**State of Maine: Notice of Agency Rulemaking – May 22, 2024**

**NOTICE OF STATE RULEMAKING**

**Public Input for Rules**

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions**: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). **World‑Wide Web**: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

**PROPOSALS**

AGENCY: 18-125 - Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

CHAPTER NUMBER AND TITLE: Chapter 104, Filing of Maine Tax Returns

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P135

BRIEF SUMMARY: Maine Revenue Services is proposing to amend Rule 104 (“Filing of Maine Tax Returns”) to impose an electronic filing requirement beginning in 2025 on applicants and applicant representatives submitting applications for the refundable seed capital investment tax credit claimed by private venture capital funds and applications for the certified visual media production wage reimbursement. A waiver from the electronic filing requirement may be obtained if the requirement causes undue hardship.

PUBLIC HEARING: N/A

COMMENT DEADLINE: Friday, June 21, 2024

CONTACT PERSON FOR THIS FILING: Alex Weber, Office of General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024, (207) 624-9712, alexander.j.weber@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:  N/A

STATUTORY AUTHORITY FOR THIS RULE: 36 M.R.S. § 112

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

AGENCY WEBSITE: [www.maine.gov/revenue](http://www.maine.gov/revenue)

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Anya.Trundy@maine.gov

AGENCY: 16-163 – Emergency Medical Services Board (Maine EMS)

CHAPTER NUMBER AND TITLE: Chapter 21: Immunization Requirements

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P136

BRIEF SUMMARY: The Emergency Medical Services Board is proposing to amend its current rules regarding Immunization requirements to add licensed ambulance operators into the definition of a “Covered Emergency Medical Services Person”, and to change the effective date by which a Covered Emergency Medical Services Person must have a valid Certificate of Immunization, Proof of Immunity, or documentation of a Medical Exemption for diseases contained within the chapter that are not Influenza (Seasonal Influenza), so that the requirement is effective at the point a Covered Emergency Medical Services Person is added to the entity’s roster. This proposal also amends its reporting requirements to reflect the changes to the effective date.

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

COMMENT DEADLINE: 11:59 P.M. on Friday, June 14, 2024. Comments on the proposed rule may be submitted to Maine EMS no later than 11:59 P.M. on Friday, June 14, 2024. Interested parties may submit comments to Maine EMS in the following manner(s):

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

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

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:  Maine EMS estimates that this rule will not have any fiscal impact on municipalities or counties.

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

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

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

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

AGENCY: 16-163 – Emergency Medical Services Board (Maine EMS)

CHAPTER NUMBER AND TITLE: Chapter 26: Community Grant Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P137

BRIEF SUMMARY: The Emergency Medical Services Board (“Board”) is required under 32 M.R.S. §97(4) to adopt rules establishing a grant application and selection process to award funds to municipalities or group(s) of municipalities for the review and consideration of the provision of effective and efficient emergency medical services. The Board is proposing rules that address the administration of the grant program, including the application process and requirements; evaluation criteria; evaluation/review process; and the reporting required of a recipient of funding.

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

COMMENT DEADLINE: 11:59 P.M. on Friday, June 14, 2024. Comments on the proposed rule may be submitted to Maine EMS no later than 11:59 P.M. on June 14, 2024. Interested parties may submit comments to Maine EMS in the following manner(s):

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

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

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: This rule will provide for the awarding of $200,000 in non-lapsing funds, where unexpended funds are carried over to the next fiscal year until all funds are expended, directly to municipalities or groups of municipalities.

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §84(1)(A), 32 M.R.S. §97(4)

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

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

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

AGENCY: 09-137 Inland Fisheries and Wildlife

CHAPTER NUMBER AND TITLE: Chapter 16.07 – Deer Hunting (Antlerless Deer Permit allocations)

PROPOSED RULE NUMBER: 2024-P138

TYPE OF RULE: Routine Technical

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife (IFW) is proposing to adopt antlerless deer permit (ADP) numbers for the 2024 deer hunting seasons and special muzzle-loading season by setting specific permit allocations by Wildlife Management District (WMD) or deer management subunit. Antlerless deer permit numbers are adjusted by IFW on an annual basis by department biologists who consider deer harvest levels, biological metrics and indices, and estimates of winter severity when evaluating the status of the deer population within each wildlife management district (WMD). Antlerless deer permit recommendations are based on removal rates of adult does that will stabilize, increase, or decrease deer densities. A complete copy of the proposal may be requested by contacting the Agency Contact Person.

