**12**

**DEPARTMENT OF LABOR**

Maine Administrative Procedure Act

2016-2017 Regulatory Agenda

August 8, 2016 *(amended November 15, 2016)*

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**Page(s)**

**12-150: Blind and Visually Impaired Division** 1

**12-152: Bureau of Rehabilitation Services** 2

**12-168: Department of Labor - General** 3

**12-170: Bureau of Labor Standards** 4-6

**12-172: Maine Unemployment Insurance Commission** 7-12

**12-179: Occupational Safety and Health Board** 13

**12-180: Maine Labor Relations Board** 13

**12-181: Maine Standing Committee on Apprenticeship** 14

**12-186: State Board of Arbitration and Conciliation** 15

**12-597: Bureau of Employment Services** 15

**12-\_\_\_\_: State Workforce Investment Board** 16

AGENCY UMBRELLA-UNIT NUMBER**:** **12-150**

AGENCY NAME: **Blind and Visually Impaired Division**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 101**: Vocational Rehabilitation Services for Individuals Who Are Blind

STATUTORY AUTHORITY: Title 26 MRSA Chapter 19 §1418 A-E

PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who are blind or visually impaired in achieving an employment outcome. Modifications would reflect changes required as a result of the *Workforce Innovation and Opportunity Act*, as well as clarifications in the appeals process.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Blind or visually impaired persons eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Harold Lewis, 150 State House Station, Augusta, ME 04333-0150, (207) 623-6799, Harold.Lewis@Maine.gov.

**CHAPTER 105**: Independent Living Services for Individuals Who Are Blind or Visually Impaired Program Rules

STATUTORY AUTHORITY: Title 26 MRSA Chapter 19 §1414

PURPOSE: The rules govern the delivery of independent living services for persons who are blind or visually impaired to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the *Workforce Innovation and Opportunity Act*.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Blind or visually impaired persons eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Harold Lewis, 150 State House Station, Augusta, ME 04333-0150, (207) 623-6799, Harold.Lewis@Maine.gov.

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AGENCY UMBRELLA-UNIT NUMBER**:** **12-152**

AGENCY NAME**: Bureau of Rehabilitation Services**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1**: Rules

STATUTORY AUTHORITY: Title 26 MRSA Chapter 19 §1411 A-E

PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who have a physical or mental disability in achieving an employment outcome. Modifications would reflect changes required as a result of the *Workforce Innovation and Opportunity Act*, as well as clarifications in the appeals process and post-secondary services.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Persons with disabilities eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Betsy Hopkins, 150 State House Station, Augusta, ME 04333-0150, (207) 623-6745, Betsy.Hopkins@Maine.gov.

**CHAPTER 7**: Independent Living Services Program Policy Manual

STATUTORY AUTHORITY: Title 26 MRSA Chapter 19 §1411

PURPOSE: The rules govern the delivery of independent living services for persons to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the *Workforce Innovation and Opportunity Act*.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Persons with disabilities eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Betsy Hopkins, 150 State House Station, Augusta, ME 04333-0150, (207) 623-6745, Betsy.Hopkins@Maine.gov.

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AGENCY UMBRELLA-UNIT NUMBER: **12-168**

AGENCY NAME: **Department of Labor - General**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 10**: Rules Governing *Job Training Partnership Act* Programs (JTPA)

Grievance Procedures

STATUTORY AUTHORITY: Title 26 MRSA §2012 and §2015-A

PURPOSE: Repeal this rule, as the statutory authority has been repealed. ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: None

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 11**: Maine Enterprise Option Program

STATUTORY AUTHORITY: Title 26 MRSA §1197

PURPOSE: To make rule revisions that may be needed to clarify procedures and requirements under the Maine Enterprise Option (MEO) program.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Any person who is participating in the MEO Program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

CONTACT PERSON:Patricia K. O’Brien, 47A State House Station, Augusta, ME 04333, (207) 621-5161, Patricia.K.O’Brien@Maine.gov.

**NEW RULE -- CHAPTER XX**: Work-Share Rules

STATUTORY AUTHORITY: 26 MRSA §1198

PURPOSE: To implement rules outlining procedures and requirements for the Maine Work-Share Program.

ANTICIPATED SCHEDULE: By December 31, 2017.

AFFECTED PARTIES: Maine employers who apply for the program and employees of those employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Patricia K. O’Brien, 47A State House Station, Augusta, ME 04333, (207) 621-5161, Patricia.K.O’Brien@Maine.gov.

