

Maine Administrative Procedure Act  
2022-2023 Regulatory Agendas

**90 to 99**  
**Independent Agencies**

- 90-351: Workers' Compensation Board
- 90-590: Maine Health Data Organization
- 94-089: Maine Historic Preservation Commission
- 94-178: Kim Wallace Adaptive Equipment Loan Program Rule
- 94-270: Commission on Governmental Ethics and Election Practices
- 94-293: Baxter State Park Authority
- 94-348: Maine Human Rights Commission
- 94-411: Maine Public Employees Retirement System
- 94-412: Saco River Corridor Commission
- 94-649: Maine Commission on Indigent Legal Services
- 95-648: Efficiency Maine Trust
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- 99-639: ConnectME Authority
- 99-650: Combat Sports Authority of Maine

**REGULATORY AGENDA**

AGENCY UMBRELLA-UNT 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 2022-2023 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 2022

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 2022

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 2022

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 2022

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

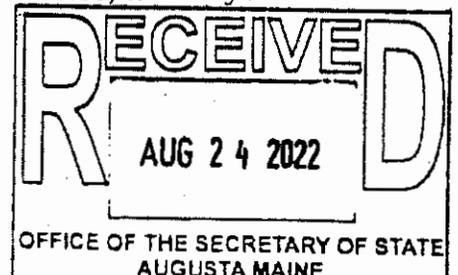
**CHAPTER 2: Section 213 Compensation for Partial Incapacity**

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(2)

PURPOSE: To clarify the procedures for collecting permanent impairment data.

ANTICIPATED SCHEDULE: Fall 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

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 2022

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

August 23, 2022  
Date

Richard N. Hewes  
Richard N. Hewes  
General Counsel  
Workers' Compensation Board

**90-590**  
**MAINE HEALTH DATA ORGANIZATION**  
**2022 - 2023 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 2022-2023 RULE-MAKING ACTIVITY:**

**CHAPTER 10: DETERMINATION OF ASSESSMENTS (*Routine Technical*)**

**STATUTORY BASIS:** 22 M.R.S.A., §§8704, sub-section 4, 8706, sub-section 2, and PL 2019, c470.

**PURPOSE:** These rules will be amended to update definitions to align with other agency rules.

**SCHEDULE FOR ADOPTION:** Prior to Spring 2023

**AFFECTED PARTIES:** All parties who request, access, and utilize data from the MHDO.

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

**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 align the enforcement requirements in Public Law 2021, Chapter 603 and in 90-590 C.M.R. Chapter 247, with the enforcement provisions described in 90-590 C.M.R. Chapter 100: Enforcement Procedures.

**SCHEDULE FOR ADOPTION:** Prior to October 2023

**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 2023

**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 may be amended to add, remove and/or clarify data elements.

**SCHEDULE FOR ADOPTION:** Prior to October 2023

**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 is necessary to formally align the requirements in PL 2021, c603, with the requirements in 90-590 Ch. 247.

SCHEDULE FOR ADOPTION: Prior to Spring 2023

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 may 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 2023

AFFECTED PARTIES: Maine Hospitals and Nursing Homes as defined in the rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 570: UNIFORM REPORTING SYSTEM FOR PRESCRIPTION DRUG PRICE DATA SETS (*Major Substantive*)**

STATUTORY BASIS: 22 M.R.S. Sections 8703 (1), 8704(1), 8705-A and 8705A(3), 8731, 8732, 8733, 8734, 8737, and PL 2019, c470.

PURPOSE: This rule change is necessary to formally align the requirements in PL 2021, c305, with the requirements in 90-590 Ch. 570.

SCHEDULE FOR ADOPTION: Prior to October 2023

AFFECTED PARTIES: Drug manufacturers, wholesale drug distributors and pharmacy benefit managers as defined in the rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**94-089**  
**Maine Historic Preservation Commission**  
Maine Administrative Procedure Act  
2022-2023 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 2022-2023 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 2018.

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

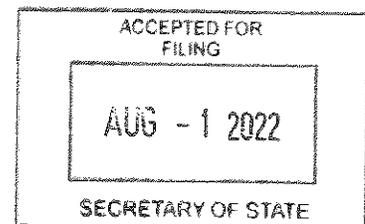
STATUTORY AUTHORITY: 27 M.R.S.A. §504.

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 2018.

