**State of Maine: Notice of Agency Rulemaking – January 20, 2021**

**PROPOSALS**

AGENCY: **02-032** - Department of Professional and Financial Regulation (PFR), **Office of Securities**

CHAPTER NUMBER AND TITLE: **Ch. 536**, Securities Manuals

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P247**

BRIEF SUMMARY: The proposed amendment to Office of Securities Rules ch. 536 would remove “Fitch” from the rule’s list of nationally recognized securities manuals because Fitch has ceased publishing securities manuals. The text of the proposed rule and the notice of rulemaking may be found at the Office’s website: www.investors.maine.gov .

PUBLIC HEARING: None scheduled.

COMMENT DEADLINE: Written comments must be received no later than 4:30 p.m. on Friday, February 19, 2021, and should be addressed to: Judith M. Shaw, Securities Administrator, 121 State House Station, Augusta, Maine 04333.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Judith M. Shaw, Administrator, Maine Office of Securities, 121 State House Station, Augusta, ME 04333-0121. Telephone: (207) 624-8551. Email: Judith.M.Shaw@Maine.gov .

SMALL BUSINESS IMPACT STATEMENT: This amendment would not have a measurable impact on small businesses.

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

OFFICE OF SECURITIES WEBSITE: <https://www.maine.gov/pfr/securities/index.shtml> .

SECURITIES RULEMAKING LIAISON: Karla.Black@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual (MBM): **Ch. II Section 97**, Private Non-Medical Institution Services

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P007**

CONCISE SUMMARY: This rule is proposed in order to provide clarity and consistency in processes and record-keeping across MaineCare policies and to enhance safeguards and protections of client rights under the *Bates, et al. v. Commissioner, DHHS, et al*, consent decree. The proposed changes address referrals to and terminations from Appendix E, Private Non-Medical Institutions, with the addition of Section 97.07-10, Termination, and Section 97.07-11, Referrals, as well as increasing frequency for progress note writing in 97.07-4.

Prior to terminating a member’s services, providers must receive written approval from the Office of Behavioral Health (OBH); must issue a 30-day advanced written termination notice to the member, with an exception for cases involving imminent harm; and must assist the member in obtaining clinically necessary services from another provider prior to termination.

Providers must acknowledge receipt of Department referrals within three business days for members eligible for Appendix E services and must accept or request permission to decline referrals in accordance with a Department-defined process within five business days of receipt of referral. Providers can only decline a referral with written approval from OBH, otherwise they must admit members within thirty days of receipt of the referral.

This proposed rule also changes the frequency requirement for entering and signing progress notes from a monthly to a daily expectation within Appendix E facilities. This change is made to improve accuracy and quality within member records.

Finally, this proposed rule makes technical, grammatical, and punctuational edits, including updating references to current Department office names.

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

DATE FILED WITH THE SECRETARY OF STATE’S OFFICE: January 12, 2021

PUBLIC HEARING: No public hearing scheduled. During the Civil State of Emergency declared by the Governor, public hearings are now closed to the public physically attending. During this State of Emergency, the Department will be providing a 30-day comment period instead of a public hearing.

DEADLINE FOR COMMENTS: Comments must be received by 11:59 p.m. on February 19, 2021.

OMS CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION: Heather Bingelis, Comprehensive Health Planner II, MaineCare Services, 242 State Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 624-6951. Fax: (207) 287-6106. TTY: 711 (Deaf or Hard of Hearing). Email: Heather.Bingelis@Maine.gov .

IMPACT ON MUNICIPALITIES OR COUNTIES: The Department anticipates that this rulemaking will not have any impact on municipalities or counties.

STATUTORY AUTHORITY: 22 MRS §§ 42, 3173

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

OMS WEBSITE: <https://www.maine.gov/dhhs/oms> .

OMS RULEMAKING LIAISON: Thomas.Leet@Maine.gov .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.11**, Migratory Game Bird Hunting

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P008**

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife is proposing amendments to rules pertaining to season dates and bag limits for the hunting of ducks, geese and other migratory game birds. The proposed rules will protect migratory game birds from over-harvest by setting these limitations. Of note this season in accordance with USFWS guidelines is a proposed earlier start date for Woodcock season of September 25, 2021 which coincides with the season start date for grouse and other upland species. For both common snipe and rails, the proposed season ends two weeks later than in previous seasons, the result of compensatory days being counted for all states that do not allow Sunday hunting. Please contact the agency contact person for a complete copy of the proposed rule or for details on how to participate in the virtual public hearing.

PUBLIC HEARING: Tuesday, February 9, 2021 @ 4:00 p.m. – via video conference (Microsoft Teams). *Contact the Agency Contact Person by close of business on Monday, February 8, 2021 for details.*

COMMENT DEADLINE: February 19, 2021

CONTACT PERSON FOR THIS FILING / IFW RULEMAKING LIAISON / SMALL BUSINESS IMPACT INFORMATION: Becky Orff, Inland Fisheries & Wildlife, 41 State House Station - 284 State Street, Augusta, ME 04333. Telephone: (207) 287-5202 Email: Becky.Orff@Maine.gov .

IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 11855

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

IFW WEBSITE: <https://www.maine.gov/ifw/> .

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 13**, Watercraft Rules: **13.07**,Motor Size Restrictions on Certain Inland Waters

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P009**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife, in a notice advertised on September 23, 2020, was petitioned to consider the following watercraft regulations: Notched Pond, Gray, Raymond, Cumberland County – motorboats with more than 10 horsepower prohibited. The Department is now providing additional opportunity for the public to submit written comments to support the petitioner’s request. A complete copy of the proposed rule is available from the agency contact person. Members of the public who wish to comment may provide written comments by mail or email to the contact person for this filing.

PUBLIC HEARING: None scheduled.

COMMENT DEADLINE: February 19, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: Becky.Orff@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §13051

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

AGENCY WEBSITE: [www.maine.gov/ifw](http://www.maine.gov/ifw)

IFW WEBSITE: <https://www.maine.gov/ifw/> .

**ADOPTIONS**

AGENCY: **01-001 - Department of Agriculture, Conservation and Forestry (DACF)**

CHAPTER NUMBER AND TITLE: Ch. 329, Rule Governing Maine Milk and Milk Products

ADOPTED RULE NUMBER: **2021-003**

CONCISE SUMMARY: The proposed rule amendments to ch. 329, *Rule Governing Maine Milk and Milk Products*, are consistent with recommendations of the 2019 United States Public Health Service (USPHS), Food and Drug Administration (FDA) Grade “A” Pasteurized Milk Ordinance (PMO). These amendments to the rule are necessary to be incompliance with Federal standards, so that Maine Milk Producers can ship milk in interstate commerce required by 7 MRS §2910. The State last amended the rule based on the 2003 edition of the USPHS/FDA Grade “A” PMO with adoption of the final rule in 2010. To be consistent, USFDA urged, the State to amend the current rule to be up to date with the provisions of the 2019 version of the PMO, so to take advantage of the most current developments in milk sanitation and administration. The amendments will take advantage of the latest public health benefits, as well as those economic in nature.

In addition, the rule adopts minor increases to the permit fee structure which have not occurred in over 25 years.

EFFECTIVE DATE: January 12, 2021

DACF CONTACT PERSON: Linda Stahlnecker, Manager, Dairy Program, 28 State House Station - 90 Blossom Lane, Augusta, Maine 04333. Telephone: (207) 287 7623. Fax. (207) 287-5576. TTY. 1 (800) 437-1220. Email: Linda.Stahlnecker@Maine.gov.

DACF WEBSITE: <https://www.maine.gov/dacf/index.shtml> .

DACF RULEMAKING LIAISON: Shannon.Ayotte@Maine.gov .