**State of Maine: Notice of Agency Rulemaking – February 12, 2020**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 331**, Maine Public Assistance Manual (TANF): **TANF Rule #114P** (Changes to Household and Budgeting)

PROPOSED RULE NUMBER: **2020-P026**

BRIEF SUMMARY: This rule change aligns the *Maine Public Assistance Manual* with 22 MRS: §3762(3)(B)(7) as amended by LD 1772 and LD 1774; §3762-18 as amended by LD 1772; §3769-G as amended by LD 1772; and §3762(20) as amended by LD 1001. These amendments require the Department to eliminate a gross income test for TANF/PaS applicants, utilize new earnings disregards when calculating a TANF/PaS benefit, accept referrals from educational institutions as PaS applications, provide up to two million dollars annually to organizations to support whole family economic security initiatives, and end TANF/PaS denials based on a positive drug test.

This rule changes relationship requirements for TANF eligibility. These changes align TANF policy with related state law and policy which recognizes the additional relationships included in this rule.

This rule provides the figures for the increased Standard of Need and Maximum benefit for Federal Fiscal Year 2021, as required by Maine Statute. In calculating these figures, corrections were also made to the figures for the current Federal Fiscal Year.

The Department also incorporated into this rule a number of formatting and grammatical changes. The Department made some adjustments to word choice with the intent of using terms more consistently from chapter to chapter, and replaced words that may have taken on a different connotation since previous drafts. These changes increase the readability of the amended chapters.

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

PUBLIC HEARING: Wednesday, March 4, 2020 from 1:00 p.m. to 4:00 p.m. in Room Maine B at 109 Capitol Street, Augusta Maine.

COMMENT DEADLINE: Sunday, March 15, 2020.

CONTACT PERSON FOR THIS FILING: Alexandria Lauritzen, TANF Program Manager, Office for Family Independence, Department of Health and Human Services, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4109. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Alexandria.Lauritzen@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42(1), 3762(3)(A), 3763(6), 3769-A, 3769-C(1)(D), and 3769-G (4); and 45 CFR §400.301

OFI RULEMAKING WEBSITE: http://www.maine.gov/dhhs/ofi/rules/index.shtml .

OFI WEBSITE: http://www.maine.gov/dhhs/ofi/ .

DHHS WEBSITE: http://www.maine.gov/dhhs/ .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 11**, Scallops: **11.08**, Targeted Closures: **(11)** Middle Penobscot Bay Islands; **(12)** Somes Sound & Cranberry Isles

ADOPTED RULE NUMBER: **2020-020** *(Emergency)*

CONCISE SUMMARY: The Commissioner adopts this emergency rulemaking to establish scallop conservation closures within Middle Penobscot Bay Islands, and also, Somes Sound and Cranberry Isles in Zone 2. The Department is concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2019 Spring Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in the Middle Penobscot Bay and Cranberry Isles areas.

For these reasons, the Commissioner hereby adopts an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 MRS §6171(3)(A).

EFFECTIVE DATE: February 2, 2020

DMR CONTACT PERSON: Melissa Smith, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Fax: (207) 624-6024. TTY: (888) 577-6690 (Deaf/Hard of Hearing). Telephone: (207) 624-6558).Email: Melissa.Smith@Maine.gov .

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

DMR WEBSITE: http://www.maine.gov/dmr/ .

DHR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov .

AGENCY: **02-382 - Maine Board of Optometry** (*affiliated with the* Department of Professional and Financial Regulation – PFR)

CHAPTER NUMBER AND TITLE: **Ch. 1**, Examination; Approved Schools; License Renewal; Fees; Continuing Education: **Section 4**, Fees

ADOPTED RULE NUMBER: **2020-021**

CONCISE SUMMARY: This rule is increasing the annual license fee from $350.00 to $380.00 and late renewal fee from $75.00 to $100.00.

EFFECTIVE DATE: February 9, 2020

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Tina Carpentier, Secretary, Department of Professional and Financial Regulation, Affiliated Board: Maine Board of Optometry, 113 State House Station, Augusta, ME 04333. (Street address: 76 Northern Avenue, Gardiner, ME 04345). Telephone: (207) 624-8691. Email: Tina.Carpentier@Maine.gov .

BOARD WEBSITE: http://www.maine.gov/pfr/professionallicensing/professions/optometry/index.html .

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

CHAPTER NUMBER AND TITLE: **Ch. 331**, Public Assistance Manual (TANF): **TANF Emergency Rule #114E** (Changes to Budgeting)

ADOPTED RULE NUMBER: **2020-022** *(Emergency)*

CONCISE SUMMARY: This rule change aligns the *Maine Public Assistance Manual* with 22 MRS §3762 (3)(B)(7) as amended by LD 1772 and LD 1774. This amendment requires the Department to eliminate a gross income test for TANF/PaS applicants and utilize new earnings disregards when calculating a TANF/PaS benefit.

Pursuant to 5 MRS §8054, the Department finds that emergency rulemaking is necessary to implement these changes as soon as possible. Due to the press of other business, technological challenges, and staffing issues in the Department due to a change in administrations, the Department was unable to adopt this rule prior to September 19, 2019. Therefore, the Department is adopting this emergency to apply retroactively to eligibility determinations made on or after September 19, 2019. Retroactive rulemaking is authorized by the Legislature in accordance with 22 MRS §42(8) because this rule provides a benefit to recipients or beneficiaries and does not have an adverse financial effect on either providers or beneficiaries or recipients. Modification of the usual rulemaking procedures under the *Maine Administrative Procedure Act* is necessary ensure the public health, safety and welfare of Maine residents.

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

EFFECTIVE DATE: February 4, 2020

AGENCY CONTACT PERSON: Alexandria Lauritzen, TANF Program Manager, Office for Family Independence, Department of Health and Human Services, 109 Capitol Street – 11 State House Station, Augusta, ME 04333. Telephone: (207) 624-4109. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Alexandria.Lauritzen@Maine.gov .

OFI / TANF WEBSITE: http://www.maine.gov/dhhs/ofi/ .

DHHS WEBSITE: http://www.maine.gov/dhhs/ .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 2**, Rules Pertaining to Commercial Fishing, Fish Culture and Fishing Derbies and Tournaments: **Section 2.05**, Regulations Pertaining to Bass Fishing Tournaments

ADOPTED RULE NUMBER: **2020-023**

CONCISE SUMMARY: In accordance with 12 MRS §12505 sub- §5, the Commissioner has adopted rules related to bass fishing tournaments. The amended rule will allow five additional boats (from 15 to 20) to participate in Club tournaments on waters exceeding 1,000 acres, where trailered rig parking for participants does not occur at a public boat launch facility. Please contact the agency rulemaking contact person for a complete copy of the rule.

EFFECTIVE DATE: February 16, 2020

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: Becky.Orff@Maine.gov .

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

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 584**, Surface Water Quality Criteria for Toxic Pollutants

ADOPTED RULE NUMBER: **2020-024**

CONCISE SUMMARY: The Department has amended the existing Ch. 584 to implement Human Health Criteria based on updates to 38 MRS §466 sub-§10-A for the designated use of sustenance fishing, to institute water effect ratios for the Androscoggin and St. Croix rivers, to promulgate new ambient water quality criteria (AWQC) for copper in the Little Androscoggin River, and to introduce carbaryl in the non-priority pollutant list. The amendments also update AWQC for human health using methodology from the U.S. Environmental Protection Agency Human Health Ambient Water Quality Criteria 2015 update.

EFFECTIVE DATE: February 16, 2020

DEP CONTACT PERSON / RULEMAKING LIAISON: Mark Margerum, DEP, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7842. Email: Mark.T.Margerum@Maine.gov .

DEP WEBSITE: http://www.maine.gov/dep/ .