal Register (C.F.R.) citations in the headers of open sections as these citations are unnecessary and are identified within the sections as applicable.

Eligibility for citizens of Compact of Free Association nations would be added consistent with the Consolidated Appropriations Act of 2024.

PUBLIC HEARING (*if any*): Monday, February 24, 2025, at 9:00 a.m., in room Maine A/B at 109 Capitol St Augusta, Maine 04330. The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before Tuesday, February 18, 2025.

COMMENT DEADLINE: Friday, March 7, 2025, at 5:00 p.m. Eastern Time.

Written public comments may be submitted via the link at

<https://www.maine.gov/dhhs/about/rulemaking>

CONTACT PERSON FOR THIS FILING:

Michael Downs, Senior Program Manager - SNAP

Department of Health and Human Services

Office for Family Independence

109 Capitol Street

Augusta, ME 04330-6841

Phone: (207) 592-4850/Fax: (207) 287-3455

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Michael.E.Downs@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42(1), 3104(13), and 3104-A.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: P.L. 118-42 and P.L. 2021, c. 398.

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:

Emily.A.Cathcart@maine.gov

ADOPTIONS

AGENCY: 01-015 Maine Milk Commission, Agriculture, Conservation and Forestry

CHAPTER NUMBER AND TITLE: Chapter 3-Schedule of Minimum Prices Order#02-25

ADOPTION TRACKING NUMBER: 2025-019

CONCISE SUMMARY:

Minimum **February 2025** Class I price is **\$24.52/cwt.** plus **\$1.63/cwt.** for Producer Margins, an over-order premium of **\$1.04/cwt** as being prevailing in Southern New England and **\$0.47/cwt.** handling fee for a total of **\$27.86/cwt.** that includes a **\$0.20/cwt** Federal promotion fee.

EFFECTIVE DATE: Sunday, February 2, 2025

AGENCY CONTACT PERSON: Julie-Marie R. Bickford

AGENCY NAME: Maine Milk Commission, DACF

ADDRESS: 28 SHS, Augusta, ME 04333

TELEPHONE: 207-287-7521

AGENCY: 02-382 Department of Professional and Financial Regulation, Affiliated Board, Maine Board of Optometry

CHAPTER NUMBER AND TITLE:

Chapter 1, Initial Licensure and Renewal, License by Endorsements, Fees and Continuing Education

Chapter 2, Advisory Rulings

Chapter 3, Enforcement, Disciplinary Procedures, and Appeals

Chapter 4, Telehealth Standards, use and Limitations

Chapter 5, Code of Ethics

ADOPTION TRACKING NUMBERS: 2025-020 (Ch. 1), 2025-021 (Ch. 2), 2025-022 (Ch. 3), 2025-023 (Ch. 4), 2025-024 (Ch. 5)

CONCISE SUMMARY:

The Board is undergoing a repeal and replace of the rules of all existing chapters including application for examination, license endorsement approved schools, license renewal requirements, fees, continuing education, telehealth Standards, use, and Limitations, and ethics. Such broad rulemaking is required because the Governor signed a full repeal and replace of the laws as enacted by the 131st legislative sessions and the new law needs clarifying rules. Rulemaking authority is conferred by 32 M.R.S.A. § 19204

EFFECTIVE DATE: Sunday, February 2, 2025

AGENCY CONTACT PERSON: Tina Carpentier

AGENCY NAME: Department of Professional and Financial Regulation, Affiliated Board, Maine Board of Optometry

ADDRESS: 113 State House Station, Augusta, ME 04333

TELEPHONE: 207-624-8691

AGENCY: 10-144 Department of Health and Human Services, Office for Family Independence

CHAPTER NUMBER AND TITLE: Chapter 332, MaineCare Eligibility Manual (Part 2 MaineCare Rule 310A - Part 2, Section 9 Update)

ADOPTION TRACKING NUMBER: 2025-025

CONCISE SUMMARY:

The adopted rule updates Part 2, Section 9: INDIVIDUALS RESIDING IN PUBLIC INSTITUTIONS. The adopted rule updates Section 9 (I) to “Inmates of state prisons, Long Creek Youth Development Center, and local or county jails are eligible for Medicaid coverage, as set forth in 10-144 C.M.R. Ch. 101, Ch. I, Section 1 (1.04-B) if they meet the financial and non-financial criteria applicable to non-inmates.” The adopted rule change is consistent with legislative changes to 22 M.R.S. §3174-CC made by P.L. 2023, Ch. 458, *An Act to Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program for Incarcerated Persons*.

