**State of Maine: Notice of Agency Rulemaking – February 19, 2020**

**NOTICE**

The Department of Health and Human Services has withdrawn its proposed rule (filing 2020-P018) to consolidate Medicaid (MaineCare) school-based health services into a new Section 106. Notification can be found at: <https://www.maine.gov/dhhs/update-021320.shtml> . Contact: Trista Collins. Telephone: (207) 624-4094. Email: [Trista.Collins@Maine.gov](mailto:Trista.Collins@Maine.gov) .

**PROPOSALS**

AGENCY: **10-146** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBER AND TITLE: **Ch. 16** *(New)*, Gender Marker on Birth Record Rule

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P027**

BRIEF SUMMARY: This proposed rule is intended to be consistent with changes in policy and practice at the State and national levels to recognize nonbinary for use on official records by permitting nonbinary as a gender marker on a birth record. Pursuant to 22 MRS §2705, this proposed rule establishes an administrative process within the Maine CDC Office of Data, Research and Vital Statistics (DRVS) for the issuance of a birth record with a nonbinary gender marker and the first and middle name requested specifically to align with the registrant’s gender identity. The proposed rule requires that such requests be completed in the manner and form prescribed by the Department and directs other amendment types to be completed in accordance with the Correction and Completion of Vital Records Rule at 10-146 CMR ch. 2. Parental consent and a medical provider’s signature may be required under certain specified circumstances. The proposed rule permits the Department to issue a new birth record with the requested first and middle name without a court order when requested at the time a new birth record with the appropriate gender marker is requested. When a new certificate of birth is established in accordance with the proposed rule, the original certificate is confidential and available to only the registrant or the registrant’s legal representative, unless otherwise ordered by a court. This proposed rule promotes consistency in State identity documents and protects the privacy of individuals requesting new records that align with their gender identity.

PUBLIC HEARING: Monday, March 9, 2020 - 2 p.m., Department of Agriculture, Conservation and Forestry, Room 101, 90 Blossom Lane, Augusta, Maine 04333-0011. *(Alternatively, in the event of State office closure, this hearing will be held March 10th at the above time and location.)*

COMMENT DEADLINE: Friday, March 20, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Bridget Bagley, 11 State House Station - 286 Water Street, Augusta, Maine 04333-0011. Telephone: (207) 287-9394. Fax: (207) 287-2887 or 711 (TTY). Email: Bridget.Bagley@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §2705

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

MAINE CDC RULES WEBSITE: http://www.maine.gov/dhhs/mecdc/rules/ .

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

MAINE CDC RULEMAKING LIAISON: Tera.Pare@Maine.gov .

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

AGENCY: **10-144** - Department of Health and Human Services(DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBER AND TITLE: **Ch. 201**, Administration and Enforcement of Establishments Regulated by the Health Inspection Program Rule

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P028**

BRIEF SUMMARY: The Maine CDC is proposing an increase of its licensing fees for eating places (excluding municipal licenses, schools, electrologists, and senior citizen meal sites), lodging places, campgrounds, combination licenses, youth camps, public pools/spas, tattooist and body piercers. The increases that are proposed in this rule are within the statutory caps or have otherwise been designated routine technical by statute. The Maine CDC has determined that these fee increases are necessary to keep the program solvent, ensuring that inspections continue for the health and safety of people served at facilities licensed through HIP.

PUBLIC HEARING: Wednesday, March 11, 2020 - 9 a.m., Maine CDC, 286 Water Street - Conference Room 16, Augusta Maine 04333-0011

COMMENT DEADLINE: March 21, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Andrew Hardy, DHHS, 11 Sate House Station -- 286 Water Street, Augusta, ME 04333-0011. Telephone: (207) 287-4490. Email: Andrew.Hardy@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 2496, 2664, 1551-A; 32 MRS §§ 1242, 4251, 4326

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

MAINE CDC RULES WEBSITE: http://www.maine.gov/dhhs/mecdc/rules/ .

MAINE CDC WEBSITE: http://www.maine.gov/dhhs/mecdc/ .

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

MAINE CDC RULEMAKING LIAISON: Tera.Pare@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: **2020-P029**

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife has scheduled a public hearing to consider the adoption of rules pertaining to season dates and bag limits for the hunting of ducks, geese and other migratory game birds. The proposed rule will protect migratory game birds from over-harvest by setting these limitations. The second segment of the coastal zone hunt is proposed to start on November 6, 2020 to include a weekend that would otherwise be lost if the season was set to be concurrent with the sea duck season as in the past. Please contact the agency contact person for a complete copy of the proposed rule.

PUBLIC HEARING: Tuesday, March 10, 2020 @ 5:30 p.m. - Camden National Bank Ice Vault, 203 Whitten Road, Hallowell

COMMENT DEADLINE: March 20, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: 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)*:

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

CHAPTER NUMBER AND TITLE: **Ch. 75**, Protected Resources (Gear Marking Exception)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P030**

BRIEF SUMMARY: This proposed rule-making creates an exception to current requirements to mark the buoy lines for trap/pot gear with either three or four purple marks, depending on where the gear is fished. Buoy lines of 100 feet or less in length would be required to have only two purple marks, one of 36 inches in the top two fathom of the line, and one of 12 inches at the bottom of the line.

PUBLIC HEARING: No public hearing scheduled

COMMENT DEADLINE: March 20, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 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 .

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/ .

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

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

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 7**, Rules for Importation, Possession, Propagation, Rehabilitation and Exhibition of Wildlife (Agritourism)

ADOPTED RULE NUMBER: **2020-025**

CONCISE SUMMARY: The Department of Inland Fisheries and Wildlife (DIFW) has amended Ch. 7 rules in an effort to provide clarity for farmers, ranchers and agritourism professionals when interested in exhibiting captive, domesticated wildlife also associated with agritourism. When a species is intended to be used for the production of agricultural products as defined in 7 MRS, but is ordinarily considered wildlife pursuant to 12 MRS, the permitting authority for that species resides with DIFW and that species is subject to the classifications described in Ch. 7. Any wildlife species proposed for use in agricultural production which has not been identified as a Prohibited, Restricted, or Unrestricted species may be reviewed upon request for classification by consult between Dept of Agriculture, Conservation and Forestry (DACF) and DIFW. The resulting classification of a wildlife species may be referred to the Technical Committee for review pending agreement of both DACF and DIFW. Agritourism as it relates to the exhibition of exotic wildlife will continue to be regulated by the DIFW pursuant to 12 MRS §12152 and rule Ch. 7.

Please contact the agency rulemaking contact person for a complete copy of the rule.

EFFECTIVE DATE: February 18, 2020

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

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

AGENCY: **18-691** - Department of Administrative and Financial Services (DAFS), **Office of Marijuana Policy (OMP)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Adult Use Marijuana Program Rule

ADOPTEDRULENUMBER: **2020-026**

CONCISE SUMMARY: OMP is introducing additional rules to the adopted *Adult Use Marijuana Program Rule* to establish a regulatory framework governing the licensing of adult use marijuana testing facilities in Maine. This rule includes testing requirements and the licensure process for testing facilities. These additional regulations aim to protect the health and safety of the public.

EFFECTIVE DATE: February 20, 2020

OMP CONTACT PERSON / RULEMAKING LIAISON: Erik Gundersen, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333. Telephone: (207) 287-3282. Email: Erik.Gundersen@Maine.gov .

OMP WEBSITE: http://www.maine.gov/dafs/omp/ .