**State of Maine: Notice of Agency Rulemaking – July 17, 2024 ONLINE**

**NOTICE OF STATE RULEMAKING**

**PUBLIC INPUT FOR RULES**  A list of state agency rule proposals is published here each Wednesday. You can get a copy of a proposed rule by contacting the person listed in the notice. You can comment on a proposed rule by submitting a written comment to the agency or by attending the public hearing, if one is scheduled. If no hearing is scheduled, you can request one.  The agency must hold a hearing if it receives 5 or more requests.  If you have a disability and need assistance to participate in a hearing you should tell the agency at least 7 days before the hearing. **ONLINE INFORMATION** Weekly notices, full text of adopted rules, and a list of agency rulemaking contacts are available at this website: [https://www.maine.gov/sos/cec/rules/index.html](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fsos%2Fcec%2Frules%2Findex.html&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7C645b27059f0346864d7008dc94834bf0%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638548538834447354%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=K93i9Iukz%2F4M1hnG1XnmVSNiEpRD2zB99vb6RheIZ8A%3D&reserved=0)

**PROPOSALS**

**AGENCY: 02-380 State Board of Nursing**

**CHAPTER NUMBER AND TITLE: Chapter 6 Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses**

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: 2024-P199

BRIEF SUMMARY: The proposed rule will replace Chapter 6 of the Board of Nursing’s rules, “Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Assistive Personnel.” The updated rule defines delegation and identifies the responsibilities of a registered professional nurse when delegating nursing activities and tasks to unlicensed assistive personnel. The Board of Nursing is required under 32 M.R.S. sec. 2102(2)(H), as amended by Public Law 2024, ch. 592 (effective August 9, 2024), to adopt major substantive rules to implement sec. 2102(2)(H) and (11).

PUBLIC HEARING *(if any)*: AUGUST 7, 2024 at 9:00 am to be held at Maine State Board of Nursing 161 Capitol Street, Augusta, ME 04333.

Members of the public will also have the opportunity to attend and participate via remote means. Instructions on remote access and a link will be posted on the board’s webpage in advance of the hearing at <https://www.maine.gov/boardofnursing/index.html>

COMMENT DEADLINE: AUGUST 19th, 2024 @ 4:30 PM

Written comments may be submitted to the contact person for this filing. For a copy of the proposed rule and rulemaking documents, please visit <https://www.maine.gov/boardofnursing/index.html> and scroll down to Laws/Rules Updates.

CONTACT PERSON FOR THIS FILING: Amanda Boulay, Assistant Executive Director State Board of Nursing, 158 State House Station, Augusta, ME tel. (207) 287-1147, fax (207) 287-1149, TTY users call Maine Relay 711, Amanda.Boulay@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*:

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

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. sec. 2102(2)(H) and (11), as amended by P.L. 2024, ch. 592

(effective August 9, 2024), and 32 M.R.S. sec. 2153-A(1)

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

AGENCY WEBSITE: <http://www.maine.gov/boardofnursing>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Amanda.Boulay@maine.gov

**AGENCY: 10-144 Department of Health and Human Services, MaineCare Services, Division of Policy**

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R., Chapter 101, MaineCare Benefits Manual, Chapter II, Section 25, Dental Services and Reimbursement Methodology**

RULE TYPE: Routine Technical

PROPOSED RULE NUMBER: 2024-P206

CONCISE SUMMARY: The Department proposes to amend 10-144 CMR ch. 101, MaineCare Benefits Manual (the “MBM”) Chapter II, Section 25 Dental Services and Reimbursement Methodology, specifically Section 25.06 Reimbursement Methodology. On July 1, 2024, the Department enacted changes to this policy through emergency rulemaking pursuant to Title 5, M.R.S. sec. 8054.

This proposed rulemaking seeks to make permanent the updates in the reimbursement methodology described in Section 25.06(A). In accordance with 22 M.R.S. sec. 3173-J(2), the Department provided notice of its initiation of the process to update the benchmarked rates for dental services to the most current year of data for the payer source on October 13, 2023, by posting it on the MaineCare Rate System Reform website. The Department conducted a review of data from the Maine Health Data Organization All Payer Claims Database as well as utilizing data from other states’ Medicaid dental service rates. The result of this process to update the benchmarked rates for dental services was that the updated benchmarks would result in an estimated 2.2 million dollar reduction in total reimbursement to providers of MaineCare dental services. In accordance with Title 22 M.R.S. sec. 3173-J, the Department held an online public meeting to present the results of the benchmark updating efforts and draft rates on April 12, 2024, and provided opportunities for stakeholder input and comment.

