**State of Maine: Notice of Agency Rulemaking – August 23, 2023**

**NOTICE OF STATE RULEMAKING**

**Public Input for Rules**

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions**: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). **World‑Wide Web**: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

**PROPOSALS**

AGENCY: **02-333** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Licensure of Foresters**

CHAPTER NUMBER AND TITLE: **Ch. 100**, Code of Ethics *(repeal and replace)*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-033** *(4th publication)*

BRIEF SUMARY: The Board recently proposed changes to Ch. 100, *Code of Ethics*, with a comment period ending on June 5, 2023. The Board received comments on the proposed rule requesting that the Board consider amending the proposed rule in several sections including Definitions; Obligations to Clients, Suppliers and Employers; and Obligations to the Public. The Board wanted to adopt several comments and is soliciting comments from the public on the changes to the rule that are necessary to adopt those comments.

For a copy of the proposed rule and related documents, please direct your request to the contact person for this filing or visit: <https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-foresters>, and scroll down to "What's New."

PUBLIC HEARING: Friday, September 15, 2023 at 221 State Street, Augusta, ME at 1:00 p.m. *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 public hearing at* [*https://www.maine.gov/pfr/professionallicensing/professions/board-licensureforesters/home/board-meeting-information*](https://www.maine.gov/pfr/professionallicensing/professions/board-licensureforesters/home/board-meeting-information)*.*

COMMENT DEADLINE: Monday, September 25, 2023 by 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUINESS IMPACT INFORMATION: Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8518. TTY: Maine relay 711. Email: [Catherine.Pendergast@Maine.gov](mailto:Catherine.Pendergast@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A.

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §5506

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A.

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-licensureforesters>.

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-foresters>.

RULEMAKING LIAISON: [Kristin.Racine@Maine.gov](mailto:Kristin.Racine@Maine.gov).

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS)**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual: **Ch II Section 29**, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder

PROPOSED RULE NUMBER: **2023-P171**

CONCISE SUMMARY: This Section 29 rule provides home and community-based services (HCBS) that are authorized by a federal Medicaid Section 1915(c) HCBS waiver that meets federal standards.

On December 18, 2020, The Centers for Medicare & Medicaid Services (CMS) approved the Department's request to renew the Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder waiver for a five-year period, with an effective date of January 1, 2021. On April 13, 2023, the Department gave public notice of proposed amendments to the CMS-approved Section 29 waiver, to add services and enhance service delivery. Following the receipt of public comment on the proposed amended waiver, the Department will seek and anticipates receiving CMS approval of the waiver amendment.

Through this rulemaking and in accordance with CMS approval of the renewed waiver, and the Department's proposed waiver amendment, the Department proposes to:

**1)** Align similar processes, service descriptions, and similar provisions with MaineCare's four other Section 1915(c) waivers (primarily the Section 21 waiver);

**2)** Make permanent certain flexibilities added under Appendix K authority during the Covid-19 Public Health Emergency (PHE), which will expire on November 11, 2023, including the additions of Individual Goods and Services, Self-Directed Services and tiered Community Support Services;

**3)** Strengthen safeguards for Members by enacting the Plan of Corrective Action and Request for Exceptions processes;

**4)** Incorporate the Department's proposed Global HCBS Rule (MBM Ch. I Sec. 6 - Global HCBS Waiver Person-Centered Planning and Settings Rule) by reference; and

**5)** Add the opportunity for Section 29 Members to receive Increased Level of Support if they receive Shared Living services and have extraordinary need for additional support with behavioral or medical issues.

The Department is concurrently undertaking major substantive rulemaking under the APA for MBM Ch. III Sec. 29, to describe reimbursement procedures for the new and updated services described in this rulemaking, and is proposing retroactive application for rule provisions to November 12, 2023, pursuant to 22 MRS §42(8), following approval by the Legislature, and final adoption by the Department.

The Department proposes the following specific changes to this rule:

• **Covered Services**: updating, expansion or clarification of the descriptions for the following Covered Services:

- Assistive Technology

- Career Planning

- Community Support

- Employment Specialist Services

- Home Accessibility Adaptations

- Home Support - - Quarter Hour

- Home Support- Remote Support

- Shared Living (Foster Care Adult)

- Non-Medical Transportation Service

- Work Support Group

- Work Support -- Individual

• **Revised Definitions**: Updating the following definitions: Activities of Daily Living, Autism Spectrum Disorder, Intellectual Disability, Instrumental Activities of Daily Living, PersonCentered Service Plan and Shared Living.