PUBLIC HEARING: Monday, June 10, 2024 @ 4:00pm – Inland Fisheries & Wildlife, 353 Water Street, 3rd fl conference room, Augusta, ME

COMMENT DEADLINE: June 20, 2024

CONTACT PERSON FOR THIS FILING: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street 41 SHS, Augusta, ME 04333; phone: 207-287-5202; fax: 207-287-6395; e-mail: Becky.Orff@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 10104, 11152

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

AGENCY WEBSITE: [www.maine.gov/ifw](http://www.maine.gov/ifw)

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Becky.Orff@maine.gov

AGENCY: 94-411 – Maine Public Employees Retirement System

CHAPTER NUMBER AND TITLE: 103 Qualified Domestic Relations Orders

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P139

BRIEF SUMMARY: This rule implements the provisions in statutes relating to qualified domestic relations orders, which provide the statutory authority for the retirement system to pay benefits to the alternate payee of a member or retiree when the right to such payment is established by a qualified domestic relations order. This Chapter provides the standards for such orders, procedures for their filing, and the procedures to be followed by the retirement system in reviewing and administering the statute. The proposed amendments: (1) streamline the rule by deleting unnecessary language, updating language and reorganizing language for improved clarity; (2) clearly state what happens in each situation when the alternate payee deceases before the member; (3) specify that payments to the alternate payee may begin before the member retires only if the order so specifies; (4) provide that where the alternate payee’s benefits initiate before the member’s retirement, the alternate payee’s benefit will be recalculated if necessary at the time the member retires using the same actuarial factors used at the time the alternate payee initiated benefits; and (5) incorporate into rule the longstanding practice of requiring an additional filing fee when review is not completed within 18 months and the delay is not caused by the retirement system.

PUBLIC HEARING *(if any)*: June 13, 2024, 12:30 PM, Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: June 24, 2024

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org

CONTACT PERSON FOR THIS FILING: Kathy J. Morin, Director, Actuarial and Legislative Affairs; Maine Public Employees Retirement System; P.O. Box 349, Augusta, ME 04332-0349; 1-800-451-9800 or (207) 512-3108; Kathy.Morin@mainepers.org

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

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

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. §§ 17103(4), 17059(13)

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

AGENCY WEBSITE: mainepers.org

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kathy.Morin@mainepers.org

AGENCY: 94-411 – Maine Public Employees Retirement System

CHAPTER NUMBER AND TITLE: 506 Eligibility for Disability Retirement Benefits

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P140

BRIEF SUMMARY: This rule sets forth the standards and processes for determining eligibility for disability retirement benefits. The proposed amendment to the rule amends the definition of earnings to align with the definition in the newly proposed rule chapter 513. Specifically, for the purpose of this rule, earnings means wages, tips and other compensation from employment that is subject to FICA taxes and income from self-employment that is subject to Self-Employed Contributions Act taxes.

PUBLIC HEARING *(if any)*: June 13, 2024, 12:30 PM, Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: June 24, 2024

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org

CONTACT PERSON FOR THIS FILING: Kathy J. Morin, Director, Actuarial and Legislative Affairs; Maine Public Employees Retirement System; P.O. Box 349, Augusta, ME 04332-0349; 1-800-451-9800 or (207) 512-3108; Kathy.Morin@mainepers.org

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

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

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. § 17103(4)

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

AGENCY WEBSITE: mainepers.org

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kathy.Morin@mainepers.org

AGENCY: 94-411 – Maine Public Employees Retirement System

CHAPTER NUMBER AND TITLE: 513 Disability Retirement Compensation Limitations and Benefit Offsets

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P141

BRIEF SUMMARY: This proposed new rule sets forth guidance on compensation limitations and offsets applicable to disability retirement benefits and the submission of annual statements of compensation by disability retirees. It (1) establishes applicable definitions; and (2) establishes the process for submission of an annual statement of compensation, including the required documentation and filing deadlines.

