**State of Maine: Notice of Agency Rulemaking – October 18, 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: **90-351** - **Workers’ Compensation Board**

CHAPTER NUMBER AND TITLE: **Ch. 4**, Independent Medical Examiner

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P197** *(*2nd publication, originally published 9/13/23, comment deadline corrected)

BRIEF SUMMARY: This rule adds an additional performance criteria for independent medical examiners which requires examiners that examiners provide independent, impartial, and objective medical findings in cases assigned to them.

PUBLIC HEARING: This notice corrects the period for written comments to be submitted.

COMMENT DEADLINE: Written comment deadline extended to October 30, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Richard Hewes, 27 State House Station, Augusta, ME 04333-0027, 207-287-7086 (phone), 207-287-7198 (fax), Richard.Hewes@maine.gov, TTY is 711

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

STATUTORY AUTHORITY FOR THIS RULE: 39-A M.R.S.A. § 312

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Richard.Hewes@maine.gov

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

CHAPTER NUMBER AND TITLE: Ch. 8, Payments for Dependents

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P209** (2nd publication, originally published 10/4/23, comment deadline corrected)

**DETAILED SUMMARY:** This chapter amends the criteria for determining when a claimant is eligible for a dependency allowance, in accordance with recent statutory changes to 26 M.R.S. § 1191(6) made by Public Law 2021 Chapter 456. The amended Rule clarifies that a claimant who supports a dependent is eligible for a dependency allowance, removing the requirement that the claimant be “wholly or mainly” supporting the dependent. The amended Rule sets forth the procedure for determining which parent is eligible for the dependency allowance when both parents qualify for UI benefits for the same week. The Rule establishes that the parent who files for unemployment benefits first will be eligible for the dependency allowance, except in situations in which one parent has primary custody, in which case, the custodial parent will be eligible for the dependency allowance.

PUBLIC HEARING: Tuesday, October 24, 2023 at 9:00am, at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Dr., Augusta, ME 04330

COMMENT DEADLINE: Monday, November 6, 2023 (Date correction from original posting)

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

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §§1082 and 1191(6)

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

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

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

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

CHAPTER NUMBER AND TITLE: Ch. 24, Approved Trainings

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P210** (2nd publication, originally published 10/4/23, comment deadline corrected)

BRIEF SUMMARY: The amendments to the Rule update and clarify the criteria and procedure for approved training, which waives the eligibility requirements to be able and available for work and to search for work.

PUBLIC HEARING: Tuesday, October 24,2023 at 10:00am, at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Dr., Augusta, ME 04330

COMMENT DEADLINE: Monday, November 6, 2023 (Date correction from original posting)

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

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §§1082 and 1192 (6) and (6-C)

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

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

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

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

CHAPTER NUMBER AND TITLE: Ch. 26, Waivers of Repayment of Erroneously Paid Benefits (Overpayments)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2023-P211 (2nd publication, originally published 10/4/23, comment deadline corrected)

DETAILED SUMMARY: The changes incorporate recent statutory changes to the law under Public Law 2021 Chapter 456, specifying that waiver determinations will be made in the first instance by Bureau of Unemployment Compensation. The Rule clarifies that denials of waivers by the Bureau may be appealed to the Division of Administrative Hearings and the Unemployment Insurance Commission. The Rule refines and explains the criteria used in determining whether an overpayment will be waived.

PUBLIC HEARING: Tuesday, October 24, 2023 at11:00am, at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Dr., Augusta, ME 04330

COMMENT DEADLINE: Monday, November 6, 2023 (Date correction from original posting)

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

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

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §1082

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

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

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

AGENCY: **05-071 – Department of Education**

CHAPTER NUMBER AND TITLE: **Ch. 132,** Learning Results: Parameters for Essential Instruction

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2023-P215** (2nd publication. originally published 10/11/23, correction to hearing location)

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

 As part of the scheduled periodic review of the Maine Learning Results, the Maine Department of Education is seeking public comments regarding the proposed revisions to the social studies standards and the science standard in Rule Chapter 132. These comments will inform the continued work of the standards revision teams and are an integral part of the rulemaking process.

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

 The revisions focus on elements outlined in the Science and Social Studies content areas. No other aspects of the Learning Results were modified in any way.

 This process was completed according to Title 5, Section 8051-B regarding consensus-based rule development process.

 ADDITIONAL DETAILED SUMMARY FOR WEB PUBLICATION:To align with §4706, Instruction in American history, African American studies, Maine studies, Maine Native American history and the history of genocide, the revision of both Science, Technology, and Engineering, and Social Studies focused on including Wabanaki studies, the history of Genocide, including the Holocaust, and African American studies into the standards. Leaders from the Holocaust and Human Rights Center, the Maine African American community, and the Wabanaki tribes supported the educators in this work.

 Though the proposed Science, Technology, and Engineering standards continue to be adapted from the Next Generation Science Standards, the following revisions were incorporated: 1) The standards were expanded from a topic (Matter and Its Interactions) to a sentence that describes what a student knows and is able to do (Students will be able to demonstrate an understanding of the structure, properties, and interactions of matter). 2) The introduction has been revised to include connecting science as a human endeavor to the fact that, in many cases, science has been used to benefit humanity (vaccines, space exploration, green energy advancements, technological innovations and engineering marvels) but that there are also notable cases in which science has been used by those with power to oppress and abuse other people (e.g. eugenics movement / pseudo-science; Tuskegee experiment, etc.). And 3) The connection between the Cross Cutting Concepts of the Next Generation Science Standards and Conceptual Understandings is made explicit.

