**State of Maine: Notice of Agency Rulemaking – August 26, 2020**

**PROPOSALS**

AGENCY: **02-643** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Board of Speech, Audiology and Hearing**

CHAPTER NUMBER AND TITLE: **Ch. 9**, Speech-Language Pathology Assistants

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P088** *(2nd publication)*

BRIEF SUMMARY: At its August 17, 2020 meeting, the Board reviewed and accepted public comments received on its proposed changes to ch. 9. The comments received were substantially different from the proposed rule, and therefore the Board is requesting comments on the proposed changes for an additional 30 days. The amended rule establishes the educational and practicum standards depending on level of degree held by applicant, enables the speech-language pathology assistant to have more than one supervising speech-language pathologist, and allows the supervising speech-language pathologist to supervise up to 4 part-time speech-language pathology assistant’s, while also performing any direct client services for which the supervisor is responsible.

PUBLIC HEARING: no hearing, written comments only

COMMENT DEADLINE: 5:00 p.m., close of business, on Friday, September 25th, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Jennifer Hawk, Board Administrator, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8617. Email: Jennifer.M.Hawk@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 17103(6), 17301(5)

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

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/speech_audiology_hearing_aid/index.html> .

PFR RULEMAKING LIAISON: Anne.L.Head@Maine.gov .

AGENCY: **01-672** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Land Use Planning Commission** **(LUPC)**

CHAPTER NUMBER AND TITLE: **Ch. 1***,* General Provisions

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2020-P156**

BRIEF SUMMARY: The Land Use Planning Commission is proposing to repeal and replace ch. 1, *General Provisions.* Revisions generally include: renaming the rule (from “General Provisions” to “Fee Schedule”) for clarity; revision of fees in response to relevant workload, draw upon public resources, or impacts, other agency rulemaking to incentivize certain activities, and the prevalence of digital materials. All remaining revisions regard general housekeeping matters such as: reorganization of the rule for consistency, brevity, and clarity; unifying references; and formatting.

PUBLIC HEARING: September 16, 2020 at 10:30 a.m.***Location:*** *Due to the current situation of the 2019 coronavirus (COVID-19), Public Law 2019 ch. 617, and the need to avoid public gatherings, maintain public distance, and for everyone’s safety this hearing will be conducted through virtual means (i.e., via audio & video conferencing, including a phone-in option). Anyone wishing to attend should join the Microsoft Teams live event accessible at* [*https://bit.ly/33ObAH8*](https://bit.ly/33ObAH8)*. Some devices or situations may require that a free app from Microsoft be downloaded or updated prior to joining the hearing.*

*Additional information on how to listen to, or participate in, the hearing will be posted on the LUPC’s website at* [*www.maine.gov/dacf/lupc/about/calendar/index.shtml*](https://www.maine.gov/dacf/lupc/about/calendar/index.shtml) *(see public hearings).*

COMMENT DEADLINE: Written comments must be submitted on or prior to October 7, 2020; written rebuttal comments must be submitted on or prior to October 26, 2020.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / LUPC RULEMAKING LIAISON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022. Telephone: (207) 287-4894; Timothy.Beaucage@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 1 MRS §408-A; 12 MRS §§ 684, 685-B(2), 685-C(3), 685-F

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

LUPC WEBSITE: [www.maine.gov/dacf/lupc](http://www.maine.gov/dacf/lupc) .

ADDITIONAL LUPC RULEMAKING CONTACT: Emily.K.Horton@Maine.gov .

AGENCY: **16-163** - Department of Public Safety (DPS), **Maine Emergency Medical Services Board (Maine EMS)**

CHAPTER NUMBERS: **Ch. 1-18** of the Maine EMS System Rules

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2020-P157** *thru* **P178**

BRIEF SUMMARY: Over the past several years the Maine EMS Board conducted a systematic review of the Maine EMS System rules. The Board has removed or updated many outdated references and has proposed additions to the rules in an effort to assist with the management of the Maine EMS System and to ensure optimum patient care. These proposed changes include updates to language in the following chapters:

