

MAINE STATE LEGISLATURE

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Janet T. Mills
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL SERVICES
BUREAU OF THE BUDGET
58 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0058

KIRSTEN LC FIGUEROA
COMMISSIONER

DARRYL STEWART
ACTING STATE BUDGET OFFICER

To: The Honorable Matthea Elisabeth Larsen Daughtry, President of the Senate
Members of the 132nd Senate
The Honorable Ryan D. Fecteau, Speaker of the House
Members of the 132nd House of Representatives

From: Darryl Stewart, Acting State Budget Officer 

Date: December 31, 2024

Subject: Federal Mandates

The State Budget Officer is required by 5 M.R.S.A., Section 1670, to submit a list, to all members of the Legislature, of any new laws, regulations, or other actions that may require the State to comply with any new federal mandate in the current biennium or the next biennium.

Attached please find the report of federal mandates as submitted from the various State departments and agencies.

If you should have any questions regarding this report, please do not hesitate to contact the Budget Office at (207) 624-7810.

Thank you.

DFS/mlm

cc: Christopher Nolan, Director, OFPR
Kirsten LC Figueroa, Commissioner, DAFS
Alex Burnett, Deputy Director ME State Law & Legislative Reference Library
Darek M Grant, Secretary of the Senate
Robert B Hunt, Clerk of the House

FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENT- TATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
DEP	MEPF -Lead 014.06A.1713.14	40 CFR 745	<p>USEPA has finalized a rule, effective January 11, 2025, that creates stronger requirements for identifying and cleaning up lead-based paint hazards in pre-1978 homes and childcare facilities. EPA estimates that this rule will reduce the lead exposure of up to nearly 1.2 million people every year, of which 178,000 to 326,000 are children under the age of six.</p> <p>As an EPA authorized program, Maine must demonstrate that our program is at least as protective as EPA's program no later than 2 years after the final rule's effective date, which would be by January 11, 2027.</p> <p>Dust Lead Action Levels, previously Dust Lead Clearance Levels, have been updated to 5 micrograms per square foot on floors, down from 10 micrograms per square foot; 40 micrograms per square foot on window sills, down from 100 micrograms per square foot; and, 100 micrograms per square foot on troughs, down from 400 micrograms per square foot.</p> <p>Dust Lead Reportable Levels, previously the Dust Lead Hazard Standard, have been updated to any reportable level as determined by an EPA-recognized laboratory, a decrease from 10 micrograms per square foot on floors; and, from 100 micrograms per square foot on sills down to no reportable level for sills.</p>	DEP must implement by 1/11/2027	014	No fiscal impact	FY 26

DEP	Waste Oil Program 014.06A.1502.44	40 CFR 279 40 CFR 761	<p>The Waste Oil Program is a required component part of Maine's ability to maintain State Program Authorization from USEPA under the Resource Conservation and Recovery Act (RCRA). Maine's current regulations for the management of waste oil date back to 1988 and currently do not meet the minimum standards established by USEPA to be eligible for RCRA program authorization. An update of Maine's Waste Oil Management Rules, Chapter 660 and the program expenses associated with that will be needed to meet this requirement.</p> <p>New anticipated requirements for DEP:</p> <ul style="list-style-type: none"> • EPA Authorization process and interactions with federal counterparts • Rulemaking • Coordination with related programs (Solid Waste/Hazardous Waste/Stormwater/State Fire Marshal's Office/Maine Fuel Board/EPA) • Education (phone calls, emails, training, handbooks, site visits) • Form and procedure development (registrations, updated transporter applications, license applications, handbook development, inspection form development, procedures) • Registrations/licenses/WOTs/Combined WOT/HWT • Inspections and follow up including NOV's • Sampling of waste oil (containers/tanks) • Complaint investigations • Determination of Appropriateness of tank types (Maine Fuel Board rules) • Sampling related to soils/groundwater/surface water releases and contamination • Enforcement (Consent Agreements and Court Actions) • Review of license applications, groundwater plans, engineering reviews, chemical reviews • Waste oil clean ups and remediation • Response Services actions for spills/releases 	Postponed in FY 25, possibly FY 26 or FY 27	014	10 FTEs as follows: ES III (6) OHMS II (2) ES Licensing Lead or equivalent type (1) Engineer (.25) OHMR I (.5) Geologist (.25)	FY 26 or FY 27
DEP	Hazardous Waste Management Unit 013-06A-0851-13 (PPG-RCRA)	89 FR 60692	<p>The Environmental Protection Agency (EPA) or (the Agency) is finalizing certain amendments to the hazardous waste manifest regulations, and the hazardous waste electronic manifest (e-Manifest) regulations under the Resource Conservation and Recovery Act (RCRA) to increase utility of the e-Manifest system in delivering benefits to reduce administrative burden and improve tracking of hazardous waste shipments, and to various related regulations. Among other things, EPA is finalizing changes to manifest regulations for shipments of hazardous waste that are exported for treatment, storage, and disposal. EPA is also finalizing regulatory changes to the hazardous waste export and import shipment international movement document-related requirements to more closely link the manifest data with the international movement document (hereafter referred to as "movement document") data. In addition, EPA is finalizing regulatory amendments to three manifest-related reports (i.e., Discrepancy, Exception, and Unmanifested Waste Reports). EPA is also finalizing conforming regulatory changes to the manifest regulations under the Toxic Substances and Control Act (TSCA) for polychlorinated biphenyls (PCB) wastes to better align these requirements with the RCRA manifest regulations and the e-Manifest program. Lastly, this action makes technical corrections to fix typographical errors in the e-Manifest and movement document regulations</p> <p>The EPA will have this underway by January 22, 2025. Once in place States will be required to update their rules to conform..</p>	TBD best guess by FY 27	013	No fiscal Impact	FY 27

