

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: 16-227 Department of Public Safety, Maine Criminal Justice Academy Board of Trustees

CHAPTER NUMBER AND TITLE: Chapter 3, Entrance Standards

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P014

BRIEF SUMMARY: These proposed amendments to Chapter 3 will update the Maine Criminal Justice Academy entrance standards for the Basic Corrections Training Course (including both the Basic Corrections Training Program and Juvenile Basic Corrections Training Program), Law Enforcement Preservice Training Program, and Basic Law Enforcement Training Program by adding as an alternative to the educational requirement a passing score on the High School Equivalency Test (HSET), which is the test that Maine and other states now use in lieu of the General Education Development Test. Additionally, the proposed amendments establish the same entrance criteria for both the Law Enforcement Preservice course and Basic Law Enforcement Training Program by adding the entrance requirement of a successful polygraph examination and psychological evaluation for Law Enforcement Preservice Course candidates, effective July 1, 2026. Amendments reorganize section 2 (Law Enforcement Preservice Training Program) to be consistent with the ordering of section 3 (Basic Law Enforcement Training Program). Amendments also include updating disqualifying conduct for applicants enumerated in 25 M.R.S. 2806-A(5) including offenses in 17 M.R.S. chapters 29, 31, 35, and 41, which were previously omitted from the rule. Amendments also eliminate the requirement of the use of a reading and writing test for entrance to the Law Enforcement Preservice Course and Basic Law Enforcement Training Program. Instead, they require that the candidate be able to read and write at a level necessary to complete the course as determined by the hiring or sponsoring agency.

DETAILED SUMMARY:

This proposed rule amends Chapter 3: Entrance Standards for the Department of Public Safety, Maine Criminal Justice Academy Board of Trustees.

The proposed rule:

1. Clarifies that section 1 applies to both the Basic Corrections Training Program (BCTP) and the Juvenile Basic Corrections Training Program (JBCTP) to reflect changes enacted by P.L. 2023, c. 341.
2. Adds the High School Equivalency Test (HISSET) passing score as an optional educational requirement for entrance to the BCTP and JBCTP (1.A), the Law Enforcement Preservice Course (LEPS) (2.A), and the Basic Law Enforcement Training Program (BLETP) (3.A).
3. Adds disqualifying conduct for applicants enumerated in 25 M.R.S. 2806-A(5) to include offenses in 17 M.R.S. chapters 29, 31, 35, and 41, which were previously omitted from the rule for the BCTP and JBCTP (1.E and 1.F), the LEPS course (2.E and 2.F), and the BLETP course (3.E and 3.F).
4. Eliminates the requirement to use a reading and writing test for entrance to the Law Enforcement Preservice Course (2.I) and Basic Law Enforcement Training Program (3.I). Instead, the rule establishes a requirement that the candidate be able to read and write at a level necessary to complete the course as determined by the hiring or sponsoring agency.
5. Reorganizes section 2 (Law Enforcement Preservice Training Program) to be consistent with the ordering of section 3 (Basic Law Enforcement Training Program).

A copy of the proposed rule is available at the following weblink under Proposed Rules: <https://www.maine.gov/dps/dps/mcja/about/board/rulemaking> or by requesting a copy by contacting Assistant Director Lincoln Ryder by email at lincoln.e.ryder@maine.gov or by U.S. Mail at Maine Criminal Justice Academy, 15 Oak Grove Rd, Vassalboro, ME 04989.

PUBLIC HEARING (*if any*): Friday, March 14, 2025, at 9:00 am at the Maine Criminal Justice Academy, 15 Oak Grove Road, Room B120 Brian MacMaster Board Room, Vassalboro, ME 04989

COMMENT DEADLINE: Monday, March 24, 2025

CONTACT PERSON FOR THIS FILING: Assistant Director Lincoln Ryder, Maine Criminal Justice Academy, 15 Oak Grove Road, Vassalboro, ME 04989 Office phone: 207-877-8008, Fax: 207-877-8027 email: lincoln.e.ryder@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): The rule will require candidates seeking to become part-time law enforcement officers to

undergo a polygraph examination and a psychological evaluation prior to attending their training. To the extent that a municipality or county elects to pay for the examinations of the part-time officers it intends to hire, the municipality or county will incur additional expenses. The total cost for both of these examinations would be approximately \$1000 per officer.

