**State of Maine: Notice of Agency Rulemaking – July 5, 2023**

**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: **01-017** – Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBERS AND TITLES:

Ch. 1, Administration;

Ch. 3, Officials and Race Track Personnel

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P083, P084** *(2nd publication)*

BRIEF SUMMARY: The principal purpose of the proposed rules is to allow licensee-associations that conduct harness racing meets to request that a State Steward act as a Presiding Judge for a racing season. The proposed rules outline the process licensee-associations must follow if they request a State Steward act as a Presiding Judge for a racing season.

The previously proposed rules, published for comment and proposed on April 26, 2023, required that State Stewards act as the Presiding Judge at all licensed race meets. Following receipt of public comments, the Commission made the following substantive changes to the proposed rules. As reflected in Ch. 1 §4, the proposed rules no longer require State Stewards act as the Presiding Judge at all race meets. Instead, it permits associations to request that a State Steward act as the Presiding Judge for a racing season. In the same section, the proposed rules outline how a licensee-association may make such a request. As reflected in Ch. 3 §2, the Presiding Judge position is returned to the employ of licensee-associations, unless the association requested that a State Steward act as a Presiding Judge pursuant to Ch. 1 §4.

As a result, the proposed rules with substantive changes are being republished for additional public comment regarding the changes to Ch. 1 §4, and Ch. 3 §2 from the rules as previously proposed.

The proposed rule changes will benefit the licensees and others involved in harness racing by permitting licensee associations to request that State Stewards act as a Presiding Judge for a racing season. This will allow associations that make such a request to save costs. Additionally, State Stewards will receive thorough education and training regarding harness racing rules and procedures to ensure high quality racing for those involved and for the betting public.

PUBLIC HEARING: None planned. *This is a publication of substantive proposed changes to previously-proposed Ch. 1 and 3 in order to allow public comment on the changes as required by 5 MRS §8052(5)(B). Requests to hold a public hearing by any interested person may be submitted in writing to the identified agency contact person.*

COMMENT DEADLINE: August 4, 2023 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Shane Bacon, Harness Racing, 28 State House Station, Augusta, ME 04333-0028. Telephone: (207) 287-7568. Email: Shane.Bacon@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §§ 263-A, 268, 275-C, 279-A, 279-B, 281

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

AGENCY WEBSITE: <https://www.maine.gov/daf/harnessracing/index.shtml>.

AGENCY: **02-280** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Electricians’ Examining Board**

CHAPTER NUMBER AND TITLE: **Ch. 180** *(New)*, Licensure by Endorsement

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P137**

**BRIEF SUMMARY**: The Electricians’ Examining Board is proposing to adopt Ch. 180 that outlines a pathway for licensure if a person is licensed by another jurisdiction within the United States that maintains substantially equivalent licensing standards pursuant to 10 MRS §8003-H.

**DETAILED SUMMARY**: The proposed rulemaking would add a new Ch. 180 that would contain standards for implementing 10 MRS §8003-H, *Licensure by Endorsement*. Licensure by endorsement allows a person who holds an electrician license in another jurisdiction of the United States to bypass testing and other requirements when applying for a license of the same level in Maine when the licensing requirements of the initial licensing state are substantially the same as licensing requirements in Maine. Ch. 180 sets standards applicants must meet when filing for licensure by endorsement and sets minimum standards for what constitutes substantially similar requirements at the journeyman and master level of licensing.

**Please visit** <https://www.maine.gov/pfr/professionallicensing/professions/electricians>, and scroll down to “What’s New”, *Rulemaking*, for a copy of the proposed rulemaking and rulemaking forms.

PUBLIC HEARING: N/A. *Pursuant to 5 MRS §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: August 11, 2023, by 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Matthew Kaply, Electrician’s Examining Board, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8605. TTY users call Maine Relay 711. Email: Matthew.S.Kaply@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 10 MRS §8003-H

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.

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

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual (MBM): **Ch. II Section 89** *(New)*, MaineMOM Services and Reimbursement

PROPOSED RULE NUMBER: **2023-P138**

CONCISE SUMMARY: The proposed rulemaking establishes 10-144 CMR Ch. 101, MaineCare Benefits Manual (the “MBM”), Ch. II Section 89, MaineMOM Services and Reimbursement.

The Department proposes this rule in order to create a new section of policy describing MaineMOM Services. The rulemaking addresses MaineMOM provider requirements, member eligibility, policies and procedures, covered services, and reimbursement methodology. The proposed MaineMOM Services rule is intended to expand Maine’s offering of substance use treatment service for pregnant and postpartum MaineCare members. This service is being created specifically to address and improve care for pregnant and postpartum people with Opioid Use Disorder (OUD) and their infants by integrating perinatal and substance use treatment services. The rule proposes to establish a new model of care which builds upon Opioid Health Home Services, within the Health Home Services Medicaid State Plan benefit, designed to integrate and coordinate medical and behavioral health services and supports for people living with chronic conditions.

MaineMOM services are separate from Section 93, Opioid Health Home Services. MaineCare will not reimburse a MaineMOM provider for delivering MaineMOM services to a member if that member also receives Section 93 services.

