

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2022 to December 31, 2022**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Finance Authority of Maine (FAME)  
**Umbrella-Unit:** 94-457  
**Statutory authority:** 10 MRS §969-A, 1100-AA  
**Chapter number/title:** Ch. 601, The Maine State Grant Program, *Amendment 12*  
**Filing number:** 2022-192  
**Effective date:** 10/10/2022  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule conforms the governing program rule with statutory changes made by the 129<sup>th</sup> Legislature with respect to adult learners. The rule defines “adult learner” and extends from ten semesters to twelve semesters the length of time during which adult learners may avail themselves of the grant. It also makes certain technical changes with respect to punctuation and spacing in the current rule.

**Basis statement:**

This rule defines criteria necessary to be met for student and institution eligibility for participation on the Maine State Grant Program and establishes a procedure for awarding grants.

**Fiscal impact of rule:**

None.

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**Agency name:** Finance Authority of Maine (FAME)  
**Umbrella-Unit:** 94-457  
**Statutory authority:** 10 MRS §969-A, 1100-AA  
**Chapter number/title:** Ch. 619, Foreign Credentialing and Skills Recognition Revolving Loan Program, *Amendment 1*  
**Filing number:** 2022-004  
**Effective date:** 1/9/2022  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

The rule amendment makes adjustments necessary in order for the Authority to implement the Foreign Credentialing and Skills Recognition Revolving Loan Program as amended by the Legislature recently by PL 2021 ch. 133. The program has been amended to:

1. Add as an eligible loan expense the costs of the filing fee for an immigrant's initial work permit application;
2. Define "initial work permit";
3. Ensure that a change in federal regulations will not require a future statutory amendment of the provision of the program governing eligibility under the program; and
4. Change a specific time-frame in the provision governing program eligibility while waiting for asylum to an unspecified time period while waiting on an application for asylum or other immigrant benefit or relief.

In accordance with 5 MRS §8052(4) and Executive Order No. 4 FY 19/20, the Authority has considered:

1. the environmental and social impacts of the rule, with the goal of prioritizing the health safety and welfare of Maine people, and find that the rule will have no negative environmental or social impacts requiring such prioritization; and
2. the economic and fiscal impacts of the rule, including the extent to which other laws and regulations address the rule subject matter and the impact on employers in retaining and attracting a skilled workforce, and find that (a) the rule will have no adverse economic or fiscal impact; (b) no other laws or regulations address the rule subject matter; and (c) the rule will have no adverse effect on employers' ability to retain and attract a skilled workforce.

**Fiscal impact of rule:**

The amendment is not anticipated to have any fiscal impact.

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**Agency name:** Finance Authority of Maine (FAME)  
**Umbrella-Unit:** 94-457  
**Statutory authority:** 20-A MRS §12953; PL 2021 ch. 483(H)  
**Chapter number/title:** Ch. 620 (New), Maine Health Care Provider Loan Repayment Pilot Program  
**Filing number:** 2022-043  
**Effective date:** 3/29/2022  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

The rule is promulgated in order for the Authority to implement the *Maine Health Care Provider Loan Repayment Pilot Program* as enacted by the Legislature through PL 2021 ch. 483 (part H).

No public hearing was held on the draft rule; however, the Authority did receive three separate comments on the proposed rule from interested parties Northern Light Health; MaineHealth; and the Maine Primary Care Association. Northern Light Health's comments focused on the prioritization of applicants section (section 2(D)) of the draft rule. They recommended that the following professions be added to the list of prioritized applications: pharmacists (they are in great demand currently and typically incur large student debt); licensed clinical professional counselors (there is demand for their services and they must have a master's degree in order to practice); and health care technicians (including respiratory therapists, surgical technicians, and imaging technicians). MaineHealth submitted comments, as well. They first suggested that the proposed definition of "Maine health care provider" in section 1(B) be amended to ensure that only those individuals who have met state education and certification standards are covered. They also suggested that a definition of "employer" be included in the rule's definitions and that it be limited to Maine-based organizations in order to preclude participation by temporary "traveler" or contracted employees from out-of-state. MaineHealth also suggested that program funding be maximized and that the Authority consider reducing in section 2(C)(1) the maximum awards (\$25,000 per year or up to \$75,000 or 50% of their outstanding loan balance, whichever is lesser). They further suggested clarification of portions of the prioritized professions section, such as the proposed criteria of "access to health care" to include clear requirements such as access to care standards and number of vacancies in a given area. They also suggested that criteria be added to reflect how the Authority will identify the need for health care professionals in a given region. With respect to the list of prioritized professions, MaineHealth suggested striking from the list occupational therapists; physical therapists; and speech therapists. The workforce shortage in these areas is not as high in their view. They suggested adding to the list medical assistants; respiratory therapists; surgery technicians; MRI technicians; and ultrasonographers. In their view, these are the professions most critical to supporting community needs and are experiencing the greatest shortages. They also cited a strong need to recruit and retain more of these particular professions. Finally, they suggested a minor amendment to section 2, Sub-section F (Breach of Loan Repayment Agreement). They suggested adding "and/or employment" after contract because many of their positions are employed and not contracted out. The Maine Primary Care Association also submitted comments. They first noted that it would be ideal to make the program, which is now termed a "pilot" funded with \$1 million in one-time American Rescue Plan Act of 2021 (ARPA) funding, permanent with ongoing funding. Allowing for annual renewal would in their view make the program more beneficial and encourage more participation. They

