



# NEW HAMPSHIRE RULEMAKING REGISTER

## OFFICE OF LEGISLATIVE SERVICES

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VOLUME XXXV, Number 26, July 2, 2015

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#### NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

#### 2. COMMITTEE (JLCAR)

REGULAR MEETING: **Thursday, July 16, 2015** 9:00 a.m.  
Rooms 305/307, Legislative Office Building

CONTINUED MEETING: **Thursday, August 6, 2015** 9:00 a.m.  
Rooms 305/307, Legislative Office Building

#### JLCAR MEETING DATES AND RELATED FILING DEADLINES JULY-DECEMBER, 2015

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2015 on the third Thursdays listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 2	<b>July 16</b>	August 6
August 6	<b>August 20</b>	September 3
September 3	<b>September 17</b>	October 1
October 1	<b>October 15</b>	November 5
November 5	<b>November 19</b>	December 3
December 3	<b>December 17</b>	None

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2015-102	Env-Wq 1106.02	Department of Environmental Services Water Quality and Quantity Programs Public Swimming Pools - Materials and Methods of Construction.	1
2015-103	Lab 207	Department of Labor Award of Fees and Interest.	3
2015-104	Lab 211	Department of Labor Explanation of Adopted Rules.	5
2015-105	Agr 1000	Department of Agriculture, Markets, and Food Seal of Quality Standards.	7
2015-106	Bar 603.02	Board of Barbering, Cosmetology and Esthetics Operator Requirements.	9
2015-107	He-W 748.01	Department of Health and Human Services Former Division of Human Services Mileage Reimbursement for the Food Stamp Employment and Training (FSET) Program.	11
2015-108	Tra 501, 502, & 503	Department of Transportation Construction Aid and Relocation Services.	14
2015-109	Saf-C 5902.01	Department of Safety, Commissioner Adoption of 2015 New Hampshire Patient Care Protocols.	17
2015-110	Saf-C 5903.10 & 5908.11	Department of Safety, Commissioner Emergency Medical Services Complaint and Investigation Process Rules.	19
2015-111	Saf-C 5900 various sections & paragraphs	Department of Safety, Commissioner Law Enforcement Provider Rules.	21

Notices of Proposed Interim Rules

<u>Interim Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
(INT 2015-3)	Fis 301.06	Fish and Game Department Taking Bear with Crossbow.	23

Notice Number	2015-102	Rule Number	Env-Wq 1106.02
1. Agency Name & Address:		2. RSA Authority:	RSA 485-A:6, X
NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095		3. Federal Authority:	
		4. Type of Action:	
		Adoption	
		Amendment	
		Repeal	
		Readoption	
		Readoption w/amendment	X

5. Short Title: Public Swimming Pools - Materials and Methods of Construction

6. (a) Summary of what the rule says and of any proposed amendments:  
 Env-Wq 1100 establishes requirements for public bathing facilities. Env-Wq 1106.02 establishes the required materials and methods of construction for public swimming pools. The existing rule requires the pool bottom to "have a light-colored finish." Due to the number of questions that have arisen about whether certain materials qualify as "light-colored", the Department is proposing to revise the rule to be more specific. The proposed revisions are based on section 4.5.11, Color and Finish, of the Model Aquatic Health Code, 1st Edition, August 2014 (MAHC), promulgated by the Centers for Disease Control and Prevention (CDC). Revisions also are proposed to clarify what characteristics the materials used for pool walls and bottoms must have (rather than limiting the materials to those specifically listed), to accommodate the potential for new materials to be developed or adapted for use in public swimming pools.

6. (b) Brief description of the groups affected:  
 The proposed rule directly affects designers/installers of public swimming pools and indirectly affects anyone who wishes to own/operate a new public swimming pool.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section	State Statute Implemented
Env-Wq 1106.02	RSA 485-A:26

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Tim Wilson	Title:	Public Bathing Facility Program Manager
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-7108
		Fax#:	(603) 271-7894
		E-mail:	<a href="mailto:Richard.Wilson@des.nh.gov">Richard.Wilson@des.nh.gov</a>

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm> TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, August 7, 2015**

Fax                       E-mail                       Other format (specify):

NN 2015-102 Continued

## 9. Public hearing scheduled for:

Date and Time: **Friday, July 24, 2015 at 9:30 AM**Place: **Rooms 110-111, DES Offices, 29 Hazen Drive, Concord NH**10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 15:109 , dated 06/22/15:**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules may decrease costs to independently owned business by an indeterminable amount.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):****A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

To the extent independently owned businesses design and install pools, they may realize a reduction in costs because they should no longer need to consult with the Department of Environmental Services to determine what materials may be used in the construction of public swimming pools.

## 11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule clarifies what a "light-colored finish" is and what materials can be used for purposes of public swimming pool construction. The proposed rule does not specify what materials must be used to construct the pool or to obtain a "light-colored finish". Further, the proposed rule will not apply to any existing public swimming pools. The proposed rule thus does not create, modify, or expand any program in such a way as to necessitate additional local expenditures, and so does not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number 2015-103

Rule Number Lab 207

<p>1. Agency Name &amp; Address:</p> <p><b>Department of Labor</b>  <b>95 Pleasant St</b>  <b>Concord NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 281-A:60, I (e) &amp; (f)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Award of Fees and Interest**

6. (a) Summary of what the rule says and of any proposed amendments:

**This rule explains the details of award of attorney fees to prevailing claimants at both the hearing level and the appeal level. It allows the employee to receive reasonable attorney fees if the employer appeals the hearing officer decision and withdraws prior to the appeal hearing. The existing rule Lab 207.01 is scheduled to expire 7/1/15 but is subject to extension pursuant to RSA 541-A:14 a.**

6. (b) Brief description of the groups affected:

**This rule affects claimants who prevail at contested hearings and their employers.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
Lab 207	RSA 281-A:44, I

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	<b>Sue Hines</b>	Title:	<b>Administrative Assistant</b>
Address:	<b>Department of Labor</b>	Phone #:	<b>603-271-3172</b>
	<b>95 Pleasant St</b>	Fax#:	<b>603-271-2581</b>
	<b>Concord NH 03301</b>	E-mail:	<b>Susan.Hines@dol.nh.gov</b>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2015-103 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 31, 2015**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 24, 2015 at 10:00 AM**

Place: **Department of Labor, 95 Pleasant St. Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:105 , dated June 16, 2015

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rule does not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional expenditures by the political subdivision, and as such, the proposed rules do not violate Part I, Article 28-a of the N.H. Constitution.**



Notice Number 2015-104

Rule Number Lab 211

<p><b>1. Agency Name &amp; Address:</b></p> <p><b>Department of Labor</b>  <b>95 Pleasant St.</b>  <b>Concord NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 541-A:16, I (b)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <u>X</u></p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Explanation of Adopted Rules**

6. (a) Summary of what the rule says and of any proposed amendments:

**This rule allows the requestor to obtain an explanation of an adopted rule. The existing rule is scheduled to expire 7/1/15 but is subject to extension pursuant to RSA 541-A:14-a.**

6. (b) Brief description of the groups affected:

**This rule affects all persons.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
Lab 211	RSA 541-A:11, VII

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sue Hines**  
 Address: **Department of Labor**  
**95 Pleasant St.**  
**Concord NH 03301**

Title: **Administrative Assistant**  
 Phone #: **603-271-3172**  
 Fax#: **603-271-2581**  
 E-mail: **Susan.Hines@dol.nh.gov**  
 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2015-104 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 31, 2015**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 24, 2015 at 10:00AM**

Place: **Department of Labor 95 Pleasant St Concord NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:106, dated June 16, 2015

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rule does not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional expenditures by the political subdivision, and as such, the proposed rules do not violate Part I, Article 28-a of the N.H. Constitution.**



Notice Number 2015-105

Rule Number Agr 1000

1. Agency Name & Address:  
 Department of Agriculture, Markets & Food  
 25 Capitol Street  
 PO Box 2042  
 Concord, NH 03302-2042

2. RSA Authority: RSA 426:1, 426:8  
 3. Federal Authority: N/A  
 4. Type of Action:  
     Adoption   X    
     Amendment         
     Repeal         
     Readoption         
     Readoption w/amendment       

5. Short Title: **Seal of Quality Standards**

6. (a) Summary of what the rule says and of any proposed amendments:

The rule establishes quality standards for certain agricultural products and applies to producers of those products who elect to participate in the program.

The previous Seal of Quality Standards rules expired in April 2006. The changes made to the previous rules are primarily focused on the maple standards. Changes were made to NH’s maple syrup rules, Agr 904, in 2014. To reflect those changes, an update to the maple standards in the Seal of Quality rules are now required. In addition, maple producers have expressed interest in raising the standards in order to expand their markets. Vermont is the nation’s leader in maple production. Vermont’s Maple Producers Association’s “Sugaring Operations Certification” program was used as a resource when drafting the changes to the Seal of Quality maple syrup standards. All maple producers enrolled in the Seal of Quality program were invited to a meeting to discuss the proposed changes. Comments received were considered in drafting the initial proposed rules.

6. (b) Brief description of the groups affected:

This is a voluntary program of third party verification that applies to producers of apples, cider, shell eggs, maple products, honey and raspberries who choose to apply for participation in the Seal of Quality program.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute(s) Implemented
Agr 1001.01-Agr 1001.02	RSA 426:1
Agr 1002.01-Agr 1002.02	RSA 426:8
Agr 1002.03	RSA 426:2
Agr 1003.01-Agr 1003.06	RSA 426:1

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Jennifer Z. Gornnert**  
 Address: **25 Capitol Street, Room 218**  
**Concord, NH 03302**

Title: **Director**  
 Phone #: **603-271-7761**  
 Fax#: **603-271-1109**  
 E-mail: **Jennifer.gornnert@agr.nh.gov**  
 TTY/TDD Access: Relay NH 1-800-735-2964  
 or dial 711 (in NH)

NN 2015-105 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, September 4, 2015 at 4 p.m.**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, August 25, 2015 at 10 a.m.**

Place: **Room 201, State House Annex  
25 Capitol Street, 2<sup>nd</sup> Floor  
Concord, NH 03302**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:108 , dated June 22, 2015

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

The previous rules expired in April 2006. The Department of Agriculture, Markets and Food has continued to operate under the provisions of the expired rules. When compared to the expired rules, the proposed rules may increase costs to State citizens and independently owned businesses that choose to participate in the Seal of Quality program and may increase state general fund revenue by an indeterminable amount.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

The proposed rules increase the annual Seal of Quality program permit fee from \$5 to \$25 for maple producers and from \$5 to \$10 for all other permit holders. To the extent a state citizen or independently owned business is an agricultural producer electing to participate in the Seal of Quality program, they will have increased costs. The Department states during fiscal year 2014 there were forty maple producers and eight permit holders producing either apple, honey, raspberry, or egg products, participating in the program. Based on prior year participation rates the general fund revenue may increase by \$1,040 ((40 maple producers \* \$20) + (8 other producers \* \$5)).

**A. To State general or State special funds:**

See 3 above.

**B. To State citizens and political subdivisions:**

See 3 above. No impact on political subdivisions.

**C. To independently owned businesses:**

See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rule does not violate Part I, Article 28-a of the NH Constitution. The rule neither mandates nor assigns any costs or responsibilities to any political subdivision.

Notice Number 2015-106

Rule Number Bar 603.02

<p>1. Agency Name &amp; Address:</p> <p><b>Board of Barbering, Cosmetology, &amp; Esthetics</b>  <b>121 South Fruit St</b>  <b>Concord NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 313-A:8, X-a</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Operator Requirements**

6. (a) Summary of what the rule says and of any proposed amendments:

**Bar 603.02 specifies the requirements for certified tanning operators.**

**Bar 603.02 (e) is being amended to add that session duration shall be determined by the operator and session frequency shall be limited to a daily session.**

**A new Bar 603.02 (h) is being inserted to add that the completed Fitzpatrick scale forms be kept with the client records. The existing Bar 603.02(h) is being readopted and renumbered as Bar 603.02(i).**

6. (b) Brief description of the groups affected:

**Any Registered Tanning Facility.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State or Federal Statutes Which the Rule Implements
Bar 603.02 (a)	RSA 313-A:30
Bar 603.02 (b)	RSA 313-A:30, I (f), IV
Bar 603.02 (c)	RSA 313-A:30, I (f), IV
Bar 603.02 (d)	RSA 313-A:30, I (c)
Bar 603.02 (e)	RSA 313-A:30, I (b), (j)
Bar 603.02 (f)	RSA 313-A:30, I (c)
Bar 603.02 (g)	RSA 313-A:30, I (c)
Bar 603.02 (h)	RSA 313-A:30 I (j), VI
Bar 603.02 (i)	RSA 313-A:30, I (b)

NN 2015-106 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Kathryn Wantuck** Title: **Executive Director**  
Address: **121 South Fruit St** Phone #: **603-271-3608**  
**Concord NH 03301** Fax#: **603-271-8889**  
E-mail: **Kathryn.wantuck@nh.gov**  
TTY/TDD Access: Relay NH 1-800-735-2964  
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **August 10, 2015 at end of hearing**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **August 10, 2015 at 9:30am**

Place: **121 South Fruit St Concord NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:107, dated 6/22/15

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No Federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

- A. To State general or State special funds:

None.

- B. To State citizens and political subdivisions:

None.

- C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**Although this rule establishes a new responsibility, it does not mandate or assign any program responsibilities to any political subdivision and therefore does not have a fiscal burden on any political subdivision. This rule does not violate the constitutional provision, Part I, Art. 28-a.**

Notice Number 2015-107

Rule Number He-W 748.01

<p>1. Agency Name &amp; Address:</p> <p><b>Department of Health and Human Services Division of Family Assistance 129 Pleasant St, Brown Bldg. Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 161:4-a, IV</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Mileage Reimbursement for the Food Stamp Employment and Training (FSET) Program**

6. (a) Summary of what the rule says and of any proposed amendments:
- He-W 748.01 describes the requirements that Food Stamp (FS) recipients must meet to receive mileage reimbursement while participating in the FS program’s employment and training (FSET) job search program.**
- The proposed amendments to He-W 748.01 are as follows:**
- **To increase the mileage reimbursement rate for the Food Stamp Employment and Training (FSET) job search program from \$0.21 per mile to \$0.30 per mile to align with the current mileage reimbursement rate of the New Hampshire Employment Program (NHEP) as designated in He-W 655.06(e)(2)a.;**
  - **To increase the maximum monthly reimbursement amount from \$40 to \$100;**
  - **To eliminate the 6 month per federal fiscal year time limit for receiving mileage reimbursement;**
  - **To require FSET participants who have been reimbursed for 12 or more total months to participate in employment reassessments every 6 months and submit monthly verification of utilization of NH Works Offices; and**
  - **To correct an outdated rule reference in He-W 748.01(f).**
6. (b) Brief description of the groups affected:
- The proposed rule amendments benefit citizens that participate in FSET and are eligible for additional reimbursement. Gas and service stations may benefit from an increase in fuel purchases as a result of participants traveling more.**
6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule</u>	<u>Federal Reg./RSA</u>
He-W 748.01	RSA 161:2,XIII; RSA 161:4-a,IV; 7 CFR 273.7(c)(4) & (d)(4); 7 USC 2015(d)(4)(B)(i) & (d)(4)(I)(i)(I)

NN 2015-107 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	<b>Catherine Bernhard</b>	Title:	<b>Rules Coordinator</b>
Address:	<b>Dept. of Health and Human Services Administrative Rules Unit 129 Pleasant Street, Brown Bldg. Concord, NH 03301</b>	Phone #:	<b>271-9374</b>
		Fax#:	<b>271-5590</b>
		E-mail:	<b><u>catherine.bernhard@dhhs.state.nh.us</u></b>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:**

**<http://www.dhhs.nh.gov/oos/aru/comment.htm>**

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, August 6, 2015**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, July 30, 2015 at 1:30 PM**

Place: **DHHS, Brown Bldg, Room 232, 129 Pleasant St., Concord, NH 03301**



NN 2015-107 Continued

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:101, dated 6/11/15

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules will increase state costs and may increase benefits to state citizens and independently owned businesses by an indeterminable amount.

**2. Cite the Federal mandate. Identify the impact of state funds:**

Although 7 USC 2015(d)(4)(I)(i)(I) requires states to provide reimbursement of actual transportation costs to individuals participating in Food Stamp Employment and Training (FSET), the increased mileage rate, increased monthly reimbursement maximum, and removal of the 6 month per federal fiscal year limit on benefits are not federally mandated.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

The proposed rule increases the mileage reimbursement rate for participants of the Food Stamp Employment and Training job search program (FSET) from \$.21 per mile to \$.30 per mile and eliminated a 6 month per federal fiscal year limit on said mileage benefits. Additionally, the proposed rule increases the maximum monthly reimbursement amount from \$40 to \$100. Based on an anticipated increase in participation associated with the increased benefit of 30% combined with the increased mileage rate, increased monthly reimbursement maximum, and the elimination of the 6 month per federal fiscal year limitation on benefits; the Department estimates the annual cost of the proposed rule will increase by approximately \$4,032 annually. One half of this amount, or \$2,016, is State general funds and the remainder is federal funds.

**B. To State citizens and political subdivisions:**

State citizens will benefit to the extent they participate in the FSET and are eligible for additional mileage reimbursement. See A above.

**C. To Independently owned businesses:**

Independently owned businesses will benefit to the extent additional fuel is purchased as a result of the increased benefits. See A above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rule does not create a new program or responsibility. The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-A of the N.H. Constitution.**

Notice Number 2015-108 Rule Number Tra 501, 502, 503

<p>1. Agency Name &amp; Address:</p> <p><b>Department of Transportation</b>  <b>PO Box 483</b>  <b>7 Hazen Drive</b>  <b>Concord, NH 03302-0483</b></p>	<p>2. RSA Authority: <u>234:5, 235:14, 124-A:9, I &amp; II, 541-A:16, I(b)</u></p> <p>3. Federal Authority: <u>42 USC 4601-4655; 49 CFR 24.304</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Construction Aid and Relocation Services**

6. (a) Summary of what the rule says and the effect of any proposed amendments:

**Tra 501 and 502 are being readopted with amendments, and set forth the procedures and criteria for a municipality to qualify for State financial contribution towards a road or bridge repair/replacement. The amendments update the references and standard guides with more recent editions. The existing rules would have expired 6/27/15 but are subject to extension pursuant to RSA 541-A:14-a.**

**Tra 503 is being adopted to establish a uniform process for persons displaced as a direct result of department programs or projects. Relocation assistance is intended to minimize the hardship of displaced persons. The prior rule expired 2/17/15. The proposed rule is the same language as the expired rule.**

6. (b) Brief description of the groups affected:

**Tra 501 and 502 will affect each municipality that applies for State Bridge Aid and/or State Highway Aid.**

**Tra 503 will affect each person who is displaced by a department program or project, and applies for relocation assistance.**

## NN 2015-108 Continued

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>RULE</b>	<b>STATUTE</b>
Tra 501.01	RSA 234:5
Tra 501.02	RSA 234:2; 234:5
Tra 501.03	RSA 234:5
Tra 501.04	RSA 234:2 - 4; 266:18-b
Tra 501.05	RSA 234:5
Tra 501.06	RSA 234:5; 234:12
Tra 501.07 (specific paragraphs implementing specific statutes are listed below)	RSA 234:5; 234:12; 234:14
Tra 501.07(e)-(f)	RSA 234:6
Tra 501.08- 501.11	RSA 21-I:22; RSA 234:5
Tra 501.12	RSA 228:4, 228:4-a, 234:15
Tra 501.13 (specific paragraphs implementing specific statutes are listed below)	RSA 234:10; 234:10-a, 234:11; 234:18
Tra 501.13(d)	RSA 234:16
Tra 501.13(f)	RSA 234:17
Tra 501.14	RSA 21-I:22; 234:5
Tra 501.15	RSA 234:5; 234:15
Tra 502.01-502.12	RSA 235:14
Tra 502.13 (specific paragraphs implementing specific statutes are listed below)	RSA 235:15
Tra 502.13(a)	RSA 235:15, 235:21
Tra 502.13(e)	RSA 235:17
Tra 502.14-502.15	RSA 235:14
Tra 503.01	RSA 124-A:1-124-a:14; 42 USC Sections 4601-4655; 49 CFR Part 24; RSA 498-A
Tra 503.02	RSA 21-L:1; RSA 541-A:29, II; RSA 541-A:31

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Kathleen Mulcahey-Hampson** Title: **Hearings Examiner**  
Address: **NHDOT** Phone: **603-271-1698**  
**PO Box 483** Fax#: **603-271-3914 (ATTN: Kathleen Mulcahey-Hampson)**  
**7 Hazen Drive** E-mail: **kmulcahey-hampson@dot.state.nh.us**  
**Concord, NH 03302-0483**  
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2015-108 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **August 10, 2015**

Fax E-mail 

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 30, 2015 11:30 am**Place: **Room 112, NHDOT, 7 Hazen Drive, Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:118, dated June 30, 2015 Revised

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

A portion of the rules (Tra 503) expired in February 2015, the Department has continued to operate under the provisions of the expired rules. When compared to the existing and expired rules, the proposed rules will have an indeterminable impact on costs to the state, political subdivisions, and independently owned businesses.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

To the extent the State, political subdivisions, or independently owned businesses need to purchase updated proprietary standards and manuals, the proposed rules will have an indeterminable impact on costs.

**A. To State general or State special funds:**

See 3 above.

**B. To State citizens and political subdivisions:**

See 3 above.

**C. To independently owned businesses:**

See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**These rules do not mandate or assign any new, expanded or modified programs or responsibility to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision. Municipalities opt to participate in the programs set forth in Tra 501 and 502. Municipalities do not participate in the process established under Tra 503.**

Notice Number 2015-109

Rule Number Saf-C 5902.01

<p>1. Agency Name &amp; Address:</p> <p><b>Department of Safety 33 Hazen Drive Concord, NH 03305</b></p>	<p>2. RSA Authority: <u>RSA 21-P:14,II(cc); RSA 153-A:20, II</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Adoption of 2015 New Hampshire Patient Care Protocols**

6. (a) Summary of what the rule says and of any proposed amendments: **The proposed rule constitutes an incorporation by reference of the 2015 New Hampshire Patient Care Protocols (“Protocols”). The Protocols are a written description of statewide patient care processes specifying the circumstances under which emergency medical care providers of prehospital care may function under their own licenses or through medical control. Protocols are approved and issued by the Emergency Medical Services Control Board.**

6. (b) Brief description of the groups affected: **These rules affect emergency medical services units; emergency medical services providers; and the Department of Safety, Division of Fire Standards and Training, and Emergency Medical Services.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTES IMPLEMENTED
Saf-C 5902.01	RSA 153-A:5, III(d); RSA 153-A:7, II(a); RSA 153-A:20, II

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **David M. Hilts**

Title: **Attorney**

Address: **33 Hazen Drive  
Concord NH 03305**

Phone #: **227-4032**

Fax#: **271-0336**

E-mail: **David.Hilts@dos.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2015-109 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Wednesday, August 5, 2015**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, July 29, 2015 at 9:00AM**

Place: **Richard M. Flynn Fire Academy  
98 Smokey Bear Blvd.  
Classroom 4  
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:120 , dated June 26, 2015

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

2. **Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**

- A. **To State general or State special funds:**

None.

- B. **To State citizens and political subdivisions:**

None.

- C. **To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposal does not create a new program or responsibility. Although the proposal modifies a program or responsibility, it does not modify it in such a way as to mandate or assign this program or responsibility to any political subdivision so as to increase the costs a political subdivision must pay.**



Notice Number 2015-110

Rule Number Saf-C 5903.10 and 5908.11

<p>1. Agency Name &amp; Address:</p> <p><b>Department of Safety</b>  <b>33 Hazen Drive</b>  <b>Concord, NH 03305</b></p>	<p>2. RSA Authority: <u>RSA 21-P:14,II(cc); RSA 153-A:20, VII</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Emergency Medical Services Complaint and Investigation Process Rules**

6. (a) Summary of what the rule says and of any proposed amendments:

**This proposal readopts with amendments Saf-C 5903.10 to modify the process by which the Department of Safety, through its Division of Fire Standards & Training and Emergency Medical Services and Bureau of Emergency Medical Services, conducts investigations of complaints against emergency medical services providers and units regarding alleged violations of statutes and rules pertaining to the provision of emergency medical services in New Hampshire. The substance of the major revisions include: revisions regarding the content of a complaint; revisions regarding a determination that a complaint has merit, such that an investigation is warranted; revisions regarding notice of the investigation to the subject of the complaint and to third parties; revisions regarding actions taken at the conclusion of an investigation; revisions regarding notice of the findings of the investigation and any consequences to the subject of the complaint and to third parties; and revisions regarding the confidentiality of investigation information.**

**Saf-C 5908.11 is being readopted with amendments, affecting emergency medical services Instructor/Coordinators (“I/Cs”) to provide that the complaint and investigation process pertaining to ICs shall be the same as for providers and units.**

6. (b) Brief description of the groups affected:

**These rules affect emergency medical services providers; emergency medical services instructor/coordinators; and the Department of Safety, Division of Fire Standards and Training and Emergency Medical Services.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTES IMPLEMENTED
Saf-C 5903.10	RSA 21-P:12-b, II(h); RSA 153-A:14; RSA 541-A:31
Saf-C 5908.11	RSA 21-P:12-b, II(h); RSA 153-A:14; RSA 541-A:31

NN 2015-110 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **David M. Hilts** Title: **Attorney**  
Address: **33 Hazen Drive** Phone #: **227-4032**  
**Concord NH 03305** Fax#: **271-0336**  
E-mail: **David.Hilts@dos.nh.gov**  
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Wednesday, August 5, 2015**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, July 29, 2015 at 11:00AM**  
Place: **Richard M. Flynn Fire Academy**  
**98 Smokey Bear Blvd.**  
**Classroom 4**  
**Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:121 , dated June 26, 2015

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposal does not create a new program or responsibility. Although the proposal modifies a program or responsibility, it does not modify it in such a way as to mandate or assign this program or responsibility to any political subdivision so as to increase the costs a political subdivision must pay.**

Notice Number 2015-111

Rule Number Saf-C 5900 various sections  
and paragraphs

1. Agency Name &amp; Address:

**Department of Safety  
33 Hazen Drive  
Concord, NH 03305**

2. RSA Authority: **RSA 21-P:14,II(cc); RSA  
153-A:20, I, V, VI, and  
VIII**3. Federal Authority: N/A

4. Type of Action:

Adoption \_\_\_\_\_

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption X

Readoption w/amendment \_\_\_\_\_

5. Short Title: **Law Enforcement Provider Rules**

6. (a) Summary of what the rule says and of any proposed amendments: **On February 12, 2015, the Department adopted emergency rules which created the license category of law enforcement provider for the administration of naloxone, or Narcan, for the purposes of intervening in opioid overdose emergencies to prevent death. Since then, the Bureau of Emergency Medical Services has been administratively implementing and preparing to accept applications for this licensure. The emergency rules will expire on August 19, 2015. These proposed rules will replace the emergency rules in accordance with the recommendations of the Strategic Task Force on Preventing Death from Opioid Overdose to combat the unprecedented rise in opioid overdose cases. Several related existing rules pertaining to license issuance and renewal are also being readopted.**

6. (b) Brief description of the groups affected: **These rules affect law enforcement personnel seeking licensure to administer naloxone and the Department of Safety, Division of Fire Standards and Training and Emergency Medical Services.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTES IMPLEMENTED
Saf-C 5901.74 (formerly Saf-C 5901.731)	RSA 541-A:7
Saf-C 5903.01	RSA 21-P:12-b, II(f); RSA 153-A:11, II
Saf-C 5903.04	RSA 21-P:12-b, II(f); RSA 153-A:11, II
Saf-C 5903.06(c)	RSA 21-P:12-b, II(f); RSA 153-A:11, II
Saf-C 5903.09(c)	RSA 21-P:12-b, II(f); RSA 153-A:11, II
Saf-C 5903.09(d)	RSA 21-P:12-b, II(f); RSA 153-A:11, II
Saf-C 5905.04(d)	RSA 21-P:12-b, II(f); RSA 153-A:11, II

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **David M. Hilts**  
Address: **33 Hazen Drive  
Concord NH 03305**

Title: **Attorney**Phone #: **227-4032**Fax#: **271-0336**E-mail: **David.Hilts@dos.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2015-111 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Wednesday, August 5, 2015**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, July 29, 2015 at 10:00AM**

Place: **Richard M. Flynn Fire Academy  
98 Smokey Bear Blvd.  
Classroom 4  
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:122, dated June 26, 2015

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

On February 12, 2015 the Department adopted emergency rules creating the license category of "law enforcement provider" for the administration of naloxone, or Narcan, for the purpose of intervening in opioid overdose emergencies. When compared to the existing emergency rules, the proposed rules may increase costs to political subdivisions.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

To the extent law enforcement applicants choose to obtain their prerequisite training from third parties for a fee.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposal does not create a new program or responsibility. Although the proposal modifies a program or responsibility, it does not modify it in such a way as to mandate or assign this program or responsibility to any political subdivision so as to increase the costs a political subdivision must pay.**

Proposed Interim Rule Number 2015-3 Rule Number Fis 301.06

<p>1. Agency Name &amp; Address:</p> <p><b>NH Fish and Game Department</b>  <b>11 Hazen Drive</b>  <b>Concord, NH 03221</b></p>	<p>2. RSA Authority: <b>RSA 208:22, I; RSA 215:2; RSA 208:7-a, II</b></p>
<p>5. Filing Date: <b>June 26, 2015</b></p>	<p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>  X  </u></p>

6. Short Title: **Taking Bear with Crossbow**

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

<p>Name: <b>Evan Mulholland</b></p> <p>Address: <b>NH Fish and Game Department</b>  <b>11 Hazen Drive</b>  <b>Concord, NH 03221</b></p>	<p>Title: <b>Legal Coordinator</b></p> <p>Phone #: <b>(603) 271-3511</b></p> <p>Fax#: <b>(603) 271-5829</b></p> <p>E-mail: <b><u>comments@wildlife.nh.gov</u></b></p> <p><b>Subject line: Taking bear by crossbow</b></p> <p>TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)</p>
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8. Summary explaining the effect of the rule:

**Pursuant to RSA 541-A:19, I (a), this interim rule proposal amends Fis 301.06 so that the rule is consistent with the newly enacted HB 336 (Laws of 2015, Chapter 123) to allow for the taking of bear by crossbow. The proposal also defines crossbow for purposes of taking bear and requires that hunters print their names and addresses on each bolt.**

**It is the Department's intent that the rule will be effective on August 7, 2015 (the effective date of HB 336).**

9. Listing of people, enterprises, and government agencies affected by the rule:

**The rule affects all hunters seeking to take bear by crossbow.**

INT 2015-3 Continued

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

RULE NUMBER	STATUTE IMPLEMENTED
Fis 301.06	RSA 208:7-a, II (2015, 123:1); RSA 208:22, I; RSA 208:22, V (2015, 123:2); RSA 215:2

11. Summary of the effect upon the state if the rule were not adopted:

**If these interim rules were not adopted, the Department's rules would be in conflict with newly enacted legislation. Adoption is necessary to conform the rules to the statute.**

**Specifically, the Department's rules do not currently allow for the use of crossbows to take bear. As of August 7, 2015, crossbow will become a legal method of take for bear. Without amendment, the Department's rules would conflict with the newly enacted statute.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

**July 16, 2015**

13. The fiscal impact statement prepared by the Legislative Budget Assistant, if applicable.

FIS # 15:111, dated 6/25/15

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rules(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.