In addition, to ensure reimbursement is not decreased, and in an effort to ensure continued access to services, this rulemaking will also amend Section 25.06(B)3 to extend the temporary exceptions for services defined as extraction of an erupted or exposed root and medicament application for an additional two years, through June 30, 2026. This change enables the Department to maintain the rates for these services in an effort to prevent further loss of enrolled dental providers and to ensure access to medically necessary services for MaineCare members.

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

STATUTORY AUTHORITY: 22 M.R.S. secs. 42, 3173, 3173-J(D)

PUBLIC HEARING: Date and Time: 12:00 pm; Monday, August 5, 2024. Location: 109 Capitol St, Augusta, ME; Conference Room Androscoggin. The public hearing will be held both in-person and via zoom.

Zoom Meeting link: <https://mainestate.zoom.us/j/81848373897?pwd=oaXkwkgaTJ8buAbdZYvbdXz3Kg1NbS.1>

Meeting ID:  818 4837 3897 Passcode: 65649240

*Some devices may require downloading a free app from Zoom prior to joining the public hearing event. The Department requests that any individual requiring special arrangements to participate in the hearing contact the person listed for this filing 5 days in advance of the hearing.*

DEADLINE FOR COMMENTS: Comments must be received by 11:59 PM on Thursday, August 15, 2024.

AGENCY CONTACT PERSON: Catherine Coolidge, Comprehensive Health Planner II

AGENCY NAME: MaineCare Services

ADDRESS: 109 Capitol Street, 11 State House Station, Augusta, Maine 04333-0011

TELEPHONE: 207-624- 4082 FAX: (207) 287-1864; TTY: 711 (Deaf or Hard of Hearing)

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

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): N/A

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S. secs. 42, 3173; 22 M.R.S. 3173-J(D)

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: emily.a.cathcart@maine.gov

**AGENCY: 10-146 Department of Health and Human Services - Maine Center for Disease Control and Prevention**

**CHAPTER NUMBER AND TITLE: 10-146 CMR chapter 4 – Disclosure of Vital Statistics Data, Reports and Records**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P207

BRIEF SUMMARY: The Department is proposing these routine technical changes to align this rule with Maine law (22 MRS sec. 2706) and further specify the Department’s criteria for determining who may apply and whether an applicant has demonstrated a direct and legitimate interest in the records they wish to receive from the State Registrar. Such proposed changes include adding two categories of applicants who may demonstrate direct and legitimate interest: (1) healthcare practitioners seeking to update their patient records by requesting death certificates and (2) organizations and foundations in Maine administering 529 funds. Another proposed change includes moving the entirety of Section 8B (Authorized Applicants) to Section 6A(4), in order to consolidate all aspects of direct and legitimate criteria within Section 6 and designate Section 8 to the Department’s conditions of data release for such records.

PUBLIC HEARING *(if any)*: No public hearing is scheduled. A public hearing may be requested by emailing the contact person identified below for this filing. (5 MRS sec. 8053(3)(B).)

COMMENT DEADLINE: Friday, August 16, 2024 (5 MRS sec. 8052(5)(A))

CONTACT PERSON FOR THIS FILING *(include name, mailing address, telephone, fax, TTY, email)*: Bridget Danis, Policy Analyst, 286 Water Street, 11 SHS, Augusta, Maine, 04330; (207) 287-9394; Bridget.Danis@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS sec.90-B; 22 MRS secs. 42, 1596, 2706, 2706-A, 2710, 2768, 2803, and 22 MRS secs. 2841-2842

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

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

DHHS RULE-MAKING LIAISON: emily.a.cathcart@maine.gov

AGENCY WEBSITE: <https://www.maine.gov/dhhs/mecdc/>

**AGENCY: 12-179 Department of Labor, Board of Occupational Safety and Health**

**CHAPTER NUMBER AND TITLE: Chapter 2, Occupational Safety and Health Standards for General Industry Employment in the Public Sector**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P208

BRIEF SUMMARY: The purpose of this change is to update the current Hazard Communication Standard to protect workers by improving the amount and quality of information on labels and safety data sheets. This will allow workers and first responders to react more quickly in an emergency situation.