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also disagreed with the rule's proposed disallowance of participation by individuals who are currently or have previously benefitted from similar other health care loan or loan repayment programs, whether administered by the Authority or others. They believe this may discourage participation and creates an additional barrier for such access. The association finally suggested that the program highly prioritize providers that accept Medicaid patients.

The Authority agreed with many of the suggestions received from stakeholders and incorporated them into an amended, revised rule. The Authority added a definition of "employer" in section 1(B) of the rule to ensure that the program focused on Maine-based employers. It also added language in the application section (section 2(A)(6) of the rule) requiring that a statement of intent include the applicant's intent to establish residency in the state. In section 2(B) of the rule, the Authority sought to make clear as to program eligibility that an applicant must not be currently benefitting (but may have benefitted previously) from FAME-administered loan or loan repayment program, or from ones administered by another entity. In section 2(D) of the rule, with respect to prioritization of applicants, the Authority clarified that, with respect to access to health care criteria, it will consider the population where the health care provider intends to practice generally, such as number of vacancies within a local provider system; timeliness of appointments and for the population where the health care provider intends to practice; and whether they or their employer accept Medicaid. Also in this subsection, the Authority clarified that, with respect to the need for specific health care practitioners in a given employment region, it would consider measures such as available state or industry labor data and other information related to vacancy rates, or professions needed most in the area in order to maintain access to the most critical services. The Authority added the following occupations to the list of prioritized professions in section 2(D) of the rule: licensed clinical professional counselors; medical assistants; pharmacists; and health care technicians, including, but not limited to, respiratory therapists, surgical technicians, and imaging technicians such as MRI technicians and ultrasonographers. The Authority rejected MaineHealth's suggestion to strike from the list occupational therapists; physical therapists; and speech therapists. In section 2(F), with respect to possible breach of a loan repayment agreement, the Authority added the words "and/or employment" to the following sentence: "In the event that an employer chooses not to renew the contract and/or employment of any individual receiving loan repayment, the Authority is not under any obligation to locate another employer which will accept the individual." Finally, the Authority rejected the suggestion by MaineHealth to reduce in section 2(C)(1) of the rule the maximum award amounts (\$25,000 per year or up to \$75,000 or 50% of their outstanding loan balance, whichever is lesser) in order to maximize limited funding. These amounts are set forth in the governing statute, however, and the Authority is not at liberty to unilaterally amend them. Further, the statutory language states "up to" certain amounts, thereby giving the Authority some flexibility as to precise award amounts. The Authority agreed partially with the Maine Primary Care Association's comment that the rule's proposed disallowance in section 2(B)(5) of participation by individuals who are currently or have previously benefitted from similar other health care loan or loan repayment programs, whether administered by FAME or others. The Authority decided to prohibit only concurrent/simultaneous participation and not consecutive participation by program participants in similar loan or loan repayment programs. The Authority did agree with the association's suggestion to give some priority to participants who accept Medicaid patients by adding it as a consideration in section 2(D)(1)(a) when assessing the access to health care criteria for prioritization of applicants.

After several of the suggestions were incorporated into an amended draft rule, a second thirty-day comment period was held. The Authority received just one set of comments this time. MaineHealth expressed its appreciation to FAME for incorporating several of its prior comments, and again renewed its recommendation that the Authority considering lowering award amounts in order to stretch dollars across more practitioners. The board again rejected

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this suggestion, however, and no further modifications were made to the amended draft rule prior to its adoption.

In accordance with 5 MRS §8052(4) and Executive Order No. 4 FY 19/20, the Authority has considered:

1. the environmental and social impacts of the rule, with the goal of prioritizing the health safety and welfare of Maine people, and find that the rule will have no negative environmental or social impacts requiring such prioritization; and
2. the economic and fiscal impacts of the rule, including the extent to which other laws and regulations address the rule subject matter and the impact on employers in retaining and attracting a skilled workforce, and find that (a) the rule will have no adverse economic or fiscal impact; (b) no other laws or regulations address the rule subject matter; and (c) the rule will have no adverse effect on employers' ability to retain and attract a skilled workforce.

**Fiscal impact of rule:**

The rule will not impose any costs on municipalities or counties.