STATUTORY AUTHORITY FOR THIS RULE: 25 M.R.S. §§2803-A(2) & (18), 2806-A(5)

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

AGENCY WEBSITE: www.maine.gov/dps/mcja

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: lincoln.e.ryder@maine.gov

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

CHAPTER NUMBER AND TITLE: Ch. 208, Rules Relating to Boys, Girls, Boys and Girls, Day Camps and Primitive and Trip Camping.

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P015

BRIEF SUMMARY: The Maine CDC Health Inspection Program is proposing to update and clarify safety and wellness standards for its Rules Relating to Boys, Girls, Boys and Girls, Day Camps and Primitive and Trip Camping (10-144 CMR Ch. 208), which was last updated in 2007. The Department is proposing to change the rule title, add and clarify definitions, incorporate application, licensing and enforcement provisions and requirements from its Administration and Enforcement of Establishments Regulated by the Health Inspection Program Rule (Ch. 201), as well as clarify safety standards for swimming, adventure challenge activities, trip camping, farm animals, subsurface wastewater disposal systems, fire safety, drinking water, certified food protection managers, water temperature for hand washing, health supervisors, standing orders, medication protocols, notifiable conditions and diseases, ensuring proper background checks, hiring and training of staff, supervision ratios for campers, and transportation protocols. In addition, the Department is proposing to clarify the prohibition against abuse, neglect, hazing and bullying, which includes but is not limited to requiring camps to establish and maintain policies that prevent child abuse and neglect, as well as train staff on how to respond to and report allegations or observations of abuse, neglect, hazing or bullying.

PUBLIC HEARING: Monday, March 10, 2025. 109 Capitol Street, Augusta Maine, Conference Rooms A & B.

COMMENT DEADLINE: Thursday, March 20, 2025.

CONTACT PERSON FOR THIS FILING: Andrew Hardy, 11 SHS-286 Water Street, Augusta, ME 04333-0011, (207) 287-4490; andrew.hardy@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 2491 to 2501

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

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:

emily.cathcart@maine.gov

AGENCY: 10-144 Department of Health and Human Services (DHHS), Office of MaineCare Services, Division of Policy

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

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P016

BRIEF SUMMARY: The Department of Health and Human Services proposes these rule changes in 10-144 C.M.R. Ch. 101, MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities. On February 1, 2025, the Department enacted changes to this policy through emergency rulemaking pursuant to Title 5, M.R.S. §8054.

The Department's principal purpose of this rulemaking is to make permanent the establishment of a 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.

PUBLIC HEARING: Monday, March 10, 2025, 1:00 PM EST at 109 Capitol Street, Augusta, Maine 04333.

The Department has determined that its public hearing will be hybrid, conducted both in-person and remotely, via Zoom.

Zoom meeting link: <https://mainestate.zoom.us/j/81377592832>

Meeting ID: 813 7759 2832

One Tap Mobile: 1-309-205-3325

Find your local number: <https://mainestate.zoom.us/j/kZXrAjXmH>

Some devices may require downloading a free app from Zoom prior to joining the public hearing event. The Department requests that any individual requiring special arrangements to participate in the hearing contact the person listed for this filing 5 days in advance of the hearing.

In addition to the public hearing, individuals may submit written comments to DHHS by the date listed in this notice.

DEADLINE FOR COMMENTS: Comments must be received by 11:59 PM on Thursday, March 27, 2025.