**Ch. 1**, Mission and Goals of the Maine EMS System

**Ch. 2**, Definitions

**Ch. 3**, Ground Ambulance Service and Non-transporting Service Licenses

**Ch. 3-A**, Emergency Medical Dispatch Center Licenses

**Ch. 4**, Air Ambulance Service Licenses

**Ch. 5**, Personnel Licenses

**Ch. 5-A**, Emergency Medical Dispatcher Licenses

**Ch. 6**, Advanced Life Support Drugs and Medications

**Ch. 7**, State Licensure Examinations

**Ch. 8**, Training Courses and Continuing Education Programs Used for Licensure

**Ch. 8-A**, Training Centers

**Ch. 9**, Instructor Coordinator Licenses

**Ch. 9-A**, Emergency Medical Dispatch Training, Instructors, and Continuing Education Programs

**Ch. 10**, Reciprocity

**Ch. 11**, Standards and Procedures for Refusing to Issue or Renew a License, and for Modifying, Suspending, or Revoking a License

**Ch. 12**, Procedures for Licensing Actions and Board Actions

**Ch. 13**, Waiver of the Rules

**Ch. 14**, Sexual Misconduct

**Ch. 15**, Maine EMS Regions and Regional Councils

**Ch. 16**, Death Benefits for Emergency Medical Services Persons Who Die in the Line of Duty

**Ch. 17**, Equipment Lists For Maine EMS Services And Regional EMS Radio Frequencies

**Ch. 18**, Quality Assurance And Improvement

PUBLIC HEARING: None planned. *Requests to hold a public hearing by any interested person may be submitted in writing to the identified agency contact person.*

COMMENT DEADLINE: September 25, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MAINE EMS RULEMAKING LIAISON: Jason A. Oko, Maine EMS, 152 State House Station, Augusta, ME 04333-0152. Direct: (207) 626-3863. Fax: (207) 287-6251. TTY: (207) 287-3659. Email: Jason.A.Oko@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:

**\*** The litter retention systems referenced in ch. 3 will be approximately $5,000/ambulance. This is a requirement only for new ambulances licensed after these rules are in effect. It will not require agencies to upgrade existing litter retention systems. In 2018, Maine EMS issued 37 New Vehicle Applications. There are 163 Ground Ambulance Services licensed by Maine EMS, with 503 licensed vehicles.

**\*** Ground Ambulance Service and Non-Transporting Service applicants that are applying at or permitting to the Advanced EMT, or Paramedic level, must have a service-specific Medical Director.

**\*** In ch. 3-A, an Emergency Medical Dispatch Center is now required to have the electronic version of the EMD Protocol. Although there are costs associated with this, there is currently no licensed EMD center in the State of Maine that does not comply with this already.

**\*** Ch. 17 is the required equipment chapter; potential financial impact exists in this chapter where Maine EMS has updated the equipment requirements:

**\*** The count of required nasal airways has gone from four to seven;

**\*** The count of required oral airways has gone from four to eight.

**\*** Most, if not all, services already comply with these requirements; as an example, our previous requirement of Oral airway, adult small, is not a size that is available on the market.

**\*** A Bougie has been added for Paramedic level services and Air Ambulance services.

**\*** CPAP devices have been added to the AEMT, Paramedic and Air Ambulance service levels.

**\*** Gastric Tubes have been added to Paramedic level services and Air Ambulance services.

**\*** A Mucosal Atomization device has been added for all levels.

**\*** Hemostatic Agents have been added for all levels.

**\*** Tourniquets have been added for all levels.

**\*** Medication Pumps have been added for Paramedic level services and Air Ambulance Services.

**\*** These items are additions from the MDPB approved equipment list and the Maine EMS Protocols. These items are already a part of every ambulance service in the state, and adding them to rule is a formality.

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 84(1)(D), 88(2)(B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

MAINE EMS WEBSITE: <https://www.maine.gov/ems/> .

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

CHAPTER NUMBER AND TITLE: **Ch. 400**, Maine Solid Waste Management Rules

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P179**

BRIEF SUMMARY: On January 13, 2020, the Department received a citizen petition to initiate rulemaking to amend ch. 400, *Maine Solid Waste Management Rules*, to “clarify requirements for Public Benefit Determinations relating to approval of waste facilities, by ensuring that the definition of “waste that is generated within the State” accurately describes the sources of waste materials disposed in the State, and by requiring Public Benefit Determinations to include consideration of the impacts on health and welfare, environmental justice and equal protections for communities where waste facilities operate.” The Department is posting the proposed changes to public hearing pursuant to 5 MRS §8055.