The Department proposes service and provider requirements for MaineMOM Services that are consistent with Health Home Service requirements, to include core Health Home Services and Standards, and the delivery of person-centered, quality-driven health care services. These proposed core services include creating care plans that support individual needs of patients, identifying health-related social needs, connecting individuals to needed resources, providing education related to substance use and perinatal care, supporting transitions between inpatient and outpatient care settings, and offering access to recovery-focused services. The Department further proposes that MaineMOM Services be provided by an interdisciplinary care team that includes a clinical lead, a Medications for Opioid Used Disorder (MOUD) prescriber, a perinatal provider, a nurse care manager, a clinical counselor, a patient navigator, and a recovery coach.

The proposed rule establishes three (3) models of MaineMOM Services to accommodate various provider and member situations. The three (3) models are:

* the Integrated Model,
* the Partnership Model, and
* the Perinatal Navigation Model

In compliance with 22 MRS §3173-J(3), this proposed rule establishes the reimbursement rate methodology for Section 89 services, as follows:

* For each of the three (3) models of MaineMOM Services, the proposed rule establishes a monthly Per Member Per Month (PMPM) reimbursement rate which incorporates quality of care incentives with the review of performance on two quality measures (access to postpartum services and screening for viral hepatitis C in pregnant patients).
* 4% of the PMPM payments are withheld from regular payments and redistributed every six months in accordance with the Performance-Based Adjustments rule provision.
* In compliance with 22 MRS §3173-J, the proposed reimbursement methodology applies an annual cost of living adjustment (COLA) equal to the percentage increase in the state minimum wage as set by the Department of Labor, pursuant to 26 MRS §664(1), effective July 1, 2024, to the three MaineMOM PMPM rates.
* The PMPM rates and the annual COLA adjustments will be posted on the Department’s website.

The Department has received approval from the Centers for Medicare and Medicaid Services (CMS) for most of the new covered services and rates. The rule notates which provisions the Department is seeking a State Plan Amendment for.

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

PUBLIC HEARING: Monday, July 24, 2023; 1:00 p.m. *The Department will hold a combined in-person and remote (via Zoom) public hearing.*

Location: State Office Building, Conference Rooms Maine A and Maine B, 109 Capitol Street, Augusta, ME.

Zoom Meeting link: <https://mainestate.zoom.us/j/84100501626?pwd=eVo2czUyTW9Pc2pObDIyeTQwb2dCQT09>

Meeting ID: 841 0050 1626

Passcode: 49567646

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• +1 507 473 4847 US

• +1 564 217 2000 US

• +1 669 444 9171 US

• +1 669 900 6833 US (San Jose)

• +1 689 278 1000 US

• +1 719 359 4580 US

• +1 253 205 0468 US

• +1 253 215 8782 US (Tacoma)

• +1 346 248 7799 US (Houston)

• +1 360 209 5623 US

• +1 386 347 5053 US

• +1 408 638 0968 US (San Jose)

Meeting ID: 841 0050 1626

Find your local number: <https://mainestate.zoom.us/u/k8n3iYZes>.

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

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

COMMENT DEADLINE: Comments must be received by 11:59 p.m. on Augusta 3, 2023.

AGENCY CONTACT PERSON: Melanie Miller, Comprehensive Health Planner II, MaineCare Services, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 624-4087. Fax: (207) 287-1864. TTY: 711 (Deaf or Hard of Hearing). Email: Melanie.Miller@Maine.gov.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION: N/A

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

STATUTORY AUTHORITY: 22 MRS §§ 42, 3173

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

OMS WEBSITE: <https://www.maine.gov/dhhs/oms/>.

OMS RULEMAKING LIAISON: Jennifer.Patterson@Maine.gov.

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS RULEMAKING LIAISON: Emily.A.Cathcart@Maine.gov.

**ADOPTIONS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #07-23**

ADOPTED RULE NUMBER: **2023-098** *(Emergency)*

CONCISE SUMMARY: Minimum July 2023 Class I price is $20.57/cwt. plus $1.63/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $0.93/cwt. handling fee for a total of $24.37/cwt. that includes a $0.20/cwt Federal promotion fee.

EFFECTIVE DATE: June 22, 2023

MMC CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission – DACF, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

MMC WEBSITE: <https://www.maine.gov/dacf/milkcommission/index.shtml>.

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

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

ADOPTED RULE NUMBER: **2023-099** *(Repeal and replace)*

CONCISE 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: establishes a new annual end date for taking HEAP applications; provides clarity that providing Program services is contingent upon availability of HEAP funding; establishes the Design Heat Load Calculation as the sole method of determining a Benefit; allows Benefit levels to be determined using the Home Energy type requested by the Primary Applicant; and provides Payments of Benefits directly to Primary Applicants who receive their Benefit for firewood.

EFFECTIVE DATE: July 28, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Ashley Carson, Chief Counsel, Maine State Housing Authority, 26 Edison Drive, Augusta, Maine, 04330-6046. Telephone: (207) 626-4600, or Maine Relay 711. Email: AJonatta@MaineHousing.org.

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

AGENCY: **02-416** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Social Worker Licensure**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Definitions

ADOPTED RULE NUMBER: **2023-100**

CONCISE SUMMARY: The adopted rule amends the definition of “organic mental illness” in board rules.

EFFECTIVE DATE: July 4, 2023

AGENCY CONTACT PERSON: Kristina M. Halvorsen, Board Administrator, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Social Worker Licensure**, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8420. TTY users call Maine Relay 711. Email: Kristina.M.Halvorsen@Maine.gov.

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/state-board-social-worker-licensure>.

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

OPOR RULEMAKING LIAISON: Kristin.Racine@Maine.gov.