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REGULATORY DATABASE

PROPOSED	Agency	Summary	Hearing Date	Comments/ Due Date/ and Contact
Homeless Solutions Rule	Maine State Housing Authority (MaineHousing)	The proposed rule repeals and replaces the current Homeless Solutions Rule in order to (i) revise and update language where appropriate; (ii) add language regarding the new regionalized homeless response system; (iii) address concerns regarding bed utilization; and (iv) make changes to the funding formula allocation. A copy of the proposed replacement rule may be found at www.mainehousing.org/about/rules.	Tuesday, October 18, 2022 at 9:30 a.m. at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330	Friday, October 28, 2022 at 5:00 p.m. ajanotta@mainehousing.org
Ch. 10, Land Use Districts and Standards (re: 2020-2022 Moosehead Regional Planning Process)	Department of Agriculture, Conservation & Forestry (DACF), Maine Land Use Planning Commission (LUPC)	The Maine Land Use Planning Commission is seeking public comment on proposed amendments to Ch. 10, Land Use Districts and Standards, to implement actions stemming from the 2020-2022 Moosehead Regional Planning Process. The proposed amendments allow for the modification of Location of Development criteria resulting from regional planning processes addressing the location of development through a balanced and comprehensive process. Specifically, the proposed changes would refine the Commission's application of the Location of Development criteria in the Moosehead region by providing for the removal of ten minor civil divisions from primary and secondary locations, and for the removal of primary locations around certain Management Class 3 lakes in the region. The proposed amendments also reorganize and clarify the section to better distinguish the primary and secondary locations designated based on application of the adjacency principle versus changes made as the result of a balanced and comprehensive regional planning process.	None	Written comments must be submitted on or prior to October 31, 2022; written rebuttal comments must be submitted on or prior to Monday, November 7, 2022. Stacy.Benjamin@Maine.gov

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Ch. 2, Definitions; Ch. 10, Land Use Districts and Standards (re: solar energy generation facilities)	Department of Agriculture, Conservation & Forestry (DACF), Maine Land Use Planning Commission (LUPC)	The Land Use Planning Commission is proposing these amendments to improve efficiency and clarity in siting, evaluating, and permitting solar energy generation facilities, in response to increased solar development across the Commission's service area. The primary objectives of this rulemaking are to define size classes for solar energy generation facilities, and to specify which Land Use Subdistricts will allow solar energy generation facilities. Revisions also clarify existing definitions and standards related to solar energy facilities that qualify as accessory structures.	Not applicable; a public hearing has not been scheduled.	Written comments must be submitted on or prior to October 31, 2022; written rebuttal comments must be submitted on or prior to November 7, 2022. Timothy.Beaucage@Maine.gov
Natural Resources Protection Act – Permit by Rule	Department of Environmental Protection (DEP)	The purpose of this proposed revision is to bring the Department's rules into alignment with statutory changes concerning minor expansions in coastal sand dunes and toallow some beach nourishment projects to qualify for Natural Resource Protection Act (NRPA) permit by rule. The proposed revision also allows for planting native dune vegetation by handwith a NRPA permit by rule.	September 1, 2022, 9:00 a.m.	September 12, 2022 Naomi.Kirk-Lawlor@Maine.gov

Establishment of License and Renewal Fees forMaine's Check Casher/Currency Exchanger Licensing and Requiring Licensing through the Nationwide Multi-State Licensing System (NMLS)	Department of Professional and Financial Regulation (PFR), Bureau of Consumer Credit Protection	PROPOSED RULE NUMBER: 2022-P128: This chapter makes the modifications necessary to transition licensing of all check casher/ currency exchangers currently licensed by the State of Maine to a multi-statesystem administered by the Nationwide Multistate Licensing System (NMLS). As authorized bylaw, this chapter establishes an annual license effective from January 1 through December 31 ofeach year; and sets application and renewal fees for check casher/ currency exchangers. The rulerequires applicants for new licenses to apply to NMLS as of the effective date of this rule andrequires check casher/currency exchanger currently licensed in Maine to transition to NMLS. STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 6133(3) and 6133(4) CHAPTER NUMBER AND TITLE: Ch. 702, Establishment of Registration and Renewal Fees forMaine's Employee Leasing Company Registration and Requiring Registration through theNationwide Multi-State Licensing System (NMLS) PROPOSED RULE NUMBER: 2022-P129: This chapter makes the modifications necessary to transition registration of all	N/A	9/9/2022 Mark.A.Susi@Maine.gov
Deferred Collection of Homestead Property Taxes	Department of Administrative and Financial Services (DAFS), Bureau of Revenue Services (Maine Revenue Services (MRS) – Taxation)	The Deferred Collection of Homestead Property Taxes Program, 36 MRS §§ 6250-6266 (the "Deferral Program"), allows seniors and disabled resident homeowners to defer property tax on their primary residence if they meet certain criteria. The proposed rule explains the documentation for the disability qualification portion of the Deferral Program. MRS has already adopted this rule by emergency, effective May 9, 2022, and MRS now seeks to adopt this rule through regular rulemaking.	N/A	July 30, 2022 Alexander.J.Weber@Maine.gov

Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances	Department of Public Safety (DPS), Office of the Maine State Fire Marshal (FMO)	This rule will incorporate the 2019 edition of National Fire Protection Association's Standard #211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances.	N/A	August 1, 2022 Richard.E.Taylor@Maine.gov
National Fuel Gas Code	Department of Public Safety (DPS), Office of the Maine State Fire Marshal (FMO)	This rule incorporates the 2021 edition of National Fire Protection Association's Code #54, National Fuel Gas Code.	N/A	August 1, 2022 Richard.E.Taylor@Maine.gov
ADOPTED				
Subject Area	**Agency**	**Summary**	**Effective Date**	
Multi-family Mortgage	Maine State Housing Authority (MaineHousing)	This replacement rule repeals and replaces in its entirety the current Multi-family Mortgage Loansrule. The rule provides the framework and basic requirements for MaineHousing Multi-family lending programs and governs the allocation of resources for such programs, program design, the publication and distribution of program guides, eligibility standards, loan standards, construction and rehabilitation requirements, management requirements, and potential selection criteria. This replacement rule adds an additional New Construction and Rehabilitation Requirement for Developments Financed with Project Labor Agreement Funds.	9/9/2022	

Educational Corse Requirements / Supervising Appraiser Duties	Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), Board of Real Estate Appraisers	The adopted Ch. 220 removes the continuing education rule requirement that program attendees must be in the actual physical presence of the instructor, and further amends the rule to permit synchronous distance education programs. Board approval of a program is valid for both in-person and synchronous delivery. The adopted Ch. 230 removes the requirement that a supervising appraiser, who is responsible for the training and direct supervision of a trainee real property appraiser, personally inspect a certain number of appraised properties with the trainee. The AQB requires a supervising appraiser to personally inspect each appraised property with the trainee appraiser until the supervising appraiser determines the trainee is competent to inspect the property in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice (USP AP) for the property type. The adopted rule removes the requirement that the supervising appraiser personally inspects each appraised property with the trainee for the first fifty (50) appraisals at a minimum and, instead, allows the supervising appraiser to determine when the trainee is competent in accordance with the Competency Rule of USPAP and	9/18/2022	
Ch. 22, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances	Department of Public Safety (DPS), Office of the Maine State Fire Marshal (OFM)	This rule will incorporate the 2019 edition of National Fire Protection Association's Standard #211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances. The rule provides guidance for the removal of waste gases, the reduction of fire hazards associated with construction and installation of chimneys, fireplaces and venting systems for residential, commercial and industrial appliances and the installation of solid fuel	8/23/2022	

Ch. 16, Storage and Handling of Liquefied Petroleum Gases	Department of Public Safety (DPS), Office of the Maine State Fire Marshal (OFM)	This rule incorporates the 2021 edition of National Fire Protection Association's Standard #59, Utility LP-Gas Plant Code Gas Code. This code applies to the storage, handling, transportation, and use of LP-Gas and the design, construction, location, installation, operation, and maintenance of refrigerated and nonrefrigerated utility gas plants.	8/23/2022	
Ch. 14, National Fuel Gas Code	Department of Public Safety (DPS), Office of the Maine State Fire Marshal (OFM)	This rule incorporates the 2021 edition of National Fire Protection Association's Code #54, National Fuel Gas Code. This code is a safety code that shall apply to the installation of fuel gas piping systems, appliances, equipment and related accessories.	8/23/2022	
Ch. 10, Stationary Combustion Engines and Gas Turbines	Department of Public Safety (DPS), Office of the Maine State Fire Marshal (OFM)	This rule will incorporate the 2021 edition of National Fire Protection Association's Standard #37, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines. The new edition will address safety issues for both portable and stationary engines.	8/23/2022	
Ch. 420, Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators	Maine Public Utilities Commission (MPUC)	The Public Utilities Commission adopts amendments to Ch. 420, Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators. The amendments update and modernize the Commission's gas safety rules.	9/5/2022	

