**State of Maine: Notice of Agency Rulemaking – April 28, 2021**

**PROPOSALS**

AGENCY: **02-318** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Electricians’ Examining Board**

CHAPTER NUMBER AND TITLE: **Ch. 160**, Power Generation Systems as Electrical Installations

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P066**

BRIEF SUMMARY: The rulemaking proposes a new chapter that will explain when installations of power generation systems are, and are not considered “electrical installations” as that term is defined in statute. The proposed rule provides that a complete installation of a photovoltaic, fuel cell, or wind power generation system is an “electrical installation” as that term is defined by statute, and describes when installing portions of a photovoltaic power generation system that constitute less than a complete installation are not “electrical installations” as that term is defined by statute.

ADDITIONAL DETAILS: The proposed rule states that for purposes of installing portions of photovoltaic power generation systems that constitute less than a complete installation: (A) “Photovoltaic system” includes all components used to convert solar energy into electric energy; (B) Installation of any component of a photovoltaic system that converts solar energy into electric energy constitutes an “electrical installation” as that term is defined by statute; (C) Making either an electrical connection of any component within a photovoltaic system, or an electrical connection to such system, constitutes an “electrical installation” as that term is defined by statute; and (D) the mere construction or placement of a support structure intended to hold or support a photovoltaic system (including racking and mounting equipment such as frames, racks, rails, and footings) that does not itself convert solar energy into electric energy does not constitute an “electrical installation.”

PUBLIC HEARING: May 21, 2021, 8:00 a.m. *If the state of emergency in response to the novel coronavirus disease known as COVID-19 is still in place at the time of the hearing, the hearing will be held through remote access pursuant to 1 MRS §403-A. The information needed to access the hearing remotely will be posted on the Board’s website at:* *<https://www.maine.gov/pfr/professionallicensing/professions/electricians/home/board-meeting-information>.*

*If the state of emergency no longer exists at the time of the hearing, the hearing will be held at the Office of Professional and Occupational Regulation, 76 Northern Avenue, Gardiner, Maine. The hearing may be continued on additional dates if necessary.*

Comments on the proposed rules may be submitted to the Board Administrator no later than 5:00 p.m., Monday, May 31, 2021 by emailing her at [electrician.board@maine.gov](mailto:electrician.board@maine.gov) or by mailing your comments to her at Electricians’ Examining Board, Attn: Catherine M. Carroll, 35 State House Station, Augusta, ME 04333-0035.

COMMENT DEADLINE: May 31, 2021 by 5:00 p.m.

CONTACT PERSON FOR THIS FILING/ SMALL BUSINESS IMPACT INFORMATION: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8605. TTY users call Maine Relay 711. Email: [Catherine.M.Carroll@Maine.gov](mailto:Catherine.M.Carroll@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 1101, 1153, 1153-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/electricians> .

OPOR RULEMAKING LIAISON: [Kristin.Racine@Maine.gov](mailto:Kristin.Racine@Maine.gov) .

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 167**, Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions

TYPE OF RULE*)*: Routine Technical

PROPOSED RULE NUMBER: **2021-P067**

BRIEF SUMMARY: This proposed rule establishes methods for the calculation of gross and net annual greenhouse gas emissions in the State for the purpose of assessing attainment of the reduction goals set out at 38 MRS §§ 576-A(1), (2) and (3).

PUBLIC HEARING: May 20, 2021, 9:00 a.m. by video/audio conference. *Directions on how to attend the hearing will be posted on the Department’s rulemaking webpage and the Board’s webpage one week before the hearing. Persons who want to testify at the hearing are encouraged to add their name to a testimony signup list prior to the start of the hearing by emailing their name to Board staff at* [*Ruth.A.Burke@Maine.gov*](mailto:Ruth.A.Burke@Maine.gov) *by close of business on Monday, May 17th.*

COMMENT DEADLINE: June 1, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Stacy Knapp, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2235. Email: [Stacy.R.Knapp@Maine.gov](mailto:Stacy.R.Knapp@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §576-A(4)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov) .

