**State of Maine: Notice of Agency Rulemaking – July 1, 2020**

**PROPOSALS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #08-20**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P133**

BRIEF SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954

PUBLIC HEARING:June 18, 2020, Thursday, starting at 10:30 a.m. *Because* *of the COVID-19 Public Health Emergency and pursuant to 1 MRS §403-A, enacted by PL 2020 ch. 617 part G (eff. March 18, 2020), this hearing could be held remotely by telephonic conference. Directions on how to attend the hearing telephonically will be posted on the Milk Commission website and sent to the interested persons list in advance of June 18, 2020. If the civil emergency is not extended the meeting will be held in Room 101, Deering Building, Augusta, Maine.*

COMMENT DEADLINE:July 23, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Tim.Drake@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §8054; 7 MRS §2954

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

MMC WEBSITE: <http://www.maine.gov/dacf/milkcommission/index.shtml> .

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

AGENCY: **02-031** – Department of Professional and Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 175**, "Private Passenger Motor Vehicle” Definition for Rental Vehicle Coverage

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P134**

BRIEF SUMMARY: The purpose of the proposed rule is to clarify the types of vehicles that a personal motor vehicle policy must cover when the vehicle is rented by an authorized driver under the policy.

PUBLIC HEARING: 10:00 a.m., July 21, 2020, from the Department of Professional and Financial Regulation, Bureau of Insurance, 76 Northern Avenue, Gardiner, ME 04345. *Instructions for attending the hearing remotely will be posted on the Bureau's web site before the hearing*.

COMMENT DEADLINE: 4:30 p.m. - August 3, 2020, by mail or email to the Contact Person.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Susan Tardiff, 34 State House Station, Augusta, ME 04333-0034. Telephone: (207) 624-8415. Email: Susan.P.Tardiff@Maine.gov .

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 24-A MRS §§ 212, 2927

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: n/a

BUREAU RULEMAKING LIAISON: Benjamin.Yardley@Maine.gov .

BUREAU WEBSITE: https://www.maine.gov/pfr/insurance/ .

**ADOPTIONS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF). **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #07-20**

ADOPTED RULE NUMBER: **2020-142** *(Emergency)*

CONCISE SUMMARY: Minimum July 2020 Class I price is $19.81/cwt. plus $1.63/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $1.40/cwt. handling fee for a total of $24.08/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: June 28, 2020

AGENCY CONTACT PERSON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Tim.Drake@Maine.gov .

MMC WEBSITE: <http://www.maine.gov/dacf/milkcommission/index.shtml> .

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

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

ADOPTED RULE NUMBER: **2020-143** *(Emergency)*

CONCISE SUMMARY: The Office of Marijuana Policy is adopting these additions to 18-691 CMR ch. 1 on an emergency basis to protect the public health and safety by providing additional methods for sample collection for samples of marijuana, marijuana concentrate and marijuana products for mandatory testing. These changes are being made as a result of PL 2019 ch. 676 (Emergency, signed March 23, 2020) which allows Adult Use Marijuana Program licensees to collect and deliver their own samples for mandatory testing at a certified and licensed marijuana testing facility. Additionally, PL 2019 ch. 676 creates a sample collector license type, creating licensees whose sole purpose is to collect samples of marijuana, marijuana concentrate and marijuana products for mandatory testing. These changes to the Adult Use Marijuana Program Rule will protect the public health and safety by allowing for alternative means of sampling, thus reducing the hold times, based on mandatory testing, for batches of marijuana, marijuana concentrate and marijuana products once those batches are ready for transfer. Furthermore, these revisions implement strict standards for licensee sample collection with the goal of preventing contamination of samples for mandatory testing and ensuring the integrity of the samples received by marijuana testing facilities for mandatory testing.

EFFECTIVE DATE: June 26, 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: https://www.maine.gov/dafs/omp .