DETAILED SUMMARY:

The purpose of this change is to update the current Hazard Communication Standard to protect workers by improving the amount and quality of information on labels and safety data sheets. This will allow workers and first responders to react more quickly in an emergency.

Changes in the rule align with revisions of the United Nations’ Globally Harmonized System of Classification and Labelling of Chemicals. This will require labels on small packaging to be more comprehensive and readable. Clearer hazard classification process with be used to provide more complete and accurate hazard information on labels and data sheets. Physical hazard classes are updated to better inform users on safe handling practices of explosives, aerosols, and chemicals under pressure.

PUBLIC HEARING *(if any)*: None, unless requested pursuant to 5 M.R.S. sec. 8052(1).

COMMENT DEADLINE: Friday, August 23, 2024

CONTACT PERSON FOR THIS FILING:

Isaac H. Gingras

Department of Labor

54 State House Station

Augusta, Maine 04333-0054

207-626-6232

Isaac.H.Gingras@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*:

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. sec. 565

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

AGENCY WEBSITE: http://www.maine.gov/labor/rulemaking

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

**AGENCY: 12-179 Department of Labor, Board of Occupational Safety and Health**

**CHAPTER NUMBER AND TITLE: Chapter 11, Occupational Safety and Health Standards for Worker Walkaround Representative Designation**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P209

BRIEF SUMMARY: The purpose of this Chapter is to clarify who may participate in walkaround inspections as an “employee representative,” and, at a minimum, conform to Federal Occupational Safety and Health Administration 29 CFR Part 1903.8 revised as of May 31, 2024, requirements.

DETAILED SUMMARY:

The purpose of this Chapter is to clarify who may participate in walkaround inspections as an “employee representative,” and, at a minimum, conform to Federal Occupational Safety and Health Administration 29 CFR Part 1903.8 revised as of May 31, 2024, requirements. The proposed rule builds on the current authorized participants pursuant to 26 M.R.S. sec. 44-A, and allows additional participants for the purpose of aiding the inspection.

PUBLIC HEARING *(if any)*: None, unless requested pursuant to 5 M.R.S. sec. 8052(1).

COMMENT DEADLINE: Friday, August 23, 2024

CONTACT PERSON FOR THIS FILING:

Isaac H. Gingras

Department of Labor

54 State House Station

Augusta, Maine 04333-0054

207-626-6232

Isaac.H.Gingras@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*:

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. sec. 565

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

AGENCY WEBSITE: http://www.maine.gov/labor/rulemaking

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

**AGENCY: 94-388 State Civil Service Appeals Board**

**CHAPTER NUMBER AND TITLE: Chapter 1: Rules of Practice and Procedure**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P210

BRIEF SUMMARY: The State Civil Service Appeals Board mediates employment and classification disputes between state agencies and state employees, both classified and unclassified, who are excluded from the bargaining process described in 26 MRSA secs. 979 and 1021-1034, by hearing and deciding upon appeals brough by employees against agency decisions. The purpose of this rule is to establish a set of uniform procedures and practices by which the Board will operate, process appeals, conduct hearings, communicate with parties, receive evidence and submission, and issue written decisions in accordance with the Maine Administrative Procedures Act and the Board’s specific enabling statutes.

Copies of the proposed rule are available upon request by contacting the Board contact person or on the State Civil Service Appeals Board website at:

<https://www.maine.gov/bhr/state-employees/state-civil-service-appeals-board>

Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, email, or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

PUBLIC HEARING *(if any)*: No Public Hearing scheduled/planned.

COMMENT DEADLINE: August 19, 2024 at 5:00PM

CONTACT PERSON FOR THIS FILING:

Elizabeth Somers

Board Secretary, State Civil Service Appeals Board

Department of Administrative and Financial Services

Cross Office Building

79 State House Station

Augusta, Maine 04333-0006

Phone: (207) 287-4447

Fax: (207) 287-4452

elizabeth.somers@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRSA secs. 7081 – 7085 and 5 MRSA sec.12004B

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: Federal constitutional law and 5 MRSA secs. 7081 – 7085.