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- 2023  
January 10, 2023

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**Rulemaking Liaison:** Isaac Gingras, Legislative Liaison, 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, Legislative Liaison, 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:**

**NEW RULE -- CHAPTER XX:** 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, 2023.

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

94-270

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**

Maine Administrative Procedure Act

2022-2023 Regulatory Agenda

December 5, 2022

**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 2022-2023 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 the existing rule to: eliminate outdated references to the rebuttable presumption for independent expenditures; establish a policy that if the Commission determines that an independent expenditure report is required under 21-A M.R.S.A. § 1019-B(1)(B), the Commission presumptively will not assess a penalty for the late report; establish simplified record-keeping, registration and bank account requirements for some political action committees and ballot question committees; clarify reporting requirements for write-in candidates; establish an exception that political action committees set up as a corporation or limited liability company could contribute to candidates and leadership political action committees; and modify quorum requirements for Commission meetings.

ANTICIPATED SCHEDULE: Spring 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 2: Hearing 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 the existing rule to conform the Commission's hearing procedures to the Maine Administrative Procedure Act.

ANTICIPATED SCHEDULE: Winter 2023

AFFECTED PARTIES: Candidates, 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 the existing rule to: formalize a policy that the Commission will not return qualifying contributions to Maine Clean Election Act candidates; provide the Commission with greater flexibility to establish qualifying periods for replacement candidates; and prohibit the use of Maine Clean Election Act funds for post-election parties, consistent with statute.

EXPECTED SCHEDULE FOR ADOPTION: Winter 2003.

AFFECTED PARTIES: Candidates for the office of Governor, State Senator, or State Representative, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**Maine Administrative Procedure Act  
2022-2023 Regulatory Agenda Filing  
Baxter State Park Authority**

August 15, 2022

AGENCY UMBRELLA-UNIT NUMBER: **94-293**  
AGENCY NAME: **Baxter State Park Authority**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON** (as defined by 5 MRS §8051-A), including mailing address, phone, and email address:  
Georgia Manzo, 64 Balsam Drive, Millinocket, ME, 04462  
[Georgia.manzo@baxterstatepark.org](mailto:Georgia.manzo@baxterstatepark.org), 723-9616 X222

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA** (either indicate "None", or list all emergency rules):  
None

**EXPECTED 2022-2023 RULEMAKING ACTIVITY** (a list of all rules your agency expects to propose for the year beginning October, 2022). For each chapter, include the following information:

**CHAPTER NUMBER AND TITLE:**

**Chapter 1 BAXTER STATE PARK RULES AND REGULATIONS:**

**Rule 2 HIKING AND DAY USE**

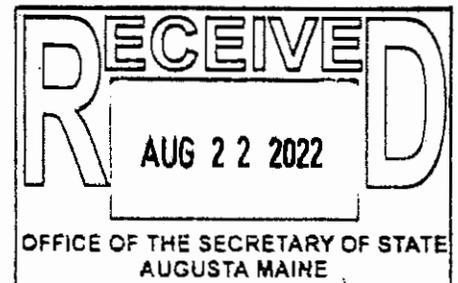
*Rule 2.2 Hiking or mountain climbing may be restricted at the discretion of the Director. Park users must be reasonably prepared and equipped for the activity they are engaged in, and must take reasonable precautions against endangering themselves or others. Hikers must carry a working flashlight. No children under the age of six (6) years are allowed above timberline. Registration of technical rock/ice climbers is required. The Baxter State Park Authority may request reimbursement of search and rescue costs in cases of reckless hikers.*

**STATUTORY BASIS:** Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

**PURPOSE (of the rule):**

Staff have been directed by the Authority to consider amending Rule 2.2 to add language that addresses the Park Director's discretion to consider exceptions to the section of this rule that states "No children under the age of six (6) years are allowed above timberline."

**SCHEDULE FOR ADOPTION:**



December 2022

**AFFECTED PARTIES:**

Baxter State Park Staff, visitors

**CONSENSUS-BASED RULE DEVELOPMENT:**

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison:

## 2022-2023 REGULATORY AGENDA

August 22, 2022

**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 2022-2023 RULE-MAKING ACTIVITY:**

CHAPTER 2: Procedure

STATUTORY BASIS: 5 M.R.S. § 4566(7).

PURPOSE: Update entire rule to include current practices and to conform with changes in the Maine Human Rights Act ("MHRA")

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: All parties and attorneys appearing before the Maine Human Rights Commission ("Commission").

CONSENSUS-BASED RULE DEVELOPMENT: No.

*Note: A Proposed Rule is already in the APA-mandated process, and has been published for comment.*

CHAPTER 3: Employment

STATUTORY BASIS: 5 M.R.S. § 4566(7).