• **New Definitions**: Addition of definitions for the following terms: Budget Authority, Community Inclusion, Competitive Integrated Employment, Community Mapping, Disability-Specific Setting, Employer Authority, Fiscal Intermediary, Home and Community Based Services, Personal Resources, Provider-Managed Service, Self-Direction, Service Implementation Plan, and Supports Broker.

• **Self-Direction**: Addition of Self-Direction Services, including Financial Management Services, Supports Brokerage Services, and Individual Goods and Services, to the list of covered services in Section 29 to expand opportunities for Members to manage and control certain services and service delivery methods. These changes make permanent new services temporarily offered under the Appendix K, Emergency Preparedness and Response amendment authority during the Covid- 19 pandemic.

• **Community Support**: Separation of Community Support services into three tiers of service delivery: Community Only- Individual, Community Only- Group, and Center-Based, to support individualized needs of the participant population more broadly. The Department will seek CMS approval for this change.

• **Exceptions from Caps on Services**: Establishment of an exceptions process which provides that Section 29 Members, and Members applying to receive Section 29 benefits, may request services in excess of otherwise applicable Section 29 monetary and/or unit caps, where necessary to ensure that Section 29 Members receive adequate and appropriate services and supports in the most integrated setting appropriate to their needs, consistent with the *Americans with Disabilities Act* (ADA). This rulemaking proposes the Requests for Exceptions provision (See Sec. 29.14, Requests for Exceptions).

• **Global HCBS Rule**: Incorporation of the requirements of the January 19, 2022, Global HCBS Rule: see Sec. 29.15-1 [Person Centered Service Planning Process] and Sec. 29.05-1 [Home and Community Based Services Settings]), implementing the federal requirements for Maine's Section 1915(c) home and community-based waiver programs as required by 42 C.F.R. Sec. 44l.30 l(c). The HCBS Global Rule includes requirements for person-centered service planning and for settings in which HCBS waiver services are provided.

• **29.07-2 (Limits)**: Changing the limit from $58,168.50 to $84,689.28 for the combined annual cost of Horne Support (Remote or Quarter-hour), Community Support, and Shared Living Services. The Department received CMS approval for this change.

• **29.08-3** (Termination from Participation as a MaineCare Provider): Clarification of this provision which establishes standards for providers who are disenrolling from participating as MaineCare providers. As revised, the provision expressly references the requirement in the *MaineCare Benefits Manual*, Ch. I Sec. 1 that providers must give written notice to the Office of MaineCare Services of their intent to terminate participation in the MaineCare Program. In addition, this MAPA 3 provision requires Section 29 providers to notify all Section 29 Members they serve of the provider's intent to terminate participation in the MaineCare program.

• **29.10 (Provider Qualifications)**: Clarification of Provider Qualifications and Requirements for Direct Support Professionals (DSPs) and for Career Planners, Job Coaches, and Employment Specialists delivering Career Planning, Work Support, and Employment Specialist Services, to state that provider agencies may hire DSPs who are seventeen ( 17) years of age. The minimum age requirement for Career Planners, Job Coaches, and Employment Specialists remains eighteen (18) years of age.

• **29.10-1(DSP Qualifications)**: Requirement that all DSPs, regardless of capacity and prior to provision of services to a Member, receive training regarding the Global HCBS Rule. Moreover, within six (6) months of hire and annually thereafter, the proposed rule requires DSPs to comply with the Department's regulations: Reportable Events System (14-197 CMR Ch. 12) and the Adult Protective Services System (10-149 CMR Ch. 1).

• **29.10-9 (Electronic Visit Verification)**: Requirement that providers of Home Support-Quarter Hour services comply with Maine DHHS Electronic Visit Verification (EVV) system standards and requirements, in accordance with the 21st Century Cures Act (P L 114-255) Section 12006, as codified in 42 USC $ §1396bD).

• **29.10-11 (POCA)**: Authorization for the Office of Aging and Disability Services (OADS) to issue written notices of deficiencies in service delivery, and requirement for providers to submit and implement Plans of Corrective Action (POCA) as approved by the Department. Providers have the right to appeal written notices of deficiencies. This POCA process will provide increased protections for Members and ensure that providers are in compliance with service requirements, have sufficient clinical and administrative capability to carry out the intent of the service, and have taken steps to assure the safety, quality, and accessibility of the service for Members.

• **29.11 (Member Appeals)**: Clarification that Members have the right to appeal decisions made regarding priority level and waitlist determinations.

