

Annual List of Rulemaking Activity
Rules Adopted January 1, 2021 to December 31, 2021
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Labor, **Bureau of Rehabilitation Services**
Umbrella-Unit: **12-152**
Statutory authority: 26 MRS §1412-E
Chapter number/title: **Ch. 1**, Division of Vocational Rehabilitation Services Rules
Filing number: **2021-134**
Effective date: 6/29/2021
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

During the approval process of the *Workforce Innovation Opportunity Act State Plan*, the Rehabilitation Services Administration (US Dept of Education) identified an inconsistency between the Division of Vocational Rehabilitation’s state rules and the federal rules for Vocational Rehabilitation (34 CFR Part 361) – specifically related to determination of ‘Order of Selection’.

Basis statement:

Modification of this rule, which governs the administration of Maine’s vocational rehabilitation program, is necessary for conformity with requirements in the federal rules for Vocational Rehabilitation (34 CFR Part 361) – specifically related to determination of ‘Order of Selection.’ The amended rule adds a fourth category of priority for “all other eligible individuals,” to be served only after all individuals in Categories #1, #2, and #3 receive services. It also makes minor changes to language for clarification and consistency with the language used in the federal Rehabilitation Act. The eligibility criteria section is amended to include eligibility for an individual to advance in employment, which was previously inadvertently omitted.

Fiscal impact of rule:

None.

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Agency name: Department of Labor, **Bureau of Rehabilitation Services**
Umbrella-Unit: **12-152**
Statutory authority: 26 MRS §1419-A
Chapter number/title: **Ch. 12**, Rules for the Communication Equipment Fund Program for People with Disabilities
Filing number: **2021-135**
Effective date: 6/28/2021
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

These rule changes are necessary to conform with 26 MRS §1419-A.

Basis statement:

Modification of this rule is necessary to conform with 26 M.S §1419-A. It removes references to emergency alert notifications to persons who are deaf or hard-of-hearing in the rules, which govern the provision of funds for purchase, lease, upgrading, installation, maintenance and repair of specialized customer telecommunication equipment for persons with disabilities. Specifically, it updates descriptions within the Program of Services and Eligibility Determination sections of this Chapter by removing emergency alert notification equipment from the Cost Sharing Program; the Lending Program; the Emergency Alert Service Charge Discount; and the Provision of Equipment. It removes reference to texting equipment. It also removes Section 5 Reimbursements to Service Providers for Emergency Alert Service Charge Discount.

Fiscal impact of rule:

None.

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Agency name: Department of Labor, Bureau of Labor Standards, **Board of Occupational Safety and Health**
Umbrella-Unit: **12-179**
Statutory authority: 26 MRS §565
Chapter number/title: **Ch. 2**, Occupational Safety and Health Standards for General Industry Employment in the Public Sector
Filing number: **2021-232**
Effective date: 11/20/2021
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 ensure sufficient protection for public sector healthcare workers in accordance with state law that requires adoption of OSHA standards as a minimum standard. This rule incorporates by reference changes to the Federal Occupational Safety and Health Administration regulations, 29 CFR Part 1910, in particular, the COVID-19 Emergency Standard contained in Subpart U, released on June 10, 2021, and corrected on July 14, 2021.

Fiscal impact of rule:

Public sector employers that provide healthcare services or healthcare support services are already complying with these or similar requirements under other federal and state laws and regulations

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Agency name: Department of Labor, Bureau of Labor Standards, **Board of Occupational Safety and Health**
Umbrella-Unit: **12-179**
Statutory authority: 26 MRS §§ 565, 2107
Chapter number/title: **Ch. 5**, Occupational Safety and Health Standards for Public Safety Diving
Filing number: **2021-233**
Effective date: 11/20/2021
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 for the Board of Occupational Safety and Health (BOSH) to establish standards and procedures to protect public safety divers from the hazards of diving. This rule covers safety standards and procedures for compressed gas diving performed in the interest of search and rescue or related public safety purposes. This amendment to the rule includes clarifications to terminology.

The amendment to this rule also includes clarification as to interaction with other BOSH rules and federal standards. While the Federal Occupational Safety and Health Administration (OSHA) regulations, 29 CFR Part 1910, are incorporated by reference in BOSH rule chapter 2, and OSHA regulations, 29 CFR 1926 Subpart Y are incorporated by reference in BOSH rule, chapter 3, those federal standards apply to commercial or scientific diving activities and do not apply to search and rescue or related dives for public safety purposes.

Fiscal impact of rule:
N/A

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Agency name: Department of Labor, Bureau of Labor Standards, **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: **2021-234**
Effective date: 11/20/2021
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 changes to the Federal Occupational Safety and Health Administration regulations, 29 CFR Part 1904, as of June 3, 2021. The most recent change incorporated in chapter 6 requires report to OSHA any workplace work-related incident that results in the in-patient hospitalization of one or more employees (changing the previous threshold of 3 employees), an employee amputation, or an employee loss of an eye. The existing requirements in 26 MRS §2 to report a fatality or serious physical injury remain in place.

Fiscal impact of rule:
N/A