PURPOSE: Update provisions relating to sexual orientation and gender identity discrimination, pregnancy, and service animals; update to conform with changes in the MHRA which go into effect in 2021, including, but not limited to, familial status coverage and protection against discrimination for individuals who have obtained permanent protective orders.

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Employers, employment agencies, labor unions, and individuals.

CONSENSUS-BASED RULE DEVELOPMENT: No.

*Note: A Proposed Rule is already in the APA-mandated process, and has been published for comment.*

CHAPTER 4: Education

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 7: Accessibility

STATUTORY BASIS: 5 M.R.S. § 4566(7).

PURPOSE: Update provisions relating to sexual orientation and gender identity discrimination and service animals.

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Public accommodations and their owners, individuals

CONSENSUS-BASED RULE DEVELOPMENT: No.

*Note: A Proposed Rule is already in the APA-mandated process, and has been published for comment.*

CHAPTER 8: Housing

STATUTORY BASIS: 5 M.R.S. § 4566(7).

PURPOSE: Update provisions relating to service animals/assistance animals; update to conform with changes in the MHRA

SCHEDULE FOR ADOPTION: Unknown.

AFFECTED PARTIES: Landlords, rental companies, individuals

CONSENSUS-BASED RULE DEVELOPMENT: No.

*Note: A Proposed Rule is already in the APA-mandated process, and has been published for comment.*

**2022-2023 REGULATORY AGENDA**  
**Filing Deadline: August 17, 2022**

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 2022-2023 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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023  
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: 2022-2023  
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: 2022-2023  
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: 2022-2023  
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: 2022-2023  
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: 2022-2023

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 507: Determination of Inability to Engage in Substantially Gainful Activity**

STATUTORY BASIS: 5 M.R.S. § 17103(4)

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2022-2023

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: Yes

**CHAPTER 509: Determination of Impossibility to Perform the Duties of the Employment Position**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17901, 17921, 18501, 18521

PURPOSE: Amend if necessary; repeal and replace if necessary; repeal if appropriate

SCHEDULE FOR ADOPTION: 2022-2023

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: Yes

**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: 2022-2023

AFFECTED PARTIES: Participants receiving disability benefits from the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: Yes

**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: 2022-2023

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: Yes

**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: 2022-2023  
AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: Yes

**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: 2022-2023  
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: 2022-2023  
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: 2022-2023  
AFFECTED PARTIES: Persons appealing decisions of the Executive Director of the Maine Public Employees Retirement System  
CONSENSUS-BASED RULE DEVELOPMENT: Yes

**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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: Yes

**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: 2022-2023

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: 2022-2023

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: 2022-2023

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: 2022-2023

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(S): Disability Retirement**

STATUTORY BASIS: 5 M.R.S. §§ 17103(4), 17106-B

PURPOSE: New rule(s); to provide guidance on the determination of eligibility or continued eligibility for disability retirement benefits.

SCHEDULE FOR ADOPTION: 2022-2023

AFFECTED PARTIES: Participants in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: Yes

**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: 2022-2023

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: 2022-2023

AFFECTED PARTIES: Participants and employers in the retirement programs of the Maine Public Employees Retirement System

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**Maine Administrative Procedure Act  
2022-2023 Regulatory Agenda Filing Instructions**

***Filing Deadline: August 17, 2022***

Your agenda should contain the following information. Please include a headline for each section, as shown here in bold.

AGENCY UMBRELLA-UNIT NUMBER: **94-412**  
AGENCY NAME: **Saco River Corridor Commission**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Dalyn Houser,  
P.O. Box 283, Cornish, Maine 04020. Email: [dalyn@srcc-maine.org](mailto:dalyn@srcc-maine.org) Telephone: 207-625-8123.

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

**EXPECTED 2022-2023 RULEMAKING ACTIVITY:**

**CHAPTER NUMBER AND TITLE** Ch.101: Regulations for the Processing of Applications for Permits, Variances, or Certificates of Compliance.

**STATUTORY BASIS**: During the 106<sup>th</sup> session of the Maine State Legislature, the Saco River Corridor Commission was given the authority under 38 M.R.S.A., Section 954-C, "After notice and public hearing" to adopt such rules and regulations governing its procedures as it deems necessary to carry out the purposes of the Saco River Corridor Act.

**PURPOSE**: To provide definitions for terms to further clarify specific standards and requirements of the Saco River Corridor Act. Adjustments also include small procedural changes for efficiency.