• **29.16 (Appendix I - Shared Living Criteria for Increased Level of Support)**: Addition of a new appendix describing the criteria for an increased level of support if, due to extraordinary medical or behavioral needs, a Member requires Shared Living Services beyond the level of support defined in §29.05-12.

• **29.19 (Appendix IV - Additional Requirements for Section 29 Providers of Community Support Services, Employment Specialist Services, and Shared Living)**: Clarification of requirements and responsibilities of the Administrative Oversight Agency and the Shared Living Provider for Shared Living Services.

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

DATE FILED WITH THE SECRETARY OF STATE'S OFFICE: August 15, 2023

PUBLIC HEARING: The Department will hold a combined in-person and remote (via Zoom) public hearing.

Date and Time: Sep 11, 2023, 12:00 p.m. Eastern Time (US and Canada)

Location: State Office Building, Conference Rooms A & B, 109 Capitol Street, Augusta, ME

Zoom Meeting link: https://mainestate.zoom.us/j/88458657517

Meeting ID: 884 5865 7517

Some devices may require downloading a free app from Zoom prior to joining the public hearing event. The Department requests that any interested party requiring special arrangements to attend the hearing in person contact the agency person listed below before Friday, September 8, 2023.

In addition to the public hearing, individuals may submit written comments to DHHS by the date listed in this notice.

COMMENT DEADLINE: Comments must be received by 11: 59 p.m. on September 21, 2023.

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION: Heather Bingelis, Comprehensive Health Planner II, MaineCare Services, 109 Capitol Street – 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 624-6951. Fax: (207) 287-6106. TTY: 711 (Deaf or Hard of Hearing). Email: [Heather.Bingelis@Maine.gov](mailto:Heather.Bingelis@Maine.gov).

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

STATUTORY AUTHORITY: 22 MRS §§ 42, 42(8), 3173, 42 CFR §441.301(c), 42 USC §1396b(1)

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

OMS WEBSITE: <https://www.maine.gov/dhhs/oms/>.

OMS RULEMAKING LIAISON: [Jennifer.Patterson@Maine.gov](mailto:Jennifer.Patterson@Maine.gov).

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

DHHS RULEMAKING LIAISON: [Emily.A.Cathcart@Maine.gov](mailto:Emily.A.Cathcart@Maine.gov).

AGENCY: **26-239 - Office of the Attorney General**

CHAPTER NUMBER AND TITLE: **Ch. 500** *(New)*, Rules for Law Enforcement Collection of Traffic Stop Data to Eliminate Profiling

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P172**

BRIEF SUMMARY: The proposed rules for traffic stop data collection to eliminate profiling are promulgated pursuant to 5 MRS §4753. They establish the categories of data that all law enforcement agencies’ officers shall collect for all motor vehicle stops in the State for alleged traffic infractions, the deadlines for quarterly reports of that data to the Office of the Attorney General, and the retention period for the data.

PUBLIC HEARING: None

COMMENT DEADLINE: September 25, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Vivian Mikhail, Office of the Attorney General, 6 State House Station, Augusta, Maine 04333. Telephone: 626-8584. Fax: (207) 287-3120. Email: [Vivian.Mikhail@Maine.gov](mailto:Vivian.Mikhail@Maine.gov).

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

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §4753

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

AGENCY WEBSITE: <https://www.maine.gov/ag/>.

AGENCY RULEMAKING LIAISON: [Aaron.Frey@Maine.gov](mailto:Aaron.Frey@Maine.gov).

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS)**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual (MBM): **Ch. III Section 29**, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder

PROPOSED RULE NUMBER: **2023-P173**

CONCISE SUMMARY: The Department is proposing to make the following changes to this major substantive rule:

The Department is adding new services which will be reimbursed pursuant to this rule:

* Home Support - Quarter Hour (Self-Directed)
* Shared Living - One member, Increased level of support
* Shared Living - Two members, Increased level of support
* Community Support - Community Only - Individual
* Community Support - Community Only - Group
* Community Support - Community Only - Individual (Self-Directed)
* Home Accessibility Adaptations (Self-Directed)
* Home Accessibility Adaptations Repairs (Self-Directed)
* Assistive Technology - (Monitoring feature/device, stand alone or integrated, any type, includes all accessories, components and electronics, not otherwise classified) (Self-Directed)
* Financial Management Service
* Supports Brokerage
* Individual Goods and Services

Provision of these services was originally implemented through the Appendix K: Emergency Preparedness and Response authority in response to the COVID-19 Public Health Emergency, which was approved by CMS but was not added to the Ch. II Section 29 rule at that time. Appendix K expires on November 11, 2023, and the Department is concurrently going through APA rulemaking for Ch. II Section 29, to add these services to that rule. The Ch. II Section 29 rule is a routine technical rule and is being proposed separately in anticipation of its being legally effective on or before November 12, 2023. The Department is proposing a retroactive application date of November 12, 2023, for the rates for the new services in this Ch. III rulemaking, so that both the new services and their rates share the same legal effective date. This retroactive application is authorized by 22 MRS §42(8), as having the retroactive rates for the new services will benefit, and does not harm MaineCare members or providers.