PUBLIC HEARING: Thursday, September 17, 2020, 10:00 a.m. by video/audio conference (Zoom). *Directions on how to attend the hearing will be posted on the Department’s rulemaking website and the Board’s webpage one week before the hearing. Persons who want to testify at the hearing are encouraged to add their name to a testimony signup list prior to the start of the hearing by emailing their name to Board staff at* *Ruth.A.Burke@Maine.gov* *by close of business on Monday, September 14th.*

COMMENT DEADLINE: September 28, 2020, 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Paula Clark, Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017. Telephone: (207) 287-7718. Fax: (207) 287-7826. Email: Paula.M.Clark@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §§ 341-D(1-B), 1304(1,1-B, 13 & 13-A), 1310-N(9), 1301 *et seq*.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

DEP RULEMAKING LIAISON: Mark.T.Margerum@Maine.gov .

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting

ADOPTED RULE NUMBER: **2020-180**

CONCISE SUMMARY: The Department of Inland Fisheries and Wildlife has amended ch. 16 rules in order to comply with new laws enacted during the 129th Legislature. Amendments include changes in use of crossbows during the regular archery only deer season and fall wild turkey hunting season, definition of an "antlerless moose," and a change in the term used to describe adult supervision of junior hunters to "junior hunter supervisor." A copy of the complete rules can be requested from the agency contact person.

EFFECTIVE DATE: August 24, 2020

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.07(4.A.)(6.)**, Deer Hunting

ADOPTED RULE NUMBER: **2020-181**

CONCISE SUMMARY: The Commissioner of Inland Fisheries and Wildlife has adopted antlerless deer permit (ADP) numbers for the 2020 regular deer hunting season and special muzzle-loading season by setting specific permit allocations for the 29 Wildlife Management Districts (WMD) as follows:

**WMD # of Permits**

WMD 1: 0

WMD 2: 50

WMD 3: 75

WMD 4: 0

WMD 5: 0

WMD 6: 250

WMD 7: 100

WMD 8: 25

WMD 9: 25

WMD 10: 25

WMD 11: 25

WMD 12: 360

WMD 13: 260

WMD 14: 60

WMD 15: 6,300

WMD 16: 9,750

WMD 17: 13,350

WMD 18: 260

WMD 19: 25

WMD 20: 8,250

WMD 21: 13,000

WMD 22: 13,200

WMD 23: 17,000

WMD 24: 8,400

WMD 25: 16,530

WMD 26: 725

WMD 27: 50

WMD 28: 25

WMD 29: 1,500

Subunit 25a: 225

Subunit 26a: 145

**TOTAL PERMITS: 109,990**

The Department is again recommending issuance of bonus antlerless deer permits in two subunits, Subunit 25a and 26a. These additional permits will allow for additional opportunity to harvest deer in areas experiencing elevated levels of Lyme disease, deer-vehicle collisions and public complaints about deer. A complete copy of the rule may be requested by contacting the agency contact person.

EFFECTIVE DATE: August 24, 2020

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 17**, Trapping

ADOPTED RULE NUMBER: **2020-182**

CONCISE SUMMARY: The Commissioner of Inland Fisheries and Wildlife had amended several portions of ch. 17, *Trapping,* rules that does the following: defines “visible attractor”; updates beaver trapping season dates and closures; clarifies muskrat trap placement and modifies the existing rule to allow muskrats to be kept if caught incidentally while trapping for beaver; adds otter to the exemption to incidental catch requirements when trapping for muskrat; increases the annual fisher bag limit from 10 to 25 statewide; removes the requirement for temporary transportation tags for marten and fisher; and amends the annual survey requirements to only trappers age 16 years and older. A complete copy of the amended rules may be requested by contacting the agency contact person.

EFFECTIVE DATE: August 24, 2020

IFW CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State 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. 3**, Emergency Rule Regarding the Imposition of Excise Taxes on Sales, Purchases and Transfers of Adult Use Marijuana

ADOPTED RULE NUMBER: **2020-183** *(Emergency)*

CONCISE SUMMARY: This rule establishes a standard conversion formula to ensure predictable and consistent application of excise taxes to sales and transfers of adult use marijuana flower and marijuana trim and mature marijuana plants transferred from the Maine Medical Marijuana Program to the Adult Use Marijuana Program pursuant to 28-B MRS §501(6). This rule applies a 75% reduction in the weight of marijuana flower and marijuana trim that has not been “cured”, “dried” or otherwise prepared in a manner to reduce or eliminate moisture from marijuana flower or marijuana trim to ensure the consistent application of excise taxes regardless of cultivation and manufacturing practices.