AGENCY CONTACT PERSON: Derrick Grant, Policy Manager

AGENCY NAME: Office of MaineCare Services

ADDRESS: 109 Capitol Street, 11 State House Station, Augusta, Maine 04333-0011

TELEPHONE: 207-624-6931 **FAX:** (207) 287-6106; **TTY:** 711 (Deaf or Hard of Hearing)

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): The Department anticipates that this rulemaking will not have any impact on municipalities or counties.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): N/A

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S. § 42, 3173-J; P.L. 2023, CH. 643; 22 M.R.S § 1708; 22 M.R.S. § 7402

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: emily.a.cathcart@maine.gov

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Ch. 8, Landings Program

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P017

BRIEF SUMMARY: This proposed rulemaking exempts federal permit holders authorized to take Atlantic halibut from state reporting. The proposed rulemaking also clarifies that license holders for Atlantic menhaden and Atlantic herring are required to report electronically, for consistency with existing requirements in Chapters 41 and 36.

PUBLIC HEARING (if any): None

COMMENT DEADLINE: March 21, 2025

CONTACT PERSON FOR THIS FILING:

NAME: Deirdre Gilbert

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6553

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

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

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

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

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 6173

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): Same
AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:
dmr.rulemaking@maine.gov

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Ch. 36, Atlantic Herring

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P018

BRIEF SUMMARY: This proposed rulemaking places a cap on the total harvest of Atlantic herring in state waters of 200,000 pounds for the management period of June 1 through December 31.

PUBLIC HEARING (*if any*): March 11, 2025: 4:00 p.m. at DMR's Augusta office (Marquardt Building, 32 Blossom Lane, rm 118) and remotely via Microsoft Teams. If the March 11th hearing is cancelled due to inclement weather an alternate hearing will be held on March 12th at 4:00 pm in Room 118 of the same location, and remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings."

COMMENT DEADLINE: March 22, 2025

CONTACT PERSON FOR THIS FILING:

NAME: Deirdre Gilbert

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6553

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

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

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

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

STATUTORY AUTHORITY FOR THIS RULE: § 6171

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

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:

dmr.rulemaking@maine.gov

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Ch. 41, Menhaden

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P019

BRIEF SUMMARY: This proposed rulemaking adjusts the start date of the commercial fishery to the first Monday of June. Incidental harvest of menhaden by pound net operators is amended to begin May 1st, annually. Effort restrictions for the Episodic Event Set-Aside (EESA) program is expanded to allow for flexible harvest plans dependent on the number of states participating in the EESA. Lastly, the designated partnership agreement has been removed.

PUBLIC HEARING (*if any*): March 11, 2025: 5:00 p.m. at DMR's Augusta office (Marquardt Building, 32 Blossom Lane, rm 118) and remotely via Microsoft Teams. If the March 11th hearing is cancelled due to inclement weather an alternate hearing will be held on March 12th at 5:00 pm in Room 118 of the same location, and remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings."

COMMENT DEADLINE: March 22, 2025

CONTACT PERSON FOR THIS FILING:

NAME: Deirdre Gilbert

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6553

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

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

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

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

STATUTORY AUTHORITY FOR THIS RULE: § 6171, § 6502-C

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

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:

dmr.rulemaking@maine.gov

AGENCY: 13-188 Department of Marine Resources

CHAPTER NUMBER AND TITLE: Ch. 55, Gear Restrictions

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P020

BRIEF SUMMARY: This proposed rulemaking provides clarification of the pound net definition specifying that harvest from pound nets is by hand operated gears only, as also described in Chapter 41.

PUBLIC HEARING (*if any*): None.