DEP	All programs; all units in 06-A	28 CFR 35, new Subpart H	Nondiscrimination on the basis of disability in state and local government services - Web and Mobile Accessibility. Beginning April 24, 2026, a public entity, other than a special district government, with a total population of 50,000 or more shall ensure that the web content and mobile apps that the public entity provides or makes available, directly or through contractual, licensing, or other arrangements, comply with Level A and Level AA success criteria and conformance requirements specified in WCAG 2.1, unless the public entity can demonstrate that compliance with this section would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Beginning April 24, 2026, a public entity, other than a special district government, with a total population of 50,000 or more shall ensure that the web content and mobile apps that the public entity provides or makes available, directly or through contractual, licensing, or other arrangements, comply with Level A and Level AA success criteria and conformance requirements specified in WCAG 2.1, unless the public entity can demonstrate that compliance with this section would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.	Compliance deadline April 24, 2026	010, 013, 014	1 FTE to be absorbed fractionally across multiple existing positions	FY25, 26
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FEDERAL MANDATES

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Maine CDC	HETL Clinical Section	<u>Docket: FDA-2023-N-2177</u>	<p>Laboratory Developed Tests Regulatory Impact Analysis (Final Rule)</p> <p>"This final rule amends FDA's regulations in part 809 (21 CFR part 809) to make explicit that "in vitro diagnostic products" (IVDs) are devices as defined in section 201(h)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 321(h)(1)) including when the manufacturer of the IVD is a laboratory. In conjunction with this amendment, FDA is phasing out its general enforcement discretion approach for laboratory developed tests (LDTs) so that IVDs manufactured by a laboratory will generally fall under the same enforcement approach as other IVDs, as discussed further in section V of the preamble to the rule.</p> <p>Federal Register: 89 FR 37286 Publication Date: 5/6/2024</p> <p>https://www.fda.gov/about-fda/economic-impact-analyses-fda-regulations/laboratory-developed-tests-regulatory-impact-analysis-final-rule</p> <p>Briefly, this law, on May 6th 2024 designated every human clinical diagnostic testing laboratory in the USA as a manufacturer of in vitro diagnostic tests, if said laboratory uses laboratory developed tests (LDTs). Compliance with specific parts of the law is phased-in every May 6th from 2024 till 2027. The Clinical Microbiology section at the Health and Environmental Testing Laboratory does use LDT's and therefore subject to this law. Compliance is mandatory and unfunded. There is an annual Establishment Registration Fee of \$7,653 owed to the FDA. For each test which requires FDA approval as a 510(k) device, HETL will owe \$21,760. For each change to an assay, HETL may owe \$21,760. State governments are exempt from the De Novo classification, which requires \$145,068 per new test. HETL has at least 13 tests which will require FDA 510(k) approval, at a cost of \$282,880 in submission fees alone. The cost for lab supplies and staff time is unknown. Affected tests include, pediatric blood lead, respiratory, vectorborne, waterborne, foodborne, sexually transmitted, hospital associated and vaccine preventable infectious disease.</p>			\$282,880	2025-2026
Maine CDC	HETL Clinical Section	CMS-3326-F	<p>The Clinical Laboratory Improvement Amendments of 1988 (CLIA) regulations include federal standards applicable to all U.S. facilities or sites that test human specimens for health assessment or to diagnose, prevent, or treat disease. CDC, in partnership with Centers for Medical and Medicaid Services (CMS) and the Food and Drug Administration (FDA), supports the CLIA program and clinical laboratory quality. On December 28, 2024 new definitions and updates to numerous personnel requirements go into effect.</p> <p><u>Standards and Certification: Laboratory Requirements (42 CFR 493)</u> <u>Clinical Laboratory Improvement Amendments (42 USC 263a)</u></p> <p>The most influential portion of this update means that the Clinical Microbiology section at the Health and Environmental Testing Laboratory:</p>	12/28/2024			2025-2026