In accordance with 22 MRS §7402, the Department proposes to implement annual rate adjustments every January 1st. Specifically, Section 29 services that have standard unit rates and that did not receive a rate adjustment within the prior twelve months will receive an annual increase equal to the annual increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), for the Northeast Region, or its successor index, as published by the United States Department of Labor, Bureau of Labor Statistics or its successor agency. This increase will ensure that rates are sufficient to allow reimbursement for services provided by essential support workers to equal to at least 125% of the minimum wage established in 26 MRS Section 664. Essential support workers are individuals who by virtue of employment generally provide to individuals direct contact assistance with activities of daily living or instrumental activities of daily living or have direct access to provide care and services to clients, patients or residents regardless of the setting. 22 MRS §7401. The Department proposes that this annual rate adjustment have a retroactive application date of January 1, 2024. This retroactive application is authorized by 22 MRS Section 42(8), as this benefits, and does not harm, any MaineCare member or provider.

As authorized by 22 MRS §3173-J, the Department proposes to remove reimbursement rates from the rule. The Department proposes that all Section 29 reimbursement rates will now be solely listed on the MaineCare Provider Fee Schedule, which is posted on the Department’s website.

The Department intends to seek permanent approval from the Centers for Medicare & Medicaid Services (CMS) for the added services and for the increased reimbursement rates.

Pursuant to 5 MRS Sections 8071 and 8072, the Department expects that the Commissioner will provisionally adopt this rule after the public hearing and responses to public comments, and then submit the rule to the Legislature for approval. This rule will have legal effect only after review by the Legislature followed by final adoption by the Commissioner.

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

STATUTORY AUTHORITY: 22 MRS §§ 42 and 42(8), 3173, 3173-J, and 7401 to 7404

DATE FILED WITH THE SECRETARY OF STATE’S OFFICE: August 15, 2023

PUBLIC HEARING: The Department will hold a combined in-person and remote (via Zoom) public hearing.

Date and Time: September 11, 2023 - 12:00 p.m. Eastern Time (US and Canada)

Location: State Office Building, Conference Rooms A & B, 109 Capitol Street, Augusta, ME

Zoom Meeting link: <https://mainestate.zoom.us/j/88458657517>

Meeting ID: 884 5865 7517

Some devices may require downloading a free app from Zoom prior to joining the public hearing event.

*The Department requests that any interested party requiring special arrangements to attend the hearing in person contact the agency person listed below before Friday, September 8, 2023.*

In addition to the public hearing, individuals may submit written comments to DHHS by the date listed in this notice.

COMMENT DEADLINE: Comments must be received by 11:59 p.m. on September 21, 2023.

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION: Heather Bingelis, Comprehensive Health Planner II, MaineCare Services, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 624-6951. Fax: (207) 287-6106, TTY: 711 (Deaf or Hard of Hearing). Email: [Heather.Bingelis@Maine.gov](mailto:Heather.Bingelis@Maine.gov).

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

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

OMS WEBSITE: <https://www.maine.gov/dhhs/oms/>.

OMS RULEMAKING LIAISON: [Jennifer.Patterson@Maine.gov](mailto:Jennifer.Patterson@Maine.gov).

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

DHHS RULEMAKING LIAISON: [Emily.A.Cathcart@Maine.gov](mailto:Emily.A.Cathcart@Maine.gov).

AGENCY: **18-153** – Department of Administrative and Financial Services (DAFS), **Bureau of Alcoholic Beverages and Lottery Operations (BABLO) /** **Maine State Liquor and Lottery Commission**

CHAPTER NUMBER AND TITLE: **Ch. 30**, Cash Pop Game Rules

PROPOSED RULE NUMBER: **2023-P174**

**BRIEF SUMMARY**: The Maine Lottery is going to offer a new game called Cash Pop. These rules will govern the game and establish the rules for which the game is played, retailers are compensated, costs to play, prize amounts and all other requirements to operate the game.