AGENCY WEBSITE: <https://www.maine.gov/bhr/state-employees/state-civil-service-appeals-board>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: elizabeth.somers@maine.gov

**AGENCY: 94-411 Maine Public Employees Retirement System**

**CHAPTER NUMBER AND TITLE: 201 EMPLOYER REPORTING AND PAYMENTS**

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: 2024-P211

BRIEF SUMMARY: This rule governs payroll reporting by employers. The current rule has not been amended since it was adopted in 1985. The proposed rule repeals and replaces the current rule. The new proposed rule would set expectations for payroll reporting, submission of contributions, and payment of Group Life Insurance premiums and provide for late fees and interest.

PUBLIC HEARING *(if any)*: August 8, 2024, 11:00 a.m., Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: August 19, 2024

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org

CONTACT PERSON FOR THIS FILING: Kathy J. Morin, Director, Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349; 1-800-451-9800 or (207) 512-3190; Kathy.Morin@mainepers.org

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: Costs to participating employers could result in terms of fees and interest, as established in the rule, if reporting deadlines are not met.

STATUTORY AUTHORITY FOR THIS RULE: 3 M.R.S. sec. 731(2); 4 M.R.S. sec. 1231(2); 5 M.R.S. secs. 17103(4), 17203(1), 18053, 18653

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

AGENCY WEBSITE: MainePERS.org

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kathy.Morin@mainepers.org

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

**CHAPTER NUMBER AND TITLE: Chapter 4 Licensee Records; Chapter 5 and Appendix A; Chapter 6 Ticket Redemption; Chapter 10 Slot Machine Maintenance; Chapter 11 Transportation of Slot Machines and table Games; and Chapter 19 Slot Machine Testing.**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P145 to -P150

BRIEF SUMMARY: These rules implement the recent change in Maine law from requiring central site monitoring of slot machines to requiring facility-based monitoring. The changes to Chapter 19 also update the process of certification of slot machines to reflect the recent statutory change from the independent laboratory contracting with the Board to the Board approving independent laboratories to conduct the testing and certification of slot machines.

PUBLIC HEARING *(if any)*: None applicable

COMMENT DEADLINE: 5 PM, Monday, August 19, 2024

CONTACT PERSON FOR THIS FILING: Milton Champion, 45 Commerce Drive, Suite 3, Augusta ME 04333-0087; 207-626-3901; milton.f.champion@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: N/A

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

STATUTORY AUTHORITY FOR THIS RULE: 8 M.R.S. sec. 1003(1)(B); and sec. 1003(2)(J-1), (K), (M)-(O), sec. 1004, and sec. 1020 (*as amended by* P.L. 2024 ch. 549 (eff. March 19, 2024)).

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: paul.f.cavanaugh@maine.gov

**AGENCY: 10-1449 Department of Health and Human Services, Office of Aging and Disability Services**

**CHAPTER NUMBER AND TITLE: Title 10-149, Chapter 4, sec. 63, Home-Based Supports and Services for Older and Disabled Adults**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: 2024-P212

BRIEF SUMMARY: This proposed rulemaking is necessitated by the adoption of Public Law 2023, Chapter 412, which is the biennium budget for July 1, 2023, through June 30, 2025 that was signed into law by the Governor during the 2023 special legislative session . The budget allocated $5.5 million for Home-Delivered Meals for certain eligible older adults, and this rule operationalizes this service. Additionally, this proposed rule clarifies the monetary cap on the annual cost of respite services for older adults, and it clarifies the limit at which monthly service hour caps can be exceeded for adults receiving Adult Day Services reimbursable by Home Based Supports and Services (HBSS) funds. It also makes formatting adjustments for consistency.

Section 63 is a hybrid routine technical / major substantive rule. However, no changes to the major substantive part of the rule – subsection 63.12 – are proposed. As a result, this rulemaking follows the provisions for routine technical rulemaking in the Maine Administrative Procedure Act.

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A

COMMENT DEADLINE: The Department will accept comments via e-mail and U.S. Mail until 11:59 PM Eastern Time (US and Canada) on Friday August 16, 2024.

