

**Annual List of Rule-Making Activity**  
**Rules Adopted January 1, 2020 to December 31, 2020**  
*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053, sub-§5*

**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 202**, Medical Board  
**Filing number:** **2020-255**  
**Effective date:** 12/26/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
Repeal and replace Board rule ch. 202.

**Basis statement:**

The proposal for rule-making was noticed on October 14, 2020. No public hearing was held. No members of the public submitted written comments prior to the November 20, 2020 comment deadline.

The proposal was to repeal and replace the rule. The proposed replacement rule reflects current law, eliminates unnecessary language that repeats statutory provisions, and clarifies that the board can appoint an entity whose medical-provider employees would constitute the Medical Board.

**Fiscal impact of rule:**  
None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 511**, Standards for Actively Seeking Work  
**Filing number:** **2020-093**  
**Effective date:** 4/14/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

This rule sets out the standards and definitions to be applied in determining under 5 MRS §§ 1729(2)(B)(1) and 18529(2)(B)(1) whether a disability retirement benefit recipient is actively seeking work.

**Basis statement:**

The rule was amended on an emergency basis on April 9, 2020, to temporarily suspend the requirements for members in the actively seeking work program because of the difficulty and risk involved in seeking employment during the COVID-19 crisis.

**Fiscal impact of rule:**

None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 511**, Standards for Actively Seeking Work  
**Filing number:** **2020-157**  
**Effective date:** 7/18/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule sets out the standards and definitions to be applied in determining under 5 MRS §§ 1729(2)(B)(1) and 18529(2)(B)(1) whether a disability retirement benefit recipient is actively seeking work.

**Basis statement:**

The proposal for rule-making was noticed on May 20, 2020. No public hearing was held. No members of the public submitted written comments prior to the June 19, 2020 comment deadline.

The amendment temporarily suspends the requirements for members in the actively seeking work program because of the difficulty and risk involved in seeking employment during the COVID-19 crisis. The requirements are suspended for the period starting March 1, 2020 and continuing until 30 days after the termination of the state of emergency declared by the Governor in accordance with title 37- B section 742 due to the outbreak of COVID-19.

At the Board's regular meeting held on July 9, 2020, Ken Williams made the motion, seconded by Mark Brunton, to adopt the amended rule and its basis statement. Voted unanimously by those Board members present.

**Fiscal impact of rule:**

None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 601**, Group Life Insurance  
**Filing number:** **2020-094**  
**Effective date:** 4/14/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

This rule sets out the categories of employees eligible to participate in the Group Life Insurance Program administered by the Maine Public Employees Retirement System, and other regulations relating to the Program.

**Basis statement:**

The rule was amended on an emergency basis on April 9, 2020, to prevent a lapse of insurance coverage for those who are on lay-off or unpaid leave and who miss insurance premiums. The COVID-19 crisis has the potential to greatly increase the number of employees in this status who have not received notice of the need to pay premiums or who are temporarily unable to pay premiums.

**Fiscal impact of rule:**

None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 601**, Group Life Insurance  
**Filing number:** **2020-158**  
**Effective date:** 7/18/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule sets out the categories of employees eligible to participate in the Group Life Insurance Program administered by the Maine Public Employees Retirement System, and other regulations relating to the Program.

**Basis statement:**

The proposal for rule-making was noticed on May 20, 2020. No public hearing was held. No members of the public submitted written comments prior to the June 19, 2020 comment deadline.

Employees who have been laid-off or are on unpaid leave do not have Group Life Insurance premiums deducted from their pay and must take affirmative steps to pay premiums.

The amendment specifies that, commencing January 1, 2020, for these employees, premiums are due within 60 days after returning to paid status. The amendment also provides that, in the event of the participant's death within the 60-day period, premiums will be deducted from any benefit payments. The amendment also clarifies that any claim arising during a period of time for which due premiums have not been paid is void. These amendments reduce the likelihood of a lapse in coverage for employees in unpaid status.

At the Board's regular meeting held on July 9, 2020, Ken Williams made the motion, seconded by Mark Brunton, to adopt the amended rule and its basis statement. Voted unanimously by those Board members present.

**Fiscal impact of rule:**

None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 702**, Appeals of Decisions of the Executive Director  
**Filing number:** **2020-095**  
**Effective date:** 4/14/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

This rule sets out the process for appeals of decisions of the Executive Director to the Board of Trustees. It provides for the appointment of a hearing officer to conduct an appeal and to prepare a recommended decision for action by the Board.

