

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 Public Safety, **Office of the Commissioner**
Umbrella-Unit: **16-219**
Statutory authority: 5 MRS §3360-M; 24 MRS §2986; 25 MRS §§ 2915, 3821;
PL 2017 c. 156
Chapter number/title: **Ch. 71**, Uniform Standardized Forensic Examination Kit for Sexual
Assault Evidence Collection
Filing number: **2018-167**
Effective date: 7/17/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This chapter defines the uniform forensic examination kit to be used by licensed medical facilities and health care practitioners for evidence collection in alleged cases of sexual assault.

This rule defines the contents of the uniform standardized examination kit to be used for forensic evidence collection in alleged cases of sexual assault. The rule lists the contents of the kit, includes instructions for administering the kit, and includes a checklist for examiners to follow and enclose with the completed kit.

Basis statement (from email received re: this adoption, from Department of Public Safety Staff Attorney Christopher Parr dated July 12, 2018):

“Pursuant to Sec. 5 of PL 2017, c. 156, “An Act To Amend the Laws Governing Forensic Examination Kits” (@
http://www.mainelegislature.org/legis/bills/bills_128th/chapters/PUBLIC156.asp), with this email I am forwarding to you a copy of 16-219 CMR c. 71, *Uniform Standardized Forensic Examination Kit for Sexual Assault Evidence Collection*, that includes the changes to the rule that Sec. 5 of PL 2017, c. 156 authorized the Department of Public Safety to make without having to go through the MAPA rulemaking process.”

Fiscal impact of rule:

None provided.

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Agency name: Department of Public Safety, **Gambling Control Board**
Umbrella-Unit: **16-633**
Statutory authority: 8 MRS §1003(1)(B)(I),(3)(J); 8 MRS §1031(1)
Chapter number/title: **Ch. 28**, Advanced Deposit Wagering
Filing number: **2018-084**
Effective date: 6/23/2018
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

This rule is to comply with changes in state law under 8 MRS ch. 31 sub-ch. 7, *Advanced Deposit Wagering*.

Basis statement:

This is a new rule to comply with changes in the state law under 8 MRS ch. 31 sub-ch. 7, *Advanced Deposit Wagering*, under statutory authority of 8 MRS §1003(1)(B)(I), (3)(J) and 8 MRS §1031(1).

Fiscal impact of rule:

None.

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Agency name: Department of Public Safety, **Gambling Control Board**
Umbrella-Unit: **16-633**
Statutory authority: 17 MRS §§ 317, 1843
Chapter number/title: **Ch. 30**, Rules Relating to Beano by Federally Recognized Indian Tribes (*formerly* 16-222 ch. 7)
Ch. 31, Rules Relating to Beano (*formerly* 16-222 ch. 3)
Ch. 32, Rules Relating to Games of Chance (*formerly* 16-222 ch. 2)
Filing number: **2018-140, 141, 142**
Effective date: 7/25/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

These rules are to comply with changes in state law under 17 MRS ch. 62 and 13-A.

Basis statement:

This is the routine technical adoption for Non-Profit Charitable Games of Chance, beano/bingo and high stakes bingo to include the explanation of whether a license or registration is required for the charitable event, who is eligible for a license or registration, advertising and problem gambling awareness requirements and what records are required to submit or hold in possession.

These rules routine technical standard changes to comply with changes in state law under Title 17 ch. 62 and ch. 13-A with the specific statutory authority under 17 MRS ch. 62 §1843, ch. 314-A §317 & ch. 314-A.

Fiscal impact of rule:

Non-applicable.

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Agency name: Department of Public Safety, Office of State Fire Marshal,
Bureau of Building Codes and Standards

Umbrella-Unit: **16-642**

Statutory authority: 10 MRS §9722

Chapter number/title: **Ch. 1**, Maine Uniform Building Code and Uniform Energy Code -
Administrative Procedures

Filing number: **2018-006**

Effective date: 1/23/2018

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

To conform to the current statute that was passed in the last legislative session and to clarify the definition of a seasonal dwelling.

Basis statement:

This rule is amended to conform to a change in the statute that allows towns below 4,000 residents to adopt the building code, the energy code, or both building and energy codes. It also raises the threshold for municipal enforcement to 4,000 residents. It also clarifies a seasonal cottage to allow some seasonal structures to not comply with energy code requirements, but still comply with building and safety regulations.

Fiscal impact of rule:

None.