PUBLIC HEARING *(if any)*: June 13, 2024, 12:30 PM, Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: June 24, 2024

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org

CONTACT PERSON FOR THIS FILING: Kathy J. Morin, Director, Actuarial and Legislative Affairs; Maine Public Employees Retirement System; P.O. Box 349, Augusta, ME 04332-0349; 1-800-451-9800 or (207) 512-3108; Kathy.Morin@mainepers.org

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

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

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. § 17103(4)

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

AGENCY WEBSITE: mainepers.org

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kathy.Morin@mainepers.org

AGENCY: 12-702 Department of Labor, Paid Family and Medical Leave Program

CHAPTER NUMBER AND TITLE: Chapter 1, Rules Governing Paid Family and Medical Leave

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P142

BRIEF SUMMARY: The purpose of this chapter is to provide definitions and procedures for implementing the paid family and medical leave program pursuant to 26 M.R.S. chapter 7, subchapter 6-C.

DETAILED SUMMARY: The purpose of this chapter is to provide definitions and procedures for implementing the paid family and medical leave (PFML) program, which was adopted in 2023. This new law, codified at 26 M.R.S. §§ 850-A through 850-R, will apply to most employees and employers in the State of Maine. PFML will provide up to 12 weeks of paid leave per benefit year for family, medical or safe leave, with such benefits beginning in mid-2026. Premium contributions will begin January 2025. To ensure proper implementation, this rule explains in detail the rights and responsibilities that will apply to employers, employees, self-employed individuals and tribal governments related to contributions and benefits. This rule also outlines application procedures, notice requirements and the process for employers to apply for a private plan substitution. In particular, the Rule:

* Clarifies the eligibility requirements for the PFML program. Clarifies that the determination of whether an employee has earned sufficient wages to be eligible is based upon gross wages for services performed in the State.
* Clarifies that employer size for the purposes of determining premium liability will be based upon the number of full-time, part-time, seasonal employees and temporary employees on October 1, 2024, and October 1 of each year thereafter.
* Explains the uses and types of leave, including clarification on the use of intermittent and reduced schedule leave.
* Explains the process for applying for benefits, and explains the process by which the Department will approve benefits, including setting timeframes for that process.
* Explains the requirements and processes governing notice and undue hardship.
* Explains the process for the Department to investigate allegations of fraud.
* Explains the process for self-employed individuals and tribal governments to elect coverage.
* Establishes the process for which all covered employees and employers will submit premiums. To ensure equity and consistency among all employees and employers, all covered employers will be required to withhold premiums on behalf of covered employees beginning January 1, 2025, with the first payments and reports due after the end of the first quarter of 2025.
* Explains the process for submitting applications for substitute plans beginning January 1, 2026. Explains that the exemption from premiums will not be effective until April 1, 2026,
* Sets forth the process by which certain issues may be appealed to Hearing Officers employed or contracted by the Department. Explains the process by which the Department will ensure consistency of appeal decisions among Hearing Officers.

PUBLIC HEARING *(if any)*: June 10, 2024; Time: 9am; Frances Perkins Room, 45 Commerce Drive, Augusta, Maine 04330

COMMENT DEADLINE: July 8, 2024

CONTACT PERSON FOR THIS FILING: Isaac H. Gingras; Department of Labor; 54 State House Station, Augusta, Maine 04333-0054; 207-626-6232; Isaac.H.Gingras@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS § 850-Q.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: 26 MRS §§ 850-A to 850-R

AGENCY WEBSITE: <http://www.maine.gov/labor/pfml>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

AGENCY: 10-144 - Department of Health and Human Services, Division of Licensing and Certification CHAPTER NUMBER AND TITLE: 10-144 CMR Ch. 129, Personal Care Agency Licensing Rule

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P143

BRIEF SUMMARY: This routine technical rulemaking operationalizes the statutory requirements of PL 2023 Ch. 309, An Act to Authorize the Department of Health and Human Services to License and Ensure the Quality of Personal Care Agencies. This rulemaking repeals and replaces 10-144 CMR Ch. 129, Rules and Regulations Governing In-Home Personal Care and Support Workers, which became effective on January 1, 1999. The new rule replaces the existing requirement for registration with a licensing process, incorporates a new statutory definition for Personal Care Agency (PCA), establishes standards and fees for the licensing of personal care agencies, establishes types and terms of licenses, creates quality assurance and technical assistance mechanisms, and establishes right of entry, penalties, and enforcement actions for failure to comply with the rule. The new rule also creates an appeal process for PCAs aggrieved by the department’s decisions.