**Basis statement:**

The rule was amended on an emergency basis on April 9, 2020 to require appeal hearings to be conducted by audio or video conference. During the COVID-19 crisis, social distancing is required or encouraged to prevent spread of the virus. Conducting hearings remotely will help with this effort and to protect the health of hearing participants.

**Fiscal impact of rule:**

None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 702**, Appeals of Decisions of the Executive Director  
**Filing number:** **2020-159**  
**Effective date:** 7/18/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule sets out the process for appeals of decisions of the Executive Director to the Board of Trustees. It provides for the appointment of a hearing officer to conduct an appeal and to prepare a recommended decision for action by the Board.

**Basis statement:**

The proposal for rule-making was noticed on May 20, 2020. No public hearing was held. No members of the public submitted written comments prior to the June 19, 2020 comment deadline.

This rule sets out the process for appeals of decisions of the Executive Director to the Board of Trustees. It provides for the appointment of a hearing officer to conduct an appeal and to prepare a recommended decision for action by the Board.

The amendment requires that all hearings will be conducted using audio or video conferencing during the state of emergency declared by the Governor in accordance with Title 37-B section 742 due to the outbreak of COVID-19 and continuing for 30 days thereafter. Hearings may be conducted in person after the requirement to conduct hearings by audio or video conferencing has expired. During the COVID-19 crisis, social distancing is required or encouraged to prevent spread of the virus. Conducting hearings remotely will help with this effort and to protect the health of hearing participants.

At the Board's regular meeting held on July 9, 2020, Ken Williams made the motion, seconded by Mark Brunton, to adopt the amended rule and its basis statement. Voted unanimously by those Board members present.

**Fiscal impact of rule:**

None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 803**, Participating Local District Consolidated Retirement Plan  
**Filing number:** **2020-160**  
**Effective date:** 7/18/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule governs the Consolidated Plan for Participating Local Districts. Under the current rule, local districts may only join the Plan or change their plans effective the next July 1 or January 1. Due to delays in meetings of local districts' governing bodies resulting from the COVID-19 crisis, local districts may be unable to meet these deadlines.

**Basis statement:**

The proposal for rulemaking was noticed on May 20, 2020. No public hearing was held. No members of the public submitted written comments prior to the June 19, 2020 comment deadline.

Under the current rule, local districts may only join the Plan or change their plans effective the next July 1 or January 1. Due to delays in meetings of local districts' governing bodies resulting from the COVID-19 crisis, local districts may be unable to meet these deadlines. The amendment grants the Executive Director temporary authority to permit a local district to join the Plan or change their plans on dates other than July 1 or January 1, or to do so retroactively to July 1, 2020.

At the Board's regular meeting held on July 9, 2020, Ken Williams made the motion, seconded by Mark Brunton, to adopt the amended rule and its basis statement. Voted unanimously by those Board members present.

**Fiscal impact of rule:**

None

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**Agency name:** **Maine Public Employees Retirement System**  
**Umbrella-Unit:** **94-411**  
**Statutory authority:** 5 MRS §17103(4)  
**Chapter number/title:** **Ch. 803**, Participating Local District Consolidated Retirement Plan  
**Filing number:** **2020-236**  
**Effective date:** 11/25/2020  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule governs the Consolidated Plan for Participating Local Districts. Under the current rule, except with a time limited exception during the COVID-19 crisis, local districts may only join the Plan or change their plans effective July 1, or January 1. These restrictions can create timing and administrative complexities for local districts and the System.

**Basis statement:**

The proposal for rule-making was noticed on September 9, 2020. No public hearing was held. No members of the public submitted written comments prior to the October 16, 2020 comment deadline.

Under the current rule, except with a time limited exception during the COVID-19 crisis, local districts may only join the Plan or change their plans effective the next July 1 or January 1. The proposed amendment permits local districts to make these changes at any time and establishes the first of the month following the date that the agreement for participation is signed by the Executive Director and the authorized representative of the local district as the effective date of the change.

The proposed amendment also makes a correction to the military service provision to align with State law.

At the Board's regular meeting held on November 12, 2020, Henry Beck made the motion, seconded by Shirrin Blaisdell, to adopt the amended rule and its basis statement. Voted unanimously by those Board members present.

**Fiscal impact of rule:**

None