**State of Maine: Notice of Agency Rulemaking – January 13, 2021**

**PROPOSALS**

AGENCY: **16-633** - Department of Public Safety (DPS), **Gambling Control Board**

CHAPTER NUMBER AND TITLE OF THE RULE: **Ch. 20**, Slot Machine and Electronic Table Game Standards, and Appendix B *(partial amendment(s) of existing rule)*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P246**

CONCISE SUMMARY: The rule package updates ch. 20, *Slot Machine and Electronic Table Game Standards*, and Appendix B, with a new version of GLI-11 and three new standards, GLI-18, 24 & 25.

PUBLIC HEARING: N/A

DEADLINE FOR COMMENTS: February 12, 2021

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 8 MRS §1003(1)(B), 3(E) & (3)(J); 8 MRS §1020(2)(H); 8 MRS §1021(2)(B).

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Milton Champion, Executive Director, Gambling Control Unit, 45 Commerce Drive - Suite 3, Augusta ME 04333-0087. Telephone and E-MAIL: 207-626-3901. Email: [Milton.F.Champion@Maine.gov](mailto:Milton.F.Champion@Maine.gov) .

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html> .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 2**, Aquaculture Lease Regulations; **2.95**, Water Quality Classifications and Shellfish Aquaculture (Maximum Seed Sizes in Prohibited Areas)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P001**

BRIEF SUMMARY: This proposed rule pertains to seed shellstock that is cultured within the prohibited growing area classification. The proposed regulation would require the removal of cultivated seed from prohibited areas before it exceeds the listed maximum size for each species contemplated. The proposed change is necessary to comply with provisions set forth in the National Shellfish Sanitation Program Model Ordinance (Model Ordinance). The proposal would also eliminate the need to close receiving aquaculture lease or license sites for depuration, provided seed is moved in compliance with what is specified in the rule. The proposal would remove the existing requirement that a permit be obtained for seed that comes from any growing area not classified as approved or conditionally approved. Aquaculturists cultivating seed in prohibited areas must have a DMR approved operations plan that would need to include corrective action for dealing with seed that exceed the maximum size specified in the proposal. Failure to implement the corrective actions would result in the destruction of the seed. The Department is also processing a rule change to Chapter 94 (Sanitary Control of Molluscan Shellfish), which specifies that aquaculture lease and license holders may buy, or possess seed from growing areas in the prohibited classification, so long as the seed size complies with what is set forth in this proposal.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: February 12, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

Hearing facilities: *If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 30**, River Herring: **30.03**, Taking of River Herring from Walker’s Brook

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P002**

BRIEF SUMMARY: In consideration of successful restoration efforts at Walker’s Pond in Brooksville, DMR is proposing to establish a limited fishery in Walker’s Brook. The proposed rule would authorize the take of river herring from May 15th through June 5th. In accordance with existing regulations and statutes, individuals may take up to 25 river herring per day using hook and line or dip net. Although fishing would be allowed in Walker’s Brook from May 15th through June 5th, the weekly closed periods would still apply, so that fishing would be prohibited from 6:00 am Thursday to 6:00 a.m. Sunday. The proposed regulation does not expressly reference the method of take, daily limit, and weekly closed periods because these restrictions are already specified in other sections of DMR’s regulations and statutes.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: February 12, 2021

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FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

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DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 32**, Eel Regulations (Elver Quota System for the 2021 Season)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P003**

BRIEF SUMMARY: This proposed rulemaking establishes the elver quota allocations for the 2021 season for individuals licensed under §§ 6505-A and 6302-A, and the method of calculating individual elver quota allocations for individuals licensed under 6505-A. 2021 allocations for individuals who held a license in 2020 will be the same as their 2020 allocations, plus any quota associated with licenses not renewed in 2020, or licenses suspended for the duration of the 2021 season, in excess of that which is allocated to new license holders, which will be distributed evenly to all existing license holders. Finally, the proposed rule establishes a tending requirement, so that the contents of fyke nets and Sheldon box traps are removed at least once every 16 hours. The tending requirement is intended to reduce by-catch and elver mortality by requiring harvesters to check nets and box traps on a regular basis.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: February 12, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

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FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 6505-A, 6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 34**, Groundfish Regulations: **34.07**, Atlantic Halibut Season

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P004**

BRIEF SUMMARY: In May 2020, the Department of Marine Resources adopted an emergency rule in order to remain within the state waters subcomponent of the federal Annual Catch Limit, and to prevent accountability measures from being triggered if the Allowable Biological Catch is exceeded. The Department incorporates the emergency changes via this regular rulemaking. This rulemaking reduces the length of the state waters halibut season by one week at each end of the season (resulting in a season of May 18-June 13). This action is intended to protect and conserve the halibut resource in compliance with the federal management plan and avoid future implementation of accountability measures.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: February 12, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

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FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 94**, Sanitary Control of Molluscan Shellfish

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P005**

BRIEF SUMMARY: This proposal would amend Chapter 94 to reference the most current version of the National Shellfish Sanitation Program Model Ordinance (Model Ordinance). The proposal would also specify certain compliance requirements for the operation of buying stations. Specifically, buying station representatives would need to maintain activity logs that document information such as date and time of purchase, quantity of shellstock purchased, and the date and time of harvest. The proposed regulation also specifies that vehicles must have a mechanical refrigeration unit, onboard thermometer and a time/temperature data logger. The proposal would also change the expiration date of Shellfish Sanitation Certificates, Bulk Tagging, and Buying Station Permits from June 1st to April 1st. The Department is also processing a rule change to Chapter 2 (Aquaculture Regulations), which would establish maximum seed size definitions for growing areas in the prohibited classification. In order to maintain consistency with those anticipated changes, this proposal specifies that aquaculture lease and license holders may buy or possess seed from growing areas in the prohibited classification, so long as the seed size complies with definitions established in Chapter 2.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: February 12, 2021

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FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 6171, 6856

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 115**, *Vibrio parahaemolyticus* Control Plan

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P006**

BRIEF SUMMARY: This proposed regulation would add specified areas of the Scarborough and Nonesuch Rivers and Spinney Creek to existing vibrio control areas. It would change the dates the control plan is in effect in all designated control areas from May 1st through October 31st to June 1st though October 15th. It would change the submission deadline for control plans from March 1st to April 1st. The proposed rule also modifies what information harvesters and dealers must include in their control plans. It also permits recreational harvest in designated control areas provided the town has a municipal shellfish ordinance that issues recreational licenses, and the municipality provides vibrio education to recreational harvesters prior to the issuance of the recreational license.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: February 12, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

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FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

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**ADOPTIONS**

AGENCY: **10-148** - Department of Health and Human Services (DHHS), **Office of Child and Family Services (OCFS)**

CHAPTER NUMBER AND TITLE: **Ch. 21**, Rules for the Provision of Payments for Residential Programs Serving Children

ADOPTED RULE NUMBER: **2021-001** *(Emergency major substantive)*

CONCISE SUMMARY: This emergency major substantive rule establishes a new, increased rate of $81.00 per occupied bed day that the Department pays to children's PNMIs governed by Appendix D of 10-144 CMR ch. 101 (the *MaineCare Benefits Manual*) ch. Il and Ill section 97 as a result of providers' increased costs associated with the COVID-19 coronavirus pandemic, particularly in light of the surge of COVID-19 infections, hospitalizations, and death Maine is currently experiencing. The Department will pay the new $81.00 per occupied bed day rate effective January l, 2021 until March 31, 2021.

EFFECTIVE DATE: January 6, 2021

AGENCY CONTACT PERSON: Debra White, Department of Health and Human Services - Office of Child and Family Services, 2 Anthony Avenue – 11 State House Station, Augusta, ME 04330. Telephone: (207) 624-7968. Email: [Debra.White@Maine.gov](mailto:Debra.White@Maine.gov) .

OCFS WEBSITE: <https://www.maine.gov/dhhs/ocfs/> .

DHHS WEBSITE: <https://www.maine.gov/dhhs/> .

DHHS RULEMAKING LIAISON: [Kevin.White@Maine.gov](mailto:Kevin.White@Maine.gov) .

AGENCY: **03-201 - Maine Department of Corrections (MDOC)**

CHAPTER NUMBER AND TITLE: **Ch. 15**, Batterer Intervention Program Certification

ADOPTED RULE NUMBER: **2021-002**

CONCISE SUMMARY: The Department of Corrections adopts this rule to amend the prior rule to add provisions designed to help certified batterer intervention programs deliver their classes safely during the COVID-19 pandemic and similar emergencies. A new section is added to the rule (section 11) for certified batterer intervention programs to deliver their classes via video conferencing groups if they are not able to offer in-person groups that comply with health and safety guidelines when a State of Emergency has been declared by the Governor or at the discretion of the Department of Corrections. There is also a provision for allowing an individual participant for whom there are health and safety concerns to attend a group via video conferencing. There is a provision for such a participant who does not have access to video conferencing technology to attend via phone until access to video conferencing technology is gained. There are provisions for notification to victims and others when participants are not attending in person. Finally, there are provisions that allow recordings of groups by educators and monitors for quality assurance purposes.

EFFECTIVE DATE: January 15, 2021

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Mary Lucia, Maine Department of Corrections, 111 State House Station, Augusta, ME 04333. Telephone: (207) 530-0983. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov) .

MDOC WEBSITE: <https://www.maine.gov/corrections/> .