**SCHEDULE FOR ADOPTION**: Summer 2023.

(Listing of) **AFFECTED PARTIES**: Citizens of Saco River Corridor communities and property owners within the Saco River Corridor.

(Information on any planned use of) **CONSENSUS-BASED RULE DEVELOPMENT** (as outlined in 5 MRS §8051-B; if none, use "N/A"): N/A

**CHAPTER NUMBER AND TITLE** Ch.104: Performance Standards for Multi-Unit Residential Dwellings, Including Condominium and Cluster Development.

**STATUTORY BASIS**: During the 106<sup>th</sup> session of the Maine State Legislature, the Saco River Corridor Commission was given the authority under 38 M.R.S.A., Section 954-C, "After notice and public hearing" to adopt such rules and regulations governing its procedures as it deems necessary to carry out the purposes of the Saco River Corridor Act.

**PURPOSE**: To update standards for multi-unit residential units and lot size requirements.

**SCHEDULE FOR ADOPTION**: Summer 2023.

(Listing of) **AFFECTED PARTIES**: Citizens of Saco River Corridor communities and property owners within the Saco River Corridor.

(Information on any planned use of) **CONSENSUS-BASED RULE DEVELOPMENT** (as outlined in 5 MRS §8051-B; if none, use "N/A"): N/A

**CHAPTER NUMBER AND TITLE** Ch.107: Performance Standards Governing Expansions of Existing Nonconforming Uses, Including Structures.

**STATUTORY BASIS:** During the 106<sup>th</sup> session of the Maine State Legislature, the Saco River Corridor Commission was given the authority under 38 M.R.S.A., Section 954-C, "After notice and public hearing" to adopt such rules and regulations governing its procedures as it deems necessary to carry out the purposes of the Saco River Corridor Act.

**PURPOSE:** To update expansion standards and lot coverage requirements for nonconforming structures in the Shoreland Zone.

**SCHEDULE FOR ADOPTION:** Summer 2023.

(Listing of) **AFFECTED PARTIES:** Citizens of Saco River Corridor communities and property owners within the Saco River Corridor.

(Information on any planned use of) **CONSENSUS-BASED RULE DEVELOPMENT** (as outlined in 5 MRS §8051-B; if none, use "N/A"): N/A

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES  
2022-2023 REGULATORY AGENDA**

AGENCY UMBRELLA-UNIT NUMBER: **94-649**

AGENCY NAME: **Maine Commission on Indigent Legal Services**

**Contact Person:** Justin Andrus, Executive Director, 154 State House Station, Augusta, Maine 04333-0154. Telephone: (207) 287-3254; justin.andrus@maine.gov

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

Chapter 301

**EXPECTED 2022-2023 RULE-MAKING ACTIVITY:**

**CHAPTER 1: Commission Relationship with Assigned and Contract Counsel**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(G), (3)(A), and (4)(D)

PURPOSE: To promote the availability and quality of service of rostered counsel and increase Commission oversight by amending the legal relationship of counsel with the Commission to allow the Commission to properly discharge its statutory obligations.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**AMENDMENT - CHAPTER 2: Standards for Qualifications of Assigned Counsel**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(B), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people.

ANTICIPATED SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 3: Eligibility Requirements for Specialized Case Types**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(B), (2)(G), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people in specialized case types.

ANTICIPATED SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in specialized case types.

**CHAPTER 4: Caseload Standards for Assigned Counsel and Contract Counsel**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (2)(G), and (4)(D)

PURPOSE: To establish caseload standards for assigned and contract counsel and a method for tracking and monitoring caseloads on an ongoing basis.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 4A: Caseload Burden Rate Sheet**

STATUTORY AUTHORITY: 4 M.R.S.A. §§1804(2)(C), (2)(G), and (4)(D)

PURPOSE: To establish a caseload burden data set that applies to the Chapter 4 caseload standards that can be updated as needed.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 5: Standards Evaluation of Assigned Counsel and Contract Counsel**

STATUTORY AUTHORITY: §§ 1804(2)(D) and (4)(D)

PURPOSE: To establish standards and procedures for evaluating assigned and contract counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2023.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 6: Standards and Procedures for Conflicts**

STATUTORY AUTHORITY: §§ 1804(2)(E) and (4)(D)

PURPOSE: To establish procedures and standards for the representation of clients whose cases present conflicts of interest.