**DETAILED SUMMARY**: The Maine Lottery will be selling a new game called “Cash Pop”. These rules will govern the game and establish the rules for which the game is played, retailers are compensated, costs to play, prize amounts and all other requirements of the game. The Cash Pop game will be drawn five (5) times per day seven (7) days per week and offer prizes up to $2,500. The game will be sold at all licensed retailers in Maine.

**Copies of the rule** are available by contacting the Maine Bureau of Alcoholic Beverages and Lottery Operations, 8 State House Station, Augusta, Maine 04333-0008.

PUBLIC HEARING: No Public Hearing

Comment Deadline: September 22, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / INTERIM RULEMAKING LIAISON: Michael Boardman, Interim Director, Bureau of Alcoholic Beverages and Lottery Operations, 8 State House Station, Augusta, ME 04333-0008. Telephone: (207) 287-4614. Fax: (207) 287-6769. Email: [Michael.Boardman@Maine.gov](mailto:Michael.Boardman@Maine.gov).

IMPACT ON MUNICIPALITIES OR COUNTIES: None

IDENTIFICATION OF PRIMARY SOURCE OF INFORMATION: Lottery Staff Professional Judgment

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §374; 8 MRS §372 sub-§2¶I

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

BABLO WEBSITE: <https://www.maine.gov/dafs/bablo/>.

DAFS WEBSITE: <https://www.maine.gov/dafs/>.

DAFS RULEMAKING LIAISON: [Anya.Trundy@Maine.gov](mailto:Anya.Trundy@Maine.gov)

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 119**, Motor Vehicle Fuel Volatility Requirements

ADOPTED RULE NUMBER: **2023-130** *(Final adoption, major substantive)*

CONCISE SUMMARY: This amendment removes the requirement for retailers to sell only reformulated gasoline in certain counties in Southern Maine. The 129th Maine Legislature repealed the statutory requirement to sell only RFG in the affected counties as of November 1, 2020. This repeal was approved by EPA effective September 30, 2021.

EFFECTIVE DATE: September 14, 2023

AGENCY CONTACT PERSON: Lynne Cayting, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-7599. Email: [Lynne.A.Cayting@Maine.gov](mailto:Lynne.A.Cayting@Maine.gov).

DEP WEBSITE: <https://www.maine.gov/dep/>.

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov).

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

CHAPTER NUMBER AND TITLE: **Ch. 34**, Groundfish Regulations: **34.06**, Emergency Rulemaking to Adjust Recreational Measures for Cod and Haddock

ADOPTED RULE NUMBER: **2023-131** *(Emergency)*

CONCISE SUMMARY: For consistency with NOAA Fisheries federal rulemaking, the Department is implementing regulatory changes to the recreational fishing measures for Gulf of Maine cod and haddock. For cod, the emergency rulemaking modifies the season so that cod can be possessed from September 1 through October 31. For haddock, the emergency rulemaking establishes separate bag and size limits for the party/charter and private recreational fishing sectors. For party and charter boats, the rule reduces the bag limit from 20 fish to 15 fish per day and increases the minimum size limit from 17-inches to 18-inches. For private anglers, the rule reduces the bag limit from 20 fish to 10 fish per day but maintains the existing minimum size limit of 17-inches. This action ensures compliance with the federal fishery management plan. For these reasons, the Commissioner hereby adopts an emergency regulation to modify the recreational groundfish measures for Gulf of Maine cod and haddock in accordance with 12 MRS §6171(3)(C).

EFFECTIVE DATE: August 18, 2023

DMR CONTACT PERSON / RULEMAKING LIAISON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6553. Fax: (207) 624-6024. TTY: (888) 577-6690 (Deaf/Hard of Hearing). Email: .[DMR.rulemaking@Maine.gov](mailto:DMR.rulemaking@Maine.gov).

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

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

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

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

ADOPTED RULE NUMBER: **2023-132**

CONCISE SUMMARY: Section 2: HIKING AND DAY USE

Revising Rule 2.2 in Section 2.

The Authority interprets current Rule 2.2 as it relates to children under the age of six (6) years of age traveling above timberline as allowing the Park Director to authorize exceptions to the rule using special use permits, on a case-by-case basis. This rule amendment would make explicit the Director's authority to grant exceptions to the rule by permit on a case-by-case basis.

EFFECTIVE DATE: August 20, 2023

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](mailto:Georgia.Manzo@BaxterStatePark.org).

PARK WEBSITE: <https://BaxterStatePark.org/.>