

NOTICE OF STATE 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: 02-041, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation

CHAPTER NUMBER AND TITLE: Chapter 10, Establishment of License Fees (amend)

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER (FORMERLY "PROPOSED RULE NUMBER"):
2024-P315

BRIEF SUMMARY:

The Director of the Office of Professional and Occupational Regulation is responsible for the financial management of the state licensing boards and programs it administers. Licensing boards and programs must pay the total costs of their regulatory programs from license fees paid by licensees. The fiscal health of licensing boards is monitored continuously to avoid projected budget deficits.

Board of Alcohol and Drug Counselors: A review of the financial status of the State Board of Alcohol and Drug Counselors shows that fee increases are necessary to avoid a projected budget deficit. It is critical to ensure the Board can continue protecting Maine citizens' health and safety through its regulatory program. The Director of the Office is authorized by statute at 10 MRS sec. 8003(2-A) (D) to establish fees by rule, subject to any fee cap applicable to each regulatory board or program. License fees established by the Director must consider the costs, statutory requirements, enforcement requirements, and expenses of each board, commission, or regulatory function. Reasonable fee increases that are well within the statutory fee cap are included in this rulemaking initiative.

Board of Pharmacy: In PL 2023 c. 115 (LD 351), the Maine Legislature authorized the Board to charge a fee to issue a Certificate of Authorization to a pharmacist authorizing them to prescribe, dispense, and administer contraceptives pursuant to c. 115. A reasonable fee for a certificate of authorization is included in this rulemaking initiative.

PUBLIC HEARING (*if any*): None scheduled

COMMENT DEADLINE: February 14, 2025, 5:00 pm.

CONTACT PERSON FOR THIS FILING: Kristina Halvorsen, 35 State House Station, Augusta, ME 04333; (207) 624-8420; Kristina.m.halvorsen@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: 10 MRS sec. 8003(2-A)(D)

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Joan.cohen@maine.gov

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 32, Eel Regulations, Elver Quota System for the 2025 Season

TYPE OF RULE: Routine Technical

PROPOSAL TRACKING NUMBER: 2025-P001

BRIEF SUMMARY: This proposed rulemaking establishes the elver quota allocations for the 2025 season for individuals licensed under §§6505-A and 6302-A, and the method of calculating individual elver quota allocations for individuals licensed under §6505-A. The quota for the Passamaquoddy Tribe has been adjusted in accordance with their overage in the 2024 season. 2025 allocations for individuals who held a license in 2024 will be the same as their 2024 allocations, plus any quota associated with licenses not renewed in 2024, or licenses suspended for the duration of the 2024 season, which will be distributed evenly to all existing license holders. In addition, a technical change is made in the language of Chapter 32.03, Section 2A for consistency with statute. Eel pots may not be used for the personal take of up to 25 eels per day from coastal waters.

PUBLIC HEARING (*if any*): None scheduled

COMMENT DEADLINE: February 14, 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 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 M.R.S. §6505-A; §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: 16-163 Emergency Medical Services Board (Maine EMS)

CHAPTER NUMBER AND TITLE: Chapter 27, Implementation of EMS Sustainability Program

TYPE OF RULE: Routine Technical

**PROPOSAL TRACKING NUMBER (FORMERLY "PROPOSED RULE NUMBER"):
2024-P253**

BRIEF SUMMARY: The Emergency Medical Services Board is proposing a new rule to implement the sustainability program created by P.L. 2023, c. 412, Pt. GGGGG, §1, setting forth the application, allocation, and award process for \$19,308,000.00, allocating funds to entities eligible under the rule including Transporting Ambulance Services, Non-transporting Ambulance Services, business entities designated as Regional Councils, and Maine EMS-authorized Training Centers.

PUBLIC HEARING (*if any*): None. A hearing may be requested by the petition of no less than five (5) interested persons through the submission of such petition in writing to Maine EMS, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152.

COMMENT DEADLINE:

First Comment Period - The comment deadline has been extended from September 21, 2024, to October 15, 2024. Comments may be submitted to Maine EMS no later than 11:59 P.M. on October 15th, 2024.