ANTICIPATED SCHEDULE: Prior to October 1, 2023.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 7: Audit Procedures for the Review of Counsel Vouchers and Non-Counsel Vendor Invoices**

STATUTORY AUTHORITY: §§ 1804(3)(O) and (4)(D)

PURPOSE: To establish procedures for implementation of the audit management program to review the billing of assigned counsel and non-counsel vendor invoices.

ANTICIPATED SCHEDULE: Prior to October 1, 2023.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases, attorneys who represent indigent people under contract with the Commission, and non-counsel vendors who provide necessary services in indigent cases.

**AMENDMENT - CHAPTER 101: Juvenile Practice Standards**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**AMENDMENT - CHAPTER 102: Adult Criminal Practice Standards**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**AMENDMENT - CHAPTER 103: Child Protective Practice Standards**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 104: Involuntary Commitment Practice Standards**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in involuntary commitment cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 105: Appellate Practice Standards**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in appellate cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 106: Post-Conviction Practice Standards**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in post-conviction review cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 107: Lawyer of the Day Practice Standards**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in adult and juvenile lawyer of the day appearances.

ANTICIPATION SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**AMENDMENT – CHAPTER 201: Appeals of Decisions of the Executive Director**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(3)(J) and (4)(D)

PURPOSE: To amend the administrative review and appeal process for attorneys who are aggrieved by a decision of the Executive Director or the Executive Director's designee.

**ANTICIPATION SCHEDULE:** Prior to October 1, 2023

**AFFECTED PARTIES:** Attorneys rostered by the Commission to receive assignments in indigent cases, attorneys who represent indigent people under contract with the Commission, and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

**AMENDMENT - CHAPTER 301:** Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel

**STATUTORY AUTHORITY:** 4 M.R.S.A. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

**PURPOSE:** To amend established standards for compensation of counsel and the reimbursement of counsel expenses for rostered attorneys.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2023

**AFFECTED PARTIES:** Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**AMENDMENT - CHAPTER 302:** Procedures Regarding Funds for Experts and Investigators

**STATUTORY AUTHORITY:** 4 M.R.S.A. §§ 1804(3)(L) and 4(D)

**PURPOSE:** To amend how requests for funds for non-counsel services must be filed with the Commission.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2023

**AFFECTED PARTIES:** Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

**CHAPTER 303:** Reimbursement for the Cost of Legal Research Materials

**STATUTORY AUTHORITY:** §§ 1804(2)(G) and (4)(D)

**PURPOSE:** To establish procedures for the reimbursement for necessary legal research materials for assigned or contract counsel.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2023.

**AFFECTED PARTIES:** Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.

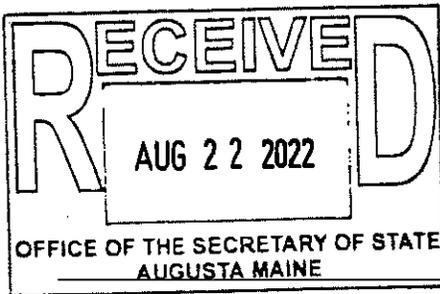
**AMENDMENT - CHAPTER 401:** Indigency Guidelines

**STATUTORY AUTHORITY:** 4 M.R.S.A. §§ 1804(2)(A) and (4)(D)

**PURPOSE:** To amend established standards for determination of eligibility for indigent legal services.

**ANTICIPATED SCHEDULE:** Prior to October 1, 2023.

**AFFECTED PARTIES:** Indigent people who may be entitled to representation a state expenses under the United States Constitution or the Constitution or Laws of Maine.



**95-648**  
**EFFICIENCY MAINE TRUST**  
2022-2023 Regulatory Agenda  
August 17, 2022

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 2022 – 2023 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 2023

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 2023

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 appropriate.

SCHEDULE FOR ADOPTION: Winter 2023

AFFECTED PARTIES: Consumers and vendors of energy equipment and services.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 5, 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 2023

AFFECTED PARTIES: Electric vehicle advocates, auto dealers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6, Administration of the Commercial Property Assessed Clean Energy Loan Program**

STATUTORY BASIS: 35-A MRSA §10203(5)

PURPOSE: To establish a rule to implement the Efficiency Maine Trust's Commercial Property Assessed Clean Energy (Commercial PACE) program.

SCHEDULE FOR ADOPTION: Fall 2022 – Winter 2023

AFFECTED PARTIES: Commercial consumers participating in Efficiency Maine Trust programs, municipalities, banking institutions.

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 update the rule to reflect recent changes in statute and to renumber the rule to better fit into the Trust's rule structure.