This rule is enacted on an emergency basis to protect the public’s general welfare to ensure predictability and consistency in the application and receipt of excise taxes in light of novel practices in the Adult Use Marijuana Program that have emerged since the enactment of the excise tax provisions of the *Marijuana Legalization Act*. Additionally, this rule will ensure mature marijuana plants transferred pursuant to 28-B MRS §501(6) are subject to equitable excise tax. This rule is enacted on an emergency basis to ensure that the public’s general welfare is preserved by ensuring that qualified licensees generate excise taxes as anticipated when the *Marijuana Legalization Act* was implemented and to ensure the roll-out of the Adult Use Market in a safe and effective manner.

EFFECTIVE DATE: August 20, 2020

OMP CONTACT PERSON: Gabi Pierce, Department of Administrative and Financial Services, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04330. Telephone: (207) 530-0507. Email: Gabi.Pierce@Maine.gov .

OMP WEBSITE: <https://www.maine.gov/dafs/omp/home> .

OMP RULEMAKING LIAISON: Erik.Gundersen@Maine.gov .

AGENCY: **01-017** - Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 7**, Racing *(Emergency)*

ADOPTED RULE NUMBER: **2020-184**

CONCISE SUMMARY: On August 14, the Maine State Harness Racing Commission adopted an emergency amendment to ch. 7 section 7.2.G, which waives the requirement for a horse to requalify if they make a break on the next race after a qualifying race. This emergency amendment will remain in effect for 90 days beginning August 17, 2020.

EFFECTIVE DATE: August 17, 2020

AGENCY CONTACT PERSON: Henry Jennings, Maine State Harness Racing Commission, 28 State House Station, Augusta, ME 04333-0028. Telephone: (207) 287-7568. Email: Henry.Jennings@Maine.gov .

AGENCY WEBSITE: <https://www.maine.gov/dacf/harnessracing/index.shtml> .

AGENCY: **01-017** - Department of Agriculture, Conservation and Forestry (DACF), **Maine State Harness Racing Commission**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Medications, Prohibited Substances and Testing (Administration of Furosemide)

ADOPTED RULE NUMBER: **2020-185** *(Emergency)*

CONCISE SUMMARY: On August 14, the Maine State Harness Racing Commission adopted an emergency amendment to ch. 11 section 4.2.B(3)(a), which waives the requirement for a horse to remain in the paddock after receiving administration of furosemide.

EFFECTIVE DATE: August 17, 2020

AGENCY CONTACT PERSON: Henry Jennings, Maine State Harness Racing Commission, 28 State House Station, Augusta, ME 04333-0028. Telephone: (207) 287-7568. Email: Henry.Jennings@Maine.gov .

AGENCY WEBSITE: <https://www.maine.gov/dacf/harnessracing/index.shtml> .

AGENCY: **02-039** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Real Estate Commission**

CHAPTER NUMBER AND TITLE: **Ch. 360**, Prerequisites to Licensure by Individuals

ADOPTED RULE NUMBER: **2020-186**

CONCISE SUMMARY: Under REC rules at ch. 360 section 4(3), REC requires that as a prerequisite to examination, an applicant for a sales agent license must, within one year of completion of the course, submit a course transcript confirming that the applicant has successfully completed a qualifying education program which covers the minimum competencies defined in the REC-approved model entitled “The Sales Agent Course.” REC examinations are administered by Pearson Vue. Due to the COVID-19 emergency, Pearson Vue testing sites were closed on March 16, 2020. An emergency rule became effective on April 20, 2020 amending Section 4(3) which allows a sales agent candidate to qualify for examination for up to 180 days after Pearson Vue testing sites are fully operational, regardless of whether the candidate’s course completion certificate expired after March 16, 2020. The emergency rule is in place for 90 days. This rule amendment will ensure that sales agent candidates can continue to qualify for examination up to 180 days after the testing sites reopen, regardless of the expiration date of the course completion certificate, and after the emergency rule expires.