			cannot use resumes and/or CV's in the hiring process for staff that would be added to the CLIA 209 staffing form. Instead, a third party (former employer, references etc.), must provide ample documentation of experience. Resumes and/or CV's could be used to obtain an interview, but further documentation is required. here is a grandfather clause for all personnel affected by this final rule as long as they were qualified and serving in a CLIA-certified lab as of December 28, 2024 and remained continuously employed in that position since December 28, 2024. cannot accept experience from a non-high complexity CLIA laboratory when hiring or promoting staff to a CLIA General or Technical Supervisor (e.g experience in an analytical environmental chemistry laboratory no longer counts as experience). must review the transcripts for new hires to determine if it meets the new educational requirements (e.g. a Bachelor of Arts with sufficient science course credits may now qualify as CLIA testing personnel, similarly a Bachelor of science with insufficient course credits will not qualify as CLIA testing personnel)				
Maine CDC	HETL Environmental Lead	EPA-HQ-OPPT- 2023-0231	Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels Environmental Protection Agency - 40 CFR Part 745 As part of EPA's high-priority efforts to reduce childhood lead exposure, and in accordance with a U.S. Court of Appeals for the Ninth Circuit 2021 opinion, EPA is finalizing its proposal to lower the dust-lead hazard standards to any reportable level as analyzed by a laboratory recognized by EPA's National Lead Laboratory Accreditation Program (NLLAP). The rule lowered the amount of lead that can remain in dust on floors, window sills and window troughs after a lead paint abatement occurs to the lowest levels that can be reliably and quickly measured in laboratories from: 10 micrograms per square foot (µg/ft2) to 5 µg/ft2 for floors, 100 µg/ft2 to 40 µg/ft2 for window sills, and 400 µg/ft2 to 100 µg/ft2 for window troughs.	1/13/2025	014-		2025-2026
Maine CDC	DWP	<u>Safe Drinking Water Act</u>	Lead and Copper Rule Revisions (LCRR) and Improvements (LCRI): Both the LCRR (published 2021, enforceable deadline 2024) and the LCRI (published 2023, enforceable deadline 2027) propose changes to the original Lead and Copper Rule (1991) are aimed at removing lead from water distribution systems, reducing consumer exposure to lead, and ensuring that consumers have appropriate and timely information concerning lead in their drinking water.	1/1/2027		\$0	On-going
Maine CDC	DWP	<u>Safe Drinking Water Act</u>	Federal PFAS regulations (proposed 2023, enforceable deadline 2027) will require Community and Non-Transient, Noncommunity Public Water Systems to test for per- and polyfluoroalkyl substances (PFAS) and take steps to limit exposure if present above proposed Maximum Contaminant Levels.	1/1/2027		\$0	On-going
Maine CDC	DWP	<u>Safe Drinking Water Act</u>	Revised Consumer Confidence Report (CCR) Rule: On March 28, 2023, EPA announced a Notice of Proposed Rulemaking that would strengthen the Consumer Confidence Report (CCR) Rule making annual drinking water quality reports with important public health information more accessible to residents and businesses across the country.	1/1/2027		\$0	On-going