DAFS RULEMAKING LIAISON: Anya.Trundy@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 5**, Rules for the Certification of Marijuana Testing Facilities (and Emergency Additions Regarding Sample Collection)

ADOPTED RULE NUMBER: **2020-144** *(Emergency)*

CONCISE SUMMARY: This rule is amended to incorporate changes to the *Marijuana Legalization Act* regarding sample collection for mandatory testing authorized by PL 2019 ch. 676 (Emergency, effective March 23, 2020). These changes included an expansion of the persons authorized to collect samples, including the creation of a sample collector license and allowing cultivation and manufacturing licensees to collect and deliver their own samples for mandatory testing. The rule is amended to allow for these additional sample collection methods and requires marijuana testing facilities to develop standard operating procedures regarding the receipt of samples collected by licensees for mandatory testing.

EFFECTIVE DATE: June 26, 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: https://www.maine.gov/dafs/omp .

DAFS RULEMAKING LIAISON: Anya.Trundy@Maine.gov .

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

CHAPTER NUMBER AND TITLE: **Ch. 323**, Maine General Assistance Manual: **General Assistance Rule #23A** (Changes Pursuant to LD 459), **Sections II, IV, VI**

ADOPTED RULE NUMBER: **2020-145**

CONCISE SUMMARY: The rule makes several changes to the Manual governing operation of the General Assistance (GA) program to comport more closely with recently adopted statutory changes. In particular, those changes made through SP 137 – LD 459, codified at PL 2019 ch. 515. It adds the definitions of homelessness and presumptive eligibility. It specifies that an emergency exists when a person is facing or experiencing homelessness. It allows for, and details the process and timelines for, presumptive eligibility. It clarifies that an ‘initial applicant’ is one who has never applied before. It clarifies the time limit for the lump sum penalty to conform to the amended statute. It updates the definition of ‘narrative statement’ to require one each time action is taken on an application.

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

EFFECTIVE DATE: July 1, 2020

OFI CONTACT PERSON: Sara Russell, General Assistance Program Manager, Department of Health and Human Services - Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4193. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Sara.Russell@Maine.gov .

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

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

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 607**, ASPIRE -TANF Program: **ASPIRE Rule #ASPIRE27A** (Good Cause), **Section 4**

ADOPTED RULE NUMBER: **2020-146**

CONCISE SUMMARY: The adopted change provides ASPIRE participants with additional process and information regarding the Good Cause exception. The rule also implements changes to Maine’s Work Verification Plan dated September 30, 2019, to incorporate basic skills activities, including English for Speakers of Other Languages (ESOL), Adult Basic Education (ABE), General Education Diploma (GED), and High School Equivalency (HSE), into vocational educational training.

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

EFFECTIVE DATE: July 20, 2020

AGENCY CONTACT PERSON: Dawn Q. Croteau, ASPIRE Program Manager, Department of Health and Human Services - Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-6968. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Dawn.Croteau@Maine.gov .

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

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

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 41**, Menhaden: Menhaden Fishery Management Program (re: Menhaden Open Episodic Event Set Aside (EESA) Program)

ADOPTED RULE NUMBER: **2020-147** *(Emergency)*

CONCISE SUMMARY: The fishery for Atlantic menhaden is managed through the Atlantic States Marine Fisheries Commission (ASMFC). Maine’s allocated quota share for FY 2020 was 2,438,696 pounds, which was fully consumed by June 18, 2020. Department of Marine Resources (DMR) requested, and was granted, approval to participate in the Episodic Event Set Aside (EESA) program to access an available 4.7 million lbs. of menhaden quota. Beginning Monday, June 29, 2020 at 12:01 a.m., the harvest and landing is permitted on Mondays and Thursdays, 12:01 a.m. to 11:59 p.m. only. Reporting will now be required on the same day as fish are landed. The Commissioner has determined that it is necessary to take emergency action to reduce harvest days and provide more timely reports to prevent unusual damage to the menhaden resource by exceeding available quota. The Commissioner hereby adopts this emergency regulation as authorized by 12 MRS §6171(3)(A).

EFFECTIVE DATE: June 27, 2020

DMR CONTACT PERSON: Melissa Smith, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6558. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: Melissa.Smith@Maine.gov .

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

DMR WEBSITE: https://www.maine.gov/dmr/index.html .

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