PUBLIC HEARING *(if any)*: The public hearing will be held in person at 41 Anthony Avenue on 6/10/2024 from 1:30-3:00 pm. If you require accommodation for this hearing, please inform the contact person below at least 7 days before the hearing.

COMMENT DEADLINE: Written comments will be accepted until 6/24/24 at 5 pm, in accordance with accordance with 5 MRS §8053.

CONTACT PERSON FOR THIS FILING: Jonathan Leach, Compliance Manager; Division of Licensing and Certification; 41 Anthony Ave, 11 State House Station, Augusta, ME 04333-0011; Tel:  (207) 287-5825; Fax:    (207) 287-5807; TTY:  Call 711 (Maine Relay); Jonathan.H.Leach@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: No fiscal impact on municipalities or counties is expected.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §1717 (14), 22 MRS §42

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

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

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

AGENCY: 03-201 – Maine Department of Corrections

CHAPTER NUMBER AND TITLE: Ch. 10, Sec. 14.8: Section 504 Grievance Procedure

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P144

BRIEF SUMMARY: This rule will be repealed because the Department has adopted two comprehensive grievance rules pursuant to 34-A MRSA Section 1402(5), which allow grievances on this subject. These rules, Ch. 10, Subsections 29.1, Adult Resident Grievance Process, General and 29.2, Adult Resident Grievance Process, Health Care, are sufficient for addressing grievances covered in the rule to be repealed.

A copy of the rule to be repealed is available upon request by contacting the Department contact person or on the Secretary of State’s website at https://www.maine.gov/sos/cec/rules/03/chaps03.htm

PUBLIC HEARING *(if any)*: None

COMMENT DEADLINE: June 21, 2024. Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include the name of the commenter and the organization represented, if any.

CONTACT PERSON FOR THIS FILING: Mary Lucia, Department of Corrections, 111 SHS, Augusta ME 04333

Phone: (207) 530-0983, Fax: (207) 287-4370, mary.a.lucia@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: Ch. 10, Sec. 14.8: Section 504 Grievance Procedure: 34-A MRSA Section 1402(5)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: mary.a.lucia@maine.gov

AGENCY: 16-633 – Department of Public Safety, Gambling Control Board

CHAPTER NUMBER AND TITLE: Chapter 4 Licensee Records; Chapter 5 Internal Controls and Appendix A; Chapter 6 Ticket Redemption; Chapter 10 Slot Machine Maintenance; Chapter 11 Transportation of Slot Machines and table Games; and Chapter 19 Slot Machine Testing.

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P145 to -P150

BRIEF SUMMARY: These rules implement the recent change in Maine law from requiring central site monitoring of slot machines to requiring facility-based monitoring.

PUBLIC HEARING *(if any)*: None applicable

COMMENT DEADLINE: June 22, 2024

CONTACT PERSON FOR THIS FILING: Milton Champion, 45 Commerce Drive, Suite 3, Augusta ME 04333-0087 207-626-3901 milton.f.champion@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: N/A

STATUTORY AUTHORITY FOR THIS RULE: 8 M.R.S. §§ 1003(1)(B), (2)(J), (J-1), (K), (M)-(O) & 1004.

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

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: paul.f.cavanaugh@maine.gov

AGENCY: 94-649 – Maine Commission on Public Defense Services

CHAPTER NUMBER AND TITLE: Chapter 5, Co-counsel Requirements

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P151

BRIEF SUMMARY: This rule establishes a process for requesting Co-counsel, expectations of Co-counsel, parameters for payment of Co-counsel, and guidelines for the delegation of tasks in assigned cases.

PUBLIC HEARING *(if any)*: June 11, 2024 1:00 pm in Room 500, Burton Cross Building, Augusta and on Zoom.

