

8.6.6 Communicating Space.

Unless prohibited by Chapters 11 through 43, unenclosed floor openings forming a communicating space between floor levels shall be permitted, provided that the following conditions are met:

- (1) The communicating space does not connect more than three contiguous stories.
- (2) The lowest or next-to-lowest story within the communicating space is a street floor.
- (3) The entire floor area of the communicating space is open and unobstructed, such that a fire in any part of the space will be readily obvious to the occupants of the space prior to the time it becomes an occupant hazard.
- (4) The communicating space is separated from the remainder of the building by fire barriers with not less than a 1-hour fire resistance rating, unless one of the following is met:
 - (a) In buildings protected throughout by an approved automatic sprinkler system in accordance with Section 9.7, a smoke barrier in accordance with Section 8.5 shall be permitted to serve as the separation required by 8.6.6(4).
 - (b) The requirement of 8.6.6(4) shall not apply to fully sprinklered residential housing units of detention and correctional occupancies in accordance with 22.3.1(2) and 23.3.1.1(2).
 - (c) The communicating space has ordinary hazard contents protected throughout by an approved automatic sprinkler system in accordance with Section 9.7 or has only low hazard contents. (See 6.2.2.)
 - (d) Egress capacity is sufficient to allow all the occupants of all levels within the communicating space to simultaneously egress the communicating space by considering it as a single floor area in determining the required egress capacity.
 - (e)* Each occupant within the communicating space has access to not less than one exit without having to traverse another story within the communicating space.

37.2 Means of Egress Requirements

37.2.1.2 No inside open stairway, inside open escalator, or inside open ramp shall be permitted to serve as a component of the required means of egress system for more than one floor. Allowed - Stair serves 1 floor

37.3 Protection

37.3.1 Protection of Vertical Openings.

Any vertical opening shall be protected in accordance with

Section 8.6, except under the following conditions:

- (1) In Class A or Class B mercantile occupancies protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1), unprotected vertical openings shall be permitted at one of the following locations:
 - (a) Between any two floors
 - (b) Among the street floor, the first adjacent floor below, and the adjacent floor (or mezzanine) above
- (2) In Class C mercantile occupancies, unprotected openings shall be permitted between the street floor and the mezzanine.
- (3) The draft stop and closely spaced sprinkler requirements of NFPA 13, *Standard for the Installation of Sprinkler Systems*, shall not be required for unenclosed vertical openings permitted in 37.3.1(1) and (2).

Allowed - Refer above to highlighted sections above

access hospitals, rehabilitation hospitals and hospitals reclassified to a wage area outside Maine. Language was added to DSH policy that allows DSH payments exceeding an individual hospital's cap to be used for other hospitals to the extent allowable. Methodology for estimated payments made to state owned hospitals was clarified. Additionally, the cap on outpatient prospective interim payments to acute care non-critical access hospitals and rehabilitation hospitals has been changed to 70%.

See <http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 22 MRSA §§ 42, 3173; P.L. 2011, ch. 380, Part A; and P.L. 2011, ch. 380, Part ZZ; 42 CFR 447.26

PUBLIC HEARING: August 22, 1:00 p.m., Conference Room 1B, Department of Health and Human Services, Office of MaineCare Services, 442 Civic Center Drive, Augusta, ME. The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before

DEADLINE FOR COMMENTS: Comments must be received by midnight September 2, 2011.

AGENCY CONTACT PERSON: Derrick Grant, Comprehensive Health Planner, Office of MaineCare Services, 442 Civic Center Drive, 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 287-6427. Fax: (207) 287-9369. TTY: 1 (800) 606-0215 or (207) 287-1828 (Deaf or Hard of Hearing). E-mail: Derrick.Grant@Maine.gov .

WEBSITE: <http://www.maine.gov/dhhs/oms/> .

AGENCY: **10-144 - Department of Health and Human Services (DHHS), Office of MaineCare Services**

RULE TITLE OR SUBJECT: **Ch. 101**, MaineCare Benefits Manual: **Ch. II and III Section 13**, Targeted Case Management Services

PROPOSED RULE NUMBER: **2011-P112**

CONCISE SUMMARY: This rulemaking proposes elimination of two target groups currently being reimbursed under Ch. 13, Targeted Case Management (TCM); "Case Management Services for Children Involved with Protective Services", and "Case Management Services for Adults Involved with Protective Services". Additionally the rulemaking proposes additional medical eligibility criteria for the target group "Members Experiencing Homelessness". Ch. II is also changed to; delete obsolete language concerning the 2009 transition to one Comprehensive Case Manager, clarify supervision of comprehensive case managers, eliminate some professional staff categories, clarify qualifications for social workers and add a requirement for documentation that members have had choice of providers. Ch. III is changed to align the standard units of service and maximum allowance for two categories of TCM services with the other TCM categories.

See <http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 22 MRSA §§ 42, 3173

PUBLIC HEARING: August 22, 2011, 10:00 a.m., Conference room 1B, 442 Civic Center Drive, Augusta, Maine 04333. The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before August 14, 2011.

DEADLINE FOR COMMENTS: Comments must be received by midnight September 1, 2011.

AGENCY CONTACT PERSON: Margaret Brown, Division of Policy, MaineCare Services, 442 Civic Center Drive, 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 287-5505. Fax: (207) 287-9369. TTY: 1 (800) 606-0215 or (207) 287-1828 (Deaf or Hard of Hearing). E-mail: Margaret.E.Brown@Maine.gov .

WEBSITE: <http://www.maine.gov/dhhs/oms/> .

ADOPTIONS

AGENCY: **16-219 - Office of the Fire Marshal**

CHAPTER NUMBER AND TITLE: **Ch. 20**, Fire Safety in Buildings and Structures

ADOPTED RULE NUMBER: **2011-250**

CONCISE SUMMARY: Ch. 20 currently incorporates three National Fire Protection Association (NFPA) standards: NFPA #80, *Standard for Fire Doors and Other Opening Protectives*, 2007 edition; and NFPA #101, *Life Safety Code*, 2006 edition; and NFPA #220, *Standard on Types of Building Construction*, 2006 edition. This amendment updates the rule by incorporating the 2010 edition of NFPA #80 and the 2009 edition of NFPA #101. The rule does not incorporate provisions of NFPA # 101, the Life Safety Code, that conflict with the Maine Uniform Building and Energy Code adopted by the Technical Building Codes and Standards Board pursuant to 10 MRSA §9722.

EFFECTIVE DATE: July 27, 2011

AGENCY CONTACT PERSON: Richard E. Taylor, Senior Research & Planning Analyst, Office of the Fire Marshal, 52 State House Station, Augusta, Maine 04333-0052. Telephone: (207) 626-3873. E-mail: Richard.E.Taylor@Maine.gov .

WEBSITE: <http://www.maine.gov/dps/fmo/index.htm> .

AGENCY: **94-630 - Maine Biomedical Research Board**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Rules of the Maine Biomedical Research Board

ADOPTED RULE NUMBER: **2011-251**

CONCISE SUMMARY: The purpose of this rule-making is to amend the current Allocation Formula (Section 5.B) for determining what portion of the total Program Funds available each eligible institution would receive.

EFFECTIVE DATE: July 30, 2011

AGENCY CONTACT PERSON: Martha Bentley, Maine Biomedical Research Board, Maine Technology Institute, 405 Water St., Suite 300, Gardiner, ME 04345. Telephone: (207) 312-8605. E-mail: mmbentley@wildblue.net .

WEBSITE: <http://www.mainetechnology.org/fund/biomedical-research-fund> .

AGENCY: **10-144 - Department of Health and Human Services (DHHS), Office for Family Independence (formerly Office of Integrated Access and Support)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Food Supplement Certification Manual, **Rev. #171A**: Adjustment of Food Supplement Standard Utility Allowance

ADOPTED RULE NUMBER: **2011-252**

CONCISE SUMMARY: This rule adopts the required Full Standard Utility Allowance change. The Full Standard Utility Allowance (FSUA) in Maine is normally updated on an annual basis, as per Federal regulation 7 CFR 273.9(d). In response to fluctuating energy prices and their impact on standard utility allowances, resulting in reduced benefits for needy households, USDA Food and Nutrition Services (FNS) issued three time-limited waivers that allowed for continuation of existing standard utility allowances. The final waiver allowed for a continuation of the existing allowances through March 31, 2011, with the stipulation that allowances would need to be adjusted for April 1, 2011, and would not be required to be reduced by more than \$66. Maine has implemented this waiver. Although Maine did not adopt a rule change effective April 1, 2011, this rule will reduce the FSUA by \$66, effective August 1, 2011 through September 30, 2011.

The Full Standard Utility Allowance will be re-evaluated, along with the non-heat and telephone standards, subject to approval by USDA FNS, to be effective as of October^o1, 2011.

EFFECTIVE DATE: August 1, 2011

AGENCY CONTACT PERSON: Karen L. Curtis, Food Supplement Program Manager, Department of Health and Human Services, Office for Family Independence, 11 State House Station, 442 Civic Center Drive, Augusta ME 04333-0011.

Telephone: (207) 287-7118. TTY: (800) 606-0215. E-mail: Karen.L.Curtis@Maine.gov .

WEBSITE: <http://www.maine.gov/dhhs/ofii/> .

AGENCY: **01-015 - Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #08-11**

ADOPTED RULE NUMBER: **2011-253**

CONCISE SUMMARY: Minimum August 2011 Class I price is \$24.68/cwt. plus \$1.25/cwt. for Producer Margins, an over-order premium of \$1.53/cwt. as being prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$28.13/cwt. that includes a \$0.20/cwt. Federal promotion fee.

Minimum prices can be found at: <http://www.maine.gov/agriculture/mmc/prihis.htm> .

EFFECTIVE DATE: July 31, 2011

AGENCY CONTACT PERSON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta ME 04333. Telephone: (207) 287-7521. E-mail: Tim.Drake@Maine.gov .

MMC WEBSITE: <http://www.maine.gov/agriculture/mmc/index.shtml> .

AGENCY: **94-270 - Commission on Governmental Ethics and Election Practices**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Procedures

ADOPTED RULE NUMBER: **2011-254**

CONCISE SUMMARY: The rule amendments clarify those services received by a candidate and expenditures by others which constitute an in-kind contribution to the candidate; state that when campaigns sell promotional items, the full amount of proceeds received by the campaign constitutes a contribution; modifies the definition of "express advocacy" to include communications that are susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate; and amends the reporting schedule for independent expenditures.

EFFECTIVE DATE: July 31, 2011

AGENCY CONTACT PERSON: Jonathan Wayne, Executive Director, Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333-0135. Telephone: (207) 287-3024. E-mail:

Jonathan.Wayne@Maine.gov .

WEBSITE: <http://www.maine.gov/ethics/> .

AGENCY: **10-144 - Department of Health and Human Services (DHHS), Office of MaineCare Services**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual: **Ch. III Section 50**, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded

ADOPTED RULE NUMBER: **2011-255 (Final adoption, major substantive)**

CONCISE SUMMARY: This rule permanently adopts a provisionally adopted major substantive rule which eliminates costs for Community Support Services (formerly called Day Habilitation Services) as part of the cost basis of the per diem rate for Intermediate Care Facilities for the Mentally Retarded.

Instead, the rule refers providers to the reimbursement methods and rate for Community Support Services set forth in MaineCare Benefits Manual (MBM), Ch. II and III Section 21. The amendment is made necessary by the repeal of MBM, Section 24, Day Habilitation Services. The amendment will also allow the billing code for this service to conform to federally required codes and the implementation of the Department's new claims processing system. This change was adopted on an emergency basis effective April 1, 2010. The Legislature authorized the adoption of this rule on June 21, 2011. This rule change does not have any adverse economic impact on municipal or county governments or small businesses.

See <http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: September 2, 2011

AGENCY CONTACT PERSON: Michael J. Dostie, Comprehensive Health Planner II, MaineCare Services, Policy Division, 442 Civic Center Drive, 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 287-6124. Fax: (207) 287-9369. TTY: 1 (800) 606-0215 or (207) 287-1828 (Deaf/Hard of Hearing). E-mail: Michael.Dostie@Maine.gov .

WEBSITE: <http://www.maine.gov/dhhs/oms/> .


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August 3, 2011

WEEKLY NOTICES OF STATE RULE-MAKING Public Input for Proposed and Adopted Rules

Notices are published each Wednesday to alert the public regarding state agency rule-making. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one -- the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. Petitions: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rule-making if the petition is signed by 150 or more registered voters, and may begin rule-making if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone 207/287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 Section 1112). World-Wide Web: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a [list of rule-making liaisons](#), who are single points of contact for each agency.

PROPOSALS

AGENCY: **01-015 - Maine Milk Commission (MMC)**

RULE TITLE OR SUBJECT: **Ch. 3**, Schedule of Minimum Prices, **Order #09-11**

PROPOSED RULE NUMBER: **2011-P110**

CONCISE SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

SEE INFORMATION AT OUR WEBSITE: <http://www.maine.gov/agriculture/mmc/index.shtml> .

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 5 MRSA §8054 and 7 MRSA §2954

PUBLIC HEARING: August 19, 2011, Friday, starting at 1:30 p.m., Room 233, Department of Agriculture, Food & Rural Resources, Deering Building, Hospital Street, Augusta, Maine

DEADLINE FOR COMMENTS: August 19, 2011

AGENCY CONTACT PERSON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta Maine 04333.

Telephone: (207) 287-7521. E-mail: Tim.Drake@Maine.gov .

MMC WEBSITE: <http://www.maine.gov/agriculture/mmc/index.shtml> .

AGENCY: **10-144 - Department of Health and Human Services (DHHS), Office of MaineCare Services**

RULE TITLE OR SUBJECT: **Ch. 101**, MaineCare Benefits Manual: **Ch. III Section 45**, Hospital Services

PROPOSED RULE NUMBER: **2011-P111**

CONCISE SUMMARY: This major substantive rule seeks to permanently adopt certain provisions of the emergency rule that took effect July 1, 2011. Those changes include reimbursing acute care, non-critical access hospitals for inpatient services using a Diagnostic Related Group (DRG) billing methodology similar to that used by Medicare. The DRG methodology includes a statewide direct care rate, as well as hospital specific estimated capital and medical education rates. The latter two components of the per-discharge payment will be cost settled. In compliance with CFR 447.26, this DRG system precludes payment for certain hospital acquired conditions. In order to assure cost neutrality of the conversion, rates for psychiatric distinct units are being lowered. Settlement methodology for years paid prior to implementation of DRG payment methodology was clarified to ensure consideration of all claims based payments. Additionally, the supplemental pools for both critical and non-critical access hospitals are being adjusted to reflect the conversion of one hospital to critical access status. The distribution methodology for the supplemental pool for non-critical access hospitals will be changed to reflect the elimination of hospital specific discharge rates as part of the conversion to DRG methodology. The Department is seeking CMS approval of the state plan for this change.

This proposed rule makes additional changes not included in the emergency rule. Rehabilitation hospitals will be reimbursed under a fixed rate per discharge methodology instead of using a DRG-based methodology. There is now a separate section of rule for these hospitals. For clarification, supplemental pool payment methodology for non-critical access hospitals has been moved to its own section since it applies to three different categories: acute care non-critical