

**02 Department of Professional and Financial Regulation**

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

2024-001: Chapter 230, Supervising Appraiser Duties

<b>Statutory Authority:</b>	32 M.R.S. §§ 14012, 14038, 14039
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	Minimal
<b>Principal purpose:</b>	<p>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.</p>
<b>Basis Statement:</b>	<p>The Maine Board of Real Estate Appraisers (the “Board”) is charged by the Legislature with the regulation of real estate appraisers in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 14012.</p> <p>The proposed rulemaking would repeal and replace the following chapter(s)</p> <p>Chapter 230: Supervising Appraiser Duties Chapter 240: Standards of Professional Practice</p> <p>The principal reason for this proposed rulemaking Chapter 230: Supervisory Appraiser Duties was 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.</p> <p>The principal reason for this proposed rulemaking Chapter 240: Standards of Professional Practice was to incorporate 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.</p> <p>Notice of the proposed rulemaking was published in the Maine Secretary of State weekly notice on October 18, 2023, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on October 18, 2023, posted on the Board of Real Estate Appraisers webpage on October 16, 2023; interested parties were emailed a copy of the rulemaking package on October 16, 2023. The Fact Sheet was filed with the Legislative Council on October 10, 2023.</p> <p>The Board held a public hearing on November 7, 2023 at 9:00 am to take oral comments, and continued to accept written comments through 5:00 pm on November 17, 2023.</p>

<b>02-298 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Real Estate Appraisers</b>	
<b>2024-002: Chapter 240, Standards of Professional Practice</b>	
<b>Statutory Authority:</b>	32 M.R.S. §§ 14012, 14038, 14039
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>Minimal</i>
<b>Principal purpose:</b>	<i>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.</i>
<b>Basis Statement:</b>	<p><i>The Maine Board of Real Estate Appraisers (the “Board”) is charged by the Legislature with the regulation of real estate appraisers in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 14012.</i></p> <p><i>The proposed rulemaking would repeal and replace the following chapter(s)</i></p> <p><i>Chapter 230: Supervising Appraiser Duties</i>  <i>Chapter 240: Standards of Professional Practice</i></p> <p><i>The principal reason for this proposed rulemaking Chapter 230: Supervisory Appraiser Duties was 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.</i></p> <p><i>The principal reason for this proposed rulemaking Chapter 240: Standards of Professional Practice was to incorporate 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.</i></p> <p><i>Notice of the proposed rulemaking was published in the Maine Secretary of State weekly notice on October 18, 2023, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on October 18, 2023, posted on the Board of Real Estate Appraisers webpage on October 16, 2023; interested parties were emailed a copy of the rulemaking package on October 16, 2023. The Fact Sheet was filed with the Legislative Council on October 10, 2023.</i></p> <p><i>The Board held a public hearing on November 7, 2023 at 9:00 am to take oral comments, and continued to accept written comments through 5:00 pm on November 17, 2023.</i></p>

02-333 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Licensure of Foresters

2024-031: Chapter 70-A, Licensure by Endorsement

**Statutory Authority:** 32 M.R.S. §§ 5506, 5516, and 10 M.R.S. § 8003-H

**Type:** Routine Technical

**Emergency?:** No

**Fiscal impact:** None anticipated.

**Principal purpose:** *The principal reason for this proposed rulemaking is to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021, Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions.*

**Basis Statement:** *The Board of Licensure of Foresters (the “Board”) is charged by the Legislature with the regulation of foresters in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 5506.*

*The proposed rulemaking would create, amend and repeal and replace the following chapter(s)*

*Chapter 70-A: Licensure by Endorsement (new)*

*Chapter 70 Qualifications for Forester License (amended)*

*Chapter 100: Code of Ethics (repeal and replace)*

*The principal reason for this proposed rulemaking is:*

- to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021, Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; and*
- to repeal and replace Chapter 100 with a chapter that clarifies terminology and definitions in numerous sections. Additionally, the rules provides when a written agreement is required and what the agreement must include.*

*The proposed rules were initially advertised on February 15, 2023, with a written comment period ending March 17, 2023. During this initial comment period, more than five (5) interested persons requested a public rulemaking hearing. In response, a public rulemaking hearing was advertised and scheduled to take place April 24, 2023. This public rulemaking hearing was cancelled and later set for May 25, 2023 at 9 am. The public was invited to attend and provide comments either in-person at 221 State Street in Augusta, Maine or appear remotely via a Teams link that was provided in advance of the meeting.*

*Notice of the proposed rulemaking was published in the Maine Secretary of State weekly notice on February 15, April 5, May 3, and August 23, 2023, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on February 15, April 5, May 3 and August 23, 2023, posted on the Board webpage on February 14, April 5, May 3 and August 23, 2023; bill sponsors were provided a copy of the proposed rulemaking on February 14, 2023 and May 3, 2023 (licensure by endorsement); interested parties were emailed a copy of the rulemaking package on February 14, April 5, May 3 and August 23, 2023. The Fact Sheet was filed with the*

*Legislative Council on February 7, March 29, April 24, and August 15, 2023.*

*The Board held a public hearing on Thursday, May 25, 2023 at 9:00 a.m., to take oral comments, and continued to accept written comments through 5:00 pm on June 5, 2023.*

*The Board received comments on the proposed rule requesting that the Board consider amending the proposed rule in several sections including Definitions; Obligations to Clients, Suppliers and Employers; and Obligations to the Public. The Board wanted to adopt several comments and solicited comments from the public on the changes to the rule that are necessary to adopt those comments. The Board held a second public hearing on Friday, September 15, 2023 to take oral comments, and continued to accept written comments through 5:00 pm on September 25, 2023.*

*The Board received no comments on the content of the proposed rulemaking for Chapters 70-A (Licensure by Endorsement) or Chapter 70, Qualifications for Forester License; therefore the following summary of comments and responses pertain only to the proposed rulemaking to repeal and replace Chapter 100, Code of Ethics.*

02-333 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Licensure of Foresters

2024-032: Chapter 70, Qualifications for Forester License

<b>Statutory Authority:</b>	32 M.R.S. §§ 5506, 5516, and 10 M.R.S. § 8003-H
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	None anticipated.
<b>Principal purpose:</b>	<i>The principal reason for this proposed rulemaking is to align the rule with 32 M.R.S. § 5516 (2)(B) regarding the pathway for those applicants applying on the basis of a license in another jurisdiction.</i>
<b>Basis Statement:</b>	<p><i>The Board of Licensure of Foresters (the “Board”) is charged by the Legislature with the regulation of foresters in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 5506.</i></p> <p><i>The proposed rulemaking would create, amend and repeal and replace the following chapter(s)</i></p> <p><i>Chapter 70-A: Licensure by Endorsement (new)</i> <i>Chapter 70 Qualifications for Forester License (amended)</i> <i>Chapter 100: Code of Ethics (repeal and replace)</i></p> <p><i>The principal reason for this proposed rulemaking is:</i></p> <ul style="list-style-type: none"><li><i>to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021, Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; and</i></li><li><i>to repeal and replace Chapter 100 with a chapter that clarifies terminology and definitions in numerous sections. Additionally, the rules provides when a written agreement is required and what the agreement must include.</i></li></ul> <p><i>The proposed rules were initially advertised on February 15, 2023, with a written comment period ending March 17, 2023. During this initial comment period, more than five (5) interested persons requested a public rulemaking hearing. In response, a public rulemaking hearing was advertised and scheduled to take place April 24, 2023. This public rulemaking hearing was cancelled and later set for May 25, 2023 at 9 am. The public was invited to attend and provide comments either in-person at 221 State Street in Augusta, Maine or appear remotely via a Teams link that was provided in advance of the meeting.</i></p> <p><i>Notice of the proposed rulemaking was published in the Maine Secretary of State weekly notice on February 15, April 5, May 3, and August 23, 2023, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on February 15, April 5, May 3 and August 23, 2023, posted on the Board webpage on February 14, April 5, May 3 and August 23, 2023; bill sponsors were provided a copy of the proposed rulemaking on February 14, 2023 and May 3, 2023 (licensure by endorsement); interested parties were emailed a copy of the rulemaking package on February 14, April 5, May 3 and August 23, 2023. The Fact Sheet was filed with the</i></p>