SCHEDULE FOR ADOPTION: Winter 2023

AFFECTED PARTIES: Trust stakeholders and advocates, solar energy advocates and system installers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**MAINE STATE HOUSING AUTHORITY**  
**MAINE ADMINISTRATIVE PROCEDURES ACT**  
**2022-2023 REGULATORY AGENDA**  
*Filing Deadline: August 17, 2022*

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:** Chapter 24, Home Energy Assistance Program Rule Emergency Amendment.

**EXPECTED 2022-2023 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 2023, 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 2023, 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 2023, 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)(I)

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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, 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 2023, as necessary.

AFFECTED PARTIES: Developers, contractors, lenders, architects, and accountants.

PLAN TO USE CONSENSUS BASED RULE DEVELOPMENT: No

**AGENCY UMBRELLA-UNIT NUMBER: 99-420**

**AGENCY NAME: Maine Turnpike Authority**

**CONTACT PERSON:** Jonathan Arey, 2360 Congress Street, Portland, Maine 04102, (207) 482-8136, [JArey@maineturnpike.com](mailto:JArey@maineturnpike.com)

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

**EXPECTED 2022-2023 RULEMAKING ACTIVITY:**

**CHAPTER 1: Rules Governing the Use of the Maine Turnpike**

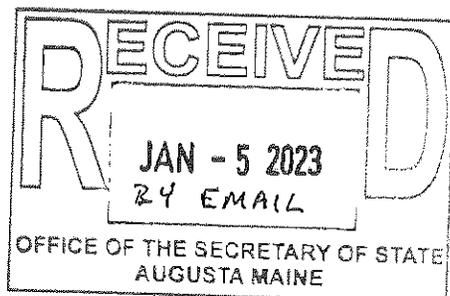
STATUTORY BASIS: 23 MRSA § 1965(1)(C)

PURPOSE: To lower the speed limit on a short portion of the Maine Turnpike, clarify parking and loitering / gathering rules on MTA property, and to change the procedures for approving over limit night moves on the Maine Turnpike.

SCHEDULE FOR ADOPTION: December, 2022 - January, 2023

AFFECTED PARTIES: Users of the Maine Turnpike

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated



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) 624-9807 Email: [peggy.schaffer@maine.gov](mailto:peggy.schaffer@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** LD383, HP292; Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority. No longer Major Substantive Rule, now Routine Technical

**POSSIBLE 2022-2023 RULE-MAKING ACTIVITY:**

**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

**COMBAT SPORTS AUTHORITY OF MAINE  
2022-2023 REGULATORY AGENDA**

Maine Administrative Procedure Act  
Prepared August 10, 2022

AGENCY UMBRELLA-UNIT NUMBER: **99-650**

AGENCY NAME: **Combat Sports Authority of Maine** (an independent public instrumentality of the State created by 8 M.R.S. Chapter 20)

CONTACT INFORMATION FOR THE AGENCY **RULE-MAKING LIAISON** (as defined by 5 M.R.S. § 8051-A), including mailing address, phone, and e-mail address: Bill Bouffard; Chairperson, Combat Sports Authority of Maine; 90 Country Lane, Westbrook, ME 04092; Telephone (207) 712-4395; E-mail [billybouf@yahoo.com](mailto:billybouf@yahoo.com)

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

None

**EXPECTED RULE-MAKING ACTIVITY:**

Revisions of Current Rules Regulating Boxing and Mixed Martial Arts, Parts 1 & 2

STATUTORY AUTHORITY: 8 M.R.S. § 523

PURPOSE OF THE RULES: The rules regulate the conduct of mixed martial arts and boxing events and the certification of event participants. The Authority will review its current rules to determine what amendments may be necessary to correct errors, ambiguities, and omissions; to ensure internal consistency; and, to ensure compliance with current governing law and generally accepted practices. Rulemaking may include promulgation of rules regarding fees for certification, rules regarding fees for event promotion, rules establishing compensation for event inspectors provided by promoters, and rules regulating the bonding requirement for promoters.

SCHEDULE FOR ADOPTION: The Authority anticipates completion of this rulemaking during 2022-2023.

AFFECTED PARTIES: Authorized participants in mixed martial arts and boxing competitions and the public

CONSENSUS-BASED RULE DEVELOPMENT: In addition to entertaining comments pursuant to the Administrative Procedure Act, the Authority may consult with interested persons but does not expect that it will be necessary to initiate formal consensus-based rulemaking pursuant to 5 M.R.S. § 8051-B.