These are routine technical rules as defined in the *Maine Revised Statutes*, Title 5 ch. 375, sub-ch. 2-A.

EFFECTIVE DATE: August 13, 2020

AGENCY CONTACT PERSON: Karen L. Bivins, Director, Real Estate Commission, Office of Professional and Occupational Regulation (OPOR), 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8524. Email: Karen.L.Bivins@Maine.gov .

COMMISSION WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/real_estate/index.html> .

OPOR RULEMAKING LIAISON: Anne.L.Head@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. 257**, Schedule of Charges for Testing and Services Provided by the Maine Health and Environmental Testing Laboratory

ADOPTED RULE NUMBER: **2020-187, 188** *(Repeal and replace)*

CONCISE SUMMARY: The DHHS, Maine CDC is adopting an update to the schedule of charges for testing and services provided by the Maine Health and Environmental Testing Laboratory (HETL), including, but not limited to the following: chemical and microbiological testing and examination of surface water sources, food products, public and private drinking water well samples, and environmental and forensic samples; the examination of cases and suspected cases of infectious and communicable diseases; and other public health services required by the recently revised 22 MRS ch. 601. **This rule repeals and replaces 10-144 CMR ch. 257 and repeals 10-144 CMR ch. 233.** This rule establishes a fee schedule for testing and services performed by HETL based on the average cost of providing the service and serves to:

**1)** Update the charges for analytical testing, including chemical, microbiology, water quality, environmental, radiation, lead, and forensic testing, and other public services performed by HETL according to a rate setting methodology to determine the average cost of the service;

**2)** Set the additional charge of $2 that may be applied to the cost for residential private drinking water well test orders;

**3)** Establish administrative charges for licensing, manual data entry for all clinical submissions not sent electronically, and collection of overdue payment;

**4)** Amend the list of testing services available (i.e., add new tests and services and remove certain tests and services no longer available through HETL);

**5)** Specify the Department’s uniform recommendations for periodic testing of residential private drinking water wells in written outreach material;

**6)** Require labs to submit electronic orders to HETL and use HL7 messaging, as of January 2022;

**7)** Clarify the types of services deemed essential to public health; and

**8)** Clarify considerations for granting fee waivers.

EFFECTIVE DATE: August 26, 2020

MAINE CDC CONTACT PERSON: Bridget Bagley, Maine CDC, 286 Water Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 287-9394. Email: Bridget.Bagley@Maine.gov .

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

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

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

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 36**, Atlantic Herring (Zero Landing Days)

ADOPTED RULE NUMBER: **2020-189** *(Emergency)*

CONCISE SUMMARY: The Atlantic herring fishery Season 1 (June 1 - September 30) closes when 92% of the sub-ACL is reached. It is projected that landings reached the closure trigger following harvest on Friday, August 21, 2020. The Days Out Commissioners have designated zero landing days beginning on August 22, 2020 through to September 30, 2020 for the remainder of season 1. The Commissioner has determined that it is necessary to take emergency action to implement this closure to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner hereby adopts this emergency regulation as authorized by 12 MRS §6171(3)(C).

EFFECTIVE DATE: August 22, 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: <https://www.maine.gov/dmr/laws-regulations/index.html> .

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

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

AGENCY: **05-071 – Department of Education (DOE)**

CHAPTER NUMBER AND TITLE: **Ch. 125**, Basic Approval Standards: Public Schools and School Administrative Units

ADOPTED RULE NUMBER: **2020-190** *(Emergency adoption, major substantive)*

CONCISE SUMMARY: In response to feedback from educators, superintendents, families, student advocates and community members, the joint rule of the State Board of Education and the Maine Department of Education is being submitted aa an emergency rule to address attendance expectation for the school year 2020-21, as impacted by the COVID-19 pandemic. In the emergency rule the Department and the State Board will redefine what constitutes an instructional day to remove the requirements of a 5 hour average over a two week minimum, and maintain the 3 hour daily minimum. The emergency rule will be enforceable for up to one year from the date of filing.

EFFECTIVE DATE: August 24, 2020

DOE CONTACT PERSON / RULEMAKING LIAISON: Jaci Holmes, Maine Department of Education, 23 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6669. Email: Jaci.Holmes@Maine.gov .

DOE WEBSITE: <https://www.maine.gov/doe/home> .