 The proposed Social Studies standards revision includes the following: 1) The Personal Finance and Economics strand has been updated to align with the JumpStart national standards. 2) Higher order thinking has been included throughout the performance expectations. 3) The Civics and Government stand has been built out to include civil discourse and align with the C3 civics band. 4) A glossary has been created to define key terms used throughout the standards. And 5) There is a new standard in the History strand that examines the complex history of Maine and its people including the Wabanaki, Maine African Americans, as well as other marginalized groups, and genocides that have occurred in Maine.

PUBLIC HEARING: October 30, 2023, from 3:00 pm to 5:00 pm at the Burton Cross Office Building, located at 111 Sewall Street, Augusta, Maine 04333, Room 600 (corrected room number – virtual option also available)

COMMENT DEADLINE: November 14, 2023, 5 pm

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: Laura Cyr, State House Station #23, Augusta, ME 04333; Telephone: 207-446-8791; Email: Laura.Cyr@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: Title 20-A, § 6211

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

AGENCY WEBSITE: <https://www.maine.gov/doe/about/laws/rulechanges>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Laura.Cyr@maine.gov

AGENCY: **02-298** -- Department of Professional and Financial Regulation, Office of Professional of Occupational Regulation, **Board of Real Estate Appraisers**

 CHAPTER NUMBERS AND TITLES: **Ch. 230,** Supervisory Appraiser Duties (repeal and replace); **Ch. 240,** Standards of Professional Practice (repeal and replace)

TYPE OF RULES: Routine Technical

PROPOSED RULE NUMBERS: **2023-P218, 2023-P219**

BRIEF SUMMARY: Chapter 230: Supervisory Appraiser Duties - The principal reason for this rulemaking is to have a rule that more clearly and explicitly sets forth the role and responsibilities of a supervisory appraiser. The replacement rule clarifies experience acceptable for credit, experience log content and submission requirements. Additionally, the rule aligns rule terminology with the statute.

Ch. 240: Standards of Professional Practice - This rule incorporates the Uniform Standards of Professional Appraisal Practice (“USPAP”), 2024 Edition, Copyright © 2024, The Appraisal Foundation, effective January 1, 2024, into the Board’s rules by reference as the standard of practice for licensees.

PUBLIC HEARING: Tuesday, November 7, 2023, at 9:00 a.m., at the Office of Professional and Occupational Regulation, located at 76 Northern Avenue, Gardiner, Maine. Members of the public will also have the opportunity to attend and participate via remote means. Instructions on remote access and a link will be posted on the board’s webpage in advance of the public hearing at <https://www.maine.gov/pfr/professionallicensing/professions/board-real-estate-appraisers/home/board-meeting-information>.

COMMENT DEADLINE: Friday, November 17, 2023 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035, 207-624-8518, TTY: Maine relay 711, Catherine.Pendergast@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §§ 14012, 14038, 14039

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-real-estate-appraisers>

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

AGENCY: **12-170** – Department of Labor, **Bureau of Labor Standards**

CHAPTER NUMBER AND TITLE: Ch. 15, Rules Relating to Severance Pay

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P220**

BRIEF SUMMARY: Changes to address technical issues with the current rule clarifying definitions that previously resulted in questions. The changes bring the rule into better alignment with Bureau practices as well as streamlining the determination process.

ADDITIONAL DETAILED SUMMARY FOR WEB PUBLICATION: Clarifies the definition of “Date of Mass Layoff”, “Facility”, and “Gross Earnings”. Adds: a provision for when employees continue to be employed after the date of determination or relocation; factors for determining a date of mass layoff; requirements for notice; and a restriction for weeks used in determining the employee’s week’s pay. These update the rules to align them to the current determinations and processes used by the Bureau and not anticipated in the original rule.

PUBLIC HEARING: None, unless requested pursuant to 5 M.R.S. § 8052(1).

COMMENT DEADLINE: November 18, 2023

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054; Phone: 207-626-6232; Email:

Isaac.H.Gingras@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S.A. §625-B(8); 26 M.R.S.A. § 42

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

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

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

**ADOPTIONS**

AGENCY: **09-137 -- Inland Fisheries and Wildlife**

CHAPTER NUMBER AND TITLE: **Ch. 2,** Rules Pertaining to Commercial Fishing, Fish Culture and Fishing Derbies and Tournaments

ADOPTED RULE NUMBER: **2023-189**

CONCISE SUMMARY: The Department of Inland Fisheries and Wildlife has amended Chapter 2 rules as they apply to Fishing Derbies and Bass Tournaments to simplify and consolidate existing rules, capture items as rule that were previously being applied as permit conditions and incorporate strategic planning and other administrative needs. A complete copy of the rules may be obtained from the Agency Contact Person. The rules will have an effective date of January 1, 2024.

EFFECTIVE DATE: January 1, 2024

AGENCY CONTACT PERSON/RULEMAKING LIAISON:Becky Orff, Inland Fisheries and Wildlife, 353 Water St, 41 SHS, Augusta, ME 04333; Telephone: 207-287-5202; EMAIL: Becky.Orff@maine.gov

IFW WEBSITE: <https://www.maine.gov/ifw/>

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

CHAPTER NUMBER AND TITLE: Ch. 13, Exclusions

ADOPTED RULE NUMBER: **2023-190**

CONCISE SUMMARY: The rule package updates the rules governing self-exclusions at casinos.

EFFECTIVE DATE: October 18, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Milton Champion, Gambling Control Board, 45 Commerce Blvd., Augusta, ME 04333. Telephone: (207) 626-3901

Email: Milton.F.Champion@Maine.gov

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