See <https://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

EFFECTIVE DATE: Tuesday, February 4, 2025

AGENCY CONTACT PERSON:

Adam Hooper, MaineCare Program Manager
Office for Family Independence
Department of Health & Human Services
109 Capitol Street
Augusta, ME 04333
Phone: (207)441-4916/ Fax: (207)287-3455
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Adam.Hooper@maine.gov

AGENCY: 10-146 Department of Health and Human Services, Maine Center for Disease Control and Prevention

CHAPTER NUMBER AND TITLE: Ch. 1, Transportation, Storage and Final Disposition of Dead Bodies

ADOPTION TRACKING NUMBER: 2025-026

CONCISE SUMMARY:

Maine's Department of Health and Human Services is adopting this rule on an emergency basis to comply with Public Law 2023, chapter 677, which requires the collection of an additional \$5.00 fee for burial-transit permits issued for the transportation, temporary storage, disinterment, or final disposition of a dead human body. This rule change is effective immediately upon filing and concurrent with the emergency adoption of 10-146 CMR Chapter 7, a related rule, to ensure that the legislatively mandated burial-transit permit fee is reflected in rules containing charges for the permit, providing for the law's appropriation of funds to support Maine's Cemetery Preservation Commission. Additionally, this rulemaking replaces the outdated reference to a repealed statute (30 MRS § 2352) with the correctly referenced statute, 30-A MRS § 2652.

EFFECTIVE DATE: Friday, January 31, 2025

AGENCY CONTACT PERSON:

NAME: Bridget Danis, Policy Analyst
ADDRESS: 11 State House Station
Augusta, Maine 04330
TELEPHONE: (207) 287-9394
E-MAIL ADDRESS: bridget.danis@maine.gov

AGENCY: 10-146 Department of Health and Human Services, Maine Center for Disease Control and Prevention

CHAPTER NUMBER AND TITLE: 10-146 CMR Chapter 7, Vital Records Fees

ADOPTION TRACKING NUMBER: 2025-027

CONCISE SUMMARY:

Maine's Department of Health and Human Services Maine Center for Disease Control and Prevention is adopting this rule on an emergency basis to assess an additional \$5.00 for burial-transit permits issued under this rule, ensuring that the legislatively mandated burial-transit permit fee increase is accurately reflected in the Department's rule that contains vital records fees. This emergency adoption will update the charges for the permit required for the transportation, temporary storage, disinterment, or final disposition of a dead human body and enable the Department to specify in the rule that the additional \$5.00 fee charged will be deposited into the Cemetery Preservation Fund, in accordance with 13 MRS § 1374, which governs the Maine State Preservation Commission. This emergency rule change becomes effective immediately upon filing with the Secretary of State and is concurrent with the Department's emergency adoption of changes to its Transportation and Final Disposition of Dead Bodies Rule (10-146 CMR Chapter 1), to comply with Public Law 2023, Chapter 677 and required the Department to increase its burial transit permit fee by amending Chapter 1, which was required by December 15, 2024.

EFFECTIVE DATE: Friday, January 31, 2025

AGENCY CONTACT PERSON:

NAME: Bridget Danis, Policy Analyst

ADDRESS: 11 State House Station

Augusta, Maine 04330

TELEPHONE: (207) 287-9394

E-MAIL ADDRESS: bridget.danis@maine.gov

AGENCY: 10-144 Department of Health and Human Services, MaineCare Services, Division of Policy

CHAPTER NUMBER AND TITLE: Ch. 101, MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities

ADOPTION TRACKING NUMBER: 2025-028

CONCISE SUMMARY:

The Department adopts this emergency rule, which amends Chapter 101, MaineCare Benefits Manual, Chapter III, Section 67, effective February 1, 2025.

The Department's principal purpose of this emergency rulemaking is to establish new reimbursement methodology for Nursing Facilities. These changes include moving toward creating a prospective payment system that incorporates acuity measures that capture the

range of need associated with caring for all residents, decreases administrative burden, and ensures rates keep pace with changes in the cost of delivering services. Regional variations for labor costs, as required by 22 M.R.S. Sec. 1708(3)(E), have been revised so that the four regions all have a factor of 1.0 for the four regions, to reflect the fact that analysis does not show any regional variation in labor costs. Occupancy adjustments have also been removed, at the request of providers in the Rate Reform process and to the benefit of providers

In compliance with 22 M.R.S. Sec. 3173-J(2), the Department conducted a rate determination process: a Rate Determination Initiation Notice was issued on January 12, 2023. MaineCare presented the draft reimbursement methodology and definitions to providers and interested stakeholders on March 13, 2023; April 12, 2023; May 17, 2023, June 5, 2023; June 26, 2023; March 7, 2024; March 8, 2024, and October 23, 2024. The Department accepted public comments through October 30, 2024, and responded in writing to comments with an explanation of whether and how feedback was incorporated into the final reimbursement methodology and rates.

The Department shall submit to the Centers for Medicare & Medicaid Services, and anticipates approval, for State Plan Amendments related to these provisions.

Pursuant to 5 M.R.S. §8054, this emergency rule may be effective for up to ninety (90) days. The Department shall proceed with routine technical rulemaking to permanently adopt these rule changes.

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

EFFECTIVE DATE: Saturday, February 1, 2025

AGENCY CONTACT PERSON:	Derrick Grant, Special Projects
AGENCY NAME:	Division of Policy
ADDRESS:	109 Capitol Street 11 State House Station Augusta, Maine 04333-0011
EMAIL:	derrick.grant@maine.gov
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