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AGENCY UMBRELLA-UNIT NUMBER**:** **12-170**

AGENCY NAME**: Bureau of Labor Standards**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 4**: Rules Governing Occupational Safety and Health Grants

STATUTORY AUTHORITY: Title 26 MRSA §62

PURPOSE: Repeal this rule, as the statutory authority has been repealed.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**CHAPTER 7**: Rules Relating to Substance Abuse Testing

STATUTORY AUTHORITY: Title 26 MRSA §§ 681-690

PURPOSE: The rules outline certain responsibilities for employers who choose to implement a workplace substance abuse testing program. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**CHAPTER 10**: Rules Governing Employment Leave for Victims of Violence

STATUTORY AUTHORITY: Title 26 MRSA §850

PURPOSE: Defines terms in the law and clarifies the applicable work and legal situations. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Workers affected by violence and their employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**CHAPTER 11**: Rules Governing Hazardous Occupations for Minors under the Age

of Eighteen in Non-Agricultural Employment

STATUTORY AUTHORITY: Title 26 MRSA §§ 771-773 and §786

PURPOSE: Establishes a comprehensive list of occupations found to be hazardous and, therefore, unsuitable for the employment of minors. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON**:** Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**CHAPTER 13**: Rules Governing the Establishment and Use of Fair Minimum Wage Rates on State Construction Projects

STATUTORY AUTHORITY: Title 26 MRSA §§ 1304 ‑ 1315

PURPOSE: Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**CHAPTER 14**: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers

STATUTORY AUTHORITY: Title 26 MRSA §664

PURPOSE: Public Law 2011, Ch. 681 puts Maine statute in line with federal statute in regards to payment of overtime. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**CHAPTER 15**: Rules Related to Severance Pay

STATUTORY AUTHORITY: Title 26 MRSA §625-b

PURPOSE: Establishes specific procedures and guidelines for eligibility for and payment of severance pay upon termination or relocation of a major employer. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2017

AFFECTED PARTIES: Employers of 100 or more workers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

*Ch. 16 information added by regulatory agenda amendment November 15, 2016*

**CHAPTER 16**: Rules Governing Definitions for Executive, Administrative, and Professional Exemptions from Minimum Wage and Overtime

STATUTORY AUTHORITY: Title 26 MRSA §663(K)

PURPOSE: To ensure conformity with federal rules released on May 18, 2016 and become effective on December 1, 2016, which affect salaried workers exempt from overtime.

ANTICIPATED SCHEDULE: By December 31, 2017

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**CHAPTER 17**: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment

STATUTORY AUTHORITY: Title 26 MRSA §872

PURPOSE: Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2017

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**NEW RULE – Chapter XX**: Rules Relating to Assessment of Interest and Penalties for Non-payment under the Safety Education and Training Fund (SETF) (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §61

PURPOSE: To establish procedures to determine when, how and against whom penalties and interest will be assessed for non-payment of bills under the SETF.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: The Workers' Compensation insurance carriers and self-insureds and any employer who receives services from the SETF.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**NEW RULE – Chapter XX**: Rules Regarding Employment Practices (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §42

PURPOSE: Establishes procedures and standards for the application of the minimum wage, overtime and other employment practices.

ANTICIPATED SCHEDULE: By December 31, 2017

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**NEW RULE – Chapter XX**: Rules Governing the Confidentiality of Data & Information Collected by the Bureau (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §42

PURPOSE: Establish procedures and standards for the publication and release of information covered by the confidentiality law (26 MRSA §3).

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Bureau staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

**NEW RULE – Chapter XX**: Rules Regarding Access to Leave under the Care for Families Act (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §636

PURPOSE: Establish procedures for the submission and investigations of complaints.

ANTICIPATED SCHEDULE: June 30, 2017

AFFECTED PARTIES: Employers offering paid leave and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Pamela Megathlin, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7932, Pamela.Megathlin@Maine.gov.

AGENCY UMBRELLA-UNIT NUMBER: **12-172**

AGENCY NAME: **Unemployment Insurance Commission**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1**: Definitions

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To revise or adopt definitions to help clarify statutory requirements pertaining to the administration of the Unemployment Insurance Program and or to ensure consistency between rules and statutory revisions or additions.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 2**: Employer Notices, Records, Contributions and Reimbursement Payments and Reports

STATUTORY AUTHORITY: Title 26 MRSA §§ 1043 (19), 1082, 1221

PURPOSE: To revise or update the rule as needed to ensure consistency with existing statutory requirements, and to implement new standards pertaining to SUTA dumping.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 3**: Unemployment Benefits, Intrastate

STATUTORY AUTHORITY: Title 26 MRSA §1192

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements. ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 4**: Unemployment Benefits, Interstate

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 5**: Rule of Practice Governing Adjudicatory Proceedings

STATUTORY AUTHORITY: Title 26 MRSA §§ 1082, 1194 and 1226

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 6**: Seasonal Industry Program

STATUTORY AUTHORITY: Title 26 MRSA §1251

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 7**: Advisory Rulings

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To update guidelines as needed to ensure consistent application of current statutes.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 8**: Payments for Dependents

STATUTORY AUTHORITY: Title 26 MRSA §1191(6)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 9**: Able and Available Requirements

STATUTORY AUTHORITY: Title 26 MRSA §§ 1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 10**: Work Search Requirements

STATUTORY AUTHORITY: Title 26 MRSA §§ 1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 11**: Deputy Determinations

STATUTORY AUTHORITY: Title 26 MRSA §§ 1082, 1192 and 1194

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By August 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 12**: Unemployment Compensation for Former Federal Civilian Employees (UCFE)