COMMENT DEADLINE: June 23, 2024

CONTACT PERSON FOR THIS FILING: Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, jim.billings@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: 4 M.R.S.A. 1804(2)(G) and (4)(D)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jim.billings@maine.gov

AGENCY: 02-041, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Boiler and Pressure Vessel Safety Program

CHAPTER NUMBER AND TITLE:

**Repeal:** **Chapter 1**, Definitions; **Chapter 2**, Variances; **Chapter 3**, Board Meetings; **Chapter 4**, Advisory Rulings; **Chapter 11**, National Codes Applicable to Boilers and Pressure Vessels; **Chapter 12**, Power Boilers;

**Chapter 13**, Low Pressure Boilers; **Chapter 14**, Pressure Vessels; **Chapter 15**, Repairs and Alterations; **Chapter 21**, Duties and Responsibilities of All Owners of Boilers and Pressure Vessels; **Chapter 31**, Inspectors; **Chapter 32**, Boiler Operators and Stationary Steam Engineers

**New: Chapter 70**, Definitions; **Chapter 71**, Variances; **Chapter 72**, Advisory Rulings; **Chapter 73**, Safety Codes and Standards; **Chapter 74**, Power Boilers; **Chapter 75**, Low Pressure Boilers; **Chapter 76**, Pressure Vessels; **Chapter 77**, Repairs and Alterations; **Chapter 78**, Duties and Responsibilities of Owners of Boilers and Pressure Vessels; **Chapter 79**, Inspectors; **Chapter 80**, Boiler Operators and Stationary Steam Engineers

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P152 to -P172:

BRIEF SUMMARY: The proposed rulemaking will entirely replace the Boiler and Pressure Vessel Safety Program’s rules. The purpose of this rulemaking is to update outdated references (the regulatory agency is administered as a program through the Office of Professional and Occupational Regulation and not through a licensing board) and to adopt updated safety codes and standards.

**DETAILED SUMMARY:**

**Chapter 70, Definitions**: This chapter defines terms used in the Program’s rules. Changes from the current Definitions chapter includes removal of the definition of “boiler operator,” and amends the definition of “reportable accident” to also include an event that causes the boiler or pressure vessel to alter its routine or normal operating conditions.

**Chapter 71, Variances**: This chapter defines the procedure for filing a petition for a variance under 32 M.R.S. § 15104-B.

**Chapter 72, Advisory Rulings**: This chapter establishes requirements and guidelines for the director’s discretionary issuance of advisory rulings. The changes from the current Advisory Rulings rule relate to updated outdated references to a licensing board, now that the regulatory agency is a program within the Office of Professional and Occupational Regulation under the authority of the OPOR Director.

**Chapter 73, Safety Codes and Standards**: This chapter specifies the national safety codes and standards that apply to boilers and pressure vessels regulated in the State of Maine. The changes from the current rule include an adoption of the ASME Boiler and Pressure Vessel Code, 2023 Edition with the exception of Section III, Rules for Construction of Nuclear Facility Components, and Section XI, Rules for Inservice Inspection of Nuclear Reactor Facility Components; the ASME Code for Pressure Piping, B31.1-2022; the National Board Inspection Code, ANSI/NB23 2023 Edition, parts 1, 2, 3 and 4 (Enforcement of Part I, Installation, delayed for a period of thirty-six months); Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-2021; and Guidelines for inspection and nondestructive testing of cast iron paper machine dryers, TIP 0402-16 (2015 Revision).

**Chapter 74, Power Boilers**: This chapter establishes requirements for the safe and proper construction, installation, repair, use, operation and inspection of power boilers.

**Chapter 75, Low Pressure Boilers**: This chapter establishes specific requirements for the identification, construction, installation, inspection and operation of low pressure boilers. The changes from the current rule consolidate and streamline the description of hot water heating boilers and hot water supply boilers that are exempt from the certificate inspection process set forth in this chapter.

**Chapter 76, Pressure Vessels**: This chapter establishes the requirements for the design, construction, installation, inspection and operation of pressure vessels. It sets forth the periodic inspection schedule for pressure vessels generally, and specifically for those pressure vessels that are water heaters located in schoolhouses.

**Chapter 77, Repairs and Alterations**: This chapter establishes requirements for performing welded repairs, mechanical replacement of pressure parts, and alterations on boilers or pressure vessels. The rule requires that boiler tube work must be completed by an R Certificate Holder.

**Chapter 78, Duties and Responsibilities of Owners of Boilers and Pressure Vessels**: This chapter establishes general duties of owners of boilers and pressure vessels, in addition to what is required by statute.

**Chapter 79, Inspectors**: This chapter establishes requirements for initial and renewal licensure of inspectors in addition to those established by 32 M.R.S. § 15120.