AGENCY: **99-346 - Maine State Housing Authority (MSHA)**

CHAPTER NUMBER AND TITLE: **Ch. 24**, Home Energy Assistance Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P068**

BRIEF SUMMARY: This replacement rule repeals and replaces in its entirety the current Home Energy Assistance Program Rule. The rule establishes standards for administering fuel assistance, emergency fuel assistance, TANF Supplemental Benefits, weatherization, heat pumps, and heating system repair and replacement funds to low-income households in the State of Maine. This replacement rule: amends the definitions of “Heat Pump”; revises the calculation used to determine electricity costs for the consumption based method of determining a Benefit; updates the Benefit Matrix including rounding method used in determining poverty level brackets, language regarding heating degree days, and adding a new home energy type; updates the list of documents that can be used to document Social Security Numbers; removes reference to using an electronic verification system with the Social Security Administration; changes the fuel tank reading necessary for a Household to be eligible for ECIP; adds information regarding the Heat Pump Program; updates language regarding the amount of time a Household must reside in Maine in order to be considered eligible for HEAP; and changes the income verification period from the previous three (3) or twelve (12) month period to the previous one (1) month or thirty (30) day period. Other changes correct errors or provide clarification to the previous version of the rule.

A copy of the proposed replacement rule may be found at [www.mainehousing.org](http://www.mainehousing.org).

PUBLIC HEARING: A public hearing will be held on Tuesday, May 18, 2021 at 9:30 a.m. *To listen or testify, please contact Gerrylynn Ricker no later than 5:00 p.m. on Thursday, May 13, 2021 at MaineHousing, 26 Edison Drive, Augusta, Maine 04330-6046; (207) 626-4600 (voice); 1 (800) 452-4668 (voice in state only); or 711 (Maine Relay) or via email:* [*gricker@mainehousing.org*](mailto:gricker@mainehousing.org) *.Upon sufficient notice, appropriate communications auxiliary aids and services will be provided to persons with disabilities and persons with limited English proficiency.*

COMMENT DEADLINE: Friday, May 28, 2021 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Linda Uhl, Chief Counsel, Maine State Housing Authority, State House Station #89, 26 Edison Drive, Augusta, Maine 04330-6046. Telephone: (207) 626-4600; (800) 452-4668 (voice in state only), or Maine Relay 711. Email: [luhl@mainehousing.org](mailto:luhl@mainehousing.org) .

*Upon sufficient notice, this notice and the proposed rule will be made available in alternative formats for persons with disabilities and in alternative languages for persons with limited English proficiency.*

IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 30-A MRS §§ 4722(1)(W), 4741 (1) and (15), and 4991 *et seq.*; 42 USCA §§ 8621 *et seq.*

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same as above

MAINEHOUSING WEBSITE: <https://www.mainehousing.org/> .

**ADOPTIONS**

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 880**, Attachments to Joint-Use Utility Poles; Determination and Allocation of Costs; Procedure

ADOPTED RULE NUMBER: **2021-085**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to ch. 880 of the Commission's Rules regarding attachments to joint use utility poles. Specifically, the Commission amended ch. 880 to implement "one-touch make ready" (OTMR) in Maine and to incorporate into ch. 880 procedures and policies regarding unused (or "abandoned") joint use utility poles in public rights-of way.

EFFECTIVE DATE: April 26, 2021

MPUC CONTACT PERSON / RULEMAKING LIAISON: Jamie Waterbury, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1360. Email: [Jamie.A.Waterbury@Maine.gov](mailto:Jamie.A.Waterbury@Maine.gov) .