Ch. 323, Maine General Assistance Manual: General Assistance Rule #24A, Recovery Residences	Department of Health and Human Services (DHHS), Office for Family Independence (OFI)	PL 2021 Ch. 472 sets requirements and limits on municipalities related to the use of housing assistance for individuals living in Recovery Residences. The chapter further required the Department to establish in this manual appropriate maximum housing assistance levels for said individuals. Based on a survey of actual expenses for Recovery Residences, the Department has set this level at 75% of the one-bedroom allowance. This rulemaking complies with those requirements by making edits to the definitions of “Household” and “Pooling of Income” and the adding of a definition of “Recovery Residence” in Section II, adding Subsection O to Section IV, adding Paragraph 4 to Section V(D), and making edits to Section VI(B)(3)(b)(ii). Consistent with PL 2021 Ch. 472, the changes listed above are to be applied retroactively to July 1, 2022. Retroactive rulemaking is permitted under 22 MRS §42(8). None of the changes below are being applied retroactively. The Department regularly reviews rules for clarity and accessibility. Throughout these sections, modifications are being made to use gender neutral language. Uses of similar terms (such as “individual”, “applicant”, and “recipient”) were reviewed and changes made to provide clarity and	9/1/2022	

Ch. 207, Controlling Interest Transfers (formerly Real estate Transfers)	Department of Administrative and Financial Services (DAFS), Bureau of Revenue Services (Maine Revenue Services - Taxation)	Rule 207 explains Maine law on the application of the real estate transfer tax under 36 MRS Ch. 711-A to the transfer or acquisition of a controlling interest in an entity that owns real property located in Maine. MRS is repealing and replacing Rule 207 (“Real Estate Transfers”) to replace the current format that relies heavily on examples, to a narrative explanation of the law. Changes also include a more consistent approach to use of terms, an in-depth explanation of complex issues, and an approach that improves readability.	8/24/2022	
State Low Income Housing Tax Credit Rule	Maine State Housing Authority (MaineHousing)	This rule repeals and replaces in its entirety the current State Low Income Housing Tax Credit Rule, which provides for the allocation and administration of the state’s refundable credit for the development and preservation of certain affordable multifamily rental housing in Maine. The law establishing the credit requires MaineHousing to recapture credit for noncompliance and provides for a lien to enforce repayment of recapture. This replacement rule adds procedures for determining what constitutes noncompliance that causes recapture and when recapture is calculated and collected. The new procedures limit recapture to material noncompliance that is not corrected within a reasonable period of time and, except in cases of severe or repeated noncompliance, will defer recapture to the end of the 15-year compliance period and limit recapture to the period of noncompliance to maintain the affordability of the projects, particularly the very low-income units, to the greatest extent possible during the compliance period and to minimize the financial impact on the projects.	7/13/2022	

Home Energy Assistance Program Rule	Maine State Housing Authority (MaineHousing)	This replacement rule repeals and replaces in its entirety the current Home Energy Assistance Program Rule. The rule establishes standards for administering fuel assistance, emergency fuel assistance, TANF Supplemental Benefits, weatherization, heat pumps, and heating system repair and replacement funds to low-income households in the State of Maine. This replacement rule: allows for categorical income eligibility for Households receiving TANF or SNAP assistance; expands the time period in which eligible medical expenses can be deducted for income determination; allows for HEAP categorical eligibility for Weatherization, CHIP and Heat Pump programming; and permits TANF Supplemental Benefits to be sent to HEAP Vendors pre-delivery in the same manner as regular HEAP Benefits. Other changes correct errors or provide clarification to the previous version of the rule.	7/13/2022	
Low-Income Housing Tax Credit Rule	Maine State Housing Authority (MaineHousing)	The rule, as repealed and replaced, is the qualified allocation plan for allocating and administering the federal low-income housing tax credit in the State of Maine, including without limitation the State's housing credit ceiling for calendar years 2023 and 2024, as required pursuant to Section 42 of the Internal Revenue Code. The rule repeals and replaces the current Ch. 16, Low-Income Housing Tax Credit Rule, regarding the allocating and administering of the credit for calendar years 2021 and 2022.	7/13/2022	