**Chapter 80, Boiler Operators and Stationary Steam Engineers**: This chapter establishes requirements for licensure and responsibilities of boiler operators and stationary steam engineers. The rule requires that an individual qualifying as a boiler operator or a stationary steam engineer, for an initial license or for a license upgrade, must have high pressure boiler experience excluding work experience on miniature electric boilers.

PUBLIC HEARING *(if any)*: N/A.  Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), interested persons may request a public hearing by submitting a request in writing to the contact person for this filing.

COMMENT DEADLINE: Friday, June 21, 2024 at 5:00 p.m. Comments may be submitted in writing to Kristin Racine, Deputy Director, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333-0035, kristin.racine@maine.gov, tel (207) 624-8615, TTY users call Maine Relay 711

CONTACT PERSON FOR THIS FILING: Kristin Racine, Deputy Director, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333-0035, kristin.racine@maine.gov, 207-624-8615, TTY users call Maine Relay 711

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: N/A

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. §§ 8051, 9001; 32 M.R.S. §§ 15101, 15102, 15103-A, 15104-B, 15105, 15109, 15110, 15119, 15120, 15121

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/boiler-pressure-vessel-safety-program>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: kristin.racine@maine.gov

**ADOPTIONS**

AGENCY: Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

CHAPTER NUMBER AND TITLE: 18-125 CMR 803 – Income Tax Withholding Reports and Payments

ADOPTED RULE NUMBER: 2024-120

CONCISE SUMMARY: Maine Revenue Services is proposing to amend Rule 803 (“Income Tax Withholding Reports and Payments”) to remove the requirement to file the annual reconciliation Form W-3ME for tax periods beginning on or after January 1, 2024 and to make related technical changes.

EFFECTIVE DATE: Wednesday, May 22, 2024

AGENCY CONTACT PERSON: Alex Weber, General Counsel; Maine Revenue Services; 24 State House Station, Augusta, Maine 04333; 207-624-9712

AGENCY: 18-125 - Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

CHAPTER NUMBER AND TITLE: 18-125 CMR 811 – Student Loan Repayment Tax Credit

ADOPTED RULE NUMBER: 2024-121

CONCISE SUMMARY: Maine Revenue Services is proposing new Rule 811 (“Student Loan Repayment Tax Credit”) to clarify how individual income tax taxpayers may claim and calculate the Student Loan Repayment Tax Credit. The credit applies to taxable years beginning after 2021.

EFFECTIVE DATE: Wednesday, May 22, 2024

AGENCY CONTACT PERSON: Alex Weber, General Counsel; Maine Revenue Services; 24 State House Station, Augusta, Maine 04333; 207-624-9712

AGENCY: 05-071 – Education/State Board of Education

CHAPTER NUMBER AND TITLE: Chapter 61: State Board Of Education Rules For Major Capital School Construction Projects

ADOPTED RULE NUMBER: 2024-122

CONCISE SUMMARY: As a result of the First Special Session of the 131st Maine Legislature, The State Board of Education is engaging in rulemaking in response to Public Law 2023, Chapter 462, “An Act to Expand Access to School Construction Funding” effective October 25, 2023 which directs the State Board to amend their rule regarding administering funding for integrated, consolidated 9-16 educational facilities. As part of this update, The State Board of Education is opening Rule Chapter 61: State Board Of Education Rules For Major Capital School Construction Projects to complete the legislative changes required by law and is proposing several other changes to enhance clarity. The definition of “emergency project” has been updated to provide greater clarity in the determination of project approval. Major capital construction project application form guidance has been updated to include consolidated 9-12 educational facilities. The school construction eligibility section has been updated to remove specifically identified school years from the graduation rate criteria. The movable equipment cost has been updated to 4% instead of the identified 9% listed in the rule to reflect State Board practice. The State Board reserves the right to review for potential increases on a case-by-case basis. Project management authority and contracted representatives has been updated in the section relating to final approval as a result of State Board practice. The Bureau of General Services has been removed from the language of the rule due to the elimination of that office.