COMMENT DEADLINE: March 21, 2025

CONTACT PERSON FOR THIS FILING:

NAME: Deirdre Gilbert

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

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TELEPHONE: 207-624-6553

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

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

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: Same
FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None**STATUTORY AUTHORITY FOR THIS RULE:** 12 MRS 6171**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: Same**AGENCY WEBSITE:** <http://www.maine.gov/dmr/rulemaking/>**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:**dmr.rulemaking@maine.gov**AGENCY:** 13-188 Department of Marine Resources**CHAPTER NUMBER AND TITLE:** Ch. 94, Sanitary Control of Molluscan Shellfish**TYPE OF RULE:** Routine Technical**PROPOSAL TRACKING NUMBER:** 2025-P021**BRIEF SUMMARY:** This proposal would amend Chapter 94 to reference the most current version of the National Shellfish Sanitation Program Model Ordinance.**PUBLIC HEARING** *(if any)*: None.**COMMENT DEADLINE:** March 21, 2025**CONTACT PERSON FOR THIS FILING:**

NAME: Deirdre Gilbert

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6553

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

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

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: Same
FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None**STATUTORY AUTHORITY FOR THIS RULE:** 12 MRS 6171-A**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: Same**AGENCY WEBSITE:** <http://www.maine.gov/dmr/rulemaking/>**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:**dmr.rulemaking@maine.gov

ADOPTIONS

AGENCY: 29-250 Secretary of State, Bureau of Motor Vehicles

CHAPTER NUMBER AND TITLE: Ch. 157, The Administration of Over Dimension and Overweight Permits

ADOPTION TRACKING NUMBER: 2025-033

CONCISE SUMMARY:

This rule establishes requirements and standards for the permitting of non-divisible, over-dimensional and overweight vehicles and loads (collectively overlimit loads) which are loads exceeding the size and weight limits established in Title 29-A. The Secretary of State is authorized to issue overlimit permits pursuant to Title 29-A M.R.S.A §2382. This rule also establishes requirements and standards for Pilot and Police Escort vehicles.

The updated rule proposes changes to non-divisible load permits related to ocean going containers, special hauls, mobile and modular homes, it establishes a permit for unladen over-with lowbed equipment trailers in Aroostook County, repeals instant permits, allows for certain loads to be moved on Saturday mornings, allows certain modular or mobile homes to be moved during Saturday morning hours on certain roadways and makes non-substantive changes to the structure of the rule. The changes intend to support commerce when traffic is lightest while preserving safety during periods of heavier traffic.

Additionally, a pilot project was established in Aroostook County for certain movements of unlanded trailers during specific dates and times of the year. These amendments formalize the pilot into rule.

EFFECTIVE DATE: Sunday, February 16, 2025

AGENCY CONTACT PERSON: Nelson Peters

AGENCY NAME: Secretary of State, Bureau of Motor Vehicles

ADDRESS: BMV Vehicle Services, 29 State House Station, Augusta, ME 04333-0029

TELEPHONE: 207-624-9063

AGENCY: 01-670 Department of Agriculture, Conservation and Forestry

CHAPTER NUMBER AND TITLE: Ch. 54, Bear Baiting on Public Lands

ADOPTION TRACKING NUMBER: 2025-032

CONCISE SUMMARY:

The amended rule revises and updates the permit application submission period and permit issuance date; provides a date for notification of successful applicants; revises the insurance requirements for commercial bear bait sites; extends the renewal period for commercial sites from two to five years; removes specified permit fees while allowing the Bureau to adjust fees every three years; increases the radius of bait sites from 100 feet to 150 yards; clarifies conditions for revocation of permits; and provides direction for reconsideration and appeal of revocations. The amended rule also addresses eligibility for refunds of permit fees; enumerates additional

requirements for commercial bear bait sites; provides additional direction for the allocation of bait sites; and enumerates several standards that apply to personal and commercial bait sites.

EFFECTIVE DATE: Wednesday, February 12, 2025

AGENCY CONTACT PERSON: Shannon Ayotte
AGENCY NAME: Dept. of Agriculture, Conservation and Forestry
ADDRESS: 22 SHS, Augusta, ME 04333
TELEPHONE: 207-287-5976