

Annual List of Rulemaking Activity
Rules Adopted January 1, 2018 to December 31, 2018
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, **Division for the Blind and Visually Impaired**
Umbrella-Unit: **12-150**
Statutory authority: 26 MRS §1418-C
Chapter number/title: **Ch. 101**, Rules Governing Vocational Rehabilitation Services for Individuals who are Blind or Visually Impaired
Filing number: **2018-269**
Effective date: 12/13/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

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

Basis statement:

(See Principal Reason...)

Fiscal impact of rule:

None.

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Agency name: Department of Labor, **Division of Vocational Rehabilitation**
Umbrella-Unit: **12-152**
Statutory authority: 26 MRS ch. 19 §1411 A-E
Chapter number/title: **Ch. 1**, Division of Vocational Rehabilitation Services Rules
Filing number: **2018-270**
Effective date: 9/1/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

These 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, post-secondary services, and transportation assistance.

Basis statement:

(See Principal Reason...)

Fiscal impact of rule:

None.

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Agency name: Department of Labor, **Bureau of Labor Standards**
Umbrella-Unit: **12-170**
Statutory authority: 26 MRS §772
Chapter number/title: **Ch. 11**, Rules Governing Hazardous Occupations for Minors under the Age of Eighteen in Non-Agricultural Employment
Filing number: **2018-147**
Effective date: 8/19/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The purpose of this chapter is to prevent the exploitation of minors through hazardous working conditions in non-agricultural employment. These rules do not supersede Sections 771 and 773 of 26 MRS which set minimum wages for employment in specific industries. Sec. 772 of 26 MRS was amended to allow the Bureau of Labor Standards to adopt rules to develop and maintain a list of occupations not suitable for employment of minors. The rules must conform as far as practicable to the child labor provisions of the federal *Fair Labor Standards Act of 1938*, 29 *United States Code*, Section 212 and any associated regulations.

Basis statement:

Modification of Ch. 11 is sought to align state rules governing hazardous occupations for minors under the age of eighteen with federal standards, such as driving restrictions that will allow 17 year olds to drive for work related businesses under specific circumstances and conditions. Minors that are at least 16 years of age will no longer be prohibited from working alone in a cash based business and they will be allowed to perform soldering and welding duties in accordance with federal standards. We've expanded cooking occupations for minors that are between 14 and 15 years of age to include venues allowed by federal standards.

A new restriction is being added in accordance with 26 MRS §772(2) which prohibits all minors under the age of 18 from working in any occupation in a registered marijuana dispensary, any establishment that cultivates, produces, or sells marijuana or products that contain marijuana, and any recreational marijuana social clubs.

Fiscal impact of rule:

(No response)

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Agency name: Department of Labor, **Unemployment Insurance Commission**
Umbrella-Unit: **12-172**
Statutory authority: 26 MRS §§ 1043(19), 1082, 1221
Chapter number/title: **Ch. 2**, Employer Notices, Records, Contribution and Reimbursement Payments and Reports
Filing number: **2018-119**
Effective date: 7/2/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

(See Basis Statement)

Basis statement:

Modification of Ch. 2 is sought to clarify procedures for employers in filing notices, records, contributions, payment in lieu of contributions, and maintenance of reports with the Bureau; to bring the rule into compliance with the statutes, clarifying successorship and proprietorship/partnership income, assessment of responsible individual and make explicit the necessity of the employer maintaining their contact information current with the Bureau. Most of the updates were made to bring the rule in compliance with the statutes or to bring the rule up to date with current practice.

Fiscal impact of rule:

(No response)

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Agency name: Department of Labor, **Board of Occupational Safety and Health**
Umbrella-Unit: **12-179**
Statutory authority: 26 MRS §565
Chapter number/title: **Ch. 4**, Occupational Safety and Health Standards for Firefighting in the Public Sector
Filing number: **2018-095**
Effective date: 6/10/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The purpose of this chapter is to incorporate by reference rules governing the recording of occupational injuries and illnesses as promulgated by the Federal Occupational Safety and Health Administration at 9 CFR Part 1904, most recently amended on March 1, 2018.

Basis statement:

The purpose of this chapter is to provide clarification and identify the minimum Occupational Safety and Health Standards for Firefighting in the Public Sector.

Fiscal impact of rule:

(No response)

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Agency name: Department of Labor, **Board of Occupational Safety and Health**
Umbrella-Unit: **12-179**
Statutory authority: 26 MRS §565
Chapter number/title: **Ch. 6**, Recording Occupational Injuries and Illnesses in the Public Sector
Filing number: **2018-096**
Effective date: 6/10/2018
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The purpose of this chapter is to incorporate by reference rules governing the recording of occupational injuries and illnesses as promulgated by the Federal Occupational Safety and Health Administration at 9 CFR Part 1904, most recently amended on March 1, 2018.

Fiscal impact of rule:
(No response)

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Agency name: Department of Labor, **Board of Occupational Safety and Health**
Umbrella-Unit: **12-179**
Statutory authority: 26 MRS §565
Chapter number/title: **Ch. 7**, Minimum Driver Training Requirements for Fire Apparatus
Filing number: **2018-097**
Effective date: 6/10/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This standard identifies 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.

Basis statement:

The purpose of this chapter is to incorporate by reference rules governing the recording of occupational injuries and illnesses as promulgated by the Federal Occupational Safety and Health Administration at 9 CFR Part 1904, most recently amended on March 1, 2018.

Fiscal impact of rule:

(No response)