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 13**: Unemployment Compensation for Ex-Service Members (UCX)

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 14**: Educational Institutional Employees

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 15**: Benefit Payments to Athletes

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 16**: Benefit Payments to Illegal Aliens

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 17**: Voluntary Leaving

STATUTORY AUTHORITY: Title 26 MRSA §§ 1082, 1192 and 1194

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 18**: Discharge

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 19**: Other Remuneration

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To provide and/or revise definitions for other remuneration and to clarify the procedure for allocating other remuneration to particular periods, and to update guidelines as needed to ensure consistent application of current and or revised statutes.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 20**: Unemployment Fraud or Misrepresentation by Claimants

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 21**: Pension Payments

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To revise the rule to be consistent with legislation passed eliminating the benefit offset for Social Security and similar pension payments.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 22**: Extended Benefits

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 23**: Dislocated Worker Benefits

STATUTORY AUTHORITY: Title 26 MRSA §1196

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 24**: Approved Training

STATUTORY AUTHORITY: Title 26 MRSA §§ 1082 and 1192

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By August 31, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 25**: Employee Leasing Companies

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

**CHAPTER 26**: Waivers

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, (207) 623-6793, Jennifer.Duddy@Maine.gov.

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AGENCY UMBRELLA-UNIT NUMBER: **12-179**

AGENCY NAME: **Occupational Safety and Health Board**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 2**: Occupational Safety and Health Standards for General Employment in the Public Sector

STATUTORY AUTHORITY: Title 26 MRSA §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, Steven.L.Greeley@Maine.gov.

**CHAPTER 3**: Occupational Safety and Health Standards for Construction Employment in the Public Sector

STATUTORY AUTHORITY: Title 26 MRSA §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2017

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045, (207) 623-7916, Steven.L.Greeley@Maine.gov.

AGENCY UMBRELLA UNIT: **12-180**

AGENCY NAME: **Maine Labor Relations Board**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**CONTACT PERSON**: Lisa Copenhaver, Board Counsel, Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333, (207) 287-2015, TTY or TDD: (207) 287-4330, Lisa.Copenhaver@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:** None

AGENCY UMBRELLA UNIT: **12-181**

AGENCY NAME: **Maine Standing Committee on Apprenticeship**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054, 207-621-5096, Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1**: Rules Relating to Labor Standards for Registration of Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 MRSA §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2017

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, David.Klein@Maine.gov.

**CHAPTER 2**: Rules Relating to Labor Standards for Equal Opportunity for Employment of Women and Minorities in Registered Apprenticeship Programs in the State of Maine

STATUTORY AUTHORITY: Title 26 MRSA §3205

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2017

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, David.Klein@Maine.gov.

**CHAPTER 3**: Rules Relating to Labor Standards for Registration of Pre‑Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 MRSA §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2017

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, David.Klein@Maine.gov.

AGENCY UMBRELLA UNIT: **12-186**

AGENCY NAME: **State Board of Arbitration and Conciliation**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**CONTACT PERSON**: Marc P. Ayotte, Executive Director, State Board of Arbitration and Conciliation, 90 State House Station, Augusta, ME 04333, (207) 287‑2015, TTY or TDD: (207) 287-4330, Marc.P.Ayotte@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:** None

AGENCY UMBRELLA UNIT: **12-597**

AGENCY NAME: **Bureau of Employment Services**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1**: Rules Governing Implementation of the Trade Adjustment Assistance Program

STATUTORY AUTHORITY: Title 26 MRSA §2051

PURPOSE: To update the state TAA rules to match the recent changes to the *Federal Trade Adjustment Assistance Act* (TAA). The TAA program is federally funded providing wage subsidy, training, job search and relocation assistance to customers covered under approved petitions.

ANTICIPATED SCHEDULE: By August 31, 2017

AFFECTED PARTIES: TAA eligible customers and CareerCenter staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, David.Klein@Maine.gov.

**CHAPTER 2**: Rules Governing the Competitive Skills Scholarship Program

STATUTORY AUTHORITY: Title 26 MRSA §2033

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

The Competitive Skills Scholarship Program is intended to provide individuals with access to education, training, and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force.

ANTICIPATED SCHEDULE: By October 31, 2017

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: David Klein, 55 State House Station, Augusta, ME 04333, (207) 623-7987, David.Klein@Maine.gov.

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**NEW UNIT**

AGENCY UMBRELLA UNIT: **12-XXX**

AGENCY NAME: **State Workforce Investment Board**

**agency rule-making liaison:** Jeanne St. Pierre, 54 State House Station, Augusta, ME 04333-0054. Telephone: (207) 621-5096. E-mail: Jeanne.StPierre@Maine.gov.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**NEW RULE – Chapter XX**: Rules Regarding the *Workforce Innovation and Opportunity Act* (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §2006

PURPOSE: Promulgate all rules pertaining to the *Workforce Innovation and Opportunity Act*.

ANTICIPATED SCHEDULE: By December 31, 2017

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Garret J. Oswald, 120 State House Station, Augusta, ME 04333, (207) 621-5087, Garret.J.Oswald@Maine.gov.