**12**

**DEPARTMENT OF LABOR**

Regulatory Agenda 2018-2019

August 8, 2018

**Rulemaking Liaison:** Laura Hudson, Director of Communication, Policy and Legislative Affairs, 54 State House Station, Augusta, ME 04333-0054. Telephone:

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

AGENCY NAME**: Bureau of Rehabilitation Services Blind and Visually Impaired Division**

**CONTACT PERSON:** Brenda Drummond, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7954.

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

**CHAPTER 101:** Vocational Rehabilitation Services for Individuals who are Blind

STATUTORY AUTHORITY: Title 26 M.R.S., 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, 2019

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: Title 26 M.R.S., 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, 2019

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

AGENCY NAME**: Bureau of Rehabilitation Services, Vocational Rehabilitation Division**

CONTACT PERSON: Libby Stone-Sterling, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7943.

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Rules

STATUTORY AUTHORITY: Title 26 M.R.S., 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, 2019

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

AGENCY NAME**: Bureau of Rehabilitation Services**

CONTACT PERSON: Libby Stone-Sterling, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7943.

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

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

STATUTORY AUTHORITY: Title 26 M.R.S., 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, 2019

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 5:** Brain Injury Extended Support Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19, Subchapter 2, Article 1

PURPOSE: The rules govern the delivery of ongoing support services for persons who have completed the vocational rehabilitation program and are successfully employed. Modifications would clarify the appeals process.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Persons with brain injuries who have completed the vocational rehabilitation services program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 6:** Basic Extended Support Program Rules

STATUTORY AUTHORITY: Title 26 M.R.S., Chapter 19, Subchapter 2, Article 1

PURPOSE: The rules govern the delivery of ongoing support services for persons who have completed the vocational rehabilitation program and are successfully employed. Modifications would clarify the appeals process.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Persons with disabilities who have completed the vocational rehabilitation services program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

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

**CONTACT PERSON:** Laura Hudson, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 621-5009. Email: Laura.J.Hudson@Maine.gov .

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

**EXPECTED 2018-2019 RULEMAKING ACTIVITY:**

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

Grievance Procedures

STATUTORY AUTHORITY: Title 26 M.R.S. §2012 and §2015-A

PURPOSE: Repeal this rule, as the statutory authority has been repealed. ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: None

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON:John Feeney, Director, 47A State House Station, Augusta, ME 04333. Tel: (207) 621-5156 Email: John.P.Feeney@maine.gov .

**CHAPTER 11:** Maine Enterprise Option Program

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019.

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

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

STATUTORY AUTHORITY: 26 M.R.S. §1198

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

ANTICIPATED SCHEDULE: By December 31, 2019.

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

AGENCY NAME**: Bureau of Labor Standards**

**agency rulemaking liaison:** Laura Hudson, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 621-5009. Email: Laura.J.Hudson@Maine.gov .

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

**EXPECTED 2018-2019 RULEMAKING ACTIVITY:**

**CHAPTER 3**: Rules Governing Administration of the Maine Wage Assurance Fund

STATUTORY AUTHORITY: Title 26 M.R.S. §632

PURPOSE: The rules ensure consistent and fair administration of the Maine Wage Assurance Fund, 26 M.R.S., Section 632, which was established by the Legislature to make payment of up to two weeks of earned wages owed an employee by an insolvent employer unable to make payment.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §62

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

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov .

**CHAPTER 6**: Rules Governing Sanitary Conditions on Certain Railroad Property

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 351-354

PURPOSE: The purpose of these rules is to provide reasonable sanitation standards in areas of railroad employment not covered by Federal or other State agencies.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov .

**CHAPTER 8**: Workplace Health and Safety Program for Employers with Modification Rate of 2 or More

STATUTORY AUTHORITY: Title 39 M.R.S. Section 21-A, Subsection 4 as established in 1992 Public Law Chapter 615. Authority is transferred to 39-A M.R.S. Section 401 Subsection 5 effective January 1, 1993, pursuant to 1992 Public Law Chapter 885.

PURPOSE: These rules establish standards for occupational health and safety programs required of employers with a workers' compensation insurance modification rate of two or more, pursuant to Title 39 M.R.S. Section 21-A, Subsection 4 as enacted by 1991 Public Law Chapter 615, Section A-22. Effective January 1, 1993, the authority for these rules will be transferred to Title 39-A Section 401, Subsection 5, as provided in 1991 Public Law Chapter 885.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov .

**CHAPTER 9**: Rules Governing Administrative Civil Money Penalties for Labor Law Violations

STATUTORY AUTHORITY: P.L. 1999 c. 181

PURPOSE: The purpose of this chapter is to provide procedural guidance regarding the assessment of administrative civil money penalties for labor law violations.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Workers affected by violence and their employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

of Eighteen in Non-Agricultural Employment

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

**CHAPTER 12**: Rules Relating to Equal Pay

STATUTORY AUTHORITY: Title 26 M.R.S. §42 and 1997 Resolves c.43

PURPOSE: The purpose of these rules is to clarify employee protections ensuring an employer not discriminate between employees within the same establishment based on gender by paying wages to any employee in any occupation at a rate less than the rate paid to an employee of the opposite gender for comparable work on jobs with comparable requirements related to skill, effort, and responsibility.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@maine.gov.

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

STATUTORY AUTHORITY: Title 26 M.R.S. §663(K)

PURPOSE: To ensure conformity with federal rules affecting salaried workers exempt from overtime.

ANTICIPATED SCHEDULE: By December 31, 2019

AFFECTED PARTIES: Employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@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 M.R.S. §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, 2019

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: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §42

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

ANTICIPATED SCHEDULE: By December 31, 2019

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §42

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

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Bureau staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov .

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

STATUTORY AUTHORITY: Title 26 M.R.S. §636

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

ANTICIPATED SCHEDULE: September 30, 2019

AFFECTED PARTIES: Employers offering paid leave and their employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Scott Cotnoir, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7925, Scott.R.Cotnoir@Maine.gov .

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

AGENCY NAME: **Unemployment Insurance Commission**

**CONTACT PERSON:** Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, Phone: (207) 623-6793

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Definitions

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 3:** Unemployment Benefits, Intrastate

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 4:** Unemployment Benefits, Interstate

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

**CHAPTER 6:** Seasonal Industry Program

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 7:** Advisory Rulings

STATUTORY AUTHORITY: Title 26 M.R.S. §1082

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

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 8:** Payments for Dependents

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 9:** Able and Available Requirements

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 10:** Work Search Requirements

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 11:** Deputy Determinations

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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 31, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 14:** Educational Institutional Employees

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 15:** Benefit Payments to Athletes

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 17:** Voluntary Leaving

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 18:** Discharge

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 19:** Other Remuneration

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 21:** Pension Payments

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 22:** Extended Benefits

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 23:** Dislocated Worker Benefits

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 24:** Approved Training

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 25:** Employee Leasing Companies

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTER 26:** Waivers

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

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

**agency rulemaking liaison:** Laura Hudson, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 621-5009. Email: Laura.J.Hudson@Maine.gov .

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

**EXPECTED 2018-2019 RULEMAKING ACTIVITY:**

**CHAPTER 1**: Procedural Rule

STATUTORY AUTHORITY: Title 26 M.R.S. Chapter 6 §565

PURPOSE: These rules describe the Occupational Safety & Health Board Procedural Rules for notices, hearings, records, subpoena powers, decisions, officers and rulings.

ANTICIPATED SCHEDULE: By September 30, 2019

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Steve Greeley, 45 State House Station, Augusta, ME 04333-0150, (207) 623-7916, Steven.L.Greeley@Maine.gov.

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2018

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 M.R.S. §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, 2019

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 4**: Occupational Safety and Health Standards for Firefighting in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §§ 2101-2107

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for firefighters in the public sector.

ANTICIPATED SCHEDULE: By September 30, 2019

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 5**: Occupational Safety and Health Standards for Public Safety Diving

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: These rules establish standards and procedures to protect public safety divers from the hazards of diving.

ANTICIPATED SCHEDULE: By September 30, 2019

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 6**: Recording Occupational Injuries and Illnesses in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes rules for the recording of occupational injuries and illnesses by public sector employers. These rules closely conform to the standards set by the U.S. Department of Labor, which apply to private sector employers, by using the Federal forms and general procedures.

ANTICIPATED SCHEDULE: By September 30, 2019

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 7**: Minimum Driver Training Requirements for Fire Apparatus

STATUTORY AUTHORITY: Title 26 M.R.S. §2107

PURPOSE: These rules identify the minimum job performance requirements for career and volunteer fire fighters who drive fire apparatus in order to reduce accidents, injuries and loss of fire equipment.

ANTICIPATED SCHEDULE: By September 30, 2019

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 8**: Occupational Safety and Health Standards for Whistleblower/Discrimination in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards to prohibit discrimination against public employee(s) reporting unsafe and unhealthful working conditions. (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By March 29, 2019

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 9**: Occupational Safety and Health Standards for Issuing Variances in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards for application, review and issuance of variance(s) that ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By March 29, 2019

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 10**: Occupational Safety and Health Standards for Consultation Guidelines in the Public Sector

STATUTORY AUTHORITY: Title 26 M.R.S. §565

PURPOSE: Establishes procedures and standards outlining consultation guidelines for public employers/employees. (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By March 29, 2019

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**

**CONTACT PERSON**: Lisa Copenhaver, Board Counsel, Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Fax: (207) 287-4416. TTY or TDD: (207) 287-4330. Email: Lisa.Copenhaver@Maine.gov .

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

**EXPECTED 2018-2019 RULEMAKING ACTIVITY:** None

AGENCY UMBRELLA UNIT: **12-181**

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

**agency rule-making liaison:** Laura Hudson, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 621-5009. Email: Laura.J.Hudson@Maine.gov

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

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 M.R.S. §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, 2019

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 M.R.S. §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, 2019

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**

**CONTACT PERSON**: Marc P. Ayotte, Executive Director, State Board of Arbitration and Conciliation, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287‑2015. Fax: (207) 287-4416. TTY or TDD: (207) 287-4330.

Email: Marc.P.Ayotte@Maine.gov.

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

**EXPECTED 2018-2019 RULEMAKING ACTIVITY:** None

AGENCY UMBRELLA UNIT: **12-597**

AGENCY NAME: **Bureau of Employment Services**

**agency rule-making liaison:** Laura Hudson, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 621-5009. Email: Laura.J.Hudson@Maine.gov

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

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

STATUTORY AUTHORITY: Title 26 M.R.S. §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, 2019

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 M.R.S. §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, 2019

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 Board**

**agency rule-making liaison:** Laura Hudson, 54 State House Station, Augusta, ME 04333-0054. Telephone (207) 621-5009. Email: Laura.J.Hudson@Maine.gov.

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

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

STATUTORY AUTHORITY: Title 26 M.R.S. §2006

PURPOSE: Make adjustments to the rules regarding the *Workforce Innovation and Opportunity* Act to align with Maine’s currentinvolvement in the program.

ANTICIPATED SCHEDULE: By December 31, 2019

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Joshua A. Howe, 120 State House Station, Augusta, ME 04333, (207) 621-5087, Joshua.A.Howe@Maine.gov.