MPUC WEBSITE: <https://www.maine.gov/mpuc/> .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 609**, Food Supplement-Employment and Training (FSET) Program Rules: **FSET Rule #5**, Bachelors Programs Approved

ADOPTED RULE NUMBER: **2021-086**

CONCISE SUMMARY: Maine Department of Health and Human Services recently renewed its formal partnership with the Maine Department of Labor's Competitive Skills Scholarship Program (CSSP) to include the CSSP program in its array of FSET services. Effective October 1, 2020, this rulemaking expands Maine's FSET post-secondary educational opportunities for FSET participants to include some 4-year degree programs that lead to high wage, in demand occupations, as defined by the Maine Department of Labor at 12-597 ch. 2, *Rule Governing the Competitive Skills Scholarship Program*. The inclusion of these programs is consistent with the state plan amendment submitted to Food and Nutrition Services on October 23, 2020 and approved on November 13, 2020.

Additionally, this rule change allows co-enrolled FSET and CSSP participants to most efficiently participate in educational programming. The rulemaking also clarifies that participants may be co-enrolled with more than one FSET provider only when the providers are delivering different components of services, as defined in the rule. As a result of comments, this rule change further clarifies that in the case of more than one provider offering the same component of service, the participant may select the provider of their choice.

In partnering with the CSSP program, Maine DHHS staff will utilize the expertise of the Maine Department of Labor to identify which occupations are high wage, in demand occupations, and support the degrees needed accordingly through its FSET program.

Finally, effective March 8, 2021, this rulemaking strikes language disallowing reimbursement for on the job training or work experience. This change aligns Maine's policy with new federal rules adding subsidized employment as an allowable component.

Retroactive rulemaking is authorized by the Legislature in accordance with 22 MRS §42(8) because this rule provides a benefit to recipients or beneficiaries and does not have an adverse financial effect on either providers or beneficiaries or recipients.

This amendment is expected to be annually cost neutral, as the same number of participants will be served, and providers will be held to the established budgets and caps for services and participant reimbursements in their contracts or Memorandum of Understanding as previously approved.

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

EFFECTIVE DATE: May 1, 2021

OFI CONTACT PERSON: Patricia Dushuttle, Special Projects Manager, Department of Health and Human Services - Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841 Telephone: (207) 624-6907. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: [Patricia.Dushuttle@Maine.gov](mailto:Patricia.Dushuttle@Maine.gov) .

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

OFI RULEMAKING LIAISON: [Dan.Cohen@Maine.gov](mailto:Dan.Cohen@Maine.gov) .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 41**, Atlantic Menhaden: 2021 Commercial Harvest Rules

ADOPTED RULE NUMBER: **2021-087**

CONCISE SUMMARY: This rulemaking establishes the effort restrictions for the commercial menhaden fishery management program for FY 2021. The State Allocation fishery opens Monday, June 14, 2021 at 12:01 a.m. with harvest days on Mondays, Tuesdays, Thursdays and Fridays. Vessel weekly limit is set at 23,800 pounds (68 barrels). The Episodic Event fishery will operate on Tuesdays and Fridays with a weekly vessel limit of 14,000 pounds (40 barrels). The Incidental and Small Scale fishery will operate on Mondays, Wednesdays and Fridays with a daily vessel limit of 6,000 pounds. Transfers at sea of menhaden to either a harvester or carrier vessels are prohibited during the State Allocation, Episodic Event and Small Scale fisheries. During all three fishery phases, menhaden must immediately be stored in barrels, crates or fish totes, or a combination thereof, upon harvest and remain stored either on the harvester vessel and the dory towed by the harvester vessel, if utilized for all gear types.

Menhaden cannot be transferred to another vessel while at sea. Menhaden cannot be received from another vessel while at sea. Same day reporting is required by commercial menhaden harvesters during the state allocation and episodic event fisheries.

The noncommercial menhaden fishery daily limit has been amended from 1,000 pounds to 1,050 pounds to reflect the amount landed in three barrels.

EFFECTIVE DATE: April 27, 2021

DMR CONTACT PERSON: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

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

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .