**State of Maine: Notice of Agency Rulemaking – March 11, 2020**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 332**, MaineCare Eligibility Manual, **Parts 2 *and* 3**: **MC #296P** (Transitional MaineCare 2019 Changes)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P045**

BRIEF SUMMARY: This rule change aligns the *MaineCare Eligibility Manual* with 22 MRS §3174-G (4) as amended by HP 1261 – LD 1774. This amendment requires the Department to provide transitional Medicaid, to individuals eligible due to increased earnings, for a twelve-month period. Previously, this assistance was provided for a six-month period with an option of two three-month extensions.

The Department has 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 section to section and replaced words that may have taken on a different connotation since previous drafts. These changes increase the readability of the Parts in question.

The Department has removed some obsolete references in the Parts in question. These references caused undue confusion.

The Department removed language specific to internal processes that do not directly impact eligibility or client interactions. These changes included removing references to the job title of the individual in the department who would most often take a particular action. In addition to this level of specificity being unnecessary, it appeared to unduly restrict individuals with other titles who are capable of taking these actions from doing so, thereby impeding access to benefits and timely decisions for program applicants and recipients.

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

PUBLIC HEARING: None.

COMMENT DEADLINE: Sunday, April 12, 2020.

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FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §42(1)

OFI RULE 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/ .

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

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**ADOPTIONS**

AGENCY: **94-293 - Baxter State Park Authority**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Baxter State Park Rules and Regulations, **Rule 4.5**

ADOPTED RULE NUMBER: **2020-038**

CONCISE SUMMARY: Revising Rule 4.5 (“All trash, rubbish, litter, camping gear, equipment, and materials …). Rule 4.5 is amended in order to provide enforceable requirements around Baxter State Park visitors properly storing food, garbage, and scented items in a bear-safe manner. Expected operation of this rule will be in accordance with BSP Policy, and administration will be consistent with other BSP Rules and Regulations.

EFFECTIVE DATE: March 9, 2020

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Georgia Manzo, Baxter State Park Authority, 64 Balsam Drive, Millinocket, ME 04462. Telephone: (207) 723-9616 x222. Email: Georgia.Manzo@BaxterStatePark.org .

PARK WEBSITE: https://baxterstatepark.org/ .

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

CHAPTER NUMBER AND TITLE: **Ch. 8**, Landings Program (Bait)

ADOPTED RULE NUMBER: **2020-039**

CONCISE SUMMARY: This rule updates reporting requirements for herring and menhaden. The Primary Buyer Permit reporting elements for herring are expanded and are required weekly. The Herring Harvester Permit reporting requirements are expanded and are required daily. The Menhaden Harvester Permit is implemented, and reporting is required daily during the quota fisheries and weekly during the small-scale fishery.

EFFECTIVE DATE: March 15, 2020

DMR CONTACT PERSON: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 8**, Landings Program (Aquaculture Reporting)

ADOPTED RULE NUMBER: **2020-040**

CONCISE SUMMARY: Effective January 1, 2021, this rule creates a monthly reporting requirement for persons holding an aquaculture license and growing any species other than finfish on an aquaculture lease or license site. Currently these individuals report annually to the DMR Aquaculture Program. This rule changes this reporting requirement to a standardized monthly report to the DMR Landings Program, consistent with harvester reporting in other Maine fisheries. The data elements for the monthly reporting requirement are specified in the rule.

EFFECTIVE DATE: January 1, 2021

DMR CONTACT PERSON: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 30**, River Herring (River Herring Pilot Project Exemption)

ADOPTED RULE NUMBER: **2020-041**

CONCISE SUMMARY: This rule adds an exemption to the existing prohibition on the taking, possession, harvest and sale of river herring to include three ponds that were approved for a pilot project by the Atlantic States Marine Fisheries Commission Shad and River Herring Management Board in October 2019. Specific harvest limitations will be established in the authorization provided by the Commissioner. The exemption will expire in December 2025, because within a five-year period, the municipal ponds selected for inclusion must meet the established sustainability criteria for harvest to continue under the sustainable fisheries management plan.

EFFECTIVE DATE: March 15, 2020

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

CHAPTER NUMBER AND TITLE: **Ch. 32**, Eels (Elver Quota System for the 2020 Season)

ADOPTED RULE NUMBER: **2020-042**

CONCISE SUMMARY: This proposed rulemaking establishes the elver quota allocations for the 2020 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. 2020 allocations for individuals who held a license in 2019 will be the same as their 2019 allocations, plus any quota associated with licenses not renewed in 2019, or licenses suspended for the duration of the 2020 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 $500 fee for the inspection of elver export events by Maine Marine Patrol.

EFFECTIVE DATE: March 15, 2020

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

CHAPTER NUMBER AND TITLE: **Ch. 36**, Atlantic Herring

ADOPTED RULE NUMBER: **2020-043**

CONCISE SUMMARY: This regulation reorganizes the Atlantic herring fishery allocation into trimesters, as previously used. Updated definitions for landing, and carrier vessel are enclosed. The Fixed Gear Set Aside has been reduced from 39 mt to 30 mt to comply with 2020 specifications.

EFFECTIVE DATE: March 15, 2020

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

CHAPTER NUMBER AND TITLE: **Ch. 40**, Smelt Regulations

ADOPTED RULE NUMBER: **2020-044**

CONCISE SUMMARY: This rule is a reorganization of daily limits in the smelt regulation, for improved clarity regarding daily limits in specific zones during different times of year. The rule does not change any existing limits. The rule also removes a repealed statutory reference.

EFFECTIVE DATE: March 15, 2020

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

CHAPTER NUMBER AND TITLE: **Ch. 41**, Atlantic Menhaden (2020 Season)

ADOPTED RULE NUMBER: **2020-045**

CONCISE SUMMARY: This rulemaking amends the reporting of menhaden landings; reporting through an approved electronic option will be required. State and episodic fisheries remain at daily reporting. The Incidental and Small Scale fishery is amended to a weekly reporting requirement. This rulemaking introduces a personal use bait permit that will allow harvesters to use a bait gillnet to take three barrels of menhaden daily, separate from all other menhaden fishery activity. The harvest schedule has been modified; open harvest days are Monday, Tuesday, Thursday, and Friday during the quota allocation fishery programs. Harvester vessels may make multiple transfers of menhaden to no more than two carrier vessels per calendar day. Carrier vessels are defined and effort restrictions for their activity have been described. Carrier vessels are prohibited from making transfers at sea. Carrier vessels are prohibited from participating in the Incidental and Small Scale fishery.

EFFECTIVE DATE: March 15, 2020

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

CHAPTER NUMBER AND TITLE: **Ch. 42**, Striped Bass

ADOPTED RULE NUMBER: **2020-046**

CONCISE SUMMARY: Currently, it is unlawful for any person to take or possess striped bass which are less than 28 inches in total length. This rule modifies the existing regulatory requirement by adding a maximum size limit, such that it is also unlawful for any person to take or possess striped bass which are 35 inches in total length or longer. This rule is needed to come into compliance with the Atlantic States Marine Fisheries Commission’s Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan, which is intended to address the overfishing status of the stock.

EFFECTIVE DATE: March 15, 2020

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

CHAPTER NUMBER AND TITLE: **Ch. 55**, Gear Restrictions

ADOPTED RULE NUMBER: **2020-047**

CONCISE SUMMARY: This rule strikes the requirement to seek a permit authorized by the Commissioner of Marine Resources to use purse seine gear targeting Atlantic menhaden in the Damariscotta and Saint George Rivers.

EFFECTIVE DATE: March 15, 2020

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