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Agency name: Department of Public Safety, Office of State Fire Marshal,
Bureau of Building Codes and Standards

Umbrella-Unit: **16-642**

Statutory authority: 10 MRS §9722

Chapter number/title: **Ch. 2**, Maine Uniform Building Code and Uniform Energy Code –
Third Party Inspectors (“TPI”)

Filing number: **2018-007**

Effective date: 1/23/2018

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

To conform to the current statute that was passed in the last legislative session.

Basis statement:

This rule is amended to reassign duties from the State Planning Office to the Maine Department of Economic and Community Development.

Fiscal impact of rule:

None.

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Agency name: Department of Public Safety, Office of State Fire Marshal,
Bureau of Building Codes and Standards

Umbrella-Unit: **16-642**

Statutory authority: 10 MRS §9722

Chapter number/title: **Ch. 3**, Maine Uniform Building Code – Commercial Building Code of Maine

Filing number: **2018-008**

Effective date: 1/23/2018

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

To conform to the current statute that was passed in the last legislative session.

Basis statement:

This rule adopts the 2015 version of the *International Building Code*. This rule was amended to conform to a change in the statute that allows towns below 4,000 residents to adopt the building code, the energy code, or both building and energy codes. It also raises the threshold for municipal enforcement to 4,000 residents. It also removes the requirement to sprinkler home based occupancies, and raises the required threshold to install sprinklers in restaurants. This rule also amends the requirements on daycare occupancies to match the requirements of the *Life Safety Code* as adopted by the State Fire Marshal, since this agency inspects all daycares within the State.

Fiscal impact of rule:

None: as new codes are adopted, exceptions are granted and new requirements are added. A careful review of the code changes shows no apparent increase to construction costs.

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Agency name: Department of Public Safety, Office of State Fire Marshal,
Bureau of Building Codes and Standards
Umbrella-Unit: **16-642**
Statutory authority: 10 MRS §9722
Chapter number/title: **Ch. 4**, Maine Uniform Building Code – Existing Building Code
Filing number: **2018-009**
Effective date: 1/23/2018
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To conform to the current statute that was passed in the last legislative session.

Basis statement:

This rule adopts the 2015 *International Existing Building Code*. This rule was amended to conform to a change in the statute that allows towns below 4,000 residents to adopt the building code, the energy code, or both building and energy codes. It also raises the threshold for municipal enforcement to 4,000 residents.

Fiscal impact of rule:

None.

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Agency name: Department of Public Safety, Office of State Fire Marshal,
Bureau of Building Codes and Standards

Umbrella-Unit: **16-642**

Statutory authority: 10 MRS §9722

Chapter number/title: **Ch. 5**, Maine Uniform Building and Energy Code and Maine
Uniform Building Code – Residential Building Code for One and
Two-Family Dwellings in Maine

Filing number: **2018-010**

Effective date: 1/23/2018

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

To conform to the current statute that was passed in the last legislative session, and adoption of the 2015 version of the *International Residential Code*.

Basis statement:

This rule adopts the 2015 *International Residential Code*. This rule was amended to conform to a change in the statute that allows towns below 4,000 residents to adopt the building code, the energy code, or both building and energy codes. It also raises the threshold for municipal enforcement to 4,000 residents. The rule also reduces the allowable void spaces within a home to no more than 500 square feet. This rule also defines the use of a rooming and lodging facility to bring this code into compliance with the *Life Safety Code*. This rule also expands compliance options for townhomes. This rule also includes Appendix V which defines the requirements for Tiny Homes.

Fiscal impact of rule:

None: as new codes are adopted, exceptions are granted and new requirements are added. A careful review of the code changes shows no apparent increase to construction costs.

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Agency name: Department of Public Safety, Office of State Fire Marshal,
Bureau of Building Codes and Standards

Umbrella-Unit: **16-642**

Statutory authority: 10 MRS §9722

Chapter number/title: **Ch. 6**, Maine Uniform Energy Code - Energy Conservation Code
of Maine

Filing number: **2018-011**

Effective date: 1/23/2018

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

To conform to the current statute that was passed in the last legislative session.

Basis statement:

This rule adopts the 2009 *International Energy Code*. This rule was amended to conform to a change in the statute that allows towns below 4,000 residents to adopt the building code, the energy code, or both building and energy codes. It also raises the threshold for municipal enforcement to 4,000 residents.

Fiscal impact of rule:

None.