EFFECTIVE DATE: Wednesday, June 12, 2024

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

AGENCY: 05-071-, 94-376 – Department of Education, Maine Municipal Bond Bank

CHAPTER NUMBER AND TITLE: 64, MAINE SCHOOL FACILITIES PROGRAM AND SCHOOL REVOLVING RENOVATION FUND

ADOPTED RULE NUMBER: 2024-123

CONCISE SUMMARY: Resolve 2023, Chapter 44, Resolve, Directing the Department of Education and the Maine Municipal Bond Bank to Amend Their Rules Regarding the Maine School Facilities Finance Program and the School Revolving Renovation Fund signed into law on June 23, 2023 by the Governor contained in Section 1 a directive for the Maine Department of Education and the Maine Municipal Bond Bank to amend rules governing the Maine School Facilities Finance Program. The Resolve requires that the maximum total loans from the fund for repair, renovation, and improvement projects for Priority One, Priority Two, Priority Three, Priority Four and Priority Five shall be increased from $4,000,000 to $8,000,000 and to increase the maximum loan amount from the fund to address each priority level in a school building from $1,000,000 to $2,000,000 within any 5-year period. As a result of these statutory provisions, Chapter 64, Section 4 regarding School Revolving Renovation Fund Maximum Loan are being changed to include these adjustments to the maximum loan amounts in each specified category.

EFFECTIVE DATE: Thursday, June 13, 2024

AGENCY CONTACT PERSON: Laura Cyr; Department of Education; 23 SHS, Augusta, ME 04333; 207-446-8791

AGENCY CONTACT PERSON: Toni Reed; Maine Municipal Bond Bank; 127 Community Dr, Augusta, ME 04330; 207-622-9386

AGENCY: 01-072 - Dept. of Agriculture, Conservation and Forestry, Animal Welfare Program

CHAPTER NUMBER AND TITLE: Chapter 702 Rules for Companion Animal Sterilization Program

ADOPTED RULE NUMBER: 2024-124

CONCISE SUMMARY: These rules provide necessary guidelines for administration of the Help Fix ME (Companion Animal Sterilization Fund) to comply with the requirement of engaging a third-party administrator per 7 MRS §3910-B(1-A) Companion Animal Sterilization Fund and multiple other statutory changes to the Companion Animal Sterilization Act enacted in 2023.

EFFECTIVE DATE: Sunday, May 19, 2024

AGENCY CONTACT PERSON: Ronda Steciuk; DACF, Animal Welfare Program; 28 SHS, Augusta, ME 04333-0028; 207-287-5531

AGENCY: 12-172 Department of Labor, Bureau of Unemployment Compensation

CHAPTER NUMBER AND TITLE: Chapter 14 Education Institutional Employees

ADOPTED RULE NUMBER: 2024-125

CONCISE SUMMARY: Repeal and replaces the Rule to clarify the analysis as to whether an education institution employee is eligible for unemployment benefits during an established and customary vacation period.

EFFECTIVE DATE: Saturday, May 25, 2024

AGENCY CONTACT PERSON: Isaac H. Gingras

AGENCY NAME: Department of Labor

ADDRESS:54 State House Station

Augusta, ME 0433-0054

TELEPHONE:

207-626-6232

AGENCY: 02-030 – Professional and Financial Regulation, Bureau of Consumer Credit Protection

CHAPTER NUMBER AND TITLE: Ch.601 ESTABLISHMENT OF RULES TO IMPLEMENT 9-A M.R.S. ARTICLE 14 AND REQUIREMENT FOR LICENSING OF STUDENT LOAN SERVICERS THROUGH THE NATIONWIDE MULTISTATE LICENSING SYSTEM (NMLS)

ADOPTED RULE NUMBER: 2024-126

CONCISE SUMMARY: The Bureau of Consumer Credit Protection adopts this Chapter:

1. To establish standardized procedures for the licensing of student loan servicers through NMLS, so as to provide improved oversight and simplify recordkeeping;
2. To establish a schedule, requisite application content, and fees for both initial and renewal licensing;
3. To establish the position of student loan ombudsman within the Bureau;
4. To establish deadlines for an exempt organization to resolve and report on a complaint which the student loan ombudsman refers to it for assistance; and
5. To establish the filing procedure for a person servicing a student loan under contract with the United States Department of Education who seeks exemption from 9-A M.R.S. § 14-107(A) & (B) and “automatic” licensure.

EFFECTIVE DATE: Saturday, May 25, 2024

AGENCY CONTACT PERSON: Mark Susi; Staff Attorney; AGENCY NAME: Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection; ADDRESS: 35 SHS, Augusta, ME 04333; TELEPHONE: (207) 624-8527; Fax: (207) 582-7699; TTY users call Maine relay 711; mark.e.susi@maine.gov