Second Comment period - The deadline for public comments is February 14, 2025. Comments may be submitted to Maine EMS no later than 11:59 P.M. on February 14, 2025. Comments on the proposed rule may be submitted to Maine EMS no later than 11:59 P.M. on February 14, 2025. Interested parties may submit comments to Maine EMS in the following manner(s):

1. Navigating to <https://www.maine.gov/ems> and filling out our "Maine EMS Rules Public Comment Submission" form (Preferred)
2. By email to: rulemaking.maineems@maine.gov
3. In writing: Address comments to Maine Emergency Medical Services, ATTN: Rulemaking, 152 State House Station, Augusta, ME 04333-0152.

CONTACT PERSON FOR THIS FILING:

Jason J. Cooney;
152 State House Station,
Augusta, ME 04333-0152;
207-626-3864 - Phone;
207-287-3659 - TTY;
207-287-6251 - Fax;
jason.j.cooney@maine.gov

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

Contact Person is the Same.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any):* Maine EMS does not anticipate any costs to Municipalities or Counties for compliance with the rule.

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. § 84(1)(A), 32 M.R.S. § 98(4).

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different):* None

AGENCY WEBSITE: <https://www.maine.gov/ems/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jason.j.cooney@maine.gov

ADOPTIONS

AGENCY: 65-407 Maine Public Utilities Commission

CHAPTER NUMBER AND TITLE: Chapter 320 Electric Transmission and Distribution Utility Service Standards

ADOPTION TRACKING NUMBER: 2025-006

CONCISE SUMMARY:

Chapter 320 establishes service standards for electric transmission and distribution utilities. The Commission amends and adopts Chapter 320 to add a new customer service metric, a field service metric, to section 7, with which transmission and distribution utilities will be required to comply, effective no sooner than January 1, 2025. The amendments to section 10 reporting requirements will clarify how the utilities file required reports and how the Commission will review them. The amendments also include non-substantive changes for consistency and clarity.

EFFECTIVE DATE: Tuesday, January 14, 2025

AGENCY CONTACT PERSON: Pam Kowalchuk, pamela.kowalchuk@maine.gov

AGENCY NAME: Public Utilities Commission

ADDRESS: 18 State House Station, Augusta, ME 04333-0018

TELEPHONE: 207-287-1564

AGENCY: 01-669 Maine Department of Agriculture, Conservation & Forestry, Maine Forest Service

CHAPTER NUMBER AND TITLE: Chapter 27, Standards for Timber Harvesting and Timber Harvesting Related Activities Within Unorganized and Deorganized Areas of The State

ADOPTION TRACKING NUMBER: 2025-002

CONCISE SUMMARY:

Maine Forest Service rule Chapter 27, Standards for Timber Harvesting and Timber Harvesting Related Activities Within Unorganized and Deorganized Areas of The State, is being amended to be consistent with Maine Forest Service rule Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.

EFFECTIVE DATE: Not Applicable (this is a major substantive rule that has been provisionally adopted, not finally adopted).

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

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

CHAPTER NUMBER AND TITLE: Chapter 331, Public Assistance Manual Temporary Assistance for Needy Families (TANF) Manual, Chapter V, TANF Rule #122A - Mileage Reimbursement Update

ADOPTION TRACKING NUMBER: 2025-003

CONCISE SUMMARY:

The adopted rule updates Chapter V - B, TRANSITIONAL TRANSPORTATION (TT) consistent with the rate afforded to those covered under the Maine Service Employees Association (MSEA) contract. The adopted rule refers readers to the MSEA rate found at <https://www.maine.gov/osc/travel/mileage-other-info>.

The adopted rule updates Chapter V - B(4)(b) to:

“Effective January 1, 2025 mileage is reimbursed consistent with the State of Maine mileage reimbursement rate set by the Department of Administrative and Financial Services Office of the State Controller found at <https://www.maine.gov/osc/travel/mileage-other-info>.”

(B)(4)(c) is updated to “TT mileage reimbursement shall not exceed \$20 per day.” Retroactive rulemaking is permissible under 22 M.R.S. § 42(8)(C) as this update provides a benefit to TANF recipients as the adopted rule change raises the mileage reimbursement rate from .46 cents to .54 cents and from .56 cents to .64 cents for individuals with disabilities. See <https://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

EFFECTIVE DATE: Monday, January 13, 2025

AGENCY CONTACT PERSON:
Alexandria Lauritzen, TANF Program Manager
Office for Family Independence
Department of Health & Human Services
109 Capitol Street
Augusta, ME 04333
Phone: (207) 215-7496/ Fax: (207) 287-3455
TT Users Call Maine Relay - 711
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AGENCY: 05-071 Department of Education

CHAPTER NUMBER AND TITLE: Chapter 132, Learning Results: Parameters for Essential Instruction

ADOPTION TRACKING NUMBER: 2025-004

CONCISE SUMMARY:

This rule revision is part of a periodic review of the Maine Learning Results as required under 6209, subsection 4. The science and social studies standards were last reviewed and revised in 2018.

The rulemaking process began in the summer of 2023 with the science and social studies standards steering committees, which are composed of content area experts who represent the cultural diversity found in Maine and a range of viewpoints as to the content of the standards. These groups met and reviewed all the comments submitted and developed a blueprint for the revision of the state science and social studies standards. Following that process, groups of writing teams, representing pre-k-12 teachers, met and revised the current standards.

The proposed social studies standards incorporate the requirements outlined in Public Law 2021, Chapter 247 which stipulate that instruction in American history, African American studies, government, citizenship, Maine studies, and the history of genocide must be aligned with the parameters for essential instruction and graduation requirements established under Title 20-A, §6209. A required component of Maine studies is Maine Native American studies and Maine African American studies.

During the Second Regular Session of the 131st Maine Legislature, the Education and Cultural Affairs Committee declined to authorize the proposed social studies content standards of the Maine Learning Results. The Education and Cultural Affairs committee directed the Department to reengage in the rulemaking process for the social studies standards. To this end, the Department reopened the steering committee and writing team conversations for the social studies standards. On May 3, the Maine Department of Education convened the Steering Committee to begin the revision process for the state's social studies standards. This committee was composed of various stakeholders from across Maine, including classroom teachers, district administrators, university faculty, and representatives from the Wabanaki nations. Given that the Education and Cultural Affairs Committee did not provide substantive feedback on the 2023 revision when asking the Department to restart the social studies standards review process, the 2024 Steering Committee determined that, because they did not know what specific issues members of the Committee on Education and Cultural Affairs wanted amended, they decided to support resubmitting the proposed 2023 Social Studies revised standards in the 132nd legislative session.

EFFECTIVE DATE: Not Applicable (this is a major substantive rule that has been provisionally adopted, not finally adopted).

AGENCY CONTACT PERSON: Laura Cyr
AGENCY NAME: Maine Department of Education
ADDRESS: 23 State House Station, Augusta, ME 04330
TELEPHONE: 207-446-8791

AGENCY: 10-144 Department of Health and Human Services, Division of Licensing and Certification

CHAPTER NUMBER AND TITLE: 10-144 CMR Ch. 113, Assisted Housing Programs Licensing Rule

ADOPTION TRACKING NUMBER: 2025-005

CONCISE SUMMARY:

This rulemaking repeals and replaces the current rule in force, 10-144 CMR Ch. 113, Regulations Governing the Licensing and Functioning of Assisted Housing Programs. The rule in force consists of ten parts, governing Assisted Living programs, four levels of Residential Care Facilities, four levels of Private Non-Medical Institutions, and Infection Prevention and Control. The proposed rule replaces those ten parts with two parts, Part A, Assisted Living Programs, and Part B, Residential Care Facilities. This simplified structure is designed to improve licensee understanding of and compliance with the rule and reflects revisions to 22 MRS §7852 enacted by PL 2023 c. 176. The provisions of the proposed rule have been updated to reflect current best practices in assisted housing, and include additional documentation, staffing, and training requirements, among other things. The Department has provisionally adopted this rule.

EFFECTIVE DATE: Not Applicable (this is a major substantive rule that has been provisionally adopted, not finally adopted).

AGENCY CONTACT PERSON:

NAME: Jonathan Leach
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