Maine CDC	Health Inspection Program	Federal Register :: School Food Safety Inspections	This final rule adopts without change the food safety inspections requirements for the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) set forth in a previous interim rule issued by the Food and Nutrition Service as a result of the Child Nutrition and WIC Reauthorization Act of 2004. Schools participating in the lunch and breakfast programs must obtain two inspections per year, post the most recent inspection report in a visible location, and release a copy of the report to members of the public upon request. This rule enhances the safety of over 38 million meals served to school children daily. *Please note, this mandate continues from 2009.	10/2/2009	\$0	On-going
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FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 091

FEDERAL MANDATES

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DHHS/DLC	Division of Licensing and Certification 39% 01010AZ03601 DLC 61% 01410AZ03604	Admin Info: 23- 15-All.	SSR training: All surveyors with 1 or more years of survey experience must study for and pass a nationwide test in one provider type. Several of our surveyors, due to problems with the test nationally, spent hours studying, and yet had to retake the FFY24 test <u>up to 20 times</u> before passing. This requirement prevented surveyors from actually surveying, which created the need to postpone surveys so surveyors could retake the test--and study yet again. Expectation is that the SSR training due in FFY25 for 19 of our 26 surveyors will take just as long, as 3 of them have already attempted it 3 times, with only one passing.	10/1/23.		\$9,751	
DHHS/DLC	Division of Licensing and Certification 39% 01010AZ03601 DLC 61% 01410AZ03604	QSO 24-11-HHA & Hospice, & Ch10 of the SOM	Hospices and HHAs now have the ability to request an IDR. Prepping and holding, and writing decision, are all unfunded tasks. The regulations for IDR offer HHAs and hospice programs the option to request an informal opportunity to dispute condition-level survey findings warranting an alternative sanction or enforcement remedy following a facility's receipt of the Statement of Deficiencies (Form CMS-2567). Effective January 1, 2024, the IDR processes for hospices follow the same existing processes for HHAs, and Chapter 10 of CMS's State Operations Manual was updated to include hospices in the guidance.	01/01/2024.		\$18,805	
DHHS/DLC	Division of Licensing and Certification 39% 01010AZ03601 DLC 61% 01410AZ03604	State Performance Standards System Admin Info 24-02-ALL , specifically Appendix PP	Intakes that are overdue for investigation (a state's backlog of complaints due, in large part, to the PHE) are added to the pre-PHE requirements for completion, without additional federal funding to complete that work.	10/6/23.		38,976	
DHHS/DLC	Division of Licensing and Certification 39% 01010AZ03601 DLC 61% 01410AZ03604	QSO 25-07 NH	Effective 2/24/2025, LTC surveyors will need to use a revised survey tool when conducting surveys in SNF/NFs, including two entirely new "Critical Element Pathways" having to do with chemical restraints and discharge processes. These revisions/additions add duties/tasks to what the surveyors already do, without removing any tasks. These additional pages of additional tasks will cause surveys to take longer, which will cost more in overnight travel expenses. The State is not receiving additional federal funds to do this additional work. The full extent of the additional costs cannot be known before implementation.	2/24/2025		\$10,359	
DHHS/DLC	Division of Licensing and Certification 39% 01010AZ03601 DLC 61% 01410AZ03604	Admin Info: 24-22- ALL	Requires SA to process CMS's 855A forms, without compensation	On successive dates CMS turned over more duties to the SA, starting 12/22/2021, then 11/28/23, and finally (so far) 8/23/2024.		\$35,172	

	Division of Licensing and Certification 39% 01010AZ03601 DLC 61% 01410AZ03604	06/27/1974- OSHA; QSO 20- 39-NH issued 9/17/20, rev'd 5/8/23.	DLC's surveyors are required to wear, at a minimum, the same Personal Protective Equipment ("PPE") as that being worn by the staff within the facility DLC's surveyors are assessing. When that level includes an N-95 facemask, those must be fitted to each person, and are not interchangeable. A medical determination must be made first, requiring contracting with an outside vendor (Concentra) for them to assess each surveyor's medical ability to wear an N-95; fit-testing (to see if a surveyor can wear an N-95, and of which size and brand); fit-testing equipment; and the N-95 masks themselves are all expenses that are not federally funded.	6/27/1974	\$1,760	
DHHS/DLC						

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REV. 11/20/2023

FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENTATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
OADS	Adult Protective Services 01010AZ04001	45 CFR 1324	Administration for Community Living (ACL) proposes to modify the implementing regulations of the Older Americans Act of 1965 (OAA) to add Subpart D related to Adult Protective Services. This is the first federal oversight rule that governs State APS systems.	Anticipated 2026	010, 013	Unknown	2027
OADS	OADS Central Office (Aging Team) 01010A014001 ; 01310A01400	45 CFR 1321 45 CFR 1322 45 CFR 1323 45 CFR 1324	ACL issued the OAA Final Rule in Feb 2024 to improve services and clarify requirements impacting Emergency Preparedness, Nutrition Services, the State Agency on Aging, Area Agencies on Aging, the Long-Term Care Ombudsman, Legal Assistance, Services for Native American Elders and Caregivers, and State Guardianship programs. This is the first major federal rulemaking for the OAA since 1988 and will take states like Maine several years to fully implement due to the rule making process. OADS is currently drafting rules for all aspects of OAA programs in Maine in collaboration with the AAAs as required by the OAA Final Rule.	Deadline to submit an Implementation Timeline (called Corrective Action Plan (CAP) by ACL) is Oct 1, 2025. OADS will work collaboratively with ACL on proposed timeline.	010, 013	Unknown	Ongoing
OADS/OMS	OADS/OMS (multiple programs)	1915(i) State Plan HCBS, 5-Year Period for Waivers, Provider Payment Reassignment, Setting Requirements for Community First Choice, and 1915(c) HCBS Waivers - CMS-2249-F/CMS-2296-F Person Centered Planning Requirements (PCP rule 2014- not in	Centers for Medicare and Medicaid Services (CMS) expected to issue sweeping new rule pertaining to client access to Home and Community Based Services (HCBS) – i.e. MaineCare Benefits Manual Sec. 18, 19, 20, 21, and 29; DHHS reviewed the proposed rule in Summer 2023; if rule is adopted as previously written, it will require systems investments (likely for the Department and for providers) to accommodate more complex reporting.	Rule anticipated to be adopted in March 2024 with a multi-year, phased implementation	010, 013	Unknown	2024

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 098, 099, 100

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SAMHSA		Part 8 Title 42 CF	<p>Part 8 of Title 42 of the Code of Federal Regulations (CFR) includes the regulations that guide opioid treatment programs (OTPs); these went into effect in 2001. The U.S. Department of Health and Human Services (HHS), through the Substance Abuse and Mental Health Services Administration (SAMHSA) revised these regulations and released the final rule in February 2024.</p> <p>The revisions take historic steps to increase access to lifesaving, evidence-based medications for opioid use disorder (MOUD) and to advance retention in care through promoting patient-centered and compassionate interventions. These rules went into effect on April 2, 2024 and the compliance date is October 2, 2024, allowing time for OTPs to prepare and for states to review their regulations that impact how this rule is implemented.</p> <p>The final rule promotes practitioner autonomy, removes stigmatizing or outdated language, supports a patient-centered approach, and reduces barriers to receiving care. These elements were identified as being essential to promoting effective treatment in OTPs and reflect an OTP accreditation and treatment environment that has evolved over the past 20 years. In this way, final changes to Part 8 are responsive to the predominant concerns of OTP practitioners and patients.</p>	4/2/2024			25

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 098, 099, 100

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DHHS / OCFS	Child Welfare Services 01010A013901 01310A013901	45 CFR 201.5; Title IV-E of the Social Security Act ACF-ACYF-CB-PI-24-09	This Program Instruction (PI) provides State, Territorial, and Tribal title IV-E agencies with the renewed and revised form and instructions approved by the U.S. Office of Management and Budget (OMB) for reporting quarterly financial information on the title IV-E Foster Care, Adoption Assistance, Guardianship Assistance, Kinship Navigator and Prevention Services Programs, as well as annual reporting data for Adoption Savings.	The reporting under Extended Foster Care is effective for FFY 2025 but is optional for that FFY to allow title IV-E agencies time to adjust their automated systems to provide this breakout.	010 / 013	\$50,000	SFY26
DHHS / OCFS	Child Care Services: Child Care Development Fund (CCDF) 01510A056301	<u>Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF)</u>	The Lead Agency needs to limit all family co-payments for families at or below 85% of State Median Income (SMI) in the Child Care Affordability Program to seven percent or less of family income, as required by 98.45(l)(3). (Plan Question 3.1.1a). The Lead Agency needs to pay child care providers in the Child Care Affordability Program prospectively and based on enrollment, as required by 98.45(m)(1), (Plan Question 4.4.1a) and 98.45(m)(2), (Plan Question 4.4.1b). The Lead Agency needs to contract for direct services for infants and toddlers, for children in underserved geographic areas, and for children with disabilities, as required by 98.30(b)(1). (Plan Questions 4.1.1c and 4.5.1i).	3/01/2024 Maine DHHS has requested a waiver to have until 3/31/2026 for full implementation of all new mandates.	015	\$8,600,000	SFY26

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 098, 099, 100

FEDERAL MANDATES

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DHHS/OFI	TANF 01510A013801	Effective March 9, 2024, The Consolidated Appropriations Act of 2024, Public Law 118-42, amended 8 U.S.C 1641 to include COFA citizens in the definition of "qualified aliens" allowing COFA citizens to receive federally funded assistance.	"Effective with the enactment of Public Law 118-42, individuals who reside lawfully in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are included in the definition of "qualified immigrants" and are eligible to receive TANF-funded assistance. Under the change in law, COFA citizens may receive TANF once they reside in the United States and are not barred from receiving TANF for five years after entry in the United States as many qualified immigrants are." https://www.acf.hhs.gov/ofa/policy-guidance/acf-ofa-pi-24-02	3/9/2024	015	Unknown	Ongoing
DHHS/OFI	SNAP 01310AZ01901	8 U.S.C. § 1641 as amended by Pub L. 118-42	Added COFA citizens in the definition of "qualified aliens" allowing COFA citizens to receive federally funded SNAP	3/9/2024	010 & '013	Unknown	Ongoing
DHHS/OFI	SNAP 01310AZ01901	Pub L. 115-334 § 4011	Requires Maine to share information with and retrieve information from the National Accuracy Clearing House (NAC)	12/01/2025	010 & '013	Unknown	Ongoing
DHHS/OFI	SNAP 01310AZ01901	Pub L 118-5 § 311 and FR 89 – 242, 102362 December 17, 2024	Exempts some additional groups from ABAWD requirements, expands the age of individuals who must comply with ABAWD requirements and extends ABAWD requirements to the end of the certification period. This last element was in dispute until it was clarified in rule making.	09/01/2023	010 & '013	Unknown	Ongoing
DHHS/OFI	SNAP 01310AZ01901	Pub L. 117-328 Title IV § 501	Requires the state to process applications for replacement of benefits lost as a result of skimming cloning or other electronic theft	10/01/2022	010 & '013	Unknown	Ongoing

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 098, 099, 100

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DHHS/OHIM	OHIM 01410AZ29201	89 FR 39392 (Ru	makes several clarifications and updates the definitions currently used to determine whether a consumer is eligible to enroll in a Qualified Health Plan (QHP) through an Exchange; a Basic Health Program (BHP), in States that elect to operate a BHP; and for Medicaid and Children's Health Insurance Programs (CHIPs). Specifically, Deferred Action for Childhood Arrivals (DACA) recipients and certain other noncitizens will be included in the definitions of "lawfully present" that are used to determine eligibility to enroll in a QHP through an Exchange, for Advance Payments of the Premium Tax Credit (APTC) and Cost-Sharing Reductions (CSRs), or for a BHP	11/1/2024		None	2025-
DHHS/OHIM	OHIM 01410AZ29201	89 FR 26218	This final rule includes payment parameters and provisions related to the HHS-operated risk adjustment program, as well as 2025 user fee rates for issuers offering qualified health plans (QHPs) through federally facilitated Exchanges (FFEs) and State-based Exchanges on the Federal platform (SBE-FPs). This final rule also includes requirements related to the auto re-enrollment hierarchy; essential health benefits; failure to file Federal income taxes to reconcile advance payments of the premium tax credit (APTC); non-standardized plan option limits in the FFEs and SBE-FPs and a related exceptions process; standardized plan options in the FFEs and SBE-FPs; special enrollment periods (SEPs); direct enrollment (DE) entities supporting Exchange applications and enrollments; the Insurance Affordability Program enrollment eligibility verification process; requirements for agents, brokers, web-brokers, and DE entities assisting Exchange consumers; network adequacy; public notice procedures for section 1332 waivers; prescription drug benefits; updates to the Consumer Operated and Oriented Plan (CO-OP) Program; and State flexibility on the effective date of coverage in the Basic Health Program (BHP).	1/1/25 and ongoing		None	2025-
DHHS/OHIM	OHIM 01410AZ29201	88 FR 25740	This final rule includes payment parameters and provisions related to the HHS-operated risk adjustment and risk adjustment data validation programs, as well as 2024 user fee rates for issuers offering qualified health plans (QHPs) through Federally-facilitated Exchanges (FFEs) and State-based Exchanges on the Federal platform (SBE-FPs). This final rule also has requirements related to updating standardized plan options and reducing plan choice overload; the automatic re-enrollment hierarchy; plan and plan variation marketing name requirements for QHPs; essential community providers (ECPs) and network adequacy; failure to file and reconcile; special enrollment periods (SEPs); the annual household income verification; the deadline for QHP issuers to report enrollment and payment inaccuracies; requirements related to the State Exchange improper payment measurement program; and requirements for agents, brokers, and web-brokers assisting FFE and SBE-FP consumers.	1/1/24 and ongoing		None	2024-

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 098, 099, 100

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DHHS/OMS	MaineCare	Ensuring Access to Medicaid Services (89 FR 40542; CMS-2442-F CFR 45 431, 438, 441, 447)	The Ensuring Access to Medicaid Services (Federal Access Rule) final rule advances access to care and quality of care, improving health outcomes for Medicaid beneficiaries across fee-for-service (FFS) delivery systems, specifically including the establishment of the Medicaid Advisory Committee/Beneficiary Advisory Council, Documentation of Access to Care/Payment Rate Transparency (including publishing rates and conducting comparative analysis of certain services) and Home and Community-Based Services (HCBS) (including reporting on HCBS quality measure set).	7/9/2025 (MAC/BAC); 7/9/2026 (rate transparency); 9/9/2026 (HCBS QMS)			
DHHS/OMS	MaineCare	CMS Interoperability and Prior Authorization Final Rule (CMS-0057-F)	The CMS Interoperability and Prior Authorization final rule requires State Medicaid programs to implement and maintain Health Level 7 (HL7) Fast Healthcare Interoperability Resources (FHIR) application programming interfaces (APIs) to improve the electronic exchange of health care data, as well as to streamline the prior authorization processes. In 2026, Medicaid programs must meet a prior authorization decision timeframe and begin reporting on metrics regarding prior authorization processes. In 2027, programs must update existing APIs and implement three new APIs.	01/01/2016; 01/01/27			
DHHS/OMS	MaineCare	Consolidated Appropriations Act, 2024 (CAA, 2024) (P.L. 118-42), Division G, Title I, Subtitle B, Sections 201	Section 201 made permanent the mandatory Medicaid benefit for medications for opioid use disorder (MOUD).	Extended to mandatory from original date of 10/1/2020		None	
DHHS/OMS	MaineCare	Nondiscrimination in Health Programs and Activities Section 1557 of the ACA (42 CFR Parts 438, 440, 457, and 460; 45 CFR Parts 80, 84, 92, 147, 155, and 156)	Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability. Medicaid programs must comply with the rule which includes: requirements to assess risk of discrimination in clinical algorithms and other patient decision care support tools; take reasonable steps to provide meaningful access to individuals with LEP (including offering interpretation and translation); providing nondiscrimination notices and notice of availability of language assistance services and auxiliary aids.	01/01/25 (non-discrimination in coverage); 05/01/25; 07/05/25			

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 098, 099, 100

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Maine State Museum	Museum Administration 010-94M-0180-43	Department of the Interior 43 CFR Part 10	This final rule revises and replaces definitions and procedures for linial descendants, Indian Tribes, Native Hawaiian organizations, museums, and Federal agencies to implement the Native American Graves Protection and Repatriation Act of 1990. These regulations clarify and improve upon the systematic processes for the disposition or repatriation of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony.	1/12/2024	010	\$67,393	25
						\$136,342	26
						\$191,054	27

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 092
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SoS/BMV	01229B007704 Administration Motor Vehicles	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Public Law 109- 59, 119 Stat. 1726 (Aug. 10, 2005)	<i>National Registry of Certified Medical Examiners (Phase 2).</i> The US Department of Transportation, and its subordinate agency (the Federal Motor Carrier Safety Administration, FMCSA), require state licensing agencies to connect digitally to a national clearinghouse of digital medical certifications for vehicle operators that require commercial driver's licenses. FMCSA issued	No later than 06/23/2025	012	\$0	SFY2025

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 085, 086, 087, 088, 089, 091, 098, 099, 100