CONTACT PERSON FOR THIS FILING

Connor Kelley, Policy Manager

Maine Department of Health and Human Services Office of Aging and Disability Services

41 Anthony Avenue 11 State House Station

Augusta, Maine 04333-0011

PHONE: 207-592-1952

EMAIL: rulemaking.oads@maine.gov

FAX: (207) 287-9915

TTY: 711 (Deaf or Hard of Hearing)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

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

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S. sec. 42(1), 22 M.R.S. sec. 7303, 34-B

M.R.S. sec. 5439

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Public Law

2023, Chapter 412.

AGENCY WEBSITE: https://www.maine.gov/dhhs/oads

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: emily.cathcart@maine.gov

**ADOPTIONS**

**AGENCY: 03-201 Maine Department of Corrections**

**CHAPTER NUMBER AND TITLE: Ch. 10, Sec. 14.8: Section 504 Grievance Procedure**

**ADOPTED RULE NUMBER: 2024-159**

CONCISE SUMMARY:

This rule has been repealed because the Department has adopted two comprehensive grievance rules pursuant to 34-A MRSA Section 1402(5), which allow grievances on this subject. These rules, Ch. 10, Subsections 29.1, Adult Resident Grievance Process, General and 29.2, Adult Resident Grievance Process, Health Care, are sufficient for addressing grievances covered in the rule that has been repealed.

EFFECTIVE DATE: Saturday, July 20, 2024

AGENCY CONTACT PERSON: Mary Lucia

AGENCY NAME: Maine Department of Corrections

ADDRESS: 111 State House Station, Augusta, Maine 04333

TELEPHONE: (207) 530-0983

**AGENCY: 09-137 Inland Fisheries and Wildlife**

**CHAPTER NUMBER AND TITLE: Chapter 16.07 – Deer Hunting (Antlerless Deer Permit allocations)**

**ADOPTED RULE NUMBER: 2024-161**

CONCISE SUMMARY:

The Commissioner of Inland Fisheries and Wildlife (IFW) has adopted antlerless deer permit (ADP) numbers for the 2024 deer hunting seasons and special muzzle-loading season by setting specific permit allocations by Wildlife Management District (WMD) or deer management subunit. Antlerless deer permit numbers are adjusted by IFW on an annual basis by department biologists who consider deer harvest levels, biological metrics and indices, and estimates of winter severity when evaluating the status of the deer population within each wildlife management district (WMD). Antlerless deer permit recommendations are based on removal rates of adult does that will stabilize, increase, or decrease deer densities. A complete copy of the rule may be requested by contacting the Agency Contact Person.

EFFECTIVE DATE: Saturday, July 20, 2024

AGENCY CONTACT PERSON: Becky Orff

AGENCY NAME: Inland Fisheries and Wildlife

ADDRESS: 353 Water St, 41 SHS, Augusta, ME 04333

TELEPHONE: 207-287-5202

EMAIL: Becky.Orff@maine.gov

**AGENCY: 13-188A Department of Marine Resources**

**CHAPTER NUMBER AND TITLE: Chapter 41 Modified 2022 Episodic Fishery Harvest Limit**

**ADOPTED RULE NUMBER: 2024-162**

CONCISE SUMMARY:

The State Allocation fishery for menhaden opened June 17, 2024 with an available quota of 23.9 million pounds. Harvest rates are higher than previous seasons and are likely to lead to a quota overage if not reduced. This harvest rate will also result in the fishery being closed in mid-August. To ensure a moderate harvest pace on the remaining quota and available biomass, harvesters are restricted to a daily landing limit of 5,950 pounds per vessel per day on Mondays, Wednesdays and Fridays.

The Commissioner has determined that it is necessary to take emergency action to revert to a daily landing limit to minimize the risk of an overage of the available menhaden quota and to prevent the depletion of the supply of bait. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. sec. 6171(3)(A) and (B).

EFFECTIVE DATE: Sunday, July 14, 2024

AGENCY CONTACT PERSON: Melissa Smith

AGENCY NAME: Department of Marine Resources

ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

WEB SITE: https://www.maine.gov/dmr/rules-enforcement/regulations-rules/emergency-regulations

E-MAIL: Melissa.Smith@maine.gov

TELEPHONE: (207) 441-5040

FAX: (207) 624-6024

TTY: (207) 633-9500 (Deaf/Hard of Hearing)