*Legislative Council on February 7, March 29, April 24, and August 15, 2023.*

*The Board held a public hearing on Thursday, May 25, 2023 at 9:00 a.m., to take oral comments, and continued to accept written comments through 5:00 pm on June 5, 2023.*

*The Board received comments on the proposed rule requesting that the Board consider amending the proposed rule in several sections including Definitions; Obligations to Clients, Suppliers and Employers; and Obligations to the Public. The Board wanted to adopt several comments and solicited comments from the public on the changes to the rule that are necessary to adopt those comments. The Board held a second public hearing on Friday, September 15, 2023 to take oral comments, and continued to accept written comments through 5:00 pm on September 25, 2023.*

*The Board received no comments on the content of the proposed rulemaking for Chapters 70-A (Licensure by Endorsement) or Chapter 70, Qualifications for Forester License; therefore the following summary of comments and responses pertain only to the proposed rulemaking to repeal and replace Chapter 100, Code of Ethics.*

02-333 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Licensure of Foresters

2024-033: Chapter 100, Code of Ethics

**Statutory Authority:** 32 M.R.S. §§ 5506, 5516, and 10 M.R.S. § 8003-H

**Type:** Routine Technical

**Emergency?:** No

**Fiscal impact:** None anticipated.

**Principal purpose:** *The Board is proposing to repeal and replace Chapter 100 with a chapter that clarifies terminology and definitions in numerous sections. Additionally, forester roles are described as well as when a written agreement is required and what the agreement must include.*

**Basis Statement:** *The Board of Licensure of Foresters (the “Board”) is charged by the Legislature with the regulation of foresters in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 5506.*

*The proposed rulemaking would create, amend and repeal and replace the following chapter(s)*

*Chapter 70-A: Licensure by Endorsement (new)*

*Chapter 70 Qualifications for Forester License (amended)*

*Chapter 100: Code of Ethics (repeal and replace)*

*The principal reason for this proposed rulemaking is:*

- to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021, Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; and*
- to repeal and replace Chapter 100 with a chapter that clarifies terminology and definitions in numerous sections. Additionally, the rules provides when a written agreement is required and what the agreement must include.*

*The proposed rules were initially advertised on February 15, 2023, with a written comment period ending March 17, 2023. During this initial comment period, more than five (5) interested persons requested a public rulemaking hearing. In response, a public rulemaking hearing was advertised and scheduled to take place April 24, 2023. This public rulemaking hearing was cancelled and later set for May 25, 2023 at 9 am. The public was invited to attend and provide comments either in-person at 221 State Street in Augusta, Maine or appear remotely via a Teams link that was provided in advance of the meeting.*

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*Legislative Council on February 7, March 29, April 24, and August 15, 2023.*

*The Board held a public hearing on Thursday, May 25, 2023 at 9:00 a.m., to take oral comments, and continued to accept written comments through 5:00 pm on June 5, 2023.*

*The Board received comments on the proposed rule requesting that the Board consider amending the proposed rule in several sections including Definitions; Obligations to Clients, Suppliers and Employers; and Obligations to the Public. The Board wanted to adopt several comments and solicited comments from the public on the changes to the rule that are necessary to adopt those comments. The Board held a second public hearing on Friday, September 15, 2023 to take oral comments, and continued to accept written comments through 5:00 pm on September 25, 2023.*

*The Board received no comments on the content of the proposed rulemaking for Chapters 70-A (Licensure by Endorsement) or Chapter 70, Qualifications for Forester License; therefore the following summary of comments and responses pertain only to the proposed rulemaking to repeal and replace Chapter 100, Code of Ethics.*

**2024-034: Chapter 3, Examination Requirements**

<b>Statutory Authority:</b>	32 M.R.S. §§ 12214(4), 12228(4)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>The rule will extend the total amount of time an accountant has to pass all sections of the Uniform CPA Examination.</i>
<b>Principal purpose:</b>	<i>The rulemaking is being proposed to amend the rule regarding examination requirements by extending the number of months during which a certified public accounting license candidate must complete all sections of the Uniform CPA Examination.</i>
<b>Basis Statement:</b>	<p><i>The Board of Accountancy (the “Board”) is charged by the Legislature with the regulation of certified public accountants and accounting firms in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 12214(4).</i></p> <p><i>The proposed rulemaking would amend the following chapter(s)</i></p> <p><i>Chapter 3: Examination Requirements</i></p> <p><i>The principal reason for this proposed rulemaking was to amend the rule regarding examination requirements by extending the number of months during which a certified public accounting license candidate must complete all sections of the Uniform CPA Examination.</i></p>

02-373 Department of Professional and Financial Regulation, Board of Licensure in Medicine	
2024-036: Chapter 12, Joint Rule Regarding Office Based Treatment of Opioid Use Disorder	
<b>Statutory Authority:</b>	32 M.R.S. §§ 3269(3), (7), 3300-F, 3300-EE; 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210, 2270; 32 M.R.S. §§ 2562, 2600-C, 2600-EE
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>Minimal</i>
<b>Principal purpose:</b>	<i>To make the rule consistent with changes to DEA registration requirements.</i>
<b>Basis Statement:</b>	<p><i>The Board of Licensure in Medicine, the Board of Osteopathic Licensure, and the State Board of Nursing (Boards) were created by the Legislature with the sole purpose of protecting the public. 10 M.R.S. § 8008 provides:</i></p> <p style="padding-left: 40px;"><i>§8008. Purpose of occupational and professional regulatory boards</i>  <i>The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. Other goals or objectives may not supersede this purpose.</i></p> <p style="padding-left: 40px;"><i>Background – The Existing OBOT Rule</i></p> <p><i>The impetuses for the development and adoption of the existing joint OBOT rule were varied. The Board of Licensure in Medicine (BOLIM) reviewed multiple complaints and investigations regarding Maine licensed physicians providing OBOT that raised concerns surrounding knowledge of and compliance with prevailing standards of care. In addition, due to the need for increased treatment in this State, many physicians providing OBOT in Maine transitioned in their practice from other treatment specialties and were not experts in addiction medicine, mental health, or prescribing of buprenorphine. Deficiencies regarding OBOT noted by the BOLIM during its investigations included:</i></p> <ul style="list-style-type: none"> <li><i>• Inadequate facilities: lack of patient privacy; lack of appropriate facilities for urine collection.</i></li> <li><i>• Inadequate medical record keeping: failure to query the prescription monitoring program (PMP); failure to document PMP checks; failure to attempt to obtain the patient’s prior medical records; failure to document medical decision making.</i></li> <li><i>• Inadequate or no referral to counseling and other services.</i></li> <li><i>• Inadequate or no toxicological testing to confirm use of buprenorphine and exclude other non-prescribed legal and illegal substances.</i></li> <li><i>• Co-prescribing buprenorphine, amphetamines, hypnotics, and benzodiazepines.</i></li> <li><i>• Inadequate patient assessment for treatment needs.</i></li> </ul> <p><i>As a result of some of the significant (and basic) deficiencies observed by the BOLIM during these investigations, it suggested that a workgroup be assembled of the</i></p>

*Boards with clinicians who have experience with and are authorized to prescribe buprenorphine in order to draft a rule regarding OBOT. The work group, which met three times, consisted of staff, Board members, and Board legal counsel.*

*The workgroup approached the drafting of the existing joint OBOT rule with two major objectives:*

*(1) To make the rule as basic as possible to minimize its potential regulatory impact upon clinicians who provide OBOT or are considering providing OBOT. The workgroup was well-aware that Maine and the United States are in the midst of an opioid epidemic, that there is an urgent need for clinicians who provide OBOT, and that a rule with too many requirements could act as a barrier to clinicians providing OBOT or who may consider providing OBOT. As a result, the draft rule establishes only the essential minimum standards for OBOT; and*

*(2) To provide OBOT clinicians who possess little experience or training in addiction medicine or OBOT with knowledge of the essential minimum standards.*

*The draft of the existing joint OBOT rule was based on a rule developed by the Vermont Department of Health, Division of Alcohol and Drug Abuse Programs entitled “Office Based Opioid Treatment (OBOT) Providers Prescribing Buprenorphine” that became effective on 7/15/2017 and is available online: [https://www.healthvermont.gov/sites/default/files/documents/pdf/REG\\_opioids-medication-assisted-therapy-for-dependence.pdf](https://www.healthvermont.gov/sites/default/files/documents/pdf/REG_opioids-medication-assisted-therapy-for-dependence.pdf). Importantly, the existing joint OBOT rule does not intrude into the clinical decision-making of the clinician nor proscribe the standards of care for induction, dosage determinations, etc. Instead, the rule provides clinicians with the fundamental expectations of the Boards for clinicians providing OBOT.*

*In addition, the existing joint OBOT rule was based upon the following information: The Federation of State Medical Boards (FSMB) “Model Policy on Data 2000 and Treatment of Opioid Addiction in the Medical Office” – 2013; Washington State Health Care Authority – “Clinical Guidelines and Coverage Limitations for Medication Assisted Treatment” – Effective January 17, 2018; Vermont Department of Health – “Medication Assisted Treatment (MAT) for Opioid Addiction”; State of Vermont “Rules Governing Medication-Assisted Therapy for Opioid Dependence for 1. Office-Based Opioid Treatment (OBOT) Providers Prescribing Buprenorphine 2. Opioid Treatment Providers (OTP)”; State of Vermont, Dep. Of Health, Div. of Alcohol and Drug Abuse Programs – “Medication Assisted Treatment Rules (MAT) – Frequently Asked Questions for Providers”; SAMHSA – “Medications for Opioid Use Disorder” – Treatment Improvement Protocol 63, HHS Publication No. (SMA) 18-5063 FULLDOC Printed 2018; Tennessee Nonresidential Buprenorphine Treatment Guidelines – Dec 21, 2017; American Society of Addiction Medicine (ASAM) – “Public Policy Statement on Office-Based Opioid Agonist Treatment (OBOT)” – January 17, 2018; Position Paper: American College of Physicians “Treating Substance Use Disorder” 2017 Ann Intern Med; Journal of the American Osteopathic Association: “Buprenorphine for Treatment of Opioid Addiction” – JOAO, Supp. 3, vol. 105 – June 2005; and Annals of Family Medicine (Ann Fam Med*

2017; 15: 281) - "Providing Office-Based Treatment of Opioid Use Disorder."

The existing joint OBOT rule established: definitions; the purpose of the rule; qualifications for providing OBOT; prescription requirements; and principles of proper OBOT. In addition, the existing joint rule provides resource links for clinicians. The existing joint OBOT rule is organized into the following sections:

SECTION 1. Definitions

SECTION 2. Purpose

SECTION 3. Qualifications

SECTION 4. Prescription Requirements

SECTION 5. Principles of Proper OBOT

SECTION 6. Telemedicine Practice

*The Current Rulemaking Initiative*

On December 29, 2022, with the enactment of the Consolidated Appropriations Act of 2023, Congress eliminated the "DATA-Waiver Program." As a result, portions of the existing joint OBOT rule are no longer required because: (1) a DATA-Waiver registration is no longer required to treat patients with buprenorphine for opioid use disorder; (2) DATA-Waiver registration numbers are no longer required for any prescription; and (3) there are no longer any limits or patient caps on the number of patients a prescriber may treat for opioid use disorder with buprenorphine. The current rulemaking initiative is limited in nature and proposes to amend the existing joint OBOT rule by eliminating references to and the requirements of the repealed "DATA-Waiver" Program by:

1. Eliminating the definitions of "DATA 2000" and "DATA 200 Waiver" from Section 1, Definitions.
2. Eliminating references to "DATA 2000" waivers in the definition of "Office Based Opioid Treatment (OBOT)" from Section 1, Definitions.
3. Eliminating references to the "Drug Addiction Treatment Act of 2000 (DATA 2000)" and adds the words "federal laws and regulations" in Section 2, Purpose.
4. Eliminating reference to "DATA 2000 Waiver" in Section 3.1.C, Qualifications.
5. Adding the words "if any" to "Patient limits" in Section 3.2, Qualifications.
6. Eliminating reference to "DATA 2000 identification number(s)" in Section 4.6, Prescription Requirements.

In addition to the repeal of the "DATA-Waiver Program," as part of the current rule amendment, the Boards considered a peer-reviewed study in the *Journal of the American Medical Association* entitled *Trends and Characteristics of Buprenorphine-Involved Overdose Deaths*

*Prior to and During the COVID-19 Pandemic that found that overdose deaths did not increase with expanded access to and use of buprenorphine and which advocated for the expansion “of equitable and culturally competent access to and provision of buprenorphine-based treatment.” JAMA Network Open. 2023;6(1):e2251856. doi:10.1001/jamanetworkopen.2022.51856*

02-380 Department of Professional and Financial Regulation, State Board of Nursing

2024-037: Chapter 12, Joint Rule Regarding Office Based Treatment of Opioid Use Disorder

**Statutory Authority:** 32 M.R.S. §§ 3269(3), (7), 3300-F, 3300-EE; 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210, 2270; 32 M.R.S. §§ 2562, 2600-C, 2600-EE

**Type:** Routine Technical

**Emergency?:** No

**Fiscal impact:** *Minimal*

**Principal purpose:** *To make the rule consistent with changes to DEA registration requirements.*

**Basis Statement:** *See Basis Statement at 2024-036, supra.*

02-383 Department of Professional and Financial Regulation, Board of Osteopathic Licensure

2024-038: Chapter 12, Joint Rule Regarding Office Based Treatment of Opioid Use Disorder

<b>Statutory Authority:</b>	32 M.R.S. §§ 3269(3), (7), 3300-F, 3300-EE; 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210, 2270; 32 M.R.S. §§ 2562, 2600-C, 2600-EE
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>Minimal</i>
<b>Principal purpose:</b>	<i>To make the rule consistent with changes to DEA registration requirements.</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-036, supra.</i>



<b>Statutory Authority:</b>	32 M.R.S. §§ 3269(3), (7), 3300-F; 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210; 32 M.R.S. §§ 2562, 2600-C; 32 M.R.S. § 3605-B, 3657
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>Minimal</i>
<b>Principal purpose:</b>	<i>To make the rule consistent with changes to DEA registration requirements.</i>
<b>Basis Statement:</b>	<p><i>This is an amendment to an existing joint rule (Chapter 21) regarding the use of controlled substances for the treatment of pain in Maine, which consists of four sections:</i></p> <p><i>Section 1 sets out the purpose of the joint rule.</i></p> <p><i>Section 2 defines terms used throughout the rule.</i></p> <p><i>Section 3 establishes exemptions from the rule.</i></p> <p><i>Section 4 establishes principles of proper pain management, including:</i></p> <p><i>Developing and maintaining competence</i>  <i>Universal precautions</i>  <i>Reportable acts</i>  <i>Compliance with controlled substance laws and regulations</i>  <i>Compliance with CDC guideline for prescribing opioids for chronic pain</i></p> <p><i>Section 5 requires continuing education regarding opioid prescribing.</i></p> <p><u><i>The Current Rulemaking Initiative</i></u></p> <p><i>On December 29, 2022, with the enactment of the Consolidated Appropriations Act of 2023, Congress eliminated the “DATA-Waiver Program.” As a result, a section of the joint rule regarding methadone and buprenorphine was changed to reflect that: (1) a DATA-Waiver registration is no longer required to treat patients with buprenorphine for opioid use disorder; and (2) DATA-Waiver registration numbers are no longer required for any prescription. The current rulemaking initiative is limited in nature and proposes to amend the existing joint rule by eliminating references to and the requirements of the repealed “DATA-Waiver” Program.</i></p> <p><i>In 2022 the United States Centers for Disease Control (CDC) created updated clinical practice guideline for prescribing opioids for the treatment of pain. The updated guideline, entitled “CDC Clinical Practice Guideline for Prescribing Opioids for Pain — United States, 2022,” includes 12 recommendations for clinicians providing pain care for outpatients aged 18 years or older with acute pain (duration less than 1 month), subacute pain (duration of 1-3 months), or chronic pain (duration of more than 3 months). The 12 recommendations are grouped into four areas of consideration for clinicians: (1) Determining whether or not to initiate opioids for pain; (2) Selecting opioids and determining opioid dosages; (3) Deciding duration of</i></p>

initial opioid prescription and conducting follow-up; and (4) Assessing risk and addressing potential harms of opioid use. <https://www.cdc.gov/opioids/healthcare-professionals/prescribing/guideline>. The current rulemaking initiative also proposes to amend the existing joint rule to repeal references to the 2016 CDC Guideline for Prescribing Opioids for Chronic Pain and replace them with references to the updated 2022 CDC Guideline for Prescribing Opioids for Pain.

The current amendments to the joint rule would: Repeal references to the DATA 2000 Waiver requirements as well as the 2016 CDC Guideline for Prescribing Opioids for Chronic Pain and replace them with references to “federal laws and regulations and Board Rule Chapter 12” as well as the updated 2022 CDC Guideline for Prescribing Opioids for Pain throughout the joint rule.

02-380 Department of Professional and Financial Regulation, State Board of Nursing

2024-040: Chapter 21, Use of Controlled Substances for Treatment of Pain

**Statutory Authority:** 32 M.R.S. §§ 3269(3), (7), 3300-F; 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210; 32 M.R.S. §§ 2562, 2600-C; 32 M.R.S. § 3605-B, 3657

**Type:** Routine Technical

**Emergency?:** No

**Fiscal impact:** *Minimal*

**Principal purpose:** *To make the rule consistent with changes to DEA registration requirements.*

**Basis Statement:** *See Basis Statement at 2024-039, supra.*

02-383 Department of Professional and Financial Regulation, Board of Osteopathic Licensure

2024-041: Chapter 21, Use of Controlled Substances for Treatment of Pain

<b>Statutory Authority:</b>	32 M.R.S. §§ 3269(3), (7), 3300-F; 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210; 32 M.R.S. §§ 2562, 2600-C; 32 M.R.S. § 3605-B, 3657
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>Minimal</i>
<b>Principal purpose:</b>	<i>To make the rule consistent with changes to DEA registration requirements.</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-039, supra.</i>

02-396 Department of Professional and Financial Regulation, Board of Licensure of Podiatric Medicine

2024-042: Chapter 21, Use of Controlled Substances for Treatment of Pain

<b>Statutory Authority:</b>	32 M.R.S. §§ 3269(3), (7), 3300-F; 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210; 32 M.R.S. §§ 2562, 2600-C; 32 M.R.S. § 3605-B, 3657
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>Minimal</i>
<b>Principal purpose:</b>	<i>To make the rule consistent with changes to DEA registration requirements.</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-039, supra.</i>

02-395 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Plumbers' Examining Board

2024-047: Chapter 4, Installation Standards

**Statutory Authority:** 32 M.R.S. §§ 3403-A, 3403-B(1), 3302; 10 M.R.S. §§ 9002, 9022; Resolves 2023, Ch. 65

**Type:** Routine Technical

**Emergency?:** No

**Fiscal impact:** *It will cause the Maine plumbing code to be amended such that the minimum specifications for gender-neutral restroom facilities will be set forth in the code. Moreover, gender neutral restroom facilities will count toward the minimum restroom facility ratios set forth in the code, which previously had only permitted male/female designated facilities to qualify for satisfying those ratios. The rule will also allow dealers and mechanics licensed by the Manufactured Housing Board to obtain plumbing permits for the work permitted by the scope of their license, for connection to existing water supply and sewage systems necessary for the use of HUD-code homes or pre-HUD-code homes for dwelling purposes.*

**Principal purpose:** *The rulemaking is being proposed to implement LD 675, codified as Resolves 2023, ch. 65, to update the plumbing code adopted by the board to include Chapter 4, Section 422 of the 2024 Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), with modifications required by Title 22, sections 1686 and 1686-A. The rule amendment will result in toilet facilities designed for use by all genders to be considered towards meeting the minimum number of fixtures required by the plumbing code.*

*The rulemaking will also add to the persons authorized to apply for and obtain plumbing permits a dealer or mechanic, duly licensed pursuant to 10 M.R.S. § 9022(1) or (3), for connection to existing water supply and sewage systems necessary for the use of HUD-code homes or pre-HUD-code homes for dwelling purposes in accordance with 10 M.R.S. § 9002(6).*

**Basis Statement:** *The Plumbers' Examining Board (the "Board") is charged by the Legislature with the regulation of plumbers and plumbing installations in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 3403-A.*

*The proposed rulemaking would amend the following chapter:*

*Chapter 4: Installation Standards*

*The principal reason for this rulemaking was to implement LD 675, codified as Resolves 2023, ch. 65, to update the plumbing code adopted by the board to include Chapter 4, Section 422 of the 2024 Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), with modifications required by Title 22, sections 1686 and 1686-A. The rule amendment will result in toilet facilities designed for use by all genders to be considered towards meeting the minimum number of fixtures required by the plumbing code.*

*The rulemaking will also add to the persons authorized to apply for and obtain*

*plumbing permits a dealer or mechanic, duly licensed pursuant to 10 M.R.S. § 9022(1) or (3), for connection to existing water supply and sewage systems necessary for the use of HUD-code homes or pre-HUD-code homes for dwelling purposes in accordance with 10 M.R.S. § 9002(6).*

<b>Statutory Authority:</b>	9-B M.R.S. §§ 215, 439-A(5)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>No expected fiscal impact.</i>
<b>Principal purpose:</b>	<i>The purpose of the proposed rule is to align definitions of total capital and surplus, and the calculation of credit exposure derived from derivatives transactions, with federal regulations promulgated by the FDIC and the OCC. Recent changes to federal regulations have created different methodology between state and federal law for how to determine a financial institution’s capital and how to calculate credit exposure derived from derivatives transactions. Alignment with federal standards will ensure consistency in defined terms used in state and federal regulation, which will help financial institutions better understand how to calculate total capital and surplus relative to loans to one borrower limitations.</i>
<b>Basis Statement:</b>	<p><i>Factual and Policy Basis of amendments: The Bureau undertook revisions of Chapter 128, also referred to as “Regulation 28,” to update the regulation’s definition of “total capital and surplus” by aligning that definition with federal standards promulgated by the FDIC for when qualifying FDIC-supervised institutions elected to use the CBLR. The Bureau determined this modern approach to capital calculation would provide financial institutions subject to the Regulation a roadmap for how capital for purposes of loans to one borrower limitations would be reviewed and analyzed. The Bureau also utilized the 2023 rulemaking to make a minor change to the Conversion Factor Matrix Method under Section 8 (2)(A)(1) of the Regulation. The Superintendent has determined these changes to be necessary for protection of the public that deals with financial institutions using the CBLR framework.</i></p> <p><i>In adopting the amendments to Chapter 128, the Superintendent finds it advisable, in order to avoid confusion regarding the precise text of the rule that the Superintendent intended to propose and to adopt, to remove the explanatory rulemaking information that was originally posted with the rule text at the time of the notice of proposed rulemaking. The explanatory language is not part of the rule. The explanatory language followed Section 10 and began with the heading ‘Basis Statement’ and was previously included solely for historical informational purposes. The Superintendent also finds that minor changes to the rule were necessary to clarify terminology used so that the public can more effectively understand the rule and its contents.</i></p>



2024-079: Chapter 6, Adoption of Standards

<b>Statutory Authority:</b>	32 M.R.S. § 18123(2)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>With the change in vent termination clearances in the most recent version of the NFPA 54 adopted by the board, it is challenging to find a place to direct vent for appliances over 150,000 btu, in some cases leading to more roof penetrations which could lead to water damage over time. Homeowners may have to repair interior and exterior walls and modify the potable water piping. It is expected this change will alleviate added costs and eliminate some of those logistical issues.</i>
<b>Principal purpose:</b>	<i>In the 2021 edition of the NFPA 54, recently adopted and incorporated by reference into board rule Chapter 6, a new table was established for both direct vent and non-direct vent appliances requiring that the direct vent termination from appliances over 150,000 btu is required to be 4' from the side or below an opening or 1' above. Prior to the adoption of 2021 NFPA 54, the vent terminal of a direct vent appliance with an input of over 50,000 btu was required to be 12" from building openings. The proposed changes would amend the 2021 NFPA as adopted by the board and revert to the previously adopted standard, requiring direct vent terminal clearances for appliances greater than 150,000 btu to be in accordance with the manufacturer's instructions, and in no case less than 12".</i>
<b>Basis Statement:</b>	<p><i>The Maine Fuel Board (the "Board") is charged by the Legislature with the regulation of persons who install or service solid fuel burning equipment, including pellet-fired central heating appliances, or oil, propane or natural gas burning equipment, and facilities where propane or natural gas is dispensed, in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 18123(2).</i></p> <p><i>The proposed rulemaking would amend the following chapter(s):</i></p> <p><i>Chapter 6: Adoption of Standards</i></p> <p><i>The principal reason for this proposed rulemaking was to return to the prior venting clearance standard to alleviate a hardship for installers and homeowners, without compromising public safety.</i></p> <p><i>In the 2021 edition of the NFPA 54, recently adopted and incorporated by reference into board rule Chapter 6, a new table was established for both direct vent and non-direct vent appliances requiring that the direct vent termination from appliances over 150,000 btu is required to be 4' from the side or below an opening or 1' above. Prior to the adoption of 2021 NFPA 54, the vent terminal of a direct vent appliance with an input of over 50,000 btu was required to be 12" from building openings. The proposed changes would amend the 2021 NFPA as adopted by the board and revert to the previously adopted standard, requiring direct vent terminal clearances for appliances greater than 150,000 btu to be in accordance with the manufacturer's instructions, and in no case less than 12".</i></p>

02-313 Department of Professional and Financial Regulation, Maine Board of Dental Practice	
2024-106: Chapter 2, Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities	
<b>Statutory Authority:</b>	32 M.R.S. §§ 18324, 18341, 18345, 18347-A, and 18376(1)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<p><i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR).</i></p> <p><i>The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i></p>
<b>Basis Statement:</b>	<p><i>Basis Statement: The Maine Board of Dental Practice ("the Board") is charged by the Legislature with the regulation of dentists, dental hygienists, denturists, dental radiographers, and expanded function dental assistants in the State of Maine for the sole purpose to protect the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 18324 to fully implement its statutory mandates.</i></p> <p><i>The purpose of this rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements. Below is a summary of the proposed rulemaking changes:</i></p> <ol style="list-style-type: none"> <li><i>1. Chapters 2, 3, 5, and 6: Amend the temporary licensure sections to remove references to Title 10 and add language authorizing the board to waive the license fee. (P.L. 2023 ch. 165).</i></li> <li><i>2. Chapters 2, 3, 4, 5, and 6: Amend the life support certification requirement to BLS certification. (P.L. 2023 ch. 354).</i></li> <li><i>3. Chapter 2: Amend the public health dental hygiene section by removing the written practice agreement requirement and replace it with verification of services to be offered in a public health setting. (P.L. 2023 ch. 354).</i></li> <li><i>4. Chapter 3: Amend the EFDA qualifications by removing "and" and replace it with "or" as this was a technical error and aligns with the statutory requirements. (32 M.R.S. §18344(1)(B)).</i></li> <li><i>5. Chapter 11: Amend the practice authority section by removing public health dental hygiene authority and adding it to the section that does not require a written practice agreement to renew or reinstate a practice authority. (P.L. 2023 ch. 354).</i></li> <li><i>6. Chapter 12: Amend the IPDH practice requirements by removing references to requiring a written practice agreement with a dentist to review dental radiographs within 21 days from the date the radiograph was taken. (P.L. 2023 ch. 354).</i></li> <li><i>7. Chapter 13: Amend the sections identifying CPR certification and replace it with BLS</i></li> </ol>

*certification. (P.L. 2023 ch. 354).*

*8. Chapter 12: Amend citation in the summary to be 10 M.R.S. §8003(5-A). (P.L. 2023 ch. 17).*

**2024-107: Chapter 3, Qualifications for Expanded Function Dental Assistant Licensure**

<b>Statutory Authority:</b>	32 M.R.S. §§ 18324, 18341, 18344
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-106, supra.</i>

**2024-108: Chapter 4, Qualifications for Dental Radiography Licensure**

<b>Statutory Authority:</b>	32 M.R.S. §§ 18324, 18341, 18343, and 18347-A
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-106, supra.</i>

02-313 Department of Professional and Financial Regulation, Maine Board of Dental Practice

2024-109: Chapter 5, Qualifications for Denturist Licensure

<b>Statutory Authority:</b>	32 M.R.S. §§ 18324, 18341, 18346, and 18347-A
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-106, supra.</i>

02-313 Department of Professional and Financial Regulation, Maine Board of Dental Practice

2024-110: Chapter 6, Qualifications for Dentist Licensure

<b>Statutory Authority:</b>	32 M.R.S. §§ 18324, 18341, 18342, and 18347-A
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-106, supra.</i>

02-313 Department of Professional and Financial Regulation, Maine Board of Dental Practice

2024-111: Chapter 11, Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities

<b>Statutory Authority:</b>	32 M.R.S. §§ 18324, 18341, 18347, 18349, and 18350
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-106, supra.</i>



02-313 Department of Professional and Financial Regulation, Maine Board of Dental Practice

2024-112: Chapter 12, Practice Requirements

<b>Statutory Authority:</b>	32 M.R.S. §§ 18324, 18325, 18371, 18372, 18373, 18374, 18374, 18375, 18376, 18377, 18378, and 18393; and 10 M.R.S. §8003(5-A)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i>
<b>Basis Statement:</b>	See Basis Statement at 2024-106, <i>supra</i> .

02-313 Department of Professional and Financial Regulation, Maine Board of Dental Practice

2024-113: Chapter 13, Continuing Education

<b>Statutory Authority:</b>	32 M.R.S. §§ 18308(4), 18324, 18350, and 18351
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>[T]here may be a small financial impact to a limited number of licensees who need to obtain [basic life support] certification.</i>
<b>Principal purpose:</b>	<i>The purpose of the rulemaking proposal is to fully implement the various statutory changes pursuant to three public laws during the 131st First Special Legislative session - see P.L. 2023 ch. 165 (temporary licensure), P.L. 2023 ch. 351 (dental hygiene/dental therapy); and P.L. 2023 ch. 17 (Part P Dental's move into OPOR). The proposed change to Chapter 3 is to align the rule with the statutory requirements found in 32 M.R.S. §18344(1)(B).</i>
<b>Basis Statement:</b>	<i>See Basis Statement at 2024-106, supra.</i>

**2024-114: Chapter 865, Standards for Fertility Coverage****Statutory Authority:** 24-A M.R.S. §§ 212 and 4320-U**Type:** Routine Technical**Emergency?:** No**Fiscal impact:** [N]one**Principal purpose:** *The proposed rulemaking is necessary to implement the fertility care coverage requirements of 24-A M.R.S. § 4320-U.*

**Basis Statement:** *Superintendent of Insurance Robert L. Carey hereby adopts Rule Chapter 865, "Standards for Fertility Coverage," pursuant to 24-A M.R.S. §§ 212 and 4320-U. The purpose of the Proposed Rule is to establish standards to implement the fertility care coverage requirements of 24-A M.R.S. § 4320-U.*

*On May 22, 2023, the Bureau published a Notice of Rulemaking setting the public hearing at 1:30 p.m. on June 20, 2023, and closing the comment period at 4:30 p.m. on June 30, 2023. On May 22, 2023, the Bureau posted the Proposed Rule to its website, distributed it to subscribers to the Bureau's e-mail subscription service, and filed a Rule-Making Fact Sheet with the Maine Secretary of State, published in the State Rulemaking Register on May 31, 2023, and with the Executive Director of the Legislative Council.*

*The public hearing took place as scheduled by videoconference. On October 31, 2023, after determining that the adopted rule would be substantially different from the original Proposed Rule, the Bureau issued a Request for Additional Comments, with a supplemental comment period closed at 4:30 p.m. on December 15, 2023. The Request for Additional Comments included a Revised Proposed Rule and advised interested persons that the Bureau would find comments on the following points particularly helpful:*

- Whether the proposed limits on coverage reflect the best allocation of the funding resources the Legislature has provided for benefit defrayal;*
- Whether various technical changes we have proposed to the rule, including changes to definitions and medical terminology, are accurate, or whether they are worded in ways that might have unintended consequences;*
- If we were to modify or eliminate technology-specific requirements, to anticipate future advances in technology, what replacement language would best ensure a level of coverage that meets the statute, without expanding into services or procedures that do not represent an accepted standard of care or that are considered experimental;*
- Are there other methods of facilitating the defrayal reimbursement process that would be more efficient for the State, the policyholders, and the carriers? If we substitute a prospective reimbursement methodology in place of the proposed retrospective methodology, how would that mechanism be structured and implemented?*
- If the legislatively budgeted defrayal funds are, or are anticipated to be, fully expended, what options are there for reimbursing individuals or carriers as required by the ACA? Additional information on other states' experience in this area, including information on whether other state agency(ies) or other entities have successfully facilitated the defrayal process, would also be helpful.*

*The rule is hereby adopted with the changes discussed below that have been made*

*in response to the initial and additional comments, and with a few additional non-substantive editorial corrections. Revisions made in the Revised Proposed Rule are depicted in red type, and further revisions made in the Adopted Rule in response to the additional comments are depicted in blue type.*

<b>02-030 Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection</b>	
<b>2024-126: Chapter 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)</b>	
<b>Statutory Authority:</b>	9-A M.R.S. §§ 6-150-A(1) and 14-109(H)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>The rule will have no fiscal impact as licensing of student loan servicers is already occurring.</i>
<b>Principal purpose:</b>	<i>Required by Title 9-A M.R.S. §14-109(H)</i>
<b>Basis Statement:</b>	<p><b>Factual and Policy Basis:</b> <i>The BCCP adopts this rule as required by 9-A M.R.S. § 14-109(H):</i></p> <p><i>To establish standardized procedures for the licensing of student loan servicers through NMLS, so as to provide improved oversight and simplify recordkeeping;</i></p> <p><i>To establish a schedule, requisite application content, and fees for both initial and renewal licensing;</i></p> <p><i>To establish the position of student loan ombudsman within the Bureau;</i></p> <p><i>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</i></p> <p><i>E. 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) &amp; (B) and “automatic” licensure.</i></p>

02-318 Department of Professional and Financial Regulation	
2024-142: Chapter 120, Electrical Installation Standards	
<b>Statutory Authority:</b>	32 M.R.S. §§ 1153, 1153-A
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal impact:</b>	<i>Within the scope of the entire 2023 NEC and related amendments and exclusions, there are changes that may both increase and decrease the costs of electrical installations.</i>
<b>Principal purpose:</b>	<i>As required by 32 M.R.S. § 1153-A, all electrical installations must comply with the National Electrical Code, National Fire Protection Association standard #70 (“NEC”) that is adopted by rule by the board, and the board must establish by rule technical standards for the proper installation of electrical equipment. These standards must conform as nearly as practicable to the NEC. The proposed rulemaking would repeal the current Chapter 120, Electrical Installation Standards which adopts and incorporates by reference the 2020 NEC and replace with a new rule with the same title and in the same location that adopts and incorporates by reference the 2023 NEC.</i>
<b>Basis Statement:</b>	<p><b><u>Basis Statement:</u></b> <i>The Maine Electricians’ Examining Board (the “Board”) is charged by the Legislature with the regulation of electricians in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 1153.</i></p> <p><i>The rulemaking repeals 02-318, Chapter 120, “Electrical Installation Standards” and replaces it with a new rule with the same title and in the same location that adopts and incorporates by reference into board rule the 2023 National Electrical Code, National Fire Protection Association standard #70 (“2023 NEC”), subject to certain amendments and exclusions. The board’s current Chapter 120 adopts and incorporates by reference the 2020 National Electrical Code, subject to certain amendments and exclusions. With the adoption of the 2023, the board found some of the amendments and exclusions that it had adopted in rule with regards to the 2020 NEC were no longer necessary.</i></p> <p><i>The proposed rule adopts the 2023 NEC with amendments to the following: Article 90.4(D) New Products, Constructions, or Materials; Article 100, Dormitory Unit; Article 210.8(A)(6), Dwelling Units; Article 210.8(B)(2), Other than Dwelling Units; Article 210.8(F), Ground-Fault Circuit-Interrupter Protection for Personnel, Outdoor Outlets; Article 230.2(E), Number of Services, Identification; Article 230.85(B), Disconnects; Article 334.10, Uses Permitted; Article 338.12(B)(1) and (2), Uses Not Permitted, Underground Service-Entrance Cable; Article 400.12(4), Uses Not Permitted; Article 406.9(C), Receptacles in Damp or Wet Locations, Bathtub and Shower Space; and Article 702.4(A)(2)(a), Capacity and Rating, System Capacity, Automatic Load Connection. The Board does not adopt Article 334.12(A)(2).</i></p>

**02-318 Department of Professional and Financial Regulation, OPOR, Electricians' Examining Board**

**2024-166: Chapter 180, Licensure by Endorsement**

<b>Statutory Authority:</b>	10 M.R.S. § 8003-H; 32 M.R.S. § 1201-B
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>None anticipated.</i>
<b>Principal purpose:</b>	<i>The Electricians' Examining Board is proposing to adopt Chapter 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 M.R.S. § 8003-H.</i>
<b>Basis Statement:</b>	<p><i>The Maine Electricians' Examining Board (the "Board") is charged by the Legislature with the regulation of electricians in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S.</i></p> <p><i>§§ 1153 and 1206 and 10 M.R.S. § 8003-H. Additionally, the Legislature required in 10 M.R.S.</i></p> <p><i>§ 8003-H that the Board adopt rules implementing the procedure for licensure by endorsement.</i></p> <p><i>The proposed rule implements 10 M.R.S. § 8003-H, allowing persons licensed to work on electrical installations in other United States jurisdictions to receive electrician licenses in Maine, provided that their current licensing jurisdiction has substantially equivalent license requirements. The proposal describes the requirements for licensure by endorsement and sets forth specific criteria for determining if a jurisdiction has substantially similar licensing requirements.</i></p>

02-371 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Nursing Home Administrator Licensing Board

2024-192 to 2024-201:

- Chapter 20, Definitions
- Chapter 21, Advisory Rulings
- Chapter 22, Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators
- Chapter 23, Multi-level Long Term Care Facility Administrators: Licensure by Examination
- Chapter 25, Licensure of Nursing Home Administrators
- Chapter 26, Licensure of Residential Care Facility Administrators
- Chapter 27, Temporary Licensure of Administrators
- Chapter 28, License Renewal, Continuing Education and Inactive Status
- Chapter 29, Approval of Preceptor Training Programs
- Chapter 30, Code of Ethics

<b>Statutory Authority:</b>	5 M.R.S. § 9001; 10 M.R.S. § 8003(5-A)(D)(5) (inactive status); 32 M.R.S. §§ 63-B(2), (3), 65,
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>None anticipated. Applicants for examination may incur costs to apply for and sit for the required examinations.</i>
<b>Principal purpose:</b>	<i>The proposed rulemaking will constitute a complete repeal and replacement of the Board's rules, which have not been updated since 2000. The proposed rulemaking will repeal the existing rules for the Board of Nursing Home Administrators, Chapters 1 through 11, and replace with the proposed Chapters 20 through 23, and Chapters 25 through 30.</i>
<b>Basis Statement:</b>	<i>The Nursing Home Administrators Licensing Board (the "Board") is charged by the Legislature with the regulation of nursing home administrators, administrators of long term care facilities, administrators of residential care facilities, and administrators-in-training in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 63-B.</i>  <i>The proposed rulemaking would repeal and replace the following chapter(s)</i>  <i>New:</i> <i>Chapter 20: Definitions</i> <i>Chapter 21: Advisory Rulings</i> <i>Chapter 22: Administrator-in-Training Program for Multi-level Long Term Care Facility Administrators</i> <i>Chapter 23: Multi-level Long Term Care Facility Administrators: Licensure by Examination</i> <i>Chapter 25: Licensure of Nursing Home Administrators</i> <i>Chapter 26: Licensure of Residential Care Facility Administrators</i> <i>Chapter 27: Temporary Licensure of Administrators</i> <i>Chapter 28: License Renewal, Continuing Education and Inactive Status</i> <i>Chapter 29: Approval of Preceptor Training Programs</i>



*Chapter 30: Code of Ethics*

*Repeal:*

*Chapter 1: Definitions*

*Chapter 2: Nursing Home Administrators*

*Chapter 3: Residential Care Facility Administrators*

*Chapter 4: Multi-Level Long Term Care Facility Administrators*

*Chapter 5: Licensing*

*Chapter 6: Endorsement*

*Chapter 7: Temporary Licenses*

*Chapter 8: Continuing Education*

*Chapter 9: Advisory Rulings*

*Chapter 10: Fees*

*Chapter 11: Code of Ethics*

*The proposed rulemaking will constitute a complete repeal and replacement of the Board's rules, which have not been updated since 2000. It is expected that the rulemaking will clarify terms used throughout the rules, revise requirements for examination approval and qualifying for licensure, and align the Board's rules with the standards and protocols established by the National Association of Long-Term Care Administrator Boards ("NAB"), to better align the requirements in Maine with those in other states to ensure greater licensure mobility.*

**2024-202: Chapter 13, Licensure of Landscape Architects**

**Statutory Authority:** 32 M.R.S. §§ 214(1), 220(2)(B); P.L. 2023, c. 548

**Type:** Routine Technical

**Emergency?:** No

**Fiscal Impact:** *None anticipated.*

**Principal purpose:** *Public Law 2023, c. 548, An Act to Amend Licensing Requirements for Landscape Architects, effective March 19, 2024 removed the requirement that landscape architecture examination candidates complete their education and experience requirements prior to sitting for the Landscape Architect Registration Examination administered by the Council of Landscape Architectural Registration Boards (CLARB). Proposed changes to the rule are required to align the rule with the revised statute. The proposed rule also allows examination candidates to register directly with CLARB to take the exam without first submitting an application to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.*

**Basis Statement:** *The Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers (the “Board”) is charged by the Legislature with the regulation of architects, landscape architects and interior designers in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 214 (1).*

*The proposed rulemaking would repeal and replace the following chapter(s)*

*Chapter 13, Licensure of Landscape Architects*

*Changes to this rule are required as a result of PL 2023, c. 548, An Act to Amend Licensing Requirements for Landscape Architects, effective March 19, 2024. The revised law allows landscape architect exam applicants to apply directly to the Council of Landscape Architectural Registration Boards (CLARB) without first paying a fee to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers or completing education and experience requirements. Prior to adoption of PL 548, landscape architect examination candidates were required to meet education and experience requirements to qualify for admission to the exam.*

**02-030 Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection  
 2024-203: Chapter 710, Establishment of License And Renewal Fees And Application Requirements For  
 Maine’s Payroll Processor Licensing And Requirement For Licensing Through The Nationwide Multistate  
 Licensing System (NMLS)**

<b>Statutory Authority:</b>	10 M.R.S. § 1495-D(1-A)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<p><i>There will be a minor impact on the Bureau, in that revenues from fees should increase slightly as renewal fees for original and renewal licenses increase by \$100 per year.</i></p> <p><i>Licensees will be impacted by the \$100 per year increase in licensing fees and a yearly fee to NMLS, currently \$100. As of the effective date of this rule, there will be slightly increased costs for credit reports and criminal background checks for new applicants (entities or individuals not already licensed and new individuals named to positions of control of current licensees.</i></p>
<b>Principal purpose:</b>	<p><i>The rule as adopted and currently in force resulted in some confusion as to licensing requirements. This repeal and replacement is intended to clarify requirements and extend timelines to address issues licensees have encountered in transitioning to the Nationwide Multistate Licensing System (NMLS). The rulemaking will also include a public hearing to allow licensees to address any continuing concerns personally.</i></p>
<b>Basis Statement:</b>	<p><b>I. SUMMARY</b></p> <p><i>The Bureau of Consumer Credit Protection (BCCP) hereby adopts Chapter 710, which repeals and replaces the current rule that governs payroll processor licensing in the State of Maine. The revised Rule clarifies the requirements for the types of records that can be used by an applicant for licensure as a payroll processor to show its financial condition. The rule is intended to make clear that evidence of financial condition must be submitted and that audited financial statements, although preferred, are not the only documents that may be used as evidence of financial condition. The rule also extends the period of transition to NMLS for payroll processors and modifies certain requirements for licensure.</i></p>

02-392 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Board of Pharmacy

2024-282: Chapter 7, Licensure and Employment of Pharmacy Technicians

<b>Statutory Authority:</b>	32 M.R.S.A. §§13720, 13721(1)(H), 13723
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>None known, minimal if any</i>
<b>Principal purpose:</b>	<i>Chapter 7 is amended in accordance with Public Law 2023 Chapter 245, by setting standards by which a pharmacy technician may qualify to be certified to administer vaccines.</i>
<b>Basis Statement:</b>	<p><i>The Notice of Proposed Rulemaking was published on July 10, 2024, and a public hearing was held on August 1, 2024 at 8:30 a.m. with the option for the public to provide comments in-person or virtually at the rulemaking hearing. Written comments were also accepted with the public comment period ending on August 12, 2024 at 5:00 p.m. (EST).</i></p> <p><i>This proposed rule amends current Board Rule Chapter 7 in response to Public Law 2023 Chapter 245 (L.D. 899 An Act to Authorize Vaccine Administration by Pharmacy Technicians and Reduce Vaccine Administration Training Requirements for Pharmacists) by a) setting qualification standards for licensed pharmacy technicians to become certified to administer vaccines; and b) enabling currently licensed pharmacy technicians who are also currently certified to administer vaccines under the PREP Act the process to continue their certifications after the authorizations and immunizations in the federal Public Readiness and Emergency Preparedness (“PREP”) Act end on December 31, 2024.</i></p> <p><i>The Board conveys its sincere appreciation for the feedback, comments, suggestions and questions regarding the amendments to the proposed rule.</i></p>

02-392 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Board of Pharmacy

2024-283: Chapter 41, Sale of Nonprescription Drugs Through Vending Machine Outlets

<b>Statutory Authority:</b>	32 M.R.S.A. §§ 13751, 13792(2)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>None known, minimal if any</i>
<b>Principal purpose:</b>	<i>Public Law 2023 Chapter 160 repeals the 12-item limit for drug outlet vending machines. Chapter 41 is amended to for consistency with law.</i>
<b>Basis Statement:</b>	<p><i>The Notice of Proposed Rulemaking was published on July 10, 2024, and a public hearing was held on August 1, 2024 at 8:30 a.m. with option for the public to testify in-person or virtually. Written comments were also accepted with the public comment period ending on August 12, 2024 at 5:00 p.m. (EST).</i></p> <p><i>This proposed amendment to current Board Rule Chapter 41 removes the 12-item limit that may be stocked in any single vending machine to make the rule consistent with the statutory changes effectuated by Public Law 2023 Chapter 160 (L.D. 1615 An Act Regarding Limits on Medication in Vending Machines).</i></p> <p><i>The Board wishes to convey its sincere appreciation for the feedback, comments, suggestions and questions regarding the amendments to the proposed rule.</i></p>

02-392 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Board of Pharmacy

2024-284: Chapter 44, Pharmacist Authorization to Make Certain Contraception Accessible

<b>Statutory Authority:</b>	32 M.R.S.A. § 13826 (5)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>None known, minimal if any</i>
<b>Principal purpose:</b>	<i>Chapter 44 is enacted in accordance with Public Law 2023 Chapter 115 to implement requirements to increase access to birth control by making certain contraception accessible from a pharmacist. This rule sets training for pharmacists to prescribe, dispense and administer contraceptives that reflect evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.</i>
<b>Basis Statement:</b>	<p><i>The Notice of Proposed Rulemaking was published on July 10, 2024, and a public hearing was held on August 1, 2024 at 8:30 a.m. with option for the public to testify in-person or virtually. Written comments were also accepted with the public comment period ending on August 12, 2024 at 5:00 p.m. (EST).</i></p> <p><i>This proposed rule is adopted in accordance with Public Law 2023 Chapter 115 (L.D. 351 An Act to Increase Access to Birth Control by Making Certain Contraception Accessible from a Pharmacist) to implement requirements to increase access to birth control by making certain contraception available from an appropriately trained pharmacist. This rule sets forth the training required that allow pharmacists to prescribe, dispense and administer contraceptives in reliance on evidence-based medical eligibility guidelines for contraceptive use and best practices to counsel patients.</i></p> <p><i>The Board wishes to convey its sincere appreciation for the feedback, comments, suggestions and questions regarding the amendments to the proposed rule.</i></p>

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

2024-285 to 2024-307:

**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

<b>Statutory Authority:</b>	5 M.R.S. §§ 8051, 9001; 32 M.R.S. §§ 15101, 15102, 15103-A, 15104-B, 15105, 15109, 15110, 15119, 15120, 15121
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>None anticipated.</i>
<b>Principal purpose:</b>	<i>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, including the ASME Boiler and</i>

*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).*

**Basis Statement:**

***Basis Statement:*** *The director of the Office of Professional and Occupational Regulation is charged by the Legislature with the regulation of the operation of boilers and pressure vessels in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the director rulemaking authority pursuant to 32 M.R.S. § 15103-A(2).*

*The proposed rulemaking would repeal and replace the following chapter(s)*

*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*

*The principal reason for this proposed rulemaking was 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.*

02-041, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation

2024-308: Chapter 10, Establishment of License Fees

<b>Statutory Authority:</b>	32 M.R.S. §§ 15224, 15225-A; 10 M.R.S. § 8003(2-A)(D)
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>It is expected that the rule will increase the costs to the regulated community for plan review and initial inspection of passenger/freight elevators, temporary use elevator inspections, and other regulated equipment. It is anticipated that the rule will provide greater certainty as to the total fees charged for review and inspections of elevators and other regulated equipment. Currently, some fees depend on factors such as the valuation of an installation or “travel expenses” without setting an amount. The amended rule consolidates fees in the current rule and sets all fees at a flat rather than a variable rate.</i>
<b>Principal purpose:</b>	<i>The rule implements LD 2214, enacted by the 131st Legislature as P.L. 2023, c. 643. LD 2214 directed that the fee rule be amended to the extent necessary to cover ongoing costs of two additional Elevator Inspector positions, to allow for a future reclassification or reorganization of all Elevator Inspector positions, to take into account reimbursement for required travel and expenses associated with elevator inspections, and to consolidate fees charged by the program.</i>
<b>Basis Statement:</b>	<p><b><u>Basis Statement:</u></b> <i>The Director of the Elevator and Tramway Safety Program is charged by the Legislature with the regulation of elevators and tramways in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Director rulemaking authority pursuant to 32 M.R.S. § 15205-A(2).</i></p> <p><i>The rulemaking amends the following chapter(s)</i></p> <p><i>Chapter 10      Establishment of License Fees</i></p> <p><i>The principal reason for this proposed rulemaking was to implement LD 2214, enacted by the 131st Legislature as P.L. 2023, c. 643. LD 2214 directed that the fee rule be amended to the extent necessary to cover ongoing costs of two additional Elevator Inspector positions, to allow for a future reclassification or reorganization of all Elevator Inspector positions, to take into account reimbursement for required travel and expenses associated with elevator inspections, and